



United Nations

Department of Political Affairs

**Repertoire of the Practice
of the Security Council**

Supplement 1993-1995

Department of Political Affairs

**Repertoire of the Practice
of the Security Council**

Supplement 1993-1995



United Nations • New York, 2009

Note

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

ST/PSCA/1/Add.12

United Nations publication

Sales No. **E.10.VII.2**

ISBN **978-92-1-137033-1**

Contents

	<i>Page</i>
Introduction	xi
Members of the Security Council, 1993-1995	
Items considered by the Security Council at formal meetings, 1993-1995	
Chapter I. Provisional rules of procedure of the Security Council	
Introductory note	3
Part I. Meetings (rules 1-5)	4
Note	4
Special cases concerning the application of rules 1-5	4
Part II. Representation and credentials (rules 13-17)	4
Note	4
Special cases concerning the application of rules 13-17	5
Part III. Presidency (rules 18-20)	5
Note	5
Special cases concerning the application of rules 18-20	5
Part IV. Secretariat (rules 21-26)	6
Note	6
Part V. Conduct of business (rules 27-36)	7
Note	7
Special cases concerning the application of rules 27-36	7
Part VI. Languages (rules 41-47)	9
Part VII. Publicity of meetings, records (rules 48-57)	9
Note	9
Special cases concerning the application of rules 48-57	9
Chapter II. Agenda	
Introductory note	17
Part I. The provisional agenda (rules 6-8 and 12)	18
Note	18
A. Preparation of the provisional agenda (rule 7)	18
B. Communication of the provisional agenda (rule 8)	19
Part II. Adoption of the agenda (rule 9)	19
Note	19

Part III. The agenda and matters of which the Security Council is seized (rules 10 and 11) . . .	20
A. Continuation of discussion of agenda items (rule 10)	20
B. Retention and deletion of items from the list of matters of which the Security Council is seized (rule 11)	20
Chapter III. Participation in the proceedings of the Security Council	
Introductory note	55
Part I. Basis of invitations to participate	56
Note	56
A. Invitations extended under rule 37 (States Members of the United Nations)	56
B. Invitations extended under rule 39 (members of the Secretariat or other persons)	56
C. Invitations not expressly extended under rule 37 or rule 39	57
D. Requests for invitations denied or not acted upon	58
Part II. Procedures relating to participation	59
Note	59
Limitations on participation	59
Annexes	
I. Invitations extended under rule 37	60
II. Invitations extended under rule 39	68
III. Invitations not expressly extended under rule 37 or rule 39	70
Chapter IV. Voting	
Introductory note	75
Part I. Procedural and non-procedural matters	76
Note	76
Cases in which the vote indicated the non-procedural character of the matter	76
In connection with matters considered by the Security Council under its responsibility for the maintenance of international peace and security	76
Part II. Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter	77
Note	77
Part III. Abstention, non-participation or absence in relation to Article 27, paragraph 3, of the Charter	77
Note	77
A. Obligatory abstention	77

B. Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3	78
Cases in which permanent members abstained or did not participate otherwise than in accordance with the proviso to Article 27, paragraph 3	78
Part IV. Adoption of resolutions and decisions by consensus or without a vote	83
Note	83
A. Cases in which the Security Council adopted resolutions without a vote	84
B. Cases in which Security Council decisions were announced in presidential statements issued after being agreed upon by the members of the Council at consultations	85
1. Statements placed on record at meetings of the Security Council	85
2. Statements issued only as Security Council documents	93
C. Cases in which Security Council decisions were recorded in letters or notes from the President of the Security Council	94
Chapter V. Subsidiary organs of the Security Council	
Introductory note	105
Part I. Subsidiary organs of the Security Council established or continuing during the period 1993 to 1995	106
A. Standing committees/ad hoc committees	106
B. Investigative bodies	106
C. Peacekeeping operations	110
D. Security Council committees	133
E. Ad hoc commissions/Coordinator for the Return of Property	140
F. International tribunals	142
Part II. Subsidiary organs of the Security Council whose mandate was completed or terminated during the period 1993 to 1995	144
Part III. Subsidiary organs of the Security Council proposed but not established	145
Chapter VI. Relations with other United Nations organs	
Introductory note	150
Part I. Relations with the General Assembly	150
Note	150
A. Election by the General Assembly of non-permanent members of the Security Council	150
Note	150
B. Recommendations by the General Assembly to the Security Council in the form of resolutions under Articles 10 and 11 of the Charter	151

Note	151
1. Recommendations on matters relating to the Council's powers and functions or with regard to the general principles of cooperation in the maintenance of international peace and security	152
2. Recommendations with regard to questions relating to the maintenance of international peace and security or requesting action on such questions by the Council	155
C. Practice in relation to Article 12 of the Charter	157
Note	158
D. Practice in relation to provisions of the Charter involving recommendations by the Security Council to the General Assembly	158
Note	158
1. Membership in the United Nations	159
2. Election of the judges of the International Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda	159
E. Reports of the Security Council to the General Assembly	160
Note	160
F. Relations with subsidiary organs established by the General Assembly	162
Note	162
Communications from subsidiary organs established by the General Assembly	164
Part II. Relations with the Economic and Social Council	166
Practice in relation to Article 65 of the Charter	166
Note	166
Part III. Relations with the Trusteeship Council	169
Note	169
A. Practice relating to the partial termination of a trusteeship agreement under Article 83, paragraph 1, of the Charter	169
B. Transmission of reports to the Security Council by the Trusteeship Council	170
Part IV. Relations with the International Court of Justice	170
Note	170
A. Practice in relation to the election of members of the International Court of Justice	170
B. Consideration of the relationship between the Security Council and the Court	172
Part V. Relations with the Secretariat	176
Note	176
A. Functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council	176

B. Matters brought to the attention of the Security Council by the Secretary-General . . .	181
Note	181
Part VI. Relations with the Military Staff Committee	183
Note	183
Chapter VII. Practice relative to recommendations to the General Assembly regarding membership in the United Nations	
Introductory note	187
Part I. Applications for admission to membership in the United Nations and actions taken thereon by the Security Council and the General Assembly, 1993-1995	188
Note	188
A. Applications recommended by the Security Council	188
B. Discussion of the question in the Security Council	189
C. Applications pending on 1 January 1993	190
D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 1993 to 31 December 1995	191
Part II. Presentation of applications	195
Note	195
Part III. Referral of applications to the Committee on the Admission of New Members	195
Note	195
Part IV. Procedures in the consideration of applications within the Security Council	196
Note	196
Part V. Practices relative to the applicability of Articles 4, 5 and 6 of the Charter	196
Note	196
Chapter VIII. Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security	
Introductory note	202
Africa	
1. The situation in Angola	203
2. The question of South Africa	259
3. The situation concerning Western Sahara	269
4. The situation in Liberia	286
5. The situation concerning Rwanda	327
6. The situation in Somalia	419
7. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	461

8.	The situation in Mozambique.	468
9.	The situation in Burundi.	496
10.	Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	508
11.	The situation in Sierra Leone	510
Americas		
12.	Central America: efforts towards peace.	513
13.	The question concerning Haiti	536
Asia		
14.	The situation in Cambodia	596
15.	Items relating to the Democratic People's Republic of Korea.	612
16.	Items relating to the situation in Tajikistan.	623
17.	The situation in Afghanistan	643
Europe		
18.	The situation in Georgia	647
19.	Items relating to the situation between Armenia and Azerbaijan	686
20.	The situation in Cyprus.	702
21.	Items relating to the situation in the former Yugoslavia	721
22.	Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol	957
Middle East		
23.	Items relating to the situation between Iraq and Kuwait	960
24.	The situation in the Middle East	987
25.	The situation in the occupied Arab territories.	1001
26.	The situation in the Republic of Yemen	1019
Thematic issues		
27.	Items relating to an Agenda for Peace.	1024
28.	Security of United Nations operations.	1055
29.	Security Council action regarding the terrorist attacks in Buenos Aires and London	1058
30.	Proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances	1058
31.	Commemoration of the end of the Second World War in Europe	1064
32.	Commemoration of the end of the Second World War in the Asia-Pacific region	1064

Chapter IX. Decisions taken by the Security Council in the exercise of its other functions and powers	
Note	1066
Chapter X. Consideration of the provisions of Chapter VI of the Charter	
Introductory note	1069
Part I. Referral of disputes and situations to the Security Council	1071
Part II. Investigation of disputes and fact-finding	1075
Part III. Decisions of the Security Council concerning the pacific settlement of disputes	1083
A. Recommendations relating to terms, methods or procedures of settlement	1084
B. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes	1087
C. Decisions involving regional arrangements or agencies	1087
Part IV. Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter	1087
Chapter XI. Consideration of the provisions of Chapter VII of the Charter	
Introductory note	1095
Part I. Determination of a threat to the peace, breach of the peace, or act of aggression under Article 39 of the Charter	1096
Part II. Provisional measures under Article 40 of the Charter	1101
Part III. Measures not involving the use of armed force under Article 41 of the Charter	1106
Part IV. Consideration of the provisions of Article 42 of the Charter	1121
Part V. Decisions and deliberations having relevance to Articles 43 to 47 of the Charter	1133
Part VI. Obligations of Member States under Article 48 of the Charter	1138
Part VII. Obligations of Member States under Article 49 of the Charter	1141
Part VIII. Special economic problems of the nature described in Article 50 of the Charter ...	1142
Part IX. The right of self-defence in accordance with Article 51 of the Charter	1147
Chapter XII. Consideration of the provisions of other Articles of the Charter	
Introductory note	1153
Part I. Consideration of the purposes and principles of the United Nations (Articles 1 and 2 of the Charter)	1154
A. Article 1, paragraph 2	1154
B. Article 2, paragraph 4	1157
C. Article 2, paragraph 5	1168
D. Article 2, paragraph 6	1169
E. Article 2, paragraph 7	1170

Part II. Consideration of the functions and powers of the Security Council (Articles 24 and 25 of the Charter)	1179
A. The primary responsibility of the Security Council for the maintenance of international peace and security (Article 24)	1179
B. The obligation of Member States to accept and carry out decisions of the Security Council (Article 25)	1181
Part III. Consideration of the provisions of Chapter VIII of the Charter	1184
A. General consideration of the provisions of Chapter VIII.	1186
B. Encouragement by the Security Council of efforts undertaken by regional organizations in the pacific settlement of disputes	1186
C. Challenges to the appropriateness of Security Council action in the light of Article 52.	1197
• D. Authorization by the Security Council of enforcement action by regional organizations.	1198
Part IV. Consideration of the miscellaneous provisions of the Charter (Articles 102 and 103)	1200
Index	1203

Introduction

The present volume constitutes the twelfth supplement to the *Repertoire of the Practice of the Security Council, 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 3155th meeting, on 7 January 1993, to the 3615th meeting, on 22 December 1995.

The *Repertoire* was mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, entitled “Ways and means for making the evidence of customary international law more readily available”. It is a guide to the proceedings of the Council and sets forth in a readily accessible form the practices and procedures to which the Council has had recourse. The *Repertoire* is not intended as a substitute for the records of the Council, which constitute the only comprehensive and authoritative account of its deliberations.

The categories employed to arrange the material are not intended to suggest the existence of procedures or practices that have not been clearly or demonstrably established by the Council itself. The Council is at all times, within the framework of the Charter of the United Nations, its own provisional rules of procedure, and practice established through notes by the President of the Security Council, master of its own procedure.

In recording the Council’s practice, the headings under which the practices and procedures of the Council were presented in the original volume have been largely retained. Where necessary, however, adjustments have been made to better reflect the Council’s practice. As in the eleventh supplement, the use of double asterisks (**) to denote topics not considered anew by the Council has been discontinued. For ease of reference, the studies contained in chapter VIII are organized according to region or thematic issues. This introduction contains a table indicating the membership of the Security Council during the period under review.

The agenda items considered by the Council during 1993-1995, and the meetings at which they were considered, are presented in a table hereunder in the order in which the items were initially taken up during the period.

* * *

Symbols of United Nations documents are composed of capital letters combined with figures. Prior to 1994, Security Council documents bore a symbol such as S/25492. Beginning in 1994, the year of issuance was incorporated into the document symbol, for example, S/1994/380. References to the verbatim records of meetings of the Council are given in the form S/PV.3181, p. 2, meetings being numbered consequently, starting with the first meeting in 1946. As in previous recent volumes, reference is made in this Supplement only to the provisional verbatim records of Security Council meetings, as the practice of publishing the meeting records in the *Official Records* has been discontinued.

The resolutions adopted by the Security Council and most of the statements by the President are published in the yearly volumes of *Resolutions and Decisions of the Security Council*. Resolutions are identified by a number followed by the year of adoption in parentheses, for example, resolution 927 (1994). Statements by the

President not included in the yearly volumes are recorded in the relevant verbatim records.

Readers who wish to consult the full record of a meeting or the text of a Security Council document referred to in the *Repertoire* may do so on the official United Nations Documentation Centre website, www.un.org/en/documents/. Security Council documents can be accessed on the website by selecting “Official Document System (ODS)” or one of the direct links to specific categories of documents. The volumes of resolutions and decisions may be accessed by symbol (S/INF/49, for 1993; S/INF/50, for 1994; and S/INF/51, for 1995). Other volumes of the *Repertoire* may be consulted at www.un.org/en/sc/repertoire/.

Members of the Security Council, 1993-1995

<i>Member</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>
Argentina		•	•
Botswana			•
Brazil	•	•	
Cape Verde	•		
China (permanent member)	•	•	•
Czech Republic		•	•
Djibouti	•	•	
France (permanent member)	•	•	•
Germany			•
Honduras			•
Hungary	•		
Indonesia			•
Italy			•
Japan	•		
Morocco	•		
New Zealand	•	•	
Nigeria		•	•
Oman		•	•
Pakistan	•	•	
Russian Federation (permanent member)	•	•	•
Rwanda		•	•
Spain	•	•	

<i>Member</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>
United Kingdom of Great Britain and Northern Ireland (permanent member)	•	•	•
United States of America (permanent member)	•	•	•
Venezuela	•		

Items considered by the Security Council at formal meetings, 1993-1995

<i>Agenda item</i>	<i>Meetings</i>
Admission of new Members	
Admission of new Members	3155
Letter dated 1 January 1993 from the Prime Minister of the Slovak Republic addressed to the Secretary-General (S/25046)	
Admission of new Members	3156
Letter dated 4 January 1993 from the Prime Minister of the Czech Republic addressed to the Secretary-General (S/25045)	
Admission of new Members	3157
Report of the Committee on the Admission of New Members concerning the application of the Slovak Republic for admission to membership in the United Nations (S/25066)	
Admission of new Members	3158
Report of the Committee on the Admission of New Members concerning the application of the Czech Republic for admission to membership in the United Nations (S/25067)	
Admission of new Members	3195
Letter dated 30 July 1992 addressed to the Secretary-General (S/25147)	
Admission of new Members	3196
Report of the Committee on the Admission of New Members concerning the application for admission to membership in the United Nations contained in document S/25147 (S/25544)	
Admission of new Members	3215
Letter from the Secretary-General of the Provisional Government of Eritrea received by the Secretary-General on 12 May 1993 (S/25793)	
Admission of new Members	3216
Letter dated 14 May 1993 from the Minister of State of the Principality of Monaco addressed to the Secretary-General (S/25796)	
Admission of new Members	3218
Report of the Committee on the Admission of New Members concerning the application of Eritrea for admission to membership in the United Nations (S/25841)	
Admission of new Members	3219
Report of the Committee on the Admission of New Members concerning the application of the Principality of Monaco for admission to membership in the United Nations (S/25842)	

<i>Agenda item</i>	<i>Meetings</i>
Admission of new Members Letter dated 9 June 1993 from the Head of Government of the Principality of Andorra addressed to the Secretary-General (S/26039)	3250
Admission of new Members Report of the Committee on the Admission of New Members concerning the application of the Principality of Andorra for admission to membership in the United Nations (S/26051)	3251
Admission of new Members Letter dated 14 November 1994 from the Minister of State of the Republic of Palau addressed to the Secretary-General (S/1994/1315)	3468
Admission of new Members Report of the Committee on the Admission of New Members concerning the application of the Republic of Palau for admission to membership in the United Nations (S/1994/1356)	3469
<hr/>	
Items relating to the situation in the former Yugoslavia	
Bosnia and Herzegovina	
The situation in Bosnia and Herzegovina Letter dated 8 January 1993 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/25074) Letter dated 8 January 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/25077)	3159
The situation in the Republic of Bosnia and Herzegovina	3160, 3164, 3173, 3176, 3177, 3184, 3186, 3191, 3199, 3201, 3202, 3203, 3210, 3228, 3234, 3247, 3269, 3276, 3308, 3327, 3344, 3349, 3364, 3367, 3374, 3387, 3399, 3421, 3428, 3433, 3460, 3462, 3471, 3475, 3478, 3486, 3501, 3520, 3521, 3530, 3548, 3553, 3554, 3564, 3575, 3576, 3580, 3581, 3587, 3603

<i>Agenda item</i>	<i>Meetings</i>
The situation in Bosnia and Herzegovina	3180
Letter dated 3 March 1993 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/25353)	
Letter dated 3 March 1993 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/25358)	
The situation in Bosnia and Herzegovina	3192
Letter dated 2 April 1993 from the Secretary-General addressed to the President of the Security Council (S/25519)	
The situation in the Republic of Bosnia and Herzegovina	3200
Letter dated 17 April 1993 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/25622)	
Letter dated 17 April 1993 from the Permanent Representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela to the United Nations addressed to the President of the Security Council (S/25623)	
The situation in the Republic of Bosnia and Herzegovina	3208
Report of the Security Council mission established pursuant to resolution 819 (1993) (S/25700)	
The situation in the Republic of Bosnia and Herzegovina	3241
Report of the Secretary-General pursuant to Security Council resolution 836 (1993) (S/25939 and Corr.1 and Add.1)	
The situation in the Republic of Bosnia and Herzegovina	3257
Letter dated 19 July 1993 from the Permanent Representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/26107)	
The situation in the Republic of Bosnia and Herzegovina	3333
Letter dated 28 January 1994 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1994/95)	
The situation in the Republic of Bosnia and Herzegovina	3336
Letter dated 5 February 1994 from the Deputy Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1994/124)	
Letter dated 8 February 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/135)	
Letter dated 10 February 1994 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/1994/152)	

<i>Agenda item</i>	<i>Meetings</i>
The situation in the Republic of Bosnia and Herzegovina Letter dated 2 April 1994 from the Deputy Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1994/378)	3359
The situation in the Republic of Bosnia and Herzegovina Letter dated 22 April 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/492)	3370
The situation in the Republic of Bosnia and Herzegovina Report of the Secretary-General pursuant to Security Council resolution 913 (1994) (S/1994/600)	3380
The situation in the Republic of Bosnia and Herzegovina Letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/1248)	3454
The situation in the Republic of Bosnia and Herzegovina Letter dated 11 November 1994 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1994/1283) Letter dated 12 November 1994 from the Chargé d'affaires a.i. of Croatia to the United Nations addressed to the President of the Security Council (S/1994/1286)	3456
The situation in the Republic of Bosnia and Herzegovina Letter dated 25 November 1994 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1994/1342)	3466
The situation in the Republic of Bosnia and Herzegovina Letter dated 4 January 1995 from the Secretary-General to the President of the Security Council (S/1995/6)	3487
The situation in the Republic of Bosnia and Herzegovina Letter dated 13 April 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/302)	3522
The situation in the Republic of Bosnia and Herzegovina Letter dated 25 June 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/510)	3551
The situation in the Republic of Bosnia and Herzegovina Letter dated 17 July 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1995/582)	3556

<i>Agenda item</i>	<i>Meetings</i>
The situation in the Republic of Bosnia and Herzegovina Letter dated 24 July 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/1995/610)	3557
The situation in the Republic of Bosnia and Herzegovina Report of the Secretary-General submitted pursuant to Security Council resolution 1010 (1995) (S/1995/755)	3572
The situation in the Republic of Bosnia and Herzegovina Letter dated 6 September 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/768)	3578
The situation in the Republic of Bosnia and Herzegovina Report of the Secretary-General pursuant to Security Council resolutions 981 (1995), 982 (1995) and 983 (1995) (S/1995/987)	3601
The situation in the Republic of Bosnia and Herzegovina Report of the Secretary-General pursuant to Security Council resolution 1026 (1995) (S/1995/1031)	3607
The situation in the Republic of Bosnia and Herzegovina Report of the Secretary-General pursuant to Security Council resolution 1019 (1995) on violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most (S/1995/988)	3612
The situation in the Republic of Bosnia and Herzegovina Report of the Secretary-General pursuant to Security Council resolution 1026 (1995) (S/1995/1031 and Add.1)	3613
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia	
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia Letter dated 25 January 1993 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/25156)	3163, 3165
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia	3231, 3260
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia Letter dated 14 July 1993 from the Secretary-General addressed to the President of the Security Council (S/26082)	3255
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia Letter dated 12 January 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General (S/1995/28)	3491

<i>Agenda item</i>	<i>Meetings</i>
United Nations Protection Force (UNPROFOR)	
Further report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/25264 and Corr.1)	3174
Report of the Secretary-General pursuant to Security Council resolution 807 (1993) (S/25470 and Add.1)	3189
United Nations Protection Force (UNPROFOR)	3248
Report of the Secretary-General pursuant to Security Council resolution 815 (1993) (S/25777 and Corr.1 and Add.1)	
Further report of the Secretary-General pursuant to Security Council resolution 815 (1993) (S/25993)	
United Nations Protection Force (UNPROFOR)	3284, 3285, 3286
Further report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/26470 and Add.1)	
United Nations Protection Force (UNPROFOR)	3356, 3369
Report of the Secretary-General pursuant to Security Council resolution 900 (1994) (S/1994/291 and Corr.1 and Add.1)	
Report of the Secretary-General pursuant to Security Council resolution 871 (1993) (S/1994/300)	
Report of the Secretary-General pursuant to Security Council resolutions 844 (1993), 836 (1993) and 776 (1992) (S/1994/333 and Add.1)	
Letter dated 30 March 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/367)	
United Nations Protection Force (UNPROFOR)	3416
Letter dated 26 July 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/888)	
United Nations Protection Force (UNPROFOR)	3434
Report of the Secretary-General pursuant to Security Council resolution 908 (1994) (S/1994/1067 and Add.1)	
United Nations Protection Force (UNPROFOR)	3512
Report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 947 (1994) (S/1995/222 and Corr.1 and 2)	
United Nations Protection Force (UNPROFOR)	3543
Report of the Secretary-General pursuant to Security Council resolutions 982 (1995) and 987 (1995) (S/1995/444)	
Letter dated 9 June 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/470 and Add.1)	
United Nations Protection Force (UNPROFOR)	3568
Letter dated 17 August 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/707)	

<i>Agenda item</i>	<i>Meetings</i>
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3175
Letter dated 10 February 1993 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (S/25266)	
Letter dated 16 February 1993 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General (S/25300)	
Letter dated 18 February 1993 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General (S/25307)	
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3217
Report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993) (S/25704 and Add.1)	
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3265
Establishment of the list of candidates for judges	
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3296, 3401
Appointment of the Prosecutor	
Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council	
Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council	3204
The situation in the former Yugoslav Republic of Macedonia	
The situation in the former Yugoslav Republic of Macedonia	3239
Letter dated 15 June 1993 from the Secretary-General addressed to the President of the Security Council (S/25954 and Add.1)	
The situation in the former Yugoslav Republic of Macedonia	3602
Report of the Secretary-General pursuant to Security Council resolutions 981 (1995), 982 (1995) and 983 (1995) (S/1995/987)	

<i>Agenda item</i>	<i>Meetings</i>
Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia	
Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia	3240
Follow-up to resolution 817 (1993) Letter dated 26 May 1993 from the Secretary-General addressed to the President of the Security Council	
Follow-up to resolution 817 (1993) Letter dated 26 May 1993 from the Secretary-General addressed to the President of the Security Council (S/25855 and Add.1 and 2)	3243
Follow-up to resolution 817 (1993) Interim Accord between Greece and the former Yugoslav Republic of Macedonia (S/1995/794, annex I)	3579
Conference on Security and Cooperation in Europe missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro)	
Conference on Security and Cooperation in Europe (CSCE) missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro) Letter dated 20 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the President of the Security Council (S/26121) Letter dated 23 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the President of the Security Council (S/26148)	3262
The situation in Croatia	
The situation in Croatia	3275, 3498, 3529, 3531, 3537, 3560, 3561, 3584
The situation in Croatia Report of the Secretary-General submitted pursuant to paragraph 4 of Security Council resolution 981 (1995) (S/1995/320)	3527
The situation in Croatia Report of the Secretary-General submitted pursuant to Security Council resolution 994 (1995) (S/1995/467)	3545
The situation in Croatia Report of the Secretary-General submitted pursuant to Security Council resolution 981 (1995) (S/1995/650) Letter dated 7 August 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/666)	3563

<i>Agenda item</i>	<i>Meetings</i>
The situation in Croatia	3573
Report of the Secretary-General submitted pursuant to Security Council resolution 1009 (1995) (S/1995/730)	
The situation in Croatia	3596
Letter dated 15 November 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General (S/1995/951)	
The situation in Croatia	3600
Report of the Secretary-General pursuant to Security Council resolutions 981 (1995), 982 (1995) and 983 (1995) (S/1995/987)	
The situation in Croatia	3615
Report on the situation of human rights in Croatia pursuant to Security Council resolution 1019 (1995) (S/1995/1051)	
Navigation on the Danube River	
Navigation on the Danube River in the Federal Republic of Yugoslavia (Serbia and Montenegro)	3290
Letter dated 11 October 1993 from the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council (S/26562)	
Navigation on the Danube River in the Federal Republic of Yugoslavia (Serbia and Montenegro)	3348
Navigation on the Danube River	3533
The situation prevailing in and around the safe area of Bihac	
The situation prevailing in and around the safe area of Bihac	3461
Letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council (S/1994/1418)	
Letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council (S/1994/1418)	3480
The situation in the former Yugoslavia	
The situation in the former Yugoslavia	3585, 3591, 3595
<hr/>	
The situation between Iraq and Kuwait	
The situation between Iraq and Kuwait	3161, 3246, 3319, 3435, 3438, 3439, 3459, 3519

<i>Agenda item</i>	<i>Meetings</i>
The situation between Iraq and Kuwait Special report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission (S/25085)	3162
The situation between Iraq and Kuwait Further special report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission (S/25123 and Add.1)	3171
The situation between Iraq and Kuwait Letter dated 21 May 1993 from the Secretary-General addressed to the President of the Security Council (S/25811 and Add.1)	3224
The situation between Iraq and Kuwait Note by the Secretary-General (S/25960)	3242
United States notification of 26 June 1993 measures against Iraq Letter dated 26 June 1993 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/26003)	3245
The situation between Iraq and Kuwait Letter dated 22 February 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/240)	3343
<hr/> Items relating to an Agenda for Peace	
An agenda for peace: preventive diplomacy, peacemaking and peacekeeping Report of the Secretary-General pursuant to the statement adopted at the summit meeting of the Security Council on 31 January 1992 (S/24111)	3166, 3178
An agenda for peace: preventive diplomacy, peacemaking and peacekeeping	3190, 3207, 3225
An agenda for peace: preventive diplomacy, peacemaking and peacekeeping Report of the Secretary-General on improving the capacity of the United Nations for peacekeeping (S/26450 and Add.1 and Corr.1 and Add.2)	3372
An agenda for peace: preventive diplomacy, peacemaking and peacekeeping Report of the Secretary-General on standby arrangements for peacekeeping (S/1994/777)	3408
An agenda for peace: peacekeeping Letter dated 15 September 1994 from the Permanent Representatives of Argentina and New Zealand to the United Nations addressed to the President of the Security Council (S/1994/1063)	3448, 3449
An agenda for peace Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations (S/1995/1)	3492, 3503

<i>Agenda item</i>	<i>Meetings</i>
An agenda for peace: preventive diplomacy, peacemaking and peacekeeping Report of the Secretary-General on standby arrangements for peacekeeping (S/1995/943)	3609
An agenda for peace: peacekeeping Letter dated 8 December 1995 from the representatives of Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Honduras, Ireland, Italy, Japan, Malaysia, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Romania, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council (S/1995/1025)	3611
The situation in the Middle East	
The situation in the Middle East Report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) (S/25150 and Add.1)	3167
The situation in the Middle East Report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) (S/25809)	3220
The situation in the Middle East Report of the Secretary-General on UNIFIL (S/26111)	3258
The situation in the Middle East Report of the Secretary-General on UNDOF (S/26781)	3320
The situation in the Middle East Report of the Secretary-General on UNIFIL (S/1994/62)	3331
The situation in the Middle East Report of the Secretary-General on UNDOF (S/1994/587 and Corr.1)	3382
The situation in the Middle East Report of the Secretary-General on UNIFIL (S/1994/856)	3409
The situation in the Middle East Report of the Secretary-General on UNDOF (S/1994/1311)	3467
The situation in the Middle East Report of the Secretary-General on UNIFIL (S/1995/66)	3495
The situation in the Middle East Report of the Secretary-General on UNDOF (S/1995/398)	3541
The situation in the Middle East Report of the Secretary-General on UNIFIL (S/1995/595)	3558

<i>Agenda item</i>	<i>Meetings</i>
The situation in the Middle East Report of the Secretary-General on UNDOF (S/1995/952)	3599
The situation in Angola	
The situation in Angola	3168
(a) Further report of the Secretary-General on the United Nations Angola Verification Mission II (UNAVEM II) (S/25140 and Add.1)	
(b) Letter dated 25 January 1993 from the Permanent Representative of Angola to the United Nations addressed to the President of the Security Council (S/25161)	
The situation in Angola	3182, 3232, 3423, 3450, 3463, 3598
The situation in Angola Letter dated 29 April 1993 from the Secretary-General addressed to the President of the Security Council (S/25690)	3206
The situation in Angola Further report of the Secretary-General on UNAVEM II (S/25840 and Add.1)	3226
The situation in Angola Further report of the Secretary-General on UNAVEM II (S/26060 and Add.1 and 2)	3254
The situation in Angola Further report of the Secretary-General on UNAVEM II (S/26434 and Add.1)	3277
The situation in Angola Further report of the Secretary-General on UNAVEM II (S/26644)	3302
The situation in Angola Report of the Secretary-General on UNAVEM II (S/26872 and Add.1)	3323
The situation in Angola Report of the Secretary-General on UNAVEM II (S/1994/100)	3335
The situation in Angola Report of the Secretary-General on UNAVEM II (S/1994/282 and Add.1)	3350
The situation in Angola Report of the Secretary-General on UNAVEM II (S/1994/611)	3384
The situation in Angola Report of the Secretary-General on UNAVEM II (S/1994/740 and Add.1)	3395
The situation in Angola Report of the Secretary-General on UNAVEM II (S/1994/865)	3417
The situation in Angola Report of the Secretary-General on UNAVEM II (S/1994/1069)	3431

<i>Agenda item</i>	<i>Meetings</i>
The situation in Angola	3445
Report of the Secretary-General on UNAVEM II (S/1994/1197)	
The situation in Angola	3477
Report of the Secretary-General on UNAVEM II (S/1994/1376)	
Letter dated 7 December 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/1395)	
The situation in Angola	3499
Report of the Secretary-General on UNAVEM II (S/1995/97 and Corr.1 and Add.1)	
The situation in Angola	3508
First progress report of the Secretary-General on the United Nations Angola Verification Mission III (UNAVEM III) (S/1995/177)	
The situation in Angola	3518
Second progress report of the Secretary-General on UNAVEM III (S/1995/274)	
The situation in Angola	3534
Third progress report of the Secretary-General on UNAVEM III (S/1995/350)	
The situation in Angola	3562
Report of the Secretary-General on UNAVEM III (S/1995/588)	
The situation in Angola	3586
Report of the Secretary-General on UNAVEM III (S/1995/842)	
The situation in Angola	3614
Report of the Secretary-General on UNAVEM III (S/1995/1012)	
<hr/>	
The situation in Georgia	
The situation in Georgia	3169
(a) Note verbale dated 25 December 1992 from the Ministry of Foreign Affairs of Georgia addressed to the Secretary-General (S/25026)	
(b) Report of the Secretary-General on the situation in Abkhazia, Republic of Georgia (S/25188)	
The situation in Georgia	3249
Letter dated 2 July 1993 from the Head of State of the Republic of Georgia addressed to the President of the Security Council (S/26031)	
The situation in Georgia	3252
Report of the Secretary-General on the situation in Abkhazia, Republic of Georgia (S/26023 and Add.1 and 2)	
The situation in Georgia	3261
Letter dated 4 August 1993 from the Secretary-General addressed to the President of the Security Council (S/26254)	

<i>Agenda item</i>	<i>Meetings</i>
The situation in Georgia Report of the Secretary-General in pursuance of Security Council resolution 849 (1993) (S/26250)	3268
The situation in Georgia Letter dated 17 September 1993 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/26462)	3279
The situation in Georgia Letter dated 13 October 1993 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/26576)	3295
The situation in Georgia Report of the Secretary-General on the situation in Abkhazia, Georgia (S/26646 and Add.1)	3304
The situation in Georgia	3307, 3345, 3346, 3362, 3476
The situation in Georgia Letter dated 16 December 1993 from the Secretary-General addressed to the President of the Security Council (S/26901)	3325
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1994/80 and Add.1)	3332
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1994/312 and Add.1)	3354
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1994/725)	3398
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1994/818 and Add.1)	3407
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1995/10 and Add.1 and 2)	3488
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1995/181)	3509
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1995/342)	3535

<i>Agenda item</i>	<i>Meetings</i>
The situation in Georgia Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1995/657)	3567
Elections to the International Court of Justice	
Date of an election to fill a vacancy in the International Court of Justice (S/25224)	3170
Election of a member of the International Court of Justice (S/25657, S/25726 and S/25727)	3209
Election of five members of the International Court of Justice (S/26489, S/26490/Rev.1 and S/26497 and Corr.1)	3309, 3310, 3311
Date of an election to fill a vacancy in the International Court of Justice (S/1994/1188)	3443
Election of a member of the International Court of Justice (S/1995/33, S/1995/34 and Add.1, S/1995/35 and S/1995/74)	3493
Date of an election to fill a vacancy in the International Court of Justice (S/1995/178)	3507
Date of an election to fill a vacancy in the International Court of Justice (S/1995/209)	3510
Election of a member of the International Court of Justice (S/1995/448, S/1995/449, S/1995/450 and S/1995/490 and Add.1)	3546
Election of a member of the International Court of Justice (S/1995/527, S/1995/528, S/1995/529 and S/1995/556 and Add.1)	3552
Date of an election to fill a vacancy in the International Court of Justice (S/1995/914)	3590
Central America: efforts towards peace	
Central America: efforts towards peace Report of the Secretary-General on the United Nations Observer Mission in El Salvador (ONUSAL) (S/25006)	3172
Central America: efforts towards peace	3185
Central America: efforts towards peace Report of the Secretary-General on ONUSAL (S/25812 and Add.1 and 2)	3223
Central America: efforts towards peace Letter dated 8 June 1993 from the Secretary-General addressed to the President of the Security Council (S/25901)	3236
Central America: efforts towards peace Letter dated 3 November 1993 from the Secretary-General addressed to the President of the Security Council (S/26689)	3306
Central America: efforts towards peace Further report of the Secretary-General on ONUSAL (S/26790)	3321

<i>Agenda item</i>	<i>Meetings</i>
Central America: efforts towards peace Further report of the Secretary-General on ONUSAL (S/1994/375) Letter dated 28 March 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/361)	3360
Central America: efforts towards peace Report of the Secretary-General on ONUSAL (S/1994/561 and Add.1) Letter dated 24 May 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/612)	3381
Central America: efforts towards peace Report of the Secretary-General on ONUSAL (S/1994/1000)	3425
Central America: efforts towards peace Report of the Secretary-General on ONUSAL (S/1994/1212 and Add.1)	3465
Central America: efforts towards peace Report of the Secretary-General on ONUSAL (S/1995/220)	3528
<hr/>	
The situation concerning Western Sahara	
The situation concerning Western Sahara Report of the Secretary-General (S/25170)	3179
The situation concerning Western Sahara Report of the Secretary-General (S/1994/283 and Add.1 and Add.1/Corr.1)	3355
The situation concerning Western Sahara Report of the Secretary-General (S/1994/819)	3411
The situation concerning Western Sahara Report of the Secretary-General (S/1994/1257)	3457
The situation concerning Western Sahara Progress report of the Secretary-General on the situation concerning Western Sahara (S/1994/1420 and Add.1)	3490
The situation concerning Western Sahara Report of the Secretary-General on the situation concerning Western Sahara (S/1995/240 and Add.1)	3516
The situation concerning Western Sahara Report of the Secretary-General on the situation concerning Western Sahara (S/1995/404)	3540
The situation concerning Western Sahara Report of the Security Council mission to Western Sahara from 3 to 9 June 1995 (S/1995/498)	3550

<i>Agenda item</i>	<i>Meetings</i>
The situation concerning Western Sahara Report of the Secretary-General (S/1995/779)	3582
The situation concerning Western Sahara Report of the Secretary-General (S/1995/986)	3610
The situation in Cambodia	
The situation in Cambodia Report of the Secretary-General on the implementation of Security Council resolution 792 (1992) (S/25289)	3181
The situation in Cambodia	3193, 3214, 3227, 3230
The situation in Cambodia Fourth progress report of the Secretary-General on the United Nations Transitional Authority in Cambodia (S/25719) Report of the Secretary-General in pursuance of paragraph 6 of Security Council resolution 810 (1993) (S/25784)	3213
The situation in Cambodia Report of the Secretary-General on the conduct and results of the elections in Cambodia (S/25913)	3237
The situation in Cambodia Further report of the Secretary-General pursuant to paragraph 7 of Security Council resolution 840 (1993) (S/26360)	3270
The situation in Cambodia Further report of the Secretary-General on the implementation of Security Council resolution 745 (1992) (S/26529)	3287
The situation in Cambodia Further report of the Secretary-General on the implementation of Security Council resolution 745 (1992) (S/26529) Further reports of the Secretary-General pursuant to paragraph 7 of Security Council resolution 840 (1993) (S/26546, S/26649 and Add.1) Letter dated 28 October 1993 from the Secretary-General addressed to the President of the Security Council (S/26675)	3303
The situation concerning Rwanda	
The situation concerning Rwanda Letter dated 4 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council (S/25363) Letter dated 4 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/25371)	3183

<i>Agenda item</i>	<i>Meetings</i>
The situation concerning Rwanda Interim report of the Secretary-General on Rwanda (S/25810 and Add.1)	3244
The situation concerning Rwanda	3273, 3337, 3361, 3371, 3402, 3481, 3504, 3555
The situation concerning Rwanda Report of the Secretary-General on Rwanda (S/26488 and Add.1)	3288
The situation concerning Rwanda Second report of the Secretary-General on the United Nations Observer Mission Uganda-Rwanda (UNOMUR) (S/26878)	3324
The situation concerning Rwanda Report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/26927)	3326
The situation concerning Rwanda Report of the Secretary-General on UNAMIR (S/1994/360)	3358
The situation concerning Rwanda Special report of the Secretary-General on UNAMIR (S/1994/470)	3368
The situation concerning Rwanda Report of the Secretary-General (S/1994/565)	3377
The situation concerning Rwanda Report of the Secretary-General on the situation in Rwanda (S/1994/640)	3388
The situation concerning Rwanda Second progress report of the Secretary-General on UNOMUR (S/1994/715)	3391
The situation concerning Rwanda Letter dated 19 June 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/728) Letter dated 21 June 1994 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/1994/738)	3392
The situation concerning Rwanda Report of the Secretary-General on the situation in Rwanda (S/1994/640)	3400
The situation concerning Rwanda Letter dated 14 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/1994/823)	3405
The situation concerning Rwanda Report of the Secretary-General on the situation in Rwanda (S/1994/924)	3414

<i>Agenda item</i>	<i>Meetings</i>
The situation concerning Rwanda Progress report of the Secretary-General on UNAMIR (S/1994/1133)	3436
The situation concerning Rwanda Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States	3453
The situation concerning Rwanda Report of the Secretary-General on security in the Rwandese refugee camps (S/1994/1308)	3472
The situation concerning Rwanda Progress report of the Secretary-General on UNAMIR (S/1994/1344)	3473
The situation concerning Rwanda Second report of the Secretary-General on security in the Rwandese refugee camps (S/1995/65)	3500
The situation concerning Rwanda Report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 955 (1994) (S/1995/134)	3502
The situation concerning Rwanda Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States Establishment of the list of candidates for Judges on the International Tribunal for Rwanda	3524
The situation concerning Rwanda Progress report of the Secretary-General on UNAMIR (S/1995/297) Third report of the Secretary-General on security in the Rwandese refugee camps (S/1995/304)	3526
The situation concerning Rwanda Report of the Secretary-General on UNAMIR (S/1995/457)	3542
The situation concerning Rwanda Report of the Secretary-General on the implementation of paragraph 6 of Security Council resolution 997 (1995) of 9 June 1995 (S/1995/552) Progress report of the Secretary-General on UNAMIR (S/1995/678)	3566

<i>Agenda item</i>	<i>Meetings</i>
The situation concerning Rwanda	3569
Letter dated 17 August 1995 from the Prime Minister of the Republic of Zaire addressed to the Secretary-General (S/1995/722)	
Letter dated 18 August 1995 from the Secretary-General addressed to the Prime Minister of the Republic of Zaire (S/1995/723)	
The situation concerning Rwanda	3574
Letter dated 25 August 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/761)	
The situation concerning Rwanda	3588
Progress report of the Secretary-General on UNAMIR (S/1995/848)	
The situation concerning Rwanda	3604, 3605
Report of the Secretary-General on UNAMIR (S/1995/1002)	
The situation in Liberia	
The situation in Liberia	3187
Report of the Secretary-General on the question of Liberia (S/25402)	
The situation in Liberia	3233, 3424
The situation in Liberia	3263
Further report of the Secretary-General on Liberia (S/26200)	
The situation in Liberia	3281
Report of the Secretary-General on Liberia (S/26422 and Add.1)	
The situation in Liberia	3339
Second progress report of the Secretary-General on the United Nations Observer Mission in Liberia (UNOMIL) (S/1994/168 and Add.1)	
The situation in Liberia	3366
Third progress report of the Secretary-General on UNOMIL (S/1994/463)	
The situation in Liberia	3378
Fourth progress report of the Secretary-General on UNOMIL (S/1994/588)	
The situation in Liberia	3404
Fifth progress report of the Secretary-General on UNOMIL (S/1994/760)	
The situation in Liberia	3442
Seventh progress report of the Secretary-General on UNOMIL (S/1994/1167)	
The situation in Liberia	3489
Eighth progress report of the Secretary-General on UNOMIL (S/1995/9)	
The situation in Liberia	3517
Tenth progress report of the Secretary-General on UNOMIL (S/1995/279)	

<i>Agenda item</i>	<i>Meetings</i>
The situation in Liberia Eleventh progress report of the Secretary-General on UNOMIL (S/1995/473)	3549
The situation in Liberia Twelfth progress report of the Secretary-General on UNOMIL (S/1995/781)	3577
The situation in Liberia Thirteenth progress report of the Secretary-General on UNOMIL (S/1995/881 and Add.1)	3592
<hr/>	
The situation in Somalia	
The situation in Somalia Report of the Secretary-General (S/25354 and Add.1 and 2)	3188
The situation in Somalia Letter dated 5 June 1993 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/25888) Letter dated 5 June 1993 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/25887)	3229
The situation in Somalia Further report of the Secretary-General submitted in pursuance of paragraph 18 of Security Council resolution 814 (1993) (S/26317)	3280
The situation in Somalia Letter dated 28 October 1993 from the Secretary-General addressed to the President of the Security Council (S/26663)	3299
The situation in Somalia Report of the Secretary-General on the implementation of Security Council resolution 837 (1993) (S/26022) Report pursuant to paragraph 5 of Security Council resolution 837 (1993) on the investigation into the 5 June 1993 attack on United Nations forces in Somalia conducted on behalf of the Secretary-General (S/26351)	3315
The situation in Somalia Further report of the Secretary-General submitted in pursuance of paragraph 19 of Security Council resolution 814 (1993) and paragraph A 5 of Security Council resolution 865 (1993) (S/26738)	3317
The situation in Somalia Further report of the Secretary-General submitted in pursuance of paragraph 4 of Security Council resolution 886 (1993) (S/1994/12)	3334
The situation in Somalia Further report of the Secretary-General on the United Nations operation in Somalia submitted in pursuance of paragraph 14 of Security Council resolution 897 (1994) (S/1994/614)	3385

<i>Agenda item</i>	<i>Meetings</i>
The situation in Somalia Report of the Secretary-General on Somalia (S/1994/977)	3418
The situation in Somalia Report of the Secretary-General on Somalia (S/1994/1068)	3432
The situation in Somalia Report of the Secretary-General concerning the situation in Somalia (S/1994/1166)	3446
The situation in Somalia Report of the Secretary-General concerning the situation in Somalia (S/1994/1068 and S/1994/1166)	3447
The situation in Somalia Report of the Secretary-General on the situation in Somalia submitted in pursuance of paragraph 13 of Security Council resolution 954 (1994) (S/1995/231)	3513
<hr/>	
The situation relating to Nagorny Karabakh	
The situation relating to Nagorny Karabakh Letter dated 29 March 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/25488) Letter dated 30 March 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/25491) Letter dated 31 March 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (S/25508) Letter dated 31 March 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/25509) Letter dated 1 April 1993 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/25510) Letter dated 3 April 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/25524) Letter dated 2 April 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/25525) Letter dated 5 April 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/25526) Letter dated 5 April 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/25527) Identical letters dated 5 April 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council (S/25528)	3194
The situation relating to Nagorny Karabakh Report of the Secretary-General pursuant to the statement of the President of the Security Council in connection with the situation relating to Nagorny Karabakh (S/25600)	3205

<i>Agenda item</i>	<i>Meetings</i>
The situation relating to Nagorny Karabakh	3259
Letter dated 24 July 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/26164)	
Letter dated 27 July 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/26168)	
The situation relating to Nagorny Karabakh	3264
Letter dated 17 August 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/26318)	
Letter dated 17 August 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/26319)	
Letter dated 18 August 1993 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/26322)	
The situation relating to Nagorny Karabakh	3292, 3525
The situation relating to Nagorny Karabakh	3313
Letter dated 26 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the President of the Security Council (S/26647)	
Letter dated 27 October 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/26650)	
Letter dated 28 October 1993 from the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council (S/26662)	
<hr/>	
The question of South Africa	
The question of South Africa	3197, 3267, 3318
The question of South Africa	3329
Report of the Secretary-General on the question of South Africa (S/1994/16 and Add.1)	
The question of South Africa	3365
Further report of the Secretary-General on the question of South Africa (S/1994/435)	
The question of South Africa	3379
Letter dated 23 May 1994 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council (S/1994/606)	
The question of South Africa	3393
Report of the Secretary-General on the question of South Africa (S/1994/717)	

<i>Agenda item</i>	<i>Meetings</i>
The situation in Mozambique	
The situation in Mozambique Report of the Secretary-General on the United Nations Operation in Mozambique (ONUMOZ) (S/25518)	3198
The situation in Mozambique Report of the Secretary-General on ONUMOZ (S/26034)	3253
The situation in Mozambique Report of the Secretary-General on ONUMOZ (S/26385 and Add.1)	3274
The situation in Mozambique	3300, 3444, 3464, 3494
The situation in Mozambique Report of the Secretary-General on ONUMOZ (S/26666 and Add.1)	3305
The situation in Mozambique Report of the Secretary-General on ONUMOZ (S/1994/89 and Add.1 and 2)	3338
The situation in Mozambique Report of the Secretary-General on ONUMOZ (S/1994/511)	3375
The situation in Mozambique Report of the Secretary-General on ONUMOZ (S/1994/803)	3406
The situation in Mozambique Further report of the Secretary-General on ONUMOZ (S/1994/1002) Report of the Security Council mission established pursuant to the statement made by the President of the Security Council at the 3406th meeting, held on 19 July 1994 (S/PRST/1994/35) (S/1994/1009)	3422
The situation in Mozambique Letter dated 9 November 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/1282)	3458
The situation in Mozambique Letter dated 1 December 1994 from the Permanent Representative of Mozambique to the United Nations addressed to the President of the Security Council (S/1994/1373)	3479
The situation in Cyprus	
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/25492)	3211

<i>Agenda item</i>	<i>Meetings</i>
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/25492)	3222
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/25912 and Add.1)	3235
The situation in Cyprus Report of the Secretary-General in connection with the Security Council's comprehensive reassessment of the United Nations operation in Cyprus (S/26777 and Add.1)	3322
The situation in Cyprus Report of the Secretary-General on his mission of good offices in Cyprus (S/1994/262)	3347
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/1994/680 and Add.1)	3390
The situation in Cyprus Letter dated 28 June 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/785)	3412
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/1994/1407 and Add.1)	3484
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/1995/488 and Add.1)	3547
The situation in Cyprus Report of the Secretary-General on the United Nations operation in Cyprus (S/1995/1020 and Add.1)	3608
Items relating to the Democratic People's Republic of Korea	
Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council (S/25405)	3212
Letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council (S/25445)	
Note by the Secretary-General (S/25556)	
Note by the Secretary-General (S/1994/254)	3357
Note by the Secretary-General (S/1994/322)	

<i>Agenda item</i>	<i>Meetings</i>
Note by the Secretary-General transmitting a letter dated 27 May 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General (S/1994/631)	3383
Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea	3451
Consideration of the draft report of the Security Council to the General Assembly	3221 (private), 3294, 3440, 3593
The question concerning Haiti	
The question concerning Haiti	3238
Letter dated 7 June 1993 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council (S/25958)	
The question concerning Haiti	3271
Report of the Secretary-General (S/26361)	
The question concerning Haiti	3272
Report of the Secretary-General concerning Haiti (S/26352)	
The question concerning Haiti	3278, 3289, 3293, 3298, 3301, 3328, 3376, 3403, 3437, 3470
The question concerning Haiti	3282
Report of the Secretary-General (S/26480 and Add.1)	
The question concerning Haiti	3291
Report of the Secretary-General (S/26573)	
The question concerning Haiti	3314
Report of the Secretary-General on the question concerning Haiti (S/26724)	
The question concerning Haiti	3352
Report of the Secretary-General on the United Nations Mission in Haiti (UNMIH) (S/1994/311)	
The question concerning Haiti	3397
Report of the Secretary-General on UNMIH (S/1994/765)	
The question concerning Haiti	3413
Report of the Secretary-General on UNMIH (S/1994/828)	
Report of the Secretary-General on the question of Haiti (S/1994/871)	

<i>Agenda item</i>	<i>Meetings</i>
The question concerning Haiti Letter dated 27 September 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/1994/1107)	3429, 3430
The question concerning Haiti Report of the Secretary-General on the question concerning Haiti (S/1995/46 and Add.1)	3496
The question concerning Haiti Report of the Secretary-General on UNMIH (S/1995/305)	3523
The question concerning Haiti Report of the Secretary-General on UNMIH (S/1995/614)	3559
The question concerning Haiti Report of the Secretary-General on UNMIH (S/1995/922)	3594
<hr/>	
Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation regarding Sevastopol	
Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation regarding Sevastopol Letters dated 13 and 16 July 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/26075 and S/26100) Letters dated 19 July 1993 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/26109)	3256
<hr/>	
The situation in Tajikistan and along the Tajik-Afghan border	
The situation in Tajikistan and along the Tajik-Afghan border Report of the Secretary-General on the situation in Tajikistan (S/26311)	3266
The situation in Tajikistan and along the Tajik-Afghan border	3427, 3452, 3515, 3570, 3589
The situation in Tajikistan and along the Tajik-Afghan border Report of the Secretary-General on the situation in Tajikistan (S/1994/1363)	3482
The situation in Tajikistan and along the Tajik-Afghan border Report of the Secretary-General on the situation in Tajikistan (S/1995/390)	3539
The situation in Tajikistan and along the Tajik-Afghan border Report of the Secretary-General on the situation in Tajikistan (S/1995/472 and Corr.1 and Add.1)	3544
The situation in Tajikistan and along the Tajik-Afghan border Report of the Secretary-General on the situation in Tajikistan (S/1995/1024)	3606

<i>Agenda item</i>	<i>Meetings</i>
Security of United Nations operations Report of the Secretary-General (S/26358)	3283
The situation in Burundi	
The situation in Burundi Letter dated 25 October 1993 from the Permanent Representative of Cape Verde to the United Nations, the Chargé d'affaires a.i. of the Permanent Mission of Djibouti to the United Nations and the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/26625) Letter dated 25 October 1993 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council (S/26626) Letter dated 25 October 1993 from the Permanent Representative of Zimbabwe to the United Nations addressed to the President of the Security Council (S/26630)	3297
The situation in Burundi Letter dated 4 November 1993 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council (S/26703)	3316
The situation in Burundi	3410, 3419, 3485, 3497, 3511
The situation in Burundi Report of the Secretary-General on the situation in Burundi (S/1994/1152)	3441
The situation in Burundi Report of the Security Council mission to Burundi on 10 and 11 February 1995 (S/1995/163)	3506
The situation in Burundi Letter dated 28 July 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/631)	3571
Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)	3312
The situation in Afghanistan	
The situation in Afghanistan	3330, 3353, 3474
The situation in Afghanistan Note by the Secretary-General (S/1994/766)	3415

The situation in the occupied Arab territories

The situation in the occupied Arab territories	3340, 3341, 3342, 3351
Letter dated 25 February 1994 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/1994/222)	
Letter dated 25 February 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/223)	
The situation in the occupied Arab territories	3505
Letter dated 22 February 1995 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council (S/1995/151)	
The situation in the occupied Arab territories	3536, 3538
Letter dated 8 May 1995 from the Permanent Representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366)	
Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)	

Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	3363
---	------

 Letter dated 6 April 1994 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General (S/1994/402)

 Letter dated 13 April 1994 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General (S/1994/424)

 Letter dated 13 April 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/432)

Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	3373
---	------

 Report of the Secretary-General concerning the agreement on the implementation of the Judgment of the International Court of Justice concerning the territorial dispute between Chad and the Libyan Arab Jamahiriya (S/1994/512)

Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	3389
---	------

 Report of the Secretary-General on the United Nations Aouzou Strip Observer Group (S/1994/672)

The situation in the Republic of Yemen

The situation in the Republic of Yemen	3386, 3396
The situation in the Republic of Yemen	3394
Report of the Secretary-General on the situation in Yemen (S/1994/764)	

<i>Agenda item</i>	<i>Meetings</i>
Presidency of the Security Council: rule 18 of the provisional rules of procedure of the Security Council	3420, 3426
Letter dated 2 November 1994 from the President of the Trusteeship Council addressed to the President of the Security Council (S/1994/1234)	3455
Security Council working methods and procedure Letter dated 9 November 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (S/1994/1279)	3483
Proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances Letter dated 6 April 1995 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/1995/271)	3514
Commemoration of the end of the Second World War in Europe	3532
Commemoration of the end of the Second World War in the Asia-Pacific region	3565
The situation in Sierra Leone Report of the Secretary-General on the situation in Sierra Leone (S/1995/975)	3597

Chapter I

Provisional rules of procedure of the Security Council

Contents

	<i>Page</i>
Introductory note	3
Part I. Meetings (rules 1-5)	4
Note	4
Special cases concerning the application of rules 1-5	4
Part II. Representation and credentials (rules 13-17)	4
Note	4
Special cases concerning the application of rules 13-17	5
Part III. Presidency (rules 18-20)	5
Note	5
Special cases concerning the application of rules 18-20	5
Part IV. Secretariat (rules 21-26)	6
Note	6
Part V. Conduct of business (rules 27-36)	7
Note	7
Special cases concerning the application of rules 27-36	7
Part VI. Languages (rules 41-47)	9
Part VII. Publicity of meetings, records (rules 48-57)	9
Note	9
Special cases concerning the application of rules 48-57	9

Introductory note

The present chapter contains material bearing upon the practice of the Security Council in relation to the provisional rules of procedure of the Security Council arranged as follows: part I, Meetings (rules 1-5); part II, Representation and credentials (rules 13-17); part III, Presidency (rules 18-20); part IV, Secretariat (rules 21-26); part V, Conduct of business (rules 27-36); part VI, Languages (rules 41-47); part VII, Publicity of meetings, records (rules 48-57).

The practice of the Council in relation to some of the provisional rules of procedure are more appropriately dealt with in other chapters of this *Supplement* and are arranged as follows: rules 6-12, in chapter II (Agenda); rule 28, in chapter V (Subsidiary organs of the Security Council); rules 37-39, in chapter III (Participation in the proceedings of the Security Council); rule 40, in chapter IV (Voting); rules 58-60, in chapter VII (Practice relative to recommendations to the General Assembly regarding membership in the United Nations); and rule 61, in chapter VI (Relations with other United Nations organs).

As in previous *Supplements*, the major subheadings contained in this chapter follow the order of the relevant chapters of the provisional rules of procedure of the Security Council, with the exceptions noted above.

The material in this chapter relates to questions that arose regarding the application of a certain rule, especially when there was a discussion regarding variations from the Council's usual practice. The case histories presented here do not constitute cumulative evidence of the practice of the Council, but are indicative of the special problems or issues that have arisen in the proceedings of the Council under its provisional rules of procedure.

During the period under review, the Council did not consider the amendment or adoption of its provisional rules of procedure. Some members of the Council did, however, in their interventions, note the need for the review or updating of the provisional rules of procedure.¹ The Council took a number of steps to improve its working methods and procedure,² which included the publication of the provisional agenda for formal meetings of the Security Council in the United Nations *Journal*;³ the circulation of the tentative monthly forecast of the Council's programme of work to all Member States;⁴ the decision to make available, as from 1 March 1994, draft resolutions in provisional form to non-members of the Council at the time of the consultations of the whole.⁵ New arrangements were also introduced for consultation and exchange of information with troop-contributing countries.⁶

¹ S/PV.3483, pp. 6, 10 and 11.

² Many of these steps have emerged from work carried out in the Council's Working Group on Documentation and Other Procedural Questions, which first met in June 1993.

³ S/26015 of 30 June 1993.

⁴ S/26176 of 27 July 1993.

⁵ S/1994/230 of 28 February 1994.

⁶ S/PRST/1994/62 of 4 November 1994.

Part I Meetings (rules 1-5)

Note

The material assembled in this section reflects the provisions of Article 28 of the Charter, and indicates special instances of the interpretation or application of rules 1 to 5 on the convening and place of Security Council meetings.

During the period under review, there was one case falling under rule 2 (case 1). There were no special instances of the application of rules 1 and 3 to 5.

The practice of the Arria-formula meetings, which was initiated in March 1992 by the then President of the Security Council, Ambassador Diego Arria (Venezuela), continued through the period under consideration. Arria-formula meetings are not formal meetings of the Security Council. They are convened at the initiative of a member or members of the Security Council in order to hear the views of individuals, organizations or institutions on matters within the competence of the Security Council.

The members of the Council continued to meet frequently in the format of informal consultations of the whole.

Special cases concerning the application of rules 1-5

Rule 2

The President shall call a meeting of the Security Council at the request of any member of the Security Council.

Case 1

By a letter dated 15 April 1993, addressed to the President of the Security Council,⁷ the representative of Turkey, on behalf of the Contact Group on Bosnia and Herzegovina of the Organization of the Islamic Conference,⁸ noted that delaying the adoption of a draft resolution on Bosnia and Herzegovina designed to strengthen sanctions on the Federal Republic of Yugoslavia was inconsistent with the expectations of the international community to pressure the Serbs to sign the peace plan in all its parts. He requested an urgent formal meeting of the Council, with an open debate, so that all non-members might voice their concern over the issue.

At the 3201st meeting, held on 19 April 1993 on the situation in the Republic of Bosnia and Herzegovina, the representative of Malaysia expressed "serious concern over the actions of certain Council members in obstructing repeated desperate requests for emergency meetings of the Council to address the growing deterioration of the situation in Bosnia". He added that those actions were "tantamount to applying a surreptitious veto".⁹

⁷ S/25607.

⁸ Egypt, Islamic Republic of Iran, Malaysia, Pakistan, Saudi Arabia, Senegal and Turkey.

⁹ S/PV.3201, pp. 24-27.

Part II Representation and credentials (rules 13-17)

Note

Rule 13 of the provisional rules of procedure of the Security Council requires each member of the Council to communicate the credentials of its accredited representative to the Secretary-General not less than twenty-four hours before that representative takes his seat on the Council. In addition, any Member

of the United Nations not a member of the Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Council, must also communicate the credentials of its representative in a like manner to the Secretary-General, in accordance with rule 14. The Secretary-General is required by rule 15 to examine the credentials of the above categories of representatives

and to submit a report thereon, certifying that the credentials are in order, to the Security Council for approval. The practice of the Council regarding those rules has been that the credentials of representatives have been communicated to the Secretary-General who submits his report to the Council pursuant to rule 15 when changes in the representation of members of the Council have been made and when, at the beginning of each year, the representatives of the newly elected non-permanent members of the Council are designated. This practice was followed during the period under review.

Special cases concerning the application of rules 13-17

During the period under review, there were no special cases concerning the application of rules 13 to 17. It should be noted, however, that Rwanda, a non-permanent member of the Security Council from 1 January 1994 to 31 December 1995, had no representation in the Council from 14 July to 2 September 1994.

Part III Presidency (rules 18-20)

Note

Part III of the present chapter deals with the proceedings of the Security Council directly related to the Office of the President of the Council. Material relevant to the exercise by the President of his functions in connection with the agenda is dealt with in chapter II. Material pertaining to the exercise by the President of his functions in the conduct of meetings is included in part V of this chapter.

During the period under review, the President of the Security Council, on two separate occasions, made statements which conveyed the decision of the members of the Council to suspend the application of rule 18 of its provisional rules of procedure, which provides for the monthly rotation of the presidency in the English alphabetical order of the names of the members of the Council (case 2).

There were no special instances concerning rule 19, which deals with the conduct of the presidency.

There were two instances of the application of rule 20, which deals with the temporary vacating of the chair by the President (cases 3 and 4).

During the period under review, the members of the Council continued to use informal consultations as a procedure for reaching decisions. On many occasions, the President presented the results of such consultations to the Council in the form of a presidential statement made on behalf of its members, or as a draft resolution, which the Council then adopted in a formal meeting without further debate. On other

occasions, the President announced the agreement or consensus in a statement, note or letter circulated as a Council document.

Special cases concerning the application of rules 18-20

Rule 18

The presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each president shall hold office for one calendar month.

Case 2

At the 3420th meeting, held on 25 August 1994 in connection with the item entitled "Presidency of the Security Council", the President (Russian Federation) read out a statement which conveyed the decision of the Council to suspend rule 18 of the provisional rules of procedure, so as to allow the presidency of the Security Council to be held by Spain in September 1994.¹⁰ It also decided that the timing of Rwanda's presidency would be addressed later.¹¹

¹⁰ S/PRST/1994/48.

¹¹ If the alphabetical order had been strictly adhered to, as required by rule 18, it would have been Rwanda's turn to preside. Rwanda was not represented in the Security Council at the 3406th to 3420th meetings, from 19 July to 25 August 1994. It resumed its participation on 2 September 1994.

At the 3426th meeting, held on 16 September 1994 in connection with the same item, the President (Spain) read out a statement¹² by which the Council had decided to suspend rule 18 so as to allow the presidency to be held in December 1994 by Rwanda, following the holding of the presidency in October 1994 by the United Kingdom and in November 1994 by the United States. It also decided that from January 1995, the presidency would again be held as specified in rule 18, beginning with the member of the Council whose name in the English alphabetical order followed that of the United States.

Rule 20

Whenever the President of the Security Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

Case 3

At the 3309th meeting, held on 10 November 1993 in connection with the election of five members of the International Court of Justice, the President of

¹² S/PRST/1994/55.

the Security Council (Cape Verde) stated that, for reasons known to all members of the Security Council,¹³ he had considered the possibility of applying rule 20 of the provisional rules of procedure. He quoted rule 20 and noted that the decision whether or not to vacate the chair was entirely within the discretion of the President. After fully considering the exceptional circumstances of the case, he decided to step aside and not to preside over the Council during its proceedings in connection with the above-mentioned item. Consequently, in accordance with rule 20, he invited the President for the next month, China, to preside over the meeting.¹⁴

Case 4

At the 3481st meeting, held on 15 December 1994 in connection with the situation concerning Rwanda, the President of the Security Council (Rwanda) after quoting rule 20 of the provisional rules of procedure, noted that that provision placed the matter entirely within the discretion of the President. Having considered the matter, he decided to exercise the discretion given to him under rule 20 and to vacate the chair. Consequently, in accordance with rule 20 and bearing in mind the Council's decision of 16 September 1994 (S/PRST/1994/55),¹⁵ he invited the representative of Argentina to occupy the chair for the purpose of the consideration of the item.¹⁶

¹³ The President was among the candidates for the International Court of Justice.

¹⁴ S/PV.3309, p. 3.

¹⁵ See case 2 above.

¹⁶ S/PV.3481, p. 2.

Part IV Secretariat (rules 21-26)

Note

Part IV relates to rules 21 to 26 of the provisional rules of procedure, which set out the specific functions and powers of the Secretary-General in connection

with the meetings of the Security Council.¹⁷ These rules reflect the provisions of Article 98 of the Charter insofar as they concern the requirements of the Security Council.

¹⁷ Under rule 24 the Secretary-General provides not only the staff required to service meetings of the Council, but also makes available staff for subsidiary organs of the Council both at Headquarters and in the field.

There were no special instances of the application of rules 21 to 26 during the period under review.

Instances where the Secretary-General was requested or authorized to carry out other functions are

dealt with in chapter VI (Relations with other United Nations organs).

Part V Conduct of business (rules 27-36)

Note

Part V sets out the cases bearing on rules 27 and 29 to 36. Material relating to rule 28 can be found in chapter V (Subsidiary organs of the Security Council). Material relating to rules 37 to 39 is more appropriately included in chapter III (Participation in the proceedings of the Security Council).

As in previous volumes of the *Repertoire*, the cases assembled here are indicative of the special problems or issues that arose in the application of the rules on the conduct of business, rather than the routine practice of the Council. They relate to such matters as:

- (a) Rule 27, on the order of intervention in the debate (case 5);
- (b) Rule 32, on the order of precedence of principal motions and draft resolutions, including requests for separate voting on parts of a motion or a draft resolution (cases 6 and 7);
- (c) Rule 33, on the suspension and adjournment of meetings (case 8).

During the period under review there were no special instances of the application of rules 27, 29, 30, 31, 34, 35 and 36.

The provisional rules of procedure of the Security Council do not contain a rule permitting the President to call speakers to order if their remarks are not relevant to the item under discussion, nor do they contain a provision for the “right of reply”.¹⁸ However, in three instances, during the period under review, representatives made references to their “right of reply”.¹⁹ In two of those instances, the President explicitly extended an invitation to a representative of

a State or of an Observer to exercise his “right of reply”.²⁰

Special cases concerning the application of rules 27-36

Rule 27

The President shall call upon representatives in the order in which they signify their desire to speak.

Case 5

At the 3607th meeting, held on 15 December 1995 in connection with the situation in the Republic of Bosnia and Herzegovina, the President of the Council (Russian Federation) stated that in view of the exceptional importance of the entry into force as soon as possible of the draft resolution under consideration at that meeting, members of the Council had agreed, in the course of its prior consultations, that the representatives of the three countries whose Presidents had signed in Paris the Peace Agreements on Bosnia and Herzegovina²¹ would speak first, followed by a vote on the draft resolution. The representatives of other countries that had expressed the desire to speak in the course of the discussion of the agenda item would then be called upon to speak. He expressed, on behalf of the Council members, the hope that Member States concerned would show understanding of the proposed procedure.²² Following the statements by the representatives of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), the President gave the floor to Council members who wished to speak before the vote. Following the vote, he gave the floor to those members

¹⁸ According to the practice in the Council, the terminology used is “to make a further statement”.

¹⁹ S/PV.3247, p. 113; S/PV.3370, p. 40; and S/PV.3536, p. 26.

²⁰ S/PV.3247, p. 113; and S/PV.3536, p. 26.

²¹ Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro).

²² S/PV.3607, p. 2.

who wished to make statements following the vote. He then gave the floor to non-members.

Rule 32

Principal motions and draft resolutions shall have precedence in the order of their submissions.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Case 6

At the 3351st meeting, held on 18 March 1994 in connection with the situation in the occupied Arab territories, the President of the Council (France) stated that a paragraph-by-paragraph vote on the draft resolution had been requested.²³ There was no objection. Following a separate vote on each paragraph, all paragraphs were adopted unanimously, except for preambular paragraphs 2 and 6, which were both adopted by 14 votes in favour and 1 abstention. In the absence of any objection, the draft resolution as a whole was adopted without a vote, as resolution 904 (1994). The representative of the United States of America stated that her delegation supported the operative paragraphs of the resolution just adopted. However, it had sought a paragraph-by-paragraph vote in order to record its objections to language introduced there. She stated that, had that language appeared in the operative paragraphs, her delegation would have exercised its veto. Instead, her Government had chosen to disavow the language and express its opposition by abstaining on the second and sixth preambular paragraphs.²⁴

Case 7

At the 3377th meeting, held on 16 May 1994 in connection with the situation concerning Rwanda, the President of the Council (Nigeria) stated that a separate vote on section B of the draft resolution had been requested.²⁵ There was no objection. Following a

²³ S/1994/280 (draft resolution submitted by Djibouti, on behalf of the non-aligned members of the Council, France, the Russian Federation, Spain and the United Kingdom).

²⁴ S/PV.3351, pp. 11-12.

²⁵ S/1994/571 (draft resolution submitted by the Czech Republic, France, the Russian Federation, Spain, the United Kingdom and the United States).

separate vote on section B of the draft resolution, that section was adopted by 14 votes in favour and 1 against.²⁶ The rest of the draft was then put to the vote and adopted unanimously. The President declared that since all of the sections of the draft resolution as orally revised in its provisional form had been adopted, the draft resolution as a whole had been adopted as resolution 918 (1994).

Rule 33

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

- 1. To suspend the meeting;*
- 2. To adjourn the meeting;*
- 3. To adjourn the meeting to a certain day or hour;*
- 4. To refer any matter to a committee, to the Secretary-General or to a rapporteur;*
- 5. To postpone discussion of the question to a certain day or indefinitely; or*
- 6. To introduce an amendment.*

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

Case 8

While there was no instance of a motion to suspend the meeting pursuant to rule 33 of the provisional rules of procedure, in one case the Security Council members, after consultations among themselves, decided to suspend the meeting in the absence of a delegation. At the 3594th meeting, held on 16 November 1995 in connection with the question concerning Haiti, the President of the Council (Oman), announced on behalf of the Council its decision to suspend the meeting in the absence of a delegation. However, this suspension lasted for four minutes and the meeting was promptly resumed.

²⁶ Rwanda voted against.

Part VI Languages (rules 41-47)

During the period under review, there were no special cases concerning the application of rules 41 to 47.

Part VII Publicity of meetings, records (rules 48-57)

Note

Rule 48 provides that, unless it decides otherwise, the Security Council shall meet in public.

In accordance with rule 49, the verbatim records of each meeting are made available in the working languages to the representatives on the Security Council, as well as to the representatives of any other States that participated in the meeting. A note is incorporated in copies of the record showing the time and date of distribution. Corrections are requested in writing, in quadruplicate, within three working days, to be submitted in the same language as the text to which they refer. These corrections are included, in the absence of any objection, in the *Official Record* of the meeting, which is printed and distributed as soon as possible after the time limit for correction.

During the period under review, the Security Council engaged in a discussion on rule 48 following a proposal made by France on the working methods of the Council (case 9).²⁷ In addition, through a note by the President of 30 June 1993 concerning the annual report of the Security Council to the General Assembly, the Council decided that henceforth, the draft report should be adopted at a public meeting of the Security Council.²⁸ Prior to the issuance of that note, the draft report had been adopted at a private meeting.

During the period under review, there were no special instances of the application of rules 49 to 54, 56 and 57.

The members of the Council continued to meet frequently in the format of informal consultations of the whole.

²⁷ S/1994/1279.

²⁸ S/26015, para. 5. For further discussion of the annual report of the Security Council, see chapter 6, part I, section E.

Special cases concerning the application of rules 48-57

Rule 48

Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

Case 9

By letter dated 9 November 1994 addressed to the Secretary-General,²⁹ the representative of France transmitted an aide-mémoire concerning the working methods of the Security Council. In his letter, he referred to the statement of the French Foreign Minister to the General Assembly in which he had expressed the wish for the Security Council to increase its reliance on public debate in reaching its decisions. The aide-mémoire set out the grounds for the French initiative and indicated the modalities through which it might be implemented. The proposal, aimed at ensuring greater transparency in the work of the Council, stipulated the addition of “two new cases in which the Council should meet in public”,³⁰ apart from the only case then applicable. To that end, France proposed that the Council should meet more often in public to hold:

(a) Orientation debates open to all Members of the Organization at a time when the Council was preparing to begin consideration of an important question;

(b) Public exchanges of views between members of the Council (where non-members of the Council could attend but not speak).

²⁹ S/1994/1279.

³⁰ *Ibid.*, annex, para. 3.

France identified rule 48 as being key to the problem and in that context believed that there should be “a dividing line between information, consultation and general exchanges of views, which should, in principle, remain public, and negotiation, the detailed preparation of a decision to be adopted, which is normally governed by other procedures”.³¹

At the 3483rd meeting, held on 16 December 1994³² on Security Council working methods and procedure, the representative of France, introduced the above-mentioned aide-mémoire. He observed that there was “a certain uneasiness in relations between the Security Council and Members of the United Nations”³³ due largely to the fact that informal consultations had become the Council’s characteristic working method, while public meetings, originally the norm, were increasingly rare and devoid of content. He stated that all of the Council’s work took place behind closed doors, without observers and without a written record, and viewed that practice as a dangerous departure which ran counter to rule 48. He stressed that public meetings were the rule and non-public meetings the exception. He noted that informal meetings were not real Council meetings, had no official existence, and were assigned no number. Yet, it was in those meetings that the Council’s work was carried out. He recommended that a balance should be restored between official meetings and informal consultations. He further stated that his delegation’s sole objective in having made the proposal before the Council was “to reinstate the conditions for that indispensable trust” between the Security Council and the Members of the United Nations.³⁴

The representative of the United Kingdom, while welcoming the opportunity to discuss the proposal on Security Council working methods, noted that the desire to enhance the flow of information and the exchange of views between the Security Council and the General Assembly lay behind the Council’s decision of June 1993 to establish an informal working group on documentation and other procedural matters. He stressed that that working group had met regularly

and a number of important steps had been taken following recommendations made by it.³⁵

The measures proposed by France were viewed by many representatives as being a step additional to those measures already taken by the Council towards reforming its working methods and achieving greater transparency.³⁶ The representative of Spain stated that the series of decisions taken by the Council were ultimately aimed at creating, in a pragmatic and flexible manner, greater transparency and flexibility in the work of the Council. All that led to an increase in the legitimacy and credibility of the Security Council in the eyes of Member States on whose behalf the Council acted, in accordance with Article 24 of the Charter and, ultimately, to greater effectiveness of its decisions.³⁷

Speakers at the meeting viewed positively the initiative of the Council to hold an open debate on the question of the working methods and procedure of the Security Council in order to consider the French proposal for more frequent open meetings of the Council, and many were supportive of the thrust of the French proposal,³⁸ although some delegations expressed some degree of caution.³⁹

There was broad agreement with France’s assessment of the need for more frequent open meetings of the Council, which would contribute to enhancing the transparency and efficiency of its work.⁴⁰ Concern was expressed by a number of representatives regarding the existing mechanisms for decision-making resorted to by the Council, which had

³¹ Ibid., para. 2.

³² This was the first time that the Council held an open meeting to discuss its working methods and procedure.

³³ S/PV.3483, p. 2.

³⁴ Ibid., pp. 2-3.

³⁵ Ibid., p. 3.

³⁶ Ibid., pp. 3-4 (United Kingdom); p. 5 (Brazil); p. 9 (Pakistan); p. 10 (New Zealand); p. 14 (Czech Republic); p. 15 (United States); p. 20 (Indonesia on behalf of the Non-Aligned Movement); p. 22 (Canada); pp. 23-24 (Japan); and p. 24 (Poland).

³⁷ Ibid., p. 8.

³⁸ Ibid., p. 4 (United Kingdom); p. 5 (China); p. 5 (Brazil); p. 7 (Oman); pp. 8-9 (Pakistan); p. 10 (New Zealand); p. 12 (Argentina); p. 13 (Djibouti); p. 14 (Czech Republic); p. 15 (Italy); p. 16 (Denmark on behalf of the Nordic countries); p. 17 (Turkey); p. 19 (Austria); p. 20 (Indonesia on behalf of the Non-Aligned Movement); p. 22 (Canada); p. 22 (Islamic Republic of Iran); p. 24 (Japan); p. 24 (Poland); and p. 25 (Australia).

³⁹ Ibid., pp. 6-7 (Nigeria); and p. 15 (United States).

⁴⁰ Ibid., statements by the United Kingdom, China, Brazil, Spain, New Zealand, Japan, Indonesia (on behalf of the Non-Aligned Movement) and Bosnia and Herzegovina.

resulted in such decisions being taken in informal consultations, in secrecy, without the Council having had the benefit of the views of the Members of the Organization, in particular, those States directly concerned with the situation before the Council. It was felt that open meetings would enable those States, in particular, to contribute effectively to the final outcome of the Council's deliberations on the issue, as well as provide an opportunity for an exchange of views between Council members and non-members.

In that regard, some representatives referred to Articles 31 and 32 of the Charter of the United Nations which provide for a State whose interests are affected or who is a party to a dispute before the Council to participate without vote in its discussions. They saw these Articles as mandating the participation in the Council's discussions by States affected by the issue before the Council. The representative of New Zealand stated, regarding Article 32, that there was no question of discretion, and that it was not a matter that the Security Council could refuse. The term "discussion" in that context implied participation in the formulation of the conclusions, and at "stages prior to finalization".⁴¹ The representative of Argentina stated that the existing practice of formal debates held after the adoption of decisions taken in informal consultations could harm the parties to the conflict, as they "must then delegate to another State — a member of the Council — the task of defending their position". He noted that the situation became worse when one party was a member of the Council and the other was not, and suggested that the situation could be remedied by inviting the parties to participate in the formal meetings and also, to a certain extent and with corresponding limitations, in the informal consultations.⁴² The representative of Australia stated that, in addition to the public meetings identified in the French proposal, there might be the need "to explore other, more flexible means for securing discussion and a level of participation of Member States especially affected by a situation under consideration by the Council, as envisaged under Article 31 of the Charter".⁴³

In referring to the need for consultations between the Council and non-members, the representative of Indonesia further cited Article 50 of the Charter which

confers upon a State confronted by special economic problems arising from the carrying out of preventive or enforcement measures taken against any State by the Council the right to consult with the Security Council with regard to a solution of those problems. He stated that the non-aligned countries wished to underscore the need to make Article 50 operational and, in that regard, it was necessary to institutionalize the consultations envisaged in that Article as well as to adopt other effective measures to enable non-members that had the right to do so to consult with the Council with regard to those problems.⁴⁴

There was also some dissatisfaction expressed regarding the procedure whereby Member States were afforded the opportunity to speak to the Council only after decisions had been taken in closed-door informal consultations. In that regard, a number of delegations stated that the public meetings should provide an opportunity for real dialogue. The open orientation debates at the early stage of consideration of a matter by the Council would provide an opportunity for Council members to hear the views of the general membership, in particular, those States most concerned.⁴⁵ Some speakers also saw open meetings in the context of ensuring accountability by the Council to Member States.⁴⁶

In supporting the need for more open meetings of the Council, a number of delegations cited Article 24 of the Charter which provides, inter alia, that the Security Council acts on behalf of the States Members of the United Nations. They saw this Article as requiring closer interaction between the Council and the general membership of the United Nations. The representative of Australia noted the necessity for the Council to be responsive to the views of Member States and saw Article 24 as envisaging "a two-way flow of information", not only from the Council to the wider membership but also into the Council from the

⁴⁴ Ibid., p. 20 (Indonesia on behalf of the Non-Aligned Movement).

⁴⁵ Ibid., for example, p. 7 (Nigeria); p. 7 (Oman); p. 10 (New Zealand); p. 12 (Argentina); p. 14 (Czech Republic); p. 16 (Denmark on behalf of the Nordic countries); p. 18 (Turkey); p. 20 (Indonesia on behalf of the Non-Aligned Movement); p. 22 (Islamic Republic of Iran); p. 22 (Canada); p. 25 (Australia); and p. 26 (Bosnia and Herzegovina).

⁴⁶ Ibid., p. 5 (China); p. 7 (Nigeria); p. 18 (Turkey); and p. 20 (Indonesia on behalf of the Non-Aligned Movement).

⁴¹ Ibid., p. 11.

⁴² Ibid., pp. 12-13.

⁴³ Ibid., p. 26.

whole community it served.⁴⁷ The representative of Indonesia stressed that reliance on public meetings in reaching decisions in the Council was of particular importance since, pursuant to Article 24, paragraph 1, of the Charter, the Council acted on behalf of the entire membership and was therefore accountable to it. He further noted the need for effective consultations with the general membership before decisions were taken that would be binding on them.⁴⁸

In addition to citing Article 24, the representative of Turkey also referred to Article 25, by which the Members of the United Nations had agreed to accept and carry out the decisions of the Security Council. He stated that the authority of the Security Council emanated from the fact that it acted on behalf of all the Members of the United Nations and, for that reason, it was essential that its decisions be in accord with the views of the general membership. He referred, further, to the provisions of paragraph 4 of Article 1 of the Charter which listed “harmonizing the actions of nations” as being among the purposes of the United Nations. He stated that a credible and workable mechanism for dialogue between the Council and the general membership should be devised.⁴⁹

Regarding the relationship between the Council and the General Assembly, the representative of Indonesia referred to Article 12 of the Charter, which governs that relationship in the context of the exercise by the Security Council of the functions assigned to it in the Charter. He stated that the provisions contained in Article 12 should be made more liberal and that, in that connection, the authority and credibility of the Council would profit from ascertaining that there was a broad consensus of the general membership of the United Nations, as represented in the General Assembly, on a particular course of action proposed by the Council.

A note of caution was sounded, however, that unless the proposed procedure for the more frequent convening of open meetings was carefully managed, there was the possibility that the idea of an open meeting prior to informal consultations could become counterproductive if it became an occasion for aggrieved parties to play out their differences and

thereby detract from the effective conduct of the business of the Council, whose primary objective was to advance the peaceful resolution of conflicts.⁵⁰

Several speakers underlined the importance of the format of informal consultations, in which a great part of the work of the Council was conducted, given the need for confidentiality in decision-making and in the achievement of consensus. They called for the retention of this format of meetings, and also highlighted the need to strike the right balance between official meetings and informal consultations,⁵¹ as well as between publicity and transparency on the one hand and effectiveness and efficiency on the other.⁵² There was some disagreement with the analysis contained in the French aide-mémoire that informal consultations had no official existence. The representative of New Zealand noted that to say that they have no legal existence did not, of itself, make that correct, and observed that informal consultations were listed under the *Journal* heading “scheduled meetings” and, further, that mandated legal action actually took place in those meetings.⁵³ The representative of Argentina stated that, strictly speaking, informal meetings were not actual meetings, although that view may be sustained from a purely formal and legalistic point of view. He also stated that the provisional rules of procedure of the Security Council, which were the norm, the standard, should always be interpreted in a reasonably broad way, particularly in the light of Article 30 of the Charter.⁵⁴

Regarding the determination of whether an open meeting should be convened, some delegations agreed with France that such a decision was to be made on a case-by-case basis,⁵⁵ with there being no automaticity in the convening of such meetings. While viewing the idea contained in France’s proposal as a further important step in the Security Council’s efforts to

⁴⁷ Ibid., p. 26.

⁴⁸ Ibid., p. 20 (Indonesia on behalf of the Non-Aligned Movement).

⁴⁹ Ibid., p. 18.

⁵⁰ Ibid., pp. 6-7 (Nigeria).

⁵¹ Ibid., p. 6 (Brazil); p. 8 (Spain); p. 9 (Pakistan); p. 10 (New Zealand); p. 12 (Argentina); p. 14 (Djibouti); p. 17 (Denmark); p. 19 (Austria); and p. 22 (Islamic Republic of Iran).

⁵² Ibid., p. 4 (United Kingdom); p. 10 (Pakistan); p. 15 (Czech Republic); p. 17 (Denmark on behalf of the Nordic countries); and p. 20 (Indonesia on behalf of the Non-Aligned Movement).

⁵³ Ibid., p. 10.

⁵⁴ Ibid., p. 12.

⁵⁵ Ibid., statements by the United Kingdom and the Czech Republic.

reform its working methods and procedures in order to make them more transparent, the representative of the United States recalled that it was important for the Council to proceed cautiously when it decided how to structure its consideration of each matter before it. The form of Council deliberations should not compromise its functions, which remained to achieve agreement in an expeditious manner on matters before it. With that proviso, that delegation looked forward to pursuing opportunities, on a case-by-case basis, to employ public meetings in the Council's consideration of its work.⁵⁶ An alternative view was expressed that automatically holding open meetings at the beginning of the consideration of a new issue, without

⁵⁶ Ibid., p. 15.

discrimination, should become a matter of course in the Council.⁵⁷

In a presidential statement issued at the conclusion of the meeting, the Security Council stated its intention, as part of its efforts to improve the flow of information and the exchange of ideas between members of the Council and other Member States, that there should be an increased recourse to open meetings, in particular at an early stage in its consideration of a subject.⁵⁸ The Council agreed that it would decide on a case-by-case basis when to schedule public meetings of that sort.

⁵⁷ Ibid., p. 11 (New Zealand).

⁵⁸ S/PRST/1994/81.

Chapter II

Agenda

Contents

	<i>Page</i>
Introductory note	17
Part I. The provisional agenda (rules 6-8 and 12)	18
Note	18
A. Preparation of the provisional agenda (rule 7)	18
B. Communication of the provisional agenda (rule 8)	19
Part II. Adoption of the agenda (rule 9)	19
Note	19
Part III. The agenda and matters of which the Security Council is seized (rules 10 and 11) ..	20
A. Continuation of discussion of agenda items (rule 10)	20
B. Retention and deletion of items from the list of matters of which the Security Council is seized (rule 11)	20

Introductory note

The present chapter concerns the interpretation and application of rules 6 to 12 of the provisional rules of procedure of the Security Council, relating to the agenda. The chapter is divided into three parts: part I, The provisional agenda (rules 6-8 and rule 12); part II, Adoption of the agenda (rule 9); and part III, The agenda and matters of which the Security Council is seized (rules 10 and 11).

Part I provides information concerning the circulation, preparation and communication of the provisional agenda (rules 6-8 and rule 12). No material was found requiring treatment under rules 6, 8 and 12. One case study is included concerning the preparation of the agenda under rule 7 (case 1).

Part II relates to material on the procedure and practice of the Security Council in connection with the adoption of the agenda.

Part III relates to the list of matters of which the Council is seized. Action was, however, taken by the Council during the period under review relating to rule 11. Section B contains two case studies on the deletion of items from the agenda of the Security Council (cases 2 and 3). The tables in section B supplement the tables contained in previous volumes of the *Repertoire* and indicate the changes that have since occurred in the list of matters of which the Security Council is seized.

Part I

The provisional agenda (rules 6-8 and 12)

Note

The provisional agenda, prepared by the Secretary-General and approved by the President of the Security Council in accordance with rule 7, includes those items that have been brought to the attention of the Council under rule 6. Under rule 6, “the Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter”. Effect is normally given to this rule by the distribution of communications as documents in the S/ series. During the period under review, there were no instances in which the question of circulation of communications arose. Communications from regional arrangements or agencies received pursuant to Article 54 of the Charter are also circulated in the S/ series of documents.

Rule 7 entrusts the drawing up of the provisional agenda for each meeting to the Secretary-General, subject to the approval of the President of the Security Council. The Secretary-General’s discretion with respect to the inclusion of new items is restricted to those items that have been brought to the attention of the Council under rule 6. In addition to the express provisions of rule 7, the Secretary-General also has to take into account whether a specific request to include the item has been made. During the period under review, there was one instance in which a Member State that had requested the consideration by the Council of an issue as a formal agenda item commented on its request in a subsequent meeting of the Security Council (case 1).

Rule 8 concerns communication of the provisional agenda and rule 12, paragraph 1, concerns such communication for periodic meetings.

A. Preparation of the provisional agenda (rule 7)

Rule 7

The provisional agenda for each meeting of the Security Council shall be drawn up by the Secretary-

General and approved by the President of the Security Council.

Only items which have been brought to the attention of the representatives on the Security Council in accordance with rule 6, items covered by rule 10, or matters which the Security Council had previously decided to defer, may be included in the provisional agenda.

Case 1

At the 3212th meeting, on 11 May 1993, the Council considered, inter alia, the question of non-compliance by the Democratic People’s Republic of Korea with the Agreement between itself and the International Atomic Energy Agency (IAEA) concerning the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.¹

At the outset of the meeting, the representative of the Democratic People’s Republic of Korea reminded the members of the Council that he had officially requested the Council, through its President, to consider the issue of the abuse of the Safeguards Agreement by IAEA at a meeting of the Security Council “if it is convened to consider the issues of implementation of the Safeguards Agreement between the Democratic People’s Republic of Korea and IAEA”.² He expressed the hope that his request would be “considered as a formal agenda item, in accordance with the relevant provisions of the United Nations Charter and the provisional rules of procedure of the Security Council”.³

¹ At its 3212th meeting, the Security Council considered this question under the item entitled “Letter dated 12 March 1993 from the Permanent Representative of the Democratic People’s Republic of Korea to the United Nations addressed to the President of the Security Council (S/25405); letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council (S/25445); note by the Secretary-General (S/25556)”.

² Letter addressed to the President of the Security Council by the representative of the Democratic People’s Republic of Korea (S/25747).

³ See S/PV.3212, p. 7.

During the period under review, the issue raised by the Democratic People's Republic of Korea was not considered as a formal agenda item by the Security Council.

B. Communication of the provisional agenda (rule 8)

Rule 8

The provisional agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

The provisional agenda for each ordinary meeting of the Security Council is drawn up by the Secretary-General and, after approval by the President, it is communicated to members at least three days before the meeting. In practice, however, in urgent circumstances, which are often the case, the provisional agenda may be communicated simultaneously with the notice of the meeting. In

addition, the provisional agenda is usually approved in advance in informal consultations and formally adopted at the meeting of the Council.

During the period under review, the practice of the Council with respect to its agenda evolved. In a note by the President of the Security Council dated 30 June 1993, the President noted that the members of the Security Council had agreed on a proposal to include the provisional agenda for formal meetings in the *Journal*, provided that it had been approved in informal consultations.⁴ In addition, by a presidential statement dated 4 November 1994, the President referred to the decision of the Council that "the time and venue of each meeting with members of the Council and troop-contributors to a peacekeeping operation should, where possible, appear in advance in the *Journal* of the United Nations".⁵ During the period under review, the Council also began the practice of posting the agenda of informal consultations in the *Journal*.

⁴ S/26015.

⁵ S/PRST/1994/62.

Part II Adoption of the agenda (rule 9)

Rule 9

The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda.

Note

During the period under review, there was no instance involving discussion by the Council regarding the adoption of the agenda. However, on a number of occasions the President of the Council made preliminary remarks before the adoption of the agenda. This was in accordance with past practice and included expressions of thanks, congratulations, tributes and expressions of sympathy.⁶

During the period under review, the Council considered ways of improving the list of matters of which it was seized (see part III of the present chapter). A note by the President of the Council dated 29 November 1993 addressed the issue of the phrasing of items on the agenda.⁷ It stated that the members of the Council had recalled "the desirability, whenever possible, of using descriptive formulations of agenda items at the time of their initial adoption to avoid having a number of

⁶ See, for instance, S/PV.3155, S/PV.3179, S/PV.3200, S/PV.3402, S/PV.3572 and S/PV.3589.

⁷ S/26812.

separate agenda items on the same subject. When such a descriptive formulation existed, consideration might be given to subsuming earlier agenda items on the same subject under the descriptive formulation”.⁸

⁸ See also S/PV. 3611. At its meeting held on 20 December 1995 to consider the item entitled “An agenda for peace: peacekeeping”, the Council considered a letter dated 8 December 1995 (S/1995/1025) from 34 Member States, including 9 members of the Security Council, in which they requested that a meeting be convened to examine specifically the issue of consultations between the Security Council and the troop-contributing countries in order to consider further measures to enhance arrangements for such consultations. The representative of Spain, commenting on the phrasing of the item, noted that the subject being discussed, curiously enough, did not explicitly appear in the agenda for that meeting.

Part III

The agenda and matters of which the Security Council is seized (rules 10 and 11)

A. Continuation of discussion of agenda items (rule 10)

Rule 10

Any item of the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting.

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connection with the adoption of the agenda. On a number of occasions, separate consecutive meetings were held on the same agenda item. In other instances, the meeting was suspended and resumed until the Council had completed that stage of its consideration of the item.⁹

⁹ See, for example, the 3168th meeting, on the situation in Angola, held on 29 January 1993, suspended and resumed on the same day; the 3282nd meeting on the question concerning Haiti, held on 23 September 1993, suspended and resumed on the same day; the 3454th meeting on the situation in the Republic of Bosnia and Herzegovina, held on 8 November 1994, suspended and resumed the following day; the 3492nd meeting on an agenda for peace, held on 18 January 1995, suspended and renewed the same day, then suspended again and resumed the following day; and the 3611th meeting on an agenda for peace: peacekeeping, held on 20 December 1995, suspended and resumed on the same day.

B. Retention and deletion of items from the list of matters of which the Security Council is seized (rule 11)

Rule 11

The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

In previous volumes of the *Repertoire*, it was noted that items on the agenda of the Council had remained on the Secretary-General’s “summary statement of matters of which the Security Council is seized” (rule 11) when the tenor of the Council’s discussion or its specific decisions revealed a continuing concern with the matter. Additional evidence supporting such retention was provided when the President of the Council announced, upon conclusion of the debate, that the Council remained seized of a question.

During the period under review, as part of the efforts to improve the documentation of the Security Council, the members of the Council reviewed the list of matters of which the Council was seized and decided to remove 105 items from that list after extensive consideration and appropriate consultation by the informal working group concerning the Council’s documentation and other procedural questions. This decision was conveyed in two notes by the President of the Council dated, respectively,

29 November 1993 and 28 July 1994.¹⁰ The note dated 29 November 1993 also stated, *inter alia*, that neither the removal of a matter from the list nor its retention carried any implication for the substance of the matter, and that the Council might at any time decide to include any matter in the agenda of a meeting of the Council, whether or not it was included in the list.

1. Proceedings of the Security Council regarding the retention and deletion of items from the list of matters of which it is seized

In practice, deletion of an item takes place following a request addressed to the Secretary-General by the Member States parties to the issue in question. Such a request is brought to the attention of the members of the Council in an informal communication seeking their consent to the deletion of the item. In the absence of any objection on the part of the members of the Council, the Secretary-General deletes the item in question from the annual list of matters of which the Council is seized. Items may also be deleted with the consent of the Council, on the initiative of the President or individual members of the Council or by a decision at the close of a debate.

The tables set out in subsection 2 of this part show that, during the period under review, the Council included 61 new items in the list of matters of which it was seized and deleted 108 items, including 105 items mentioned in the two notes by the President of the Security Council dated respectively 29 November 1993 and 28 July 1994. Of the deleted items, one was deleted by the Secretary-General, with the consent of the Council, pursuant to a request by a Member State.¹¹

Case 2

At its 3312th meeting, on 11 November 1993, the Security Council included in its agenda an item entitled "Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306,

S/23307, S/23308, S/23309 and S/23317)".¹² The President stated that, as agreed in the Council's prior consultations, the formulation of the item on the agenda which had just been adopted would overtake the two earlier formulations under which the same item had been discussed.¹³ Since those two items had been subsumed under the item just adopted, they would accordingly be deleted from the list of matters of which the Security Council was seized.

Case 3

At its 3393rd meeting, on 27 June 1994, the Council concluded its consideration of the agenda item entitled "The question of South Africa" and, in accordance with paragraph 4 of resolution 930 (1994), adopted at the same meeting, decided to remove that item from the list of matters of which the Council was seized.¹⁴

2. Retention and deletion of items from the list of matters of which the Security Council is seized

The tables contained in this section supplement those contained in the previous volumes of the *Repertoire* and indicate the changes that have occurred in the list of matters of which the Council is seized. Table A indicates items added to the list of matters of which the Council was seized during the period 1993-1995; table B indicates items appearing on previous lists for which new action by the Security Council was reported in the summary statements during that period; and table C indicates items deleted from the list during the same period.

¹² S/PV.3312.

¹³ *Ibid.*, p. 2. The two earlier formulations were: "Letters dated 20 and 23 December 1991" and "(a) Letters dated 20 and 23 December 1991; (b) Report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992); (c) Further report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992)".

¹⁴ S/PV.3393.

¹⁰ S/26812 and S/1994/896.

¹¹ Pursuant to the request contained in a letter dated 15 September 1993 from the Permanent Representative of Venezuela to the United Nations, the Secretary-General, with the consent of the Security Council, removed the item entitled "Letter dated 2 April 1992 from the Permanent Representative of Venezuela to the United Nations addressed to the President of the Security Council" (see S/1994/20, para. 5).

A. Items added to the list of matters of which the Security Council was seized during the period 1993-1995^a

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia	3163rd meeting 25 January 1993	S/25070/Add.4 4 February 1993	President issued a statement (S/PRST/1995/2) 3491st meeting 17 January 1995	
The situation in Angola ^b	3168th meeting 29 January 1993	S/25070/Add.4 4 February 1993	President issued a statement (S/PRST/1995/62) 3614th meeting 21 December 1995	
Further report of the Secretary-General pursuant to Security Council resolution 743 (1992) ^c	3174th meeting 19 February 1993	S/25070/Add.7 26 February 1993	Adopted resolution 807 (1993) 3174th meeting	
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3175th meeting 22 February 1993	S/25070/Add.8 8 March 1993	Letter dated 23 September 1994 from the President of the Security Council to the Secretary-General (S/1994/1090)	
The situation concerning Rwanda	3183rd meeting 12 March 1993	S/25070/Add.10 22 March 1993	Adopted resolution 1029 (1995) 3605th meeting 12 December 1995	
Report of the Secretary-General pursuant to Security Council resolution 807 (1993)	3189th meeting 30 March 1993	S/25070/Add.13 13 April 1993	Adopted resolution 815 (1993) 3189th meeting	
Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council	3204th meeting 28 April 1993	S/25070/Add.17 20 May 1993	Letter dated 17 September 1993 from the President of the Security Council to the President of the General Assembly (S/26466)	

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea addressed to the President of the Security Council; Letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council; Note by the Secretary-General	3212th meeting 11 May 1993	S/25070/Add.19 3 June 1993	Adopted resolution 825 (1993) 3212th meeting	
The question concerning Haiti ^d	3238th meeting 16 June 1993	S/25070/Add.24 6 July 1993	President issued a statement (S/PRST/1995/55) 3594th meeting 16 November 1995	
The situation in the former Yugoslav Republic of Macedonia	3239th meeting 18 June 1993	S/25070/Add.24 6 July 1993	Adopted resolution 1027 (1995) 3602nd meeting 30 November 1995	
Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia	3240th meeting 18 June 1993	S/25070/Add.24 6 July 1993	Letter dated 20 December 1993 from the President of the Security Council addressed to the Secretary-General (S/26905)	
Follow-up to resolution 817 (1993)	3243rd meeting 18 June 1993	S/25070/Add.14 21 April 1993	President issued a statement (S/PRST/1995/46) 3579th meeting 15 September 1995	
United States notification of 26 June 1993 measures against Iraq	3245th meeting 27 June 1993	S/25070/Add.26 9 July 1993	Concluded consideration of the item 3245th meeting	
United Nations Protection Force (UNPROFOR)	3248th meeting 30 June 1993	S/25070/Add.26 9 July 1993	President issued a statement (S/PRST/1995/40) 3568th meeting 19 August 1995	

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol	3256th meeting 20 July 1993	S/25070/Add.29 30 July 1993	President issued a statement (S/26118) 3256th meeting	
Conference on Security and Cooperation in Europe (CSCE) missions in Kosovo, Sandzak and Vojvodina, Federal Republic of Yugoslavia (Serbia and Montenegro)	3262nd meeting 9 August 1993	S/25070/Add.32 20 August 1993	Adopted resolution 855 (1993) 3262nd meeting	
The situation in Tajikistan and along the Tajik-Afghan border	3266th meeting 23 August 1993	S/25070/Add.34 3 September 1993	Adopted resolution 1030 (1995) 3606th meeting 14 December 1995	
The situation in Croatia	3275th meeting 14 September 1993	S/25070/Add.37 24 September 1993	President issued a statement (S/PRST/1995/63) 3615th meeting 22 December 1995	
Security of United Nations operations	3283rd meeting 29 September 1993	S/25070/Add.39 7 October 1993	Adopted resolution 868 (1993) 3283rd meeting	
Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America ^e	3312th meeting 11 November 1993	S/1994/20 20 January 1994	President issued a statement (S/PRST/1995/56) 22 November 1995	
Navigation on the Danube River in the Federal Republic of Yugoslavia (Serbia and Montenegro)	3290th meeting 13 October 1993	S/25070/Add.41 22 October 1993	Adopted resolution 992 (1995) 3533rd meeting 11 May 1995	
The situation in Burundi	3297th meeting 25 October 1993	S/25070/Add.43 4 November 1993	Letter dated 8 December 1995 from the President of the Security Council to the Secretary-General (S/1995/1023)	

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The situation in Afghanistan ^f	3330th meeting 24 January 1994	S/1994/20/Add.3 3 February 1994	President issued a statement (S/PRST/1994/77) 3474th meeting 30 November 1994	
Note by the Secretary-General; Note by the Secretary-General	3357th meeting 31 March 1994	S/1994/20/Add.12 8 April 1994	President issued a statement (S/PRST/1994/13) 3357th meeting	
Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	3363rd meeting 14 April 1994	S/1994/20/Add.23 20 June 1994	Adopted resolution 926 (1994) 3389th meeting 13 June 1994	
Note by the Secretary-General transmitting a letter dated 27 May 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General	3383rd meeting 30 May 1994	S/1994/20/Add.21 10 June 1994	President issued a statement (S/PRST/1994/28) 3383rd meeting	
The situation in the Republic of Yemen	3386th meeting 1 June 1994	S/1994/20/Add.21 10 June 1994	Letter dated 18 July 1994 from the President of the Security Council to the Secretary-General (S/1994/838)	
Presidency of the Security Council: rule 18 of the provisional rules of procedure of the Security Council	3420th meeting 25 August 1994	S/1994/20/Add.33 31 August 1994	President issued a statement (S/PRST/1994/55) 3426th meeting 16 September 1994	
An agenda for peace: peacekeeping	3448th meeting 4 November 1994	S/1994/20/Add.43 11 November 1994	President issued a statement (S/PRST/1994/62) 3448th meeting	

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Agreed framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea	3451st meeting 4 November 1994	S/1994/20/Add.43 11 November 1994	President issued a statement (S/PRST/1994/64) 3451st meeting	
Letter dated 2 November 1994 from the President of the Trusteeship Council addressed to the President of the Security Council	3455th meeting 10 November 1994	S/1994/20/Add.44 22 November 1994	Adopted resolution 956 (1994) 3455th meeting	S/1995/40 16 January 1995
The situation prevailing in and around the safe area of Bihac	3461st meeting 19 November 1994	S/1994/20/Add.45 29 November 1994	Adopted resolution 958 (1994) 3461st meeting	
Letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council	3480th meeting 14 December 1994	S/1994/20/Add.49 23 December 1994	Adopted resolution 967 (1994) 3480th meeting	
Security Council working methods and procedure: letter dated 9 November 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General	3483rd meeting 16 December 1994	S/1994/20/Add.49 23 December 1994	President issued a statement (S/PRST/1994/81) 3483rd meeting	
An Agenda for Peace	3492nd meeting 18 January 1995	S/1995/40/Add.2 25 January 1995	President issued a statement (S/PRST/1995/9) 3503rd meeting 22 February 1995	
The proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances	3514th meeting 11 April 1995	S/1995/40/Add.14 21 April 1995	Adopted resolution 984 (1995) 3514th meeting	

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Commemoration of the end of the Second World War in Europe	3532nd meeting 9 May 1995	S/1995/40/Add.18 19 May 1995	President issued a statement (see S/PV.3532) 3532nd meeting	
Navigation on the Danube River	3533rd meeting 11 May 1995	S/1995/40/Add.18 19 May 1995	Adopted resolution 992 (1995) 3533rd meeting	
Commemoration of the end of the Second World War in the Asia-Pacific region	3565th meeting 15 August 1995	S/1995/40/Add.32 26 August 1995	President issued a statement (see S/PV.3565) 3565th meeting	
The fiftieth anniversary of the United Nations	3583rd meeting 26 September 1995	S/1995/40/Add.38 4 October 1995	President issued a statement (S/PRST/1995/48) 3583rd meeting	
The situation in the former Yugoslavia	3585th meeting 6 October 1995	S/1995/40/Add.39 11 October 1995	Adopted resolutions 1021 (1995) and 1022 (1995) 3595th meeting 22 November 1995	
The situation in Sierra Leone	3597th meeting 27 November 1995	S/1995/40/Add.47 8 December 1995	President issued a statement (S/PRST/1995/57) 3597th meeting	

^a Recurring items such as the admission of new Members, the appointment or reappointment of the Secretary-General, the consideration of the report of the Security Council to the General Assembly and the election of a member of the International Court of Justice, are included in the agenda of the Council only when they lead to a decision; they are usually considered and concluded within a relatively short period of time (see table B).

^b For previous consideration of this item, see S/25070, items 147, 161, 172, 199, 202, 203 and 207.

^c See "United Nations Protection Force (UNPROFOR)".

^d For previous consideration of this item, see S/25070, item 163.

^e This subject was previously considered under two items (see footnote 13 above).

^f For previous consideration of this item, see S/25070, item 146.

B. Items that appeared in previous volumes of the *Repertoire* on which new action by the Security Council was reported in summary statements issued during the period 1993-1995

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The situation in the Republic of Bosnia and Herzegovina	3113th meeting 9 September 1992	S/23370/Add.36 ^a 14 September 1992	Adopted resolution 1035 (1995) 3613th meeting 21 December 1995	
The situation in the Middle East	1341st meeting 24 May 1967	S/7913 29 May 1967	Letter dated 8 December 1995 from the President of the Security Council to the Secretary-General (S/1995/1023)	
The situation in the occupied Arab territories	1916th meeting 4 May 1976	S/11935/Add.18 11 May 1976	Failed to adopt draft resolution S/1995/394 3538th meeting 17 May 1995	
An Agenda for peace: preventive diplomacy, peacemaking and peacekeeping	3089th meeting 30 June 1992	S/23370/Add.26 27 July 1992	President issued a statement (S/PRST/1995/61) 3609th meeting 19 December 1995	
The situation between Iraq and Kuwait	2932nd meeting 2 August 1990	S/21100/Add.30 10 August 1990	Letter dated 26 October 1995 from the President of the Security Council to the Secretary-General (S/1995/886)	
The situation in Georgia	3121st meeting 8 October 1992	S/23370/Add.40 12 October 1992	President issued a statement (S/PRST/1995/39) 3567th meeting 18 August 1995	
Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	3033rd meeting 21 January 1992	S/23370/Add.3 7 February 1992	Adopted resolution 883 (1993) 3312th meeting 11 November 1993	

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Central America: efforts towards peace	2871st meeting 27 July 1989	S/20370/Add.29 3 August 1989	Adopted resolution 991 (1995) 3528th meeting 28 April 1995	
The situation in Cambodia	2941st meeting 20 September 1990	S/21100/Add.37 26 October 1990	Adopted resolution 880 (1993) 3303rd meeting 4 November 1993	
The situation relating to Nagorny-Karabakh	3072nd meeting 12 May 1992	S/23370/Add.19 15 June 1992	President issued a statement (S/PRST/1995/21) 3525th meeting 26 April 1995	
The situation in Liberia	2974th meeting 22 January 1991	S/22110/Add.3 and Corr.1 1 February 1991	Letter dated 16 November 1995 from the President of the Security Council to the Secretary-General (S/1995/960)	
The situation in Cyprus	1779th meeting 16 July 1974	S/11185/Add.28 24 July 1974	Adopted resolution 1032 (1995) 3608th meeting 19 December 1995	
The question of South Africa ^b	1988th meeting 21 March 1977	S/12269/Add.12 31 March 1977	Adopted resolution 930 (1994) 3393rd meeting 27 June 1994	S/1995/40 16 January 1995
The situation in Mozambique	3123rd meeting 13 October 1992	S/23370/Add.41 19 October 1992	President issued a statement (S/PRST/1994/80) 3479th meeting 14 November 1994	
The situation concerning Western Sahara	1849th meeting 20 October 1975	S/11593/Add.42 29 October 1975	Adopted resolution 1033 (1995) 3610th meeting 19 December 1995	
The situation in Somalia	3060th meeting 17 March 1992	S/23370/Add.11 27 March 1992	Letter dated 2 June 1995 from the President of the Security Council to the Secretary-General (S/1995/452)	

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Admission of new Members^c				
Slovakia	3155th meeting 7 January 1993	S/25070/Add.1 14 January 1993	Adopted resolution 800 (1993) and President issued a statement (S/25069) 3157th meeting 8 January 1993	S/25070/Add.1 14 January 1993
Czech Republic	3156th meeting 7 January 1993	S/25070/Add.1 14 January 1993	Adopted resolution 801 (1993) and President issued a statement (S/25071) 3158th meeting 8 January 1993	S/25070/Add.1 14 January 1993
The former Yugoslav Republic of Macedonia	3195th meeting 6 April 1993	S/25070/Add.14 21 April 1993	Adopted resolution 817 (1993) and President issued a statement (S/25545) 3196th meeting 7 April 1993	S/25070/Add.14 21 April 1993
Eritrea	3215th meeting 25 May 1993	S/25070/Add.21 23 June 1993	Adopted resolution 828 (1993) and President issued a statement (S/25847) 3218th meeting 26 May 1993	
Monaco	3216th meeting 25 May 1993	S/25070/Add.21 23 June 1993	Adopted resolution 829 (1993) and President issued a statement (S/25848) 3219th meeting 26 May 1993	
Andorra	3250th meeting 7 July 1993	S/25070/Add.27 15 July 1993	Adopted resolution 848 (1993) and President issued a statement (S/26054) 3251st meeting 8 July 1993	
Palau	3468th meeting 29 November 1994	S/1994/20/Add.477 December 1994	Adopted resolution 963 (1994) and President issued a statement (S/PRST/1994/73) 3469th meeting 29 November 1994	S/1994/20/Add.47 7 December 1994

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
International Court of Justice^d				
Date of an election to fill a vacancy in the International Court of Justice	3170th meeting 4 February 1993	S/25070/Add.5 11 February 1993	Adopted resolution 805 (1993) 3170th meeting	S/25070/Add.5 11 February 1993
Election of a member of the International Court of Justice	3209th meeting 10 May 1993	S/25070/Add.19 3 June 1993	Recommended one candidate to fill vacancy 3209th meeting	S/25070/Add.19 3 June 1993
Election of five members of the International Court of Justice	3309th meeting 10 November 1993	S/25070/Add.45 22 November 1993	Recommended 5 candidates to fill vacancies 3309th, 3310th and 3311th meetings 10 November 1993	S/25070/Add.45
Date of an election to fill a vacancy in the International Court of Justice	3443rd meeting 21 October 1994	S/1994/20/Add.417 February 1995	Adopted resolution 951 (1994) 3443rd meeting	S/1995/40 16 January 1995
Election of a member of the International Court of Justice	3493rd meeting 26 January 1995	S/1995/40/Add.3 6 February 1995	Recommended one candidate to fill vacancy 3493rd meeting	S/1995/40/Add.3 6 February 1995
Date of an election to fill a vacancy in the International Court of Justice	3507th meeting 9 March 1995	S/1995/40/Add.9 14 March 1995	Adopted resolution 979 (1995) 3507th meeting	S/1995/40/Add.9 14 March 1995
Date of an election to fill a vacancy in the International Court of Justice	3510th meeting 22 March 1995	S/1995/40/Add.113 1 March 1995	Adopted resolution 980 (1995) 3510th meeting	
Election of a member of the International Court of Justice	3546th meeting 21 June 1995	S/1995/40/Add.243 0 June 1995	Recommended one candidate to fill a vacancy 3546th meeting	
Election of a member of the International Court of Justice	3552nd meeting 12 July 1995	S/1995/40/Add.271 1 January 1996	Recommended one candidate to fill a vacancy 3552nd meeting	
Date of an election to fill a vacancy in the International Court of Justice	3590th meeting 7 November 1995	S/1995/40/Add.441 7 November 1995	Adopted resolution 1018 (1995) 3590th meeting	

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Consideration of the draft report of the Security Council to the General Assembly^e				
Consideration of the draft report covering the period 16 June 1992-15 June 1993	3294th meeting 19 October 1993	S/25070/Add.42 29 October 1993	Adopted draft report 3294th meeting	S/25070/Add.42 29 October 1993
Consideration of the draft report covering the period 16 June 1993-15 June 1994	3440th meeting 18 October 1994	S/1994/20/Add.41 7 February 1995	Adopted draft report 3440th meeting	S/1995/40 16 January 1995
Consideration of the draft report covering the period 16 June 1994-15 June 1995	3593rd meeting 13 November 1995	S/1995/40/Add.45 22 November 1995	Adopted draft report 3593rd meeting	S/1995/40/Add.45 22 November 1995

^a The summary statement also contains one or more references to previous consideration of a related item.

^b By resolution 930 (1994) the Council concluded its consideration of the item and removed the item from the list of matters of which it was seized.

^c During the period under review, the Council completed consideration of seven applications for membership; see also chapter VII.

^d While Security Council action related to the International Court of Justice does not comprise an item of which the Council is seized, such action is described in introductory material in the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration. It is included in this table for the convenience of the reader.

^e While action related to consideration by the Security Council of its draft report to the General Assembly is not listed as an item of which the Council is seized, Council action related to such consideration is described in introductory material in the summary statement by the Secretary-General. It is included in this table for the convenience of the reader.

C. Items that were deleted from the list of matters of which the Security Council was seized during the period 1993-1995^a

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The question of South Africa ^b	1988th meeting 21 March 1977	S/12269/Add.12 31 March 1977	Adopted resolution 930 (1994) 3393rd meeting 27 June 1994	S/1995/40 16 January 1995
The general regulation and reduction of armaments ^c	88th meeting 31 December 1946	S/238 3 January 1947	Dissolved Commission for Conventional Armaments	S/1995/40 16 January 1995
Information on the armed forces of the United Nations ^c	89th meeting 7 January 1947	S/246 10 January 1947	571st meeting 30 January 1952	

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The Egyptian question	159th meeting 17 July 1947	S/425 18 July 1947	Failed to take action 201st meeting 10 September 1947	S/1994/20 20 January 1994
Voting procedure in the Security Council	197th meeting 27 August 1947	S/533 29 August 1947	President made a statement 452nd meeting 18 October 1949	S/1994/20 20 January 1994
The Czechoslovak question	268th meeting 17 March 1948	S/700 22 March 1948	Considered draft resolution S/782 305th meeting 26 May 1948	S/1994/20 20 January 1994
Identical notifications dated 29 September 1948	362nd meeting 5 October 1948	S/1029 7 October 1948	Failed to adopt draft resolution (S/1048) 372nd meeting 25 October 1948	S/1994/20 20 January 1994
International Control of Atomic Energy	445th meeting 15 September 1949	S/1394 21 September 1949	Adopted resolution 74 (1949), and failed to adopt draft resolution S/1391/Rev.1 447th meeting 16 September 1949	S/1994/20 20 January 1994
Complaint of armed invasion of Taiwan (Formosa)	492nd meeting 29 August 1950	S/1774 7 September 1950	Failed to adopt draft resolutions S/1757 and S/1921 530th meeting 30 November 1950	S/1994/20 20 January 1994
Complaint of bombing by air forces of the territory of China	493rd meeting 31 August 1950	S/1774 7 September 1950	Failed to adopt draft resolutions S/1752 and S/1745/Rev.1 501st meeting 12 September 1950	S/1994/20 20 January 1994
Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	577th meeting 18 June 1952	S/2679 23 June 1952	Failed to adopt draft resolution S/2663 583rd meeting 26 June 1952	S/1994/20 20 January 1994

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Question of a request for investigation of alleged bacterial warfare	581st meeting 23 June 1952	S/2687 1 July 1952	Failed to adopt draft resolution S/2688 590th meeting 9 July 1952	S/1994/20 20 January 1994
Letter dated 29 May 1954 from the Acting Permanent Representative of Thailand addressed to the President of the Security Council	672nd meeting 3 June 1954	S/3224 8 June 1954	Failed to adopt draft resolution S/3229 674th meeting 18 June 1954	S/1994/20 20 January 1994
Cablegram dated 19 June 1954 from the Minister of External Relations of Guatemala addressed to the President of the Security Council	675th meeting 20 June 1954	S/3257 29 June 1954	Failed to adopt draft resolution S/3236/Rev.1 Adopted resolution 104 (1954) 675th meeting	S/1994/20 20 January 1994
Letter dated 8 September 1954 from the representative of the United States addressed to the President of the Security Council	679th meeting 10 September 1954	S/3289 13 September 1954	Adjourned to meet again upon request of any delegation 680th meeting 10 September 1954	S/1994/20 20 January 1994
Letter dated 28 January 1955 from the representative of New Zealand addressed to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China; letter dated 30 January 1955 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning the question of acts of aggression by the United States against the People's Republic of China in the area of Taiwan and other islands of China	689th meeting 31 January 1955	S/3359 7 February 1955	Postponed consideration of the matter 691st meeting 14 February 1955	S/1994/20 20 January 1994

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	734th meeting 26 September 1956	S/7382 5 July 1966	Adopted resolution 118 (1956) 743rd meeting 4 November 1956	S/1994/20 20 January 1994
Actions against Egypt by some Powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations	734th meeting 26 September 1956	S/7382 5 July 1966	Rejected motion ^d 734th meeting	S/1994/20 20 January 1994
The situation in Hungary	746th meeting 28 October 1956	S/7382 5 July 1966	Failed to adopt draft resolution S/3730/Rev.1 Adopted resolution 120 (1956) 754th meeting 4 November 1956	S/1994/20 20 January 1994
Military assistance rendered by the Egyptian Government to the rebels in Algeria	747th meeting 29 October 1956	S/7382 5 July 1966	Council agreed that it would be left for the incoming President of the Security Council to schedule the date for the next meeting 747th meeting	S/1994/20 20 January 1994
Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council	750th meeting 30 October 1956	S/3738 6 November 1956	Adopted resolution 119 (1956) 751st meeting 31 October 1956	S/1994/20 20 January 1994

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Complaint of the representative of the Union of Soviet Socialist Republics in a letter to the President of the Security Council dated 18 April 1958 entitled: "Urgent measures to put an end to flights by United States military aircraft with atomic and hydrogen armed bombs in the direction of the frontiers of the Soviet Union"	813th meeting 21 April 1958	S/3996 28 April 1958	Failed to adopt draft resolutions S/3995 and S/3997 817th meeting 2 May 1958	S/1994/20 20 January 1994
Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted by a note from the Permanent Mission of Laos to the United Nations, 4 September 1959	847th meeting 7 September 1959	S/4220 21 September 1959	Adopted resolution 132 (1959) 848th meeting 7 September 1959	S/1994/20 20 January 1994
Letter dated 25 March 1960 from the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, the Philippines, Saudi Arabia, the Sudan, Thailand, Tunisia, Turkey, the United Arab Republic and Yemen addressed to the President of the Security Council ^e	851st meeting 30 March 1960	S/4301 4 April 1960	Adopted resolution 134 (1960) 856th meeting 1 April 1960	S/1995/40 16 January 1995

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Cable dated 18 May 1960 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the President of the Security Council	857th meeting 23 May 1960	S/4329 31 May 1960	Failed to adopt draft resolution S/4321 860th meeting 26 May 1960	S/1994/20 20 January 1994
Letter dated 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia addressed to the President of the Security Council ^f	861st meeting 26 May 1960	S/4329 31 May 1960	Adopted resolution 135 (1960) 863rd meeting 27 May 1960	S/1994/20 20 January 1994
Letter dated 13 July 1960 from the Secretary-General to the United Nations addressed to the President of the Security Council ^g	873rd meeting 13 and 14 July 1960	S/4391 18 July 1960	Adopted resolution 169 (1961) 982nd meeting 24 November 1961	S/1994/20 20 January 1994
Letter dated 26 May 1961 addressed to the President of the Security Council by the representatives of Afghanistan, Burma, Cambodia, Cameroon, the Central African Republic, Ceylon, Chad, the Congo (Brazzaville), the Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, the Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, the Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, the Philippines, Saudi Arabia, Senegal, Somalia, the Sudan, Togo, Tunisia, the United Arab Republic, the Upper Volta, Yemen and Yugoslavia ^h	950th meeting 6 June 1961	S/7382 5 July 1966	Adopted resolution 163 (1961) 950th meeting	S/1995/40 16 January 1995

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 21 November 1961 from the Permanent Representative of Cuba addressed to the President of the Security Council	980th meeting 22 November 1961	S/5008 30 November 1961	Decided to retain the item on the agenda 983rd meeting 28 November 1961	S/1994/20 20 January 1994
Letter dated 22 October 1962 from the Permanent Representative to the United States of America addressed to the President of the Security Council; Letter dated 23 October 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council; Letter dated 23 October 1962 from the Deputy Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council	1022nd meeting 23 October 1962	S/5201 31 October 1962	Adjournment of meeting pending outcome of Secretary-General's appeal 1025th meeting 25 October 1962	S/1994/20 20 January 1994
Telegram dated 5 May 1963 from the Minister for Foreign Affairs of the Republic of Haiti to the President of the Security Council	1035th meeting 8 May 1963	S/5313 13 May 1963	Postponed indefinitely 1036th meeting 9 May 1963	S/1994/20 20 January 1994
Reports of the Secretary-General to the Security Council concerning developments relating to Yemen	1037th meeting 10 June 1963	S/5334 17 June 1963	Adopted resolution 179 (1963) 1039th meeting 11 June 1963	S/1994/20 20 January 1994
Question concerning the situation in Territories under Portuguese administration	1040th meeting 22 July 1963	S/5377 30 July 1963	Adopted resolution 322 (1972) 1674th meeting 17 November 1972	S/1995/40 16 January 1995
The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa ⁱ	1040th meeting 22 July 1963	S/5377 30 July 1963	Adopted resolution 311 (1972) 1638th and 1639th meetings 4 February 1972	S/1995/40 16 January 1995

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 10 January 1964 from the Permanent Representative of Panama addressed to the President of the Security Council ^j	1086th meeting 10 January 1964	S/5513 13 January 1964	Decided to authorize the President to address an appeal to the Governments of the United States and Panama 1086th meeting	S/1994/20 20 January 1994
Letter dated 1 April 1964 from the Deputy Permanent Representative of Yemen, Chargé d'affaires a.i., addressed to the President of the Security Council ^k	1106th meeting 2 April 1964	S/5645 6 April 1964	Adopted resolution 188 (1964) 1111th meeting 9 April 1964	S/1994/20 20 January 1994
Complaint concerning acts of aggression against the territory and civilian population of Cambodia	1118th meeting 19 May 1964	S/5716 25 May 1964	Adopted resolution 189 (1964) 1126th meeting 4 June 1964	S/1994/20 20 January 1994
Letter dated 4 August 1964 from the Permanent Representative of the United States of America to the President of the Security Council	1140th meeting 5 August 1964	S/5891 13 August 1964	Decided that President will hold consultations with members of the Council in order to reach a general understanding 1141st meeting 7 August 1964	S/1994/20 20 January 1994
Letter dated 1 December 1964 addressed to the President of the Security Council from the representatives of Afghanistan, Algeria, Burundi, Cambodia, the Central African Republic, the Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, the Sudan, Tanzania, Uganda, the United Arab Republic, Yugoslavia and Zambia; Letter dated 9 December	1170th meeting 9 December 1964	S/6107 14 December 1964	Adopted resolution 199 (1964) 1189th meeting 30 December 1964	S/1994/20 20 January 1994

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
1964 from the representative of the Democratic Republic of the Congo addressed to the President of the Security Council ^l				
Letter dated 1 May 1965 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council ^m	1196th meeting 3 May 1965	S/6342 10 May 1965	President issued a statement 1233rd meeting 28 July 1965	S/1994/20 20 January 1994
Letter dated 31 January 1966 from the Permanent Representative of the United States of America addressed to the Security Council ⁿ	1271st meeting 1 February 1966	S/7117 7 February 1966	Adjourned the meeting 1273rd meeting 2 February 1966	S/1994/20 20 January 1994
Letter dated 2 August 1966 from the Deputy Permanent Representative of the United Kingdom addressed to the President of the Security Council ^o	1296th meeting 4 August 1966	S/7452 8 August 1966	President made a statement 1300th meeting 16 August 1966	S/1994/20 20 January 1994
The situation in Namibia ^p	1387th meeting 25 January 1968	S/8367 30 January 1968	President issued a statement (S/20974) 2893rd meeting 20 November 1989	S/1995/40 16 January 1995
Letter dated 25 January 1968 from the Permanent Representative of the United States of America addressed to the President of the Security Council ^q	1388th meeting 26 January 1968	S/8367 30 January 1968	Postponed consideration 1389th meeting 27 January 1968	S/1994/20 20 January 1994
Letter dated 21 May 1968 from the Permanent Representative ad interim of Haiti addressed to the President of the Security Council ^r	1427th meeting 27 May 1968	S/8612 3 June 1968	Adjourned the meeting 1427th meeting	S/1994/20 20 January 1994

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 12 June 1968 from the Permanent Representative of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council ^s	1430th meeting 17 June 1968	S/8652 25 June 1968	Adopted resolution 255 (1968) 1433rd meeting 19 June 1968	S/1994/20 20 January 1994
Letter dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council ^t	1441st meeting 21 August 1968	S/8778 26 August 1968	Adjourned the meeting 1445th meeting 24 August 1968	S/1994/20 20 January 1994
Complaint by Zambia	1486th meeting 18 July 1969	S/9346 22 July 1969	Note by the President of the Security Council dated 12 December 1979 (S/13685)	S/1995/40 16 January 1995
Letter dated 18 August 1969 from the Permanent Representative of the United States of America to the President of the Security Council ^u	1505th meeting 27 August 1969	S/9427 25 August 1969	Council decided to establish a committee of experts to study the question 1506th meeting 29 August 1969	S/1994/20 20 January 1994
Complaint by Guinea: letter dated 4 December 1969 from the Chargé d'affaires a.i. of Guinea addressed to the President of the Security Council	1522nd meeting 15 December 1969	S/9577 22 December 1969	President issued a statement 1603rd meeting 30 November 1971	S/1994/20 20 January 1994
The question of initiating periodic meetings of the Security Council in accordance with Article 28, paragraph 2, of the Charter	1544th meeting 12 June 1970	S/9837 16 June 1970	President issued a statement 1544th meeting	S/1994/20 20 January 1994

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The situation created by increasing incidents involving hijacking of commercial aircraft	1552nd meeting 9 September 1970	S/9937 14 September 1970	Adopted resolution 286 (1970) 1552nd meeting	S/1994/20 20 January 1994
Request of the Organization of African Unity concerning the holding of meetings of the Council in an African capital	1625th meeting 11 January 1972	S/10513 18 January 1972	Adopted resolution 308 (1972) 1626th meeting 19 January 1972	S/1994/20 20 January 1994
Consideration of questions relating to Africa of which the Security Council is currently seized and implementation of its relevant resolutions	1628th meeting 28 January 1972	S/10531 1 February 1972	President issued a statement 1639th meeting 4 February 1972	S/1994/20 20 January 1994
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America on conformity with the provisions and principles of the Charter	1695th meeting 15 March 1973	S/10855/Add.11 22 March 1973	Adopted resolution 330 (1973) 1704th meeting 21 March 1973	S/1994/20 20 January 1994
Relationship between the United Nations and South Africa	1796th meeting 18 October 1974	S/11185/Add.41 24 October 1974	Failure to adopt draft resolution S/11543 1808th meeting 30 October 1974	S/1994/20 20 January 1994
Communications from France and Somalia concerning the incident of 4 February 1976	1889th meeting 18 February 1976	S/11935/Add.7 25 February 1976	Adjourned meeting 1889th meeting	S/1994/20 20 January 1994
Complaint by Kenya, on behalf of the Group of African States at the United Nations, concerning the act of aggression committed by South Africa against the People's Republic of Angola	1900th meeting 26 March 1976	S/11935/Add.12 31 March 1976	Adopted resolution 387 (1976) 1906th meeting 31 March 1976	S/1995/40 16 January 1995

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Situation in South Africa: killings and violence by the apartheid regime in South Africa in Soweto and other areas	1929th meeting 18 June 1976	S/11935/Add.24 24 June 1976	Adopted resolution 392 (1976) 1930th meeting 19 June 1976	S/1995/40 16 January 1995
Complaint by Zambia against South Africa	1944th meeting 27 July 1976	S/11935/Add.30 5 August 1976	Adopted resolution 466 (1980) 2211th meeting 11 April 1980	S/1995/40 16 January 1995
Complaint by Lesotho against South Africa	1981st meeting 21 December 1976	S/11935/Add.51 30 December 1976	Adopted resolution 407 (1977) 2009th meeting 25 May 1977	S/1995/40 16 January 1995
Complaint by Angola against South Africa	2077th meeting 5 May 1978	S/12520/Add.17 11 May 1978	Adopted resolution 606 (1987) 2778th meeting 23 December 1987	S/1995/40 16 January 1995
Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea addressed to the President of the Security Council	2108th meeting 11 January 1979	S/13033/Add.1 1 February 1979	Failed to adopt draft resolution S/13027 2112th meeting 15 January 1979	S/1994/20 20 January 1994
The situation in South-East Asia and its implications for international peace and security	2114th meeting 23 February 1979	S/13033/Add.7 5 March 1979	Failed to adopt draft resolution S/13162 2129th meeting 16 March 1979	S/1994/20 20 January 1994
Letters dated 13 June 1979 and 15 June 1979 from the Permanent Representative of Morocco addressed to the President of the Security Council	2151st meeting 20 June 1979	S/13033/Add.24 26 June 1979	Postponed further consideration of the item 2154th meeting 25 June 1979	S/1994/20 20 January 1994
Letter dated 25 November 1979 from the Secretary-General addressed to the President of the Security Council	2172nd meeting 27 November 1979	S/13033/Add.48 12 December 1979	Adopted resolution 457 (1979) 2178th meeting 4 December 1979	S/1994/20 20 January 1994

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 22 December 1979 from the Permanent Representative of the United States of America addressed to the President of the Security Council	2182nd meeting 29 December 1979	S/13033/Add.50 28 December 1979	Failed to adopt draft resolution S/13735 2191st meeting 13 January 1980	S/1994/20 20 January 1994
Letter dated 3 January 1980 from the representatives of Australia, the Bahamas, Bahrain, Bangladesh, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Germany (Federal Republic of), Greece, Haiti, Honduras, Iceland, Indonesia, Italy, Japan, Liberia, Luxembourg, Malaysia, the Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Philippines, Portugal, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Suriname, Sweden, Thailand, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela regarding Afghanistan addressed to the President of the Security Council	2185th meeting 5 January 1980	S/13737 11 January 1980	Adopted resolution 462 (1980) resumed 2190th meeting 9 January 1980	S/1994/20 20 January 1994

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 1 September 1980 from the Permanent Representative of Malta addressed to the President of the Security Council	2246th meeting 4 September 1980	S/13737/Add.35 10 September 1980	Deferred further consideration of the item pending consultation with members of the Council 2246th meeting	S/1994/20 20 January 1994
Complaint by Seychelles	2314th meeting 15 December 1981	S/14326/Add.50 29 December 1981	Note by the President of the Security Council dated 31 October 1982 (S/15473)	S/1995/40 16 January 1995
Letter dated 19 March 1982 from the Permanent Representative of Nicaragua addressed to the Secretary-General	2335th meeting 25 March 1982	S/14840/Add.12 5 April 1982	Failed to adopt draft resolution S/14941 2347th meeting 2 April 1982	S/1994/20 20 January 1994
Letter dated 1 April 1982 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the President of the Security Council	2345th meeting 1 April 1982	S/14840/Add.13 12 April 1982	Adopted resolution 502 (1982) 2350th meeting 3 April 1982	S/1994/20 20 January 1994
Letter dated 31 March 1982 from the President of the Republic of Kenya enclosing a letter dated 18 March 1982 from the President of the Republic of Chad to the President of the Security Council	2358th meeting 30 April 1982	S/14840/Add.17 6 May 1982	Adopted resolution 504 (1982) 2358th meeting	S/1995/40 16 January 1995
Question concerning the situation in the region of the Falklands Islands (Islas Malvinas)	2360th meeting 21 May 1982	S/14840/Add.20 1 June 1982	Failed to adopt draft resolution S/15156/Rev.2 2373rd meeting 4 June 1982	S/1994/20 20 January 1994
Letter dated 16 March 1983 from the Permanent Representative of Chad addressed to the President of the Security Council	2419th meeting 22 March 1983	S/15560/Add.12 31 March 1983	President issued a statement (S/15688) 2430th meeting 6 April 1983	S/1995/40 16 January 1995

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 22 March 1983 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2420th meeting 23 March 1983	S/15560/Add.12 31 March 1983	President issued a statement 2427th meeting 29 March 1983	S/1994/20 20 January 1994
Letter dated 5 May 1983 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2431st meeting 9 May 1983	S/15560/Add.19 20 May 1983	Adopted resolution 530 (1983) 2437th meeting 19 May 1983	S/1994/20 20 January 1994
Letter dated 2 August 1983 from the Permanent Representative of Chad addressed to the President of the Security Council	2462nd meeting 3 August 1983	S/15560/Add.31 15 August 1983	Adopted agenda and heard statements 2469th meeting 31 August 1983	S/1995/40 16 January 1995
Letter dated 12 September 1983 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2477th meeting 13 September 1983	S/15560/Add.37 27 September 1983	Adopted agenda and heard statement 2477th meeting	S/1994/20 20 January 1994
The situation in Grenada	2487th meeting 25 October 1983	S/15560/Add.43 4 November 1983	Failed to adopt draft resolution S/16077/Rev.1 2491st meeting 27 October 1983	S/1995/40 16 January 1995
Letter dated 3 February 1984 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua addressed to the President of the Security Council	2513th meeting 3 February 1984	S/16270/Add.4 7 February 1984	Adopted agenda and heard statements 2513th meeting	S/1994/20 20 January 1994
Letter dated 18 March 1984 from the Permanent Representative of the Sudan addressed to the President of the Security Council	2520th meeting 27 March 1984	S/16270/Add.12 4 April 1984	Adopted agenda and heard statements 2521st meeting	S/1994/20 20 January 1994

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 29 March 1984 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2525th meeting 30 March 1984	S/16270/Add.12 4 April 1984	Failed to adopt draft resolution S/16463 2529th meeting 4 April 1984	S/1994/20 20 January 1994
Letter dated 4 September 1984 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the President of the Security Council	2557th meeting 7 September 1984	S/16270/Add.35 27 September 1984	Adopted agenda and heard statements 2557th meeting	S/1994/20 20 January 1994
Letter dated 9 November 1984 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2562nd meeting 9 November 1984	S/16270/Add.44 15 November 1984	Adopted agenda and heard statements 2562nd meeting	S/1994/20 20 January 1994
Letter dated 28 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Chad addressed to the President of the Security Council	2567th meeting 30 January 1985	S/16880/Add.4 13 February 1985	Adopted agenda and heard statements 2567th meeting	S/1995/40 16 January 1995
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2577th meeting 8 May 1985	S/16880/Add.18 20 May 1985	Adopted resolution 562 (1985) 2580th meeting 10 May 1985	S/1994/20 20 January 1994
Letter dated 17 June 1985 from the Permanent Representative of Botswana addressed to the President of the Security Council	2598th meeting 21 June 1985	S/16880/Add.24 9 June 1985	Adopted resolution 568 (1985) 2599th meeting 21 June 1985	S/1995/40 16 January 1995

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 26 September 1985 from the Permanent Representative of Botswana addressed to the President of the Security Council	2609th meeting 30 September 1985	S/16880/Add.39 6 November 1985	Adopted resolution 572 (1985) 2609th meeting	S/1995/40 16 January 1995
Letter dated 6 December 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua addressed to the President of the Security Council	2633rd meeting 10 December 1985	S/16880/Add.49 19 December 1985	Adopted agenda and heard statements 2633rd meeting	S/1994/20 20 January 1994
Letter dated 16 December 1985 from the Permanent Representative of the United States of America addressed to the President of the Security Council	2637th meeting 18 December 1985	S/16880/Add.50 31 December 1985	Adopted resolution 579 (1985) 2637th meeting	S/1994/20 20 January 1994
The situation in Southern Africa	2652nd meeting 5 February 1986	S/17725/Add.5 18 February 1986	Adopted agenda and heard statements 2686th meeting 23 May 1986	S/1995/40 16 January 1995
Letter dated 27 June 1986 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2694th meeting 1 July 1986	S/17725/Add.26 16 July 1986	Adopted agenda and heard statements 2694th meeting	S/1994/20 20 January 1994
Letter dated 22 July 1986 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2700th meeting 29 July 1986	S/17725/Add.30 11 August 1986	Failed to adopt draft resolution S/18250 2703rd meeting 31 July 1986	S/1995/40 16 January 1995

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 17 October 1986 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2715th meeting 21 October 1986	S/17725/Add.42 31 October 1986	Adopted agenda and heard statements 2718th meeting 28 October 1986	S/1995/40 16 January 1995
Letter dated 13 November 1986 from the Permanent Representative of Chad addressed to the President of the Security Council	2721st meeting 18 November 1986	S/17725/Add.46 26 November 1986	Adopted agenda and heard statements 2721st meeting	S/1995/40 16 January 1995
Letter dated 9 December 1986 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2728th meeting 10 December 1986	S/17725/Add.49 23 December 1986	Failed to adopt draft resolution S/18428 2718th meeting 28 October 1986	S/1994/20 20 January 1994
Letter dated 11 March 1988 from the Permanent Representative of Argentina addressed to the President of the Security Council	2800th meeting 17 March 1988	S/19420/Add.11 25 March 1988	Adopted agenda and heard statements 2800th meeting	S/1994/20 20 January 1994
Letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua addressed to the President of the Security Council	2802nd meeting 18 March 1988	S/19420/Add.11 25 March 1988	Adopted agenda and heard statements 2802nd meeting	S/1994/20 20 January 1994
The situation relating to Afghanistan	2828th meeting 31 October 1988	S/19420/Add.44 8 November 1988	Adopted resolution 622 (1988) 2828th meeting	S/1994/20 20 January 1994
Letter dated 25 April 1989 from the Permanent Representative of Panama addressed to the President of the Security Council	2861st meeting 28 April 1989	S/20370/Add.16 2 May 1989	Adopted agenda, heard statements, and adjourned without scheduling a date for a next meeting 11 August 1989	S/1994/20 20 January 1994

Repertoire of the Practice of the Security Council

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
The question of hostage-taking and abduction	2872nd meeting 31 July 1989	S/20370/Add.30 3 August 1989	President issued a statement and Council adopted resolution 638 (1989) 2872nd meeting	S/1994/20 20 January 1994
Letter dated 27 November 1989 from the Permanent Representative of El Salvador addressed to the President of the Security Council; Letter dated 28 November 1989 from the Permanent Representative of Nicaragua addressed to the President of the Security Council	2896th meeting 30 November 1989	S/20370/Add.47 14 December 1989	President issued a statement (S/21011) 2897th meeting 8 December 1989	S/1994/20 20 January 1994
The situation in Panama	2899th meeting 20 December 1989	S/20370/Add.50 12 January 1990	Failed to adopt draft resolution S/21048 2902nd meeting 23 December 1989	S/1994/20 20 January 1994
Letter dated 7 December 1990 from the President of the Trusteeship Council addressed to the President of the Security Council	2972nd meeting 22 December 1989	S/21100/Add.50 26 October 1990	Adopted resolution 683 (1990) 2972nd meeting	S/1994/20 20 January 1994
Letters dated 20 and 23 December 1991 ^v	3033rd meeting 21 January 1992	S/23370/Add.3 7 February 1992	Adopted resolution 731 (1992) 3312th meeting 11 November 1993	S/1994/20 20 January 1994
(a) Letters dated 20 and 23 December 1991 ^v	3063rd meeting 31 March 1992	S/23370/Add.13 21 April 1992	Adopted resolution 748 (1992) 3063rd meeting	S/1994/20 20 January 1994
(b) Report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992)				
(c) Further report by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992)				

<i>Items</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1995</i>	<i>Final entry in summary statement as at 31 December 1995</i>
Letter dated 2 April 1992 from the Permanent Representative of Venezuela addressed to the President of the Security Council ^w	3064th meeting 2 April 1992	S/23370/Add.13 21 April 1992	President issued statement (S/23772) 3064th meeting	S/1994/20 20 January 1994

^a These items, with the exception of the question of South Africa, were deleted as part of the Security Council's effort to improve the documentation of the Council.

^b See table B, footnote b.

^c Combined in summary statement of 14 February 1947 (S/279) in accordance with the Security Council's decision to deal with the two items together.

^d To consider this item simultaneously with the item on the Suez Canal above.

^e This question was considered under the item "Question relating to the situation in the Union of South Africa".

^f Also entitled "Question of relations between the great Powers".

^g Also entitled "The Congo question".

^h This question was considered under the item "Question relating to Angola".

ⁱ Previously entitled "Question relating to the policies of apartheid of the Government of the Republic of South Africa".

^j Also entitled "Question relating to the Panama Canal Zone".

^k Also entitled "Complaint by Yemen".

^l Also entitled "Question concerning the Democratic Republic of the Congo".

^m Also entitled "The situation in the Dominican Republic".

ⁿ Also entitled "Question concerning the situation in Viet-Nam".

^o Also entitled "Question relating to the frontier between Yemen and the Federation of South Arabia".

^p Previously entitled "The question of South West Africa".

^q Also entitled "Complaint by the United States of America concerning the *U.S.S. Pueblo*".

^r Also entitled "Complaint by Haiti".

^s Also entitled "Question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

^t Also entitled "Question concerning Czechoslovakia".

^u The question of "Micro-States".

^v Items subsumed under the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America".

^w This item was deleted from the list by the Secretary-General with the consent of the Security Council, pursuant to the request contained in a letter dated 15 September 1993 from the Permanent Representative of Venezuela.

Chapter III

Participation in the proceedings of the Security Council

Contents

	<i>Page</i>
Introductory note	55
Part I. Basis of invitations to participate	56
Note	56
A. Invitations extended under rule 37 (States Members of the United Nations)	56
B. Invitations extended under rule 39 (members of the Secretariat or other persons) ..	56
C. Invitations not expressly extended under rule 37 or rule 39	57
D. Requests for invitations denied or not acted upon	58
Part II. Procedures relating to participation	59
Note	59
Limitations on participation	59
Annexes	
I. Invitations extended under rule 37	60
II. Invitations extended under rule 39	68
III. Invitations not expressly extended under rule 37 or rule 39	70

Introductory note

This chapter deals with the Security Council's practice in extending invitations to participate in its proceedings. Part I concerns the basis on which invitations were extended. Part II concerns procedures relating to the participation of invited States and individuals after an invitation has been extended.

Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure of the Security Council provide for invitations to be extended to non-members of the Security Council in the following circumstances: (a) when a Member of the United Nations brings a dispute or situation to the attention of the Council in accordance with Article 35 (1) of the Charter (rule 37); (b) when a Member of the United Nations or a State that is not a member of the United Nations is "a party to a dispute" (Article 32); (c) when the interests of a Member of the United Nations are "specially affected" (Article 31 and rule 37); and (d) when "members of the Secretariat or other persons" are invited to supply information or give other assistance (rule 39). Only in the second instance ((b) above) does the Security Council have an obligation to extend an invitation.

In practice, in extending invitations, the Council has continued to refrain from referring explicitly to the relevant Charter articles. It has continued to make no distinction between a complaint involving a "dispute" within the meaning of Article 32, a "situation", or a matter of another nature. Invitations during the period 1993-1995 were usually extended "under the relevant provisions of the Charter" and either rule 37 or rule 39 of the Council's provisional rules of procedure. The classification of invitations in part I reflects this practice. It is based on the relevant rules of procedure where this was indicated. Those instances in which the Council decided to extend invitations to participate in its proceedings without pronouncing itself on the basis for such invitations are treated separately. Part II, on procedures relating to participation, includes two cases related, respectively, to the duration of participation and to limitations on a matter to be discussed by invited representatives.

Part I

Basis of invitations to participate

Note

The Council's practice in connection with the extension of invitations is dealt with in this part in four sections. Section A deals with invitations extended under rule 37 of the Council's provisional rules of procedure, which was the basis on which Member States not members of the Council were invited to participate in the Council's proceedings. The section describes the Council's general practice in this regard. Section B considers the Council's practice in extending invitations under rule 39. This was the basis on which "members of the Secretariat or other persons" were invited to provide the Council with information or other assistance. The category "members of the Secretariat" is self-explanatory. The section focuses, therefore, on identifying the "other persons" invited to participate under rule 39. They included the following: (1) representatives of United Nations organs, subsidiary bodies, and agencies;¹ (2) representatives of regional and other international organizations; and (3) other individuals.

Section C concerns those invitations that were not expressly extended under either rule 37 or rule 39. Such invitations were issued to two individuals. This practice is described in two case studies. Section D relates to requests for invitations denied or not acted upon and includes three case studies.

A. Invitations extended under rule 37 (States Members of the United Nations)

Rule 37

Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that

Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

During the period under consideration, States Members of the United Nations not members of the Security Council that were invited to participate in the Council's proceedings were usually invited "under the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure", without explicit reference being made to the relevant Charter articles.

In practice, such invitations are usually extended as a matter of course and without discussion. They are requested in letters from the State concerned addressed to the President of the Council. The President informs the Council at the beginning or during the course of its meetings of the receipt of such letters and proposes that, with the consent of the Council, the invitations be extended. Usually, there being no objection, it is so decided. A table showing invitations extended under rule 37 is contained in annex I to the present chapter.

B. Invitations extended under rule 39 (members of the Secretariat or other persons)

Rule 39

The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

During the period under review, the Security Council continued its practice of extending invitations under rule 39 to a wide range of individuals to participate in its proceedings, to brief it on issues under consideration. During this period, members of the Secretariat were invited on three occasions to participate and to give explanatory statements in connection with the item entitled "Consideration of the

¹ The term "agencies" is used broadly in the present context to include specialized agencies, United Nations funds and programmes and affiliated autonomous organizations, such as the International Atomic Energy Agency.

draft report of the Security Council to the General Assembly".²

The "other persons" invited to participate under rule 39 included the following:

- (a) Representatives of United Nations organs, subsidiary bodies or agencies;¹
- (b) Representatives of regional or other international organizations;
- (c) Other individuals.

These invitations are recorded in annex II.

Some general aspects of the Council's practice under rule 39 may be noted. Invitations to representatives of subsidiary bodies were extended as a matter of course and without any formal discussion. Letters of request from the body concerned were read into the record of the meeting by the President of the Council and were not issued as official documents of the Security Council. In the case of invitations to representatives of regional or other international organizations, the requests were made by a Member State on behalf of the proposed participant, and invariably granted without any formal discussion. Other individuals, too, were invited at the request of a Member State with the exception of Mr. Cyrus Vance, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, who was invited directly by the President (Pakistan) with the consent of the Council.

C. Invitations not expressly extended under rule 37 or rule 39

During the period under review, there were several instances of the Council extending an invitation to participate in its proceedings without referring to either rule 37 or 39: it did so in inviting the Permanent Observer of Palestine (case 1); and Ambassador Djokic and Mr. Jovanovic, both representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro), at a time when that State was not a Member of the United

² During the period under review, the following members of the Secretariat were invited to make an explanatory statement: the Assistant Secretary-General for Political Affairs and the Director of the Security Council Affairs Division; see S/PV.3294, S/PV.3440 and S/PV.3593.

Nations (case 2).³ Invitations not expressly extended under rule 37 or rule 39 are recorded in annex III.

Case 1

At the 3340th meeting, held on 28 February 1994 to consider the situation in the occupied Arab territories, the President informed the Council that he had received a letter dated 26 February 1994 from the Permanent Observer of Palestine to the United Nations requesting that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to participate in the debate.⁴ The President stated that he proposed, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the debate "in accordance with the rules of procedure and previous practice" in that regard. There being no objection, it was so decided. Previously, such requests had been explicitly granted "not under rule 37 or rule 39, but with the same rights of participation as under rule 37", a formula which had led to a procedural vote in each instance. Invitations were thereafter extended, throughout the period under review, to the Permanent Observer of Palestine, on his direct request and "in accordance with the rules of procedure and previous practice" in that regard.

Case 2

At the 3174th meeting, held on 19 February 1993 in connection with the situation in Bosnia and Herzegovina, the President (Morocco) stated that he had received a request dated 19 February 1993 from

³ By its resolution 777 (1992) of 19 September 1992, the Security Council stated that it considered that the State formerly known as the Socialist Federal Republic of Yugoslavia had ceased to exist; and that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. The Council therefore recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly. On 22 September 1992, the General Assembly adopted resolution 47/1 by which it decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership and that it should not participate in the work of the General Assembly.

⁴ S/1994/232.

Ambassador Dragomir Djokic to address the Council. He continued: "With the consent of the Council, I would propose to invite him to address the Council in the course of the discussion of the item before it".⁵ The representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) sat behind the nameplate "Yugoslavia".⁶ During the period under consideration, subsequent invitations to the representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Dragomir Djokovic and Mr. Vladislav Jovanovic, to participate in the Council's discussion were extended on the basis of the same formula. On a number of occasions, the representatives of Bosnia and Herzegovina and Croatia, respectively, expressed doubts and discontent about the right granted to the Federal Republic of Yugoslavia to participate in the Council's discussions.⁷

D. Requests for invitations denied or not acted upon

No request from a Member State for an invitation to participate in the proceedings of the Security Council was formally denied during the period under consideration. However, such requests were not acted upon in circumstances where the Security Council had discussed the agenda item in the course of prior consultations (case 3) or did not hold a formal meeting pursuant to a request of a Member State (case 4) or had agreed that no statements would be delivered during the discussion of an item (case 6). In another instance, Member States did not press their respective requests for invitations, following an appeal by the President of the Security Council (case 5).

⁵ S/PV.3174, p. 2.

⁶ The Legal Counsel stated in his explanatory letter (A/47/485, annex) that General Assembly resolution 47/1 "neither terminates nor suspends Yugoslavia's membership in the Organization. Consequently, the seat and nameplate remain as before, but in Assembly bodies representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot sit behind the sign Yugoslavia ... The resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies".

⁷ See S/PV. 3336 (Resumption 3), pp. 245-247 (Bosnia and Herzegovina); S/PV.3367, p. 56 (Bosnia and Herzegovina); and S/PV.3434, p. 4 (Croatia).

Case 3

By a letter dated 27 May 1994 addressed to the President of the Security Council,⁸ the representative of Uganda requested that an urgent meeting of the Security Council be convened and that he be permitted to make a statement in connection with the situation in Rwanda. The Council convened its 3388th meeting on 8 June 1994, on the item entitled "The situation concerning Rwanda" for the purpose of voting on a draft resolution that had been prepared in the course of the Council's prior consultations. At that meeting, the Council proceeded directly to the vote, without debate, and consequently only Council members spoke, in explanation of vote. The draft resolution was adopted as resolution 925 (1994), by which the Council, *inter alia*, extended the mandate of the United Nations Assistance Mission in Rwanda (UNAMIR) and agreed to the deployment of the expanded UNAMIR. The request by the representative of Uganda to make a statement was not acted upon as he was not invited to participate in the formal meeting of the Council.

Case 4

By a letter dated 1 December 1995 addressed to the President of the Security Council,⁹ the representative of Afghanistan brought to the attention of the Security Council information concerning the latest situation in Kabul City pursuant to Article 35 of the Charter and requested the President to urgently convene a meeting of the Security Council to address that critical situation. Furthermore, in accordance with rule 38 of the provisional rules of procedure of the Security Council, he requested "that the delegation of the Islamic State of Afghanistan be given an opportunity to address the Council". During the period under review, the Security Council did not formally convene to discuss the issue. The letter was recorded in the report of the Security Council to the General Assembly covering the period from 16 June 1995 to 15 June 1996.¹⁰

Case 5

At the 3235th meeting, held on 11 June 1993 to consider the situation in Cyprus, the President (Spain) stated that he had received requests to participate in the

⁸ S/1994/648.

⁹ S/1995/1004.

¹⁰ A/51/2.

meeting. However, those making the requests had responded to his appeal on behalf of the members of the Council and had agreed not to press their requests on that occasion, without prejudice to their right to request to participate in future meetings. No statements were made during that meeting, which concluded with the adoption of a draft resolution on the extension of the mandate of the United Nations Peacekeeping Force in Cyprus.¹¹

Case 6

By a letter dated 31 May 1994 addressed to the President of the Security Council,¹² the representative

of Qatar requested a “meeting of the Security Council to discuss the situation in Yemen and the resulting tragic loss in civilian lives”. In a subsequent letter dated 1 June 1994,¹³ the representative of Qatar referred to his letter of 1 June 1994 addressed to the President of the Security Council in which he had requested to be allowed to participate, under article 37 of the provisional rules of procedure of the Security Council, in the discussion of the item entitled “The situation in Yemen”. In that letter, he transmitted the text of a statement which he had intended to deliver at the 3386th meeting “since the members of the Council agreed that no statements would be delivered during the discussion.”¹³

¹¹ Resolution 839 (1993).

¹² S/1994/639.

¹³ S/1994/651.

Part II Procedures relating to participation

Note

Part II is concerned with procedures relating to the participation of invited States or individuals after an invitation has been extended. During the period under review, there was no discussion by the Council concerning the stage at which those invited to participate are heard. The Council has generally followed the practice whereby the parties to the conflict situation under consideration speak first, immediately after the adoption of the agenda. With respect to the question of limitations on participation, there are two express limitations to the participation of non-members of the Security Council. Articles 31 and 32 of the Charter of the United Nations and rule 37 of the Council’s provisional rules of procedure provide that the participation of non-members is without vote. Rule 38 stipulates that United Nations Members may submit proposals and draft resolutions but they will be put to the vote only at the request of a member of the Council.

Limitations on participation

During the period under review, no discussion arose regarding the question of duration of participation of those invited to participate. The practice was generally maintained whereby the President, when consideration of a question extended over several meetings, renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.

Annex I

Invitations extended under rule 37

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Turkey	3159th	8 January 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3160th	8 January 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3164th	25 January 1993
The situation in Angola	Angola, Cuba, Guinea-Bissau, Mozambique, Namibia, Portugal, Zaire, Zimbabwe, Nigeria	3168th	29 January 1993
The situation in Georgia	Georgia	3169th	29 January 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3173rd	17 February 1993
Further report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/25264 and Corr.1)	Croatia	3174th	19 February 1993
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	Bosnia and Herzegovina	3175th	22 February 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3176th	24 February 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3177th	25 February 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3180th	3 March 1993
The situation in Angola	Angola	3182nd	12 March 1993
The situation concerning Rwanda	Angola	3183rd	12 March 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3186th	25 March 1993
The situation in Liberia	Liberia	3187th	26 March 1993
The situation in Somalia	Somalia	3188th	26 March 1993
Report of the Secretary-General pursuant to Security Council resolution 807 (1993) (S/25470 and Add.1)	Croatia	3189th	30 March 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3191st	31 March 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3192nd	3 April 1993
The situation relating to Nagorny-Karabakh	Azerbaijan	3194th	12 April 1993

Chapter III. Participation in the proceedings of the Security Council

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
The situation in Mozambique	Mozambique, Portugal	3198th	14 April 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina	3199th	16 April 1993
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3200th	17 April 1993
The situation in the Republic of Bosnia and Herzegovina	Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, Comoros, Croatia, Denmark, Ecuador, Egypt, Germany, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jordan, Lithuania, Malaysia, Malta, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Sweden, Turkey, Ukraine, United Arab Emirates	3201st	19 April 1993
The situation in the Republic of Bosnia and Herzegovina	Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, Comoros, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Germany, Indonesia, Iran (Islamic Republic of Iran), Ireland, Italy, Jordan, Lithuania, Malaysia, Malta, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Sweden, Turkey, Ukraine, United Arab Emirates	3202nd	20 April 1993
The situation in Nagorny-Karabakh	Armenia, Azerbaijan	3205th	30 April 1993
The situation in Angola	Angola	3206th	30 April 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina	3208th	6 May 1993
Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council (S/25405);	Democratic People's Republic of Korea, Republic of Korea	3212th	11 May 1993

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
Letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council (S/25445); Note by the Secretary-General (S/25556)			
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia: Report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993) (S/25704 and Add.1)	Bosnia and Herzegovina, Croatia	3217th	25 May 1993
The situation in Angola: Further report of the Secretary-General on the United Nations Angola Verification Mission II (UNAVEM II) (S/25840 and Add.1)	Angola, Portugal	3226th	1 June 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina, Turkey	3228th	4 June 1993
The situation prevailing in and adjacent to the United Nations protected areas in Croatia	Croatia	3231st	8 June 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina	3234th	10 June 1993
The question concerning Haiti: Letter dated 7 June 1993 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council (S/25958)	Bahamas, Canada, Haiti	3238th	16 June 1993
The situation in the Republic of Bosnia and Herzegovina: Report of the Secretary-General pursuant to Security Council resolution 836 (1993) (S/25939 and Corr.1 and Add.1)	Bosnia and Herzegovina	3241st	18 June 1993
The situation concerning Rwanda: Interim report of the Secretary-General on Rwanda (S/25810 and Add.1)	Rwanda	3244th	22 June 1993

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
United States notification of 26 June 1993 measures against Iraq: Letter dated 26 June 1993 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/26003)	Iraq	3245th	27 June 1993
The situation in the Republic of Bosnia and Herzegovina	Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Comoros, Costa Rica, Croatia, Egypt, Estonia, Indonesia, Iran (Islamic Republic of), Jordan, Latvia, Libyan Arab Jamahiriya, Malaysia, Senegal, Slovenia, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates	3247th	29 June 1993
The situation in the Republic of Bosnia and Herzegovina	Ukraine	3247th	29 June 1993
United Nations Protection Force (UNPROFOR): Report of the Secretary-General pursuant to Security Council resolution 815 (1993) (S/25777 and Corr.1 and Add.1); further report of the Secretary-General pursuant to Security Council resolution 815 (1993) (S/25993)	Croatia	3248th	30 June 1993
The situation in Georgia: Report of the Secretary-General on the situation in Abkhazia, Republic of Georgia (S/26023 and Add.1 and 2)	Georgia	3252nd	9 July 1993
The situation in Mozambique: Report of the Secretary-General on the United Nations Operation in Mozambique (S/26034)	Mozambique	3253rd	9 July 1993
The situation in Angola: Further report of the Secretary-General on the United Nations Angola Verification Mission II (UNAVEM II) (S/26060 and Add.1 and 2)	Angola, Egypt, Namibia, Portugal, United Republic of Tanzania, Zambia, Zimbabwe	3254th	15 July 1993

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol: Letters dated 13 and 16 July 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/26075 and S/26100); Letter dated 19 July 1993 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/26109)	Ukraine	3256th	20 July 1993
The situation in the Republic of Bosnia and Herzegovina: Letter dated 19 July 1993 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/26107)	Bosnia and Herzegovina	3257th	22 July 1993
The situation in Georgia: Letter dated 4 August 1993 from the Secretary-General addressed to the President of the Security Council (S/26254)	Georgia	3261st	6 August 1993
The situation in Liberia: Further report of the Secretary-General on Liberia (S/26200)	Benin, Egypt, Liberia, Nigeria	3263rd	10 August 1993
The situation relating to Nagorny-Karabakh: Letter dated 17 August 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council (S/26318); Letter dated 17 August 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/26319); Letter dated 18 August 1993 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/26322)	Azerbaijan	3264th	18 August 1993

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
The situation in Tajikistan and along the Tajik-Afghan border: Report of the Secretary-General on the situation in Tajikistan (S/26311)	Tajikistan	3266th	23 August 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina	3269th	24 August 1993
The situation in Mozambique: Report of the Secretary-General on the United Nations Operation in Mozambique (S/26385 and Add.1)	Mozambique	3274th	13 September 1993
The situation in Croatia	Croatia	3275th	14 September 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina	3276th	14 September 1993
The situation in Angola: Further report of the Secretary-General on the United Nations Angola Verification Mission II (UNAVEM II) (S/26434 and Add.1)	Angola, Egypt, Nigeria, Portugal	3277th	15 September 1993
The situation in Georgia: Letter dated 17 September 1993 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/26462)	Georgia	3279th	17 September 1993
The situation in Somalia: Further report of the Secretary-General submitted in pursuance of paragraph 18 of resolution 814 (1993) (S/26317)	Somalia	3280th	22 September 1993
The situation in Liberia: Report of the Secretary-General on Liberia (S/26422 and Add.1)	Liberia	3281st	22 September 1993
United Nations Protection Force (UNPROFOR): Report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/26470 and Add.1)	Bosnia and Herzegovina, Croatia	3286th	4 October 1993

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
The situation in Cambodia: Further report of the Secretary-General on the implementation of Security Council resolution 745 (1992) (S/26529)	Australia, Cambodia, Thailand	3287th	5 October 1993
The situation in Rwanda: Report of the Secretary-General on Rwanda (S/26488 and Add.1)	Rwanda	3288th	5 October 1993
The question concerning Haiti: Report of the Secretary-General (S/26573)	Barbados, Belize, Dominica, Grenada, Haiti, Saint Vincent and the Grenadines	3291st	13 October 1993
The question concerning Haiti	Canada, Haiti	3293rd	16 October 1993
The situation in Georgia: Letter dated 13 October 1993 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/26576)	Georgia	3295th	19 October 1993
The situation in Burundi: Letter dated 25 October 1993 from the Permanent Representative of Cape Verde to the United Nations, the Chargé d'affaires a.i. of the Permanent Mission of Djibouti to the United Nations and the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/26625); Letter dated 25 October 1993 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council (S/26626); Letter dated 25 October 1993 from the Permanent Representative of Zimbabwe to the United Nations addressed to the President of the Security Council (S/26630)	Burundi, Egypt, Mali, Zimbabwe	3297th	25 October 1993
The situation in Mozambique	Mozambique	3300th	29 October 1993

Chapter III. Participation in the proceedings of the Security Council

<i>Item</i>	<i>State invited</i>	<i>Meeting</i>	<i>Date</i>
The situation in Angola: Further report of the Secretary-General on the United Nations Angola Verification Mission II (UNAVEM II) (S/26644)	Angola	3302nd	1 November 1993
The situation in Georgia: Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/26646 and Add.1)	Georgia	3304th	4 November 1993
The situation in Mozambique: Report of the Secretary-General on the United Nations Operation in Mozambique (S/26666 and Add.1)	Mozambique	3305th	5 November 1993
The situation in the Republic of Bosnia and Herzegovina	Bosnia and Herzegovina	3308th	9 November 1993
Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)	Egypt, Libyan Arab Jamahiriya, Sudan	3312th	11 November 1993
The situation relating to Nagorny Karabakh: Letter dated 26 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the President of the Security Council (S/26647); Letter dated 27 October 1993 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/26650); Letter dated 28 October 1993 from the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council (S/26662)	Armenia, Azerbaijan, Iran (Islamic Republic of), Turkey	3313th	12 November 1993

Annex II

Invitations extended under rule 39

A. Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the occupied Arab territories	3341st	1 March 1994
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People		3505th	28 February 1995
Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the occupied Arab territories	3536th	12 May 1995 (invitation renewed at the 3538th meeting, 17 May 1995)

B. Invitations under rule 39 to representatives of regional or other international organizations

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Mr. Ahmet Engin Ansay, Permanent Observer of the Organization of the Islamic Conference (OIC)	The situation in the Republic of Bosnia and Herzegovina	3201st	19 April 1993
Mr. Mohammed Peyrovi, Deputy Permanent Observer of OIC		3336th (resumption 1)	14 February 1994
Mr. Ahmet Engin Ansay, Permanent Observer of OIC		3336th (resumption 3)	15 February 1994
Mr. Ahmet Engin Ansay, Permanent Observer of OIC	The situation in the occupied Arab territories	3340th	28 February 1994
Mr. Ahmet Engin Ansay, Permanent Observer of OIC	The situation in the Republic of Bosnia and Herzegovina	3367th	21 April 1994
Mr. Hamid Algabid, Secretary-General of OIC		3370th	27 April 1994
Mr. Ahmet Engin Ansay, Permanent Observer of OIC		3454th (resumption 1)	9 November 1994
Mr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity (OAU)	The situation in Angola	3499th	8 February 1995
Mr. Ahmet Engin Ansay, Permanent Observer of OIC	The situation in the occupied Arab territories	3505th	28 February 1995

C. Invitations under rule 39 to other individuals

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Mr. Cyrus Vance, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia	The situation in the Republic of Bosnia and Herzegovina	3200th	18 April 1993
Mr. Kingsley Makhubela, Acting Chief Representative of the African National Congress	The question of South Africa	3329th	14 January 1994
Mr. Abdul Minty, Director of the World Campaign against Military and Nuclear Collaboration with South Africa		3379th	25 May 1994

Annex III

Invitations not expressly extended under rule 37 or rule 39

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Ambassador Dragomir Djokic	Further report of the Secretary-General pursuant to Security Council resolution 743 (1992)	3174th	19 February 1993
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3200th 3201st	18 April 1993 19 April 1993 (invitation renewed at the 3203rd meeting, 20 April 1993)
Ambassador Dragomir Djokic	Conference on Security and Cooperation in Europe (CSCE) Missions in Kosovo, Sandjak and Vojvodina, Federal Republic of Yugoslavia (Serbia and Montenegro)	3247th 3262nd	29 June 1993 9 August 1993
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3336th	14 February 1994 (invitation renewed at the 3336th meeting (resumption 2), 15 February 1994)
Mr. Al-Kidwa, Permanent Observer of Palestine	The situation in the occupied Arab territories	3340th	28 February 1994 (invitation renewed at the 3341st meeting, 1 March 1994; 3342nd meeting, 2 March 1994; and 3351st meeting, 18 March 1994)
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3367th 3370th 3428th	21 April 1994 27 April 1994 23 September 1994

Chapter III. Participation in the proceedings of the Security Council

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Mr. Vladislav Jovanovic	United Nations Protection Force (UNPROFOR)	3434th	30 September 1994
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3454th 3487th	8 November 1994 12 January 1995
Mr. Al-Kidwa, Permanent Observer of Palestine	The situation in the occupied Arab territories	3505th and resumption 1	28 February 1995
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3522nd	21 April 1995
Mr. Al-Kidwa, Permanent Observer of Palestine	The situation in the occupied Arab territories	3536th	12 May 1995 (invitation renewed at the 3538th meeting, 17 May 1995)
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3551st	5 July 1995
Ambassador Dragomir Djokic	The situation in Croatia	3563rd	10 August 1995
Ambassador Dragomir Djokic	The situation in the Republic of Bosnia and Herzegovina	3575th	8 September 1995
Mr. Vladislav Jovanovic	The situation in the former Yugoslavia	3591st 3595th	9 November 1995 22 November 1995
Mr. Vladislav Jovanovic	The situation in the Republic of Bosnia and Herzegovina	3607th	15 December 1995

Chapter IV

Voting

Contents

	<i>Page</i>
Introductory note	75
Part I. Procedural and non-procedural matters	76
Note	76
Cases in which the vote indicated the non-procedural character of the matter	76
In connection with matters considered by the Security Council under its responsibility for the maintenance of international peace and security	76
Part II. Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter	77
Note	77
Part III. Abstention, non-participation or absence in relation to Article 27, paragraph 3, of the Charter	77
Note	77
A. Obligatory abstention	77
B. Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3	78
Cases in which permanent members abstained or did not participate otherwise than in accordance with the proviso to Article 27, paragraph 3	78
Part IV. Adoption of resolutions and decisions by consensus or without a vote.	83
Note	83
A. Cases in which the Security Council adopted resolutions without a vote	84
B. Cases in which Security Council decisions were announced in presidential statements issued after being agreed upon by the members of the Security Council at consultations	85
1. Statements placed on record at meetings of the Security Council	85
2. Statements issued only as Security Council documents	93
C. Cases in which Security Council decisions were recorded in letters or notes from the President of the Security Council	94

Introductory note

The present chapter contains material relating to the practice of the Security Council on voting under Article 27 of the Charter.¹ The arrangement of the material basically follows that of the corresponding chapter in earlier volumes of the *Repertoire*.

Part I relates to the distinction between procedural and non-procedural matters. There were no instances of voting on a procedural matter during the period under review. Part I lists those instances in which the vote indicated the non-procedural nature of the decision. Part II contains no entries, as during the period under review there was no material relating to the practice of the Council in voting upon the question whether a matter was procedural within the meaning of Article 27 (2). Part III is concerned with the abstention, non-participation or absence of a Council member in relation to the requirements of Article 27 (3). Part IV addresses decisions adopted by consensus or without a vote.

The material dealt with under parts I, III and IV is set out in the tables included in each section. It is also contained in the yearly volumes of *Resolutions and Decisions of the Security Council*² as well as in the annual reports of the Security Council to the General Assembly covering the period under review.³

Article 27

1. *Each member of the Security Council shall have one vote.*
2. *Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.*
3. *Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.*

¹ Material relating to voting in connection with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part 1V. Material on the voting procedure employed by the Council in connection with applications for admission to membership is contained in chapter VII.

² See S/INF/49, S/INF/50 and S/INF/51.

³ See A/48/2, A/49/2, A/50/2 and A/51/2.

Part I

Procedural and non-procedural matters

Note

Most votes in the Council do not, of themselves, indicate whether the Council considers the matter voted upon as being of a procedural or non-procedural character: this is the case, for instance, when a proposal is adopted by a unanimous vote; when all permanent members vote in favour of a proposal; or when a proposal fails to obtain the necessary nine votes in its favour. This Part comprises instances in which the vote by the Council indicated the non-procedural character of the matter under consideration. There was no discussion of whether the question under consideration was of a procedural or non-procedural nature.

Whether a matter is deemed procedural or non-procedural is clearly established in those instances in which a proposal obtained nine or more votes, with one or more permanent members casting a negative vote. Adoption by the Council in such circumstances indicates the procedural character of the matter, while rejection by the Council in such circumstances indicates the non-procedural character of the matter. During the period under review, the Security Council did not vote on matters that were procedural in nature.

Cases in which the vote indicated the non-procedural character of the matter

In connection with matters considered by the Security Council under its responsibility for the maintenance of international peace and security

<i>Item</i>	<i>Meeting and date</i>	<i>Proposals</i>	<i>Submitted by</i>	<i>Vote (resolution not adopted)</i>	<i>Permanent members casting negative vote^a</i>
The situation in Cyprus: report of the Secretary-General on the United Nations operation in Cyprus (S/25492)	3211th, 11 May 1993	S/25693	United Kingdom	14-1-0	1
The situation in the Republic of Bosnia and Herzegovina	3475th, 2 December 1994	S/1994/1358	Bosnia and Herzegovina, Croatia, Djibouti, Egypt, Nigeria, Oman, Pakistan, Rwanda, Turkey	13-1-1	1
The situation in the occupied Arab territories: Letter dated 8 May 1995 from the representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366);	3538th, 17 May 1995	S/1995/394	Botswana, Honduras, Indonesia, Nigeria, Oman, Rwanda	14-1-0	1

<i>Item</i>	<i>Meeting and date</i>	<i>Proposals</i>	<i>Submitted by</i>	<i>Vote (resolution not adopted)</i>	<i>Permanent members casting negative vote^a</i>
Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)					

^a For the context and explanations of vote, see the relevant case studies in chapter VIII.

Part II

Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter

Note

On certain occasions, the Security Council has found it necessary to decide, by vote, the question whether or not the matter under consideration was procedural within the meaning of Article 27 (2). This question has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, “the preliminary question”.

There were no instances of voting on the preliminary question during the period under review.

Part III

Abstention, non-participation or absence in relation to Article 27, paragraph 3, of the Charter

Note

According to Article 27 (3) of the Charter, the affirmative vote of nine members for decisions on non-procedural (substantive) matters must include “the concurring votes of the permanent members”. Part III concerns the application of this requirement: (a) in the light of the proviso to Article 27 (3) (obligatory abstention); and (b) in circumstances when a permanent member voluntarily abstains, does not participate in the vote, or is absent at the time of the vote.

A. Obligatory abstention

The proviso to Article 27 (3) states:

... provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

During the period under review, there was no instance in which a member abstained in accordance with the proviso to Article 27 (3), nor was there any discussion of the issue of obligatory abstention.

B. Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3

This section lists those instances in which permanent members voluntarily abstained from voting. In each case, in conformity with its consistent practice, the Security Council considered the resolution in question to have been adopted notwithstanding the abstention.

During the period under review, there were no instances of non-participation by permanent members or of votes taken in their absence. During the period, however, one elected member, Rwanda, was not represented on the Council from 14 July to 2 September 1994. The Council adopted four resolutions with only 14 members.⁴ The instances of abstention by a permanent member are recorded in the table below.

Cases in which permanent members abstained or did not participate otherwise than in accordance with the proviso to Article 27, paragraph 3

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Abstention</i>
816 (1993)	The situation in Bosnia and Herzegovina	3191st, 31 March 1993	France, Morocco, Pakistan, Spain, United Kingdom, United States	14-0-1	China
820 (1993)	The situation in Bosnia and Herzegovina: Letter dated 17 April 1993 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/25622); Letter dated 17 April 1993 from the Permanent Representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela to the United Nations addressed to the President of the Security Council (S/25623)	3200th, 17 April 1993	Cape Verde, Djibouti, France, Morocco, Pakistan, Spain, United Kingdom, United States, Venezuela	13-0-2	China, Russian Federation

⁴ Resolutions 937 (1994), 938 (1994), 939 (1994) and 940 (1994), adopted at the 3407th, 3409th, 3412th and 3413th meetings, respectively. Resolution 940 (1994) was adopted by 12 votes to none, with 2 abstentions.

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Abstention</i>
	Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council	3204th, 28 April 1993	France, Spain, United Kingdom, United States	13-0-2	China, Russian Federation
825 (1993)	Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council (S/25405); Letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council (S/25445); Note by the Secretary-General (S/25556)	3212th, 11 May 1993	France, Hungary, Japan, New Zealand, Russian Federation, Spain, United Kingdom, United States	13-0-2	China (and elected member Pakistan)
Draft resolution S/25997	The situation in the Republic of Bosnia and Herzegovina	3247th, 29 June 1993	Afghanistan, Albania, Algeria, Cape Verde, Comoros, Djibouti, Egypt, Estonia, Indonesia, Iran (Islamic Republic of), Jordan, Latvia, Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Senegal, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Venezuela	6-0-9	China, France, Russian Federation, United Kingdom (and elected members Brazil, Hungary, Japan, New Zealand and Spain)
855 (1993)	Conference on Security and Cooperation in Europe missions in Kosovo, Sandjak and Vojvodina, Federal Republic of Yugoslavia (Serbia and Montenegro): Letter dated 20 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the President of the Security Council (S/26121);	3262nd, 9 August 1993	France, Hungary, Spain, United Kingdom, United States	14-0-1	China

Repertoire of the Practice of the Security Council

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Abstention</i>
	Letter dated 23 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the President of the Security Council (S/26148)				
883 (1993)	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)	3312th, 11 November 1993	France, United Kingdom, United States	11-0-4	China (and elected members Djibouti, Morocco and Pakistan)
904 (1994)	The situation in the occupied Arab territories: Letter dated 25 February 1994 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/1994/222); Letter dated 25 February 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/223)	3351st, 18 March 1994	Djibouti (on behalf of Nigeria, Oman, Pakistan and Rwanda), France, Russian Federation, Spain, United Kingdom	adopted without vote	United States (second and sixth preambular paragraphs) ^a
929 (1994)	The situation concerning Rwanda: Letter dated 19 June 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/728); Letter dated 21 June 1994 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/1994/738)	3392nd, 22 June 1994	France	10-0-5	China (and elected members Brazil, New Zealand, Nigeria and Pakistan)

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Abstention</i>
940 (1994)	The question concerning Haiti: Report of the Secretary-General on the United Nations Mission in Haiti (S/1994/828); Report of the Secretary-General on the question of Haiti (S/1994/871)	3413th, 31 July 1994	Argentina, Canada, France, United States	12-0-2 ^b	China (and elected member Brazil)
942 (1994)	The situation in the Republic of Bosnia and Herzegovina	3428th, 23 September 1994	Argentina, Czech Republic, Djibouti, France, Germany, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, United Kingdom, United States	14-0-1	China
944 (1994)	The question concerning Haiti: Letter dated 27 September 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/1994/1107)	3430th, 29 September 1994	Argentina, Canada, France, Haiti, Spain, United States, Venezuela	13-0-2	Russian Federation (and elected member Brazil)
955 (1994)	The situation concerning Rwanda: Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States	3453rd, 8 November 1994	Argentina, France, New Zealand, Russian Federation, Spain, United Kingdom, United States	13-1-1	China
964 (1994)	The question concerning Haiti	3470th, 29 November 1994	Argentina, Canada, France, United States, Venezuela	13-0-2	Russian Federation (and elected member Brazil)

Repertoire of the Practice of the Security Council

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Abstention</i>
970 (1995)	The situation in the Republic of Bosnia and Herzegovina: Letter dated 4 January 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/6)	3487th, 12 January 1995	Czech Republic, France, Germany, Italy, United Kingdom	14-0-1	Russian Federation
975 (1995)	The question concerning Haiti: Report of the Secretary-General on the question concerning Haiti (S/1995/46 and Add.1)	3496th, 30 January 1995	Argentina, Canada, France, Germany, Honduras, Italy, Rwanda, United Kingdom, United States, Venezuela	14-0-1	China
988 (1995)	The situation in the Republic of Bosnia and Herzegovina: Letter dated 13 April 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/302)	3522nd, 21 April 1995	Czech Republic, France, Germany, Italy, United Kingdom, United States	13-0-2	China, Russian Federation
998 (1995)	United Nations Protection Force (UNPROFOR): Report of the Secretary-General pursuant to Security Council resolutions 982 (1995) and 987 (1995) (S/1995/444); Letter dated 9 June 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/470 and Add.1)	3543rd, 16 June 1995	Czech Republic, France, Germany, Honduras, Netherlands, Oman, United Kingdom	13-0-2	China, Russian Federation
1003 (1995)	The situation in the Republic of Bosnia and Herzegovina: Letter dated 25 June 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/510)	3551st, 5 July 1995	Czech Republic, France, Germany, United Kingdom, United States	14-0-1	Russian Federation

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Abstention</i>
1021 (1995)	The situation in the former Yugoslavia	3595th, 22 November 1995	Argentina, France, Germany, Honduras, Indonesia, Italy, Oman, Rwanda, United Kingdom, United States	14-0-1	Russian Federation

^a Resolution 904 (1994) was adopted as a whole without a vote following a paragraph-by-paragraph vote: the United States abstained in the voting on the second and sixth preambular paragraphs.

^b This reflects the result of the voting during the period when Rwanda was not represented on the Council.

Part IV

Adoption of resolutions and decisions by consensus or without a vote

Note

Most procedural motions during this period were approved without a vote. Certain decisions were taken without a vote, as shown in the case of the resolutions, in the table in section A below. In those instances, the President of the Council, in accordance with the understanding reached in prior consultations, proposed “that the Council adopt without a vote” the draft resolution.

Votes were also not taken on decisions that took the form of statements by the President on behalf of the Council or on behalf of the members of the Council. These “presidential statements” were issued after having been agreed upon by members of the Council during consultations. In some cases, they were announced at a formal meeting of the Council (section B.1); in others, they were simply issued in written form (section B.2).

In yet other cases, Security Council decisions were recorded in letters or notes from the President of the Council, with no reference to a vote having been taken (section C). While such letters and notes are usually simply issued in written form, during the period under consideration there were two instances in which the Council took a decision at a meeting which was subsequently reflected in a note by the President of the Council.⁵

During the period under review, following agreement by the members, the Council began the practice of having presidential statements published, effective 1 January 1994, in an annual series using the prefix “S/PRST/_” followed by the year and the number of the statement.⁶ The Council first issued a presidential statement following its 3327th meeting on 7 January 1994,⁷ which was held to consider the item entitled “The situation in the Republic of Bosnia and Herzegovina”. Previously, the statements were issued as documents in the S/ series.

⁵ The 3440th and 3593rd meetings, both dealing with the consideration of the draft report of the Security Council to the General Assembly. In both cases, after the adoption by the Council of its draft report, the President stated that that decision would be reflected in a note by the President of the Council (S/1994/1176 and S/1995/948, respectively).

⁶ Note by the President of the Security Council dated 30 June 1993 (S/26015, para. 2).

⁷ S/PRST/1994/1.

A. Cases in which the Security Council adopted resolutions without a vote

<i>Resolution</i>	<i>Meeting and date</i>	<i>Item</i>
800 (1993)	3157, 8 January 1993	Admission of new Members: Report of the Committee on Admission of New Members concerning the application of the Slovak Republic for admission to membership in the United Nations (S/25066)
801 (1993)	3158, 8 January 1993	Admission of new Members: Report of the Committee on Admission of New Members concerning the application of the Czech Republic for admission to membership in the United Nations (S/25067)
817 (1993)	3196, 7 April 1993	Admission of new Members: Report of the Committee on Admission of New Members concerning the application for admission to membership in the United Nations contained in document S/25147 (S/25544)
828 (1993)	3218, 26 May 1993	Admission of new Members: Report of the Committee on Admission of New Members concerning the application of Eritrea for admission to membership in the United Nations (S/25841)
829 (1993)	3219, 26 May 1993	Admission of new Members: Report of the Committee on Admission of New Members concerning the application of the Principality of Monaco for admission to membership in the United Nations (S/25842)
848 (1993)	3251, 8 July 1993	Admission of new Members: Report of the Committee on Admission of New Members concerning the application of the Republic of Andorra for admission to membership in the United Nations (S/26051)
877 (1993)	3296, 21 October 1993	Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia: appointment of the Prosecutor
936 (1994)	3401, 8 July 1994	Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia: appointment of the Prosecutor
951 (1994)	3443, 21 October 1994	Date of an election to fill a vacancy in the International Court of Justice (S/1994/1188)
963 (1994)	3469, 29 November 1994	Admission of new Members: Report of the Committee on Admission of New Members concerning the application of the Republic of Palau for admission to membership in the United Nations (S/1994/1356)
979 (1995)	3507, 9 March 1995	Date of an election to fill a vacancy in the International Court of Justice (S/1995/178)

<i>Resolution</i>	<i>Meeting and date</i>	<i>Item</i>
980 (1995)	3510, 22 March 1995	Date of an election to fill a vacancy in the International Court of Justice (S/1995/209)
1018 (1995)	3590, 7 November 1995	Date of an election to fill a vacancy in the International Court of Justice (S/1995/914)

B. Cases in which Security Council decisions were announced in presidential statements issued after being agreed upon by the members of the Security Council at consultations

1. Statements placed on record at meetings of the Security Council

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/25069	3157, 8 January 1993	Admission of new Members (Slovakia)
S/25071	3158, 8 January 1993	Admission of new Members (Czech Republic)
S/25079	3159, 8 January 1993	The situation in the Republic of Bosnia and Herzegovina
S/25080	3160, 8 January 1993	The situation in the Republic of Bosnia and Herzegovina
S/25081	3161, 8 January 1993	The situation between Iraq and Kuwait
S/25091	3162, 11 January 1993	The situation between Iraq and Kuwait
S/25162	3164, 25 January 1993	The situation in the Republic of Bosnia and Herzegovina
S/25178	3165, 27 January 1993	The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia
S/25184	3166, 28 January 1993	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/25185	3167, 28 January 1993	The situation in the Middle East
S/25198	3169, 29 January 1993	The situation in Georgia
S/25257	3172, 9 February 1993	Central America: efforts towards peace
S/25302	3173, 17 February 1993	The situation in the Republic of Bosnia and Herzegovina
S/25328	3176, 24 February 1993	The situation in the Republic of Bosnia and Herzegovina
S/25334	3177, 25 February 1993	The situation in the Republic of Bosnia and Herzegovina
S/25344	3178, 26 February 1993	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/25361	3180, 3 March 1993	The situation in the Republic of Bosnia and Herzegovina
S/25426	3184, 17 March 1993	The situation in the Republic of Bosnia and Herzegovina

Repertoire of the Practice of the Security Council

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/25427	3185, 18 March 1993	Central America: efforts towards peace
S/25471	3186, 25 March 1993	The situation in the Republic of Bosnia and Herzegovina
S/25493	3190, 31 March 1993	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/25520	3192, 3 April 1993	The situation in the Republic of Bosnia and Herzegovina
S/25530	3193, 5 April 1993	The situation in Cambodia
S/25539	3194, 6 April 1993	The situation relating to Nagorny Karabakh
S/25545	3196, 7 April 1993	Admission of new Members (application contained in document S/25147)
S/25578	3197, 12 April 1993	The question of South Africa
S/25696	3207, 30 April 1993	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/25746	3210, 10 May 1993	The situation in the Republic of Bosnia and Herzegovina
S/25822	3214, 22 May 1993	The situation in Cambodia
S/25847	3218, 25 May 1993	Admission of new Members (Eritrea)
S/25848	3219, 26 May 1993	Admission of new Members (Monaco)
S/25849	3220, 26 May 1993	The situation in the Middle East
S/25859	3225, 28 May 1993	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/25896	3230, 8 June 1993	The situation in Cambodia
S/25897	3231, 8 June 1993	The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia
S/25899	3232, 8 June 1993	The situation in Angola
S/25918	3233, 9 June 1993	The situation in Liberia
S/25929	3236, 11 June 1993	Central America: efforts towards peace
S/25970	3242, 18 June 1993	The situation between Iraq and Kuwait
S/26006	3246, 28 June 1993	The situation between Iraq and Kuwait
S/26032	3249, 2 July 1993	The situation in Georgia
S/26054	3251, 8 July 1993	Admission of new Members (Andorra)
S/26084	3255, 15 July 1993	The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/26118	3256, 20 July 1993	Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol
S/26134	3257, 22 July 1993	The situation in the Republic of Bosnia and Herzegovina
S/26183	3258, 28 July 1993	The situation in the Middle East
S/26199	3260, 30 July 1993	The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia
S/26326	3264, 18 August 1993	The situation relating to Nagorny Karabakh
S/26341	3266, 23 August 1993	The situation in Tajikistan and along the Tajik-Afghan border
S/26347	3267, 24 August 1993	The question of South Africa
S/26425	3273, 10 September 1993	The situation concerning Rwanda
S/26436	3275, 14 September 1993	The situation in Croatia
S/26437	3276, 14 September 1993	The situation in the Republic of Bosnia and Herzegovina
S/26460	3278, 17 September 1993	The question concerning Haiti
S/26463	3279, 17 September 1993	The situation in Georgia
S/26531	3287, 5 October 1993	The situation in Cambodia
S/26567	3289, 11 October 1993	The question concerning Haiti
S/26572	3290, 13 October 1993	Navigation on the Danube river in the Federal Republic of Yugoslavia (Serbia and Montenegro)
S/26631	3297, 25 October 1993	The situation in Burundi
S/26633	3298, 25 October 1993	The question concerning Haiti
S/26668	3301, 30 October 1993	The question concerning Haiti
S/26677	3302, 1 November 1993	The situation in Angola
S/26695	3306, 5 November 1993	Central America: efforts towards peace
S/26706	3307, 8 November 1993	The situation in Georgia
S/26716	3308, 9 November 1993	The situation in the Republic of Bosnia and Herzegovina
S/26717	3308, 9 November 1993	The situation in the Republic of Bosnia and Herzegovina
S/26747	3314, 15 November 1993	The question concerning Haiti
S/26757	3316, 16 November 1993	The situation in Burundi
S/26785	3318, 23 November 1993	The question of South Africa
S/26787	3319, 23 November 1993	The situation between Iraq and Kuwait

Repertoire of the Practice of the Security Council

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/26809	3320, 29 November 1993	The situation in the Middle East
S/PRST/1994/1	3327, 7 January 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/2	3328, 10 January 1994	The question concerning Haiti
S/PRST/1994/4	3330, 24 January 1994	The situation in Afghanistan
S/PRST/1994/5	3331, 28 January 1994	The situation in the Middle East
S/PRST/1994/6	3333, 3 February 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/7	3335, 10 February 1994	The situation in Angola
S/PRST/1994/8	3337, 17 February 1994	The situation concerning Rwanda
S/PRST/1994/9	3339, 25 February 1994	The situation in Liberia
S/PRST/1994/10	3348, 14 March 1994	Navigation on the Danube river in the Federal Republic of Yugoslavia (Serbia and Montenegro)
S/PRST/1994/11	3349, 14 March 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/12	3353, 23 March 1994	The situation in Afghanistan
S/PRST/1994/13	3357, 31 March 1994	Note by the Secretary-General (S/1994/254); note by the Secretary-General (S/1994/322)
S/PRST/1994/14	3359, 6 April 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/15	3360, 7 April 1994	Central America: efforts towards peace
S/PRST/1994/16	3361, 7 April 1994	The situation concerning Rwanda
S/PRST/1994/17	3362, 8 April 1994	The situation in Georgia
S/PRST/1994/19	3364, 14 April 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/20	3365, 19 April 1994	The question of South Africa
S/PRST/1994/21	3371, 30 April 1994	The situation concerning Rwanda
S/PRST/1994/22	3372, 3 May 1994	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/PRST/1994/23	3374, 4 May 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/25	3378, 23 May 1994	The situation in Liberia
S/PRST/1994/26	3380, 25 May 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/27	3382, 26 May 1994	The situation in the Middle East
S/PRST/1994/28	3383, 30 May 1994	Note by the Secretary-General transmitting a letter dated 27 May 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General (S/1994/631)

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/1994/29	3387, 1 June 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/30	3396, 30 June 1994	The situation in the Republic of Yemen
S/PRST/1994/31	3399, 30 June 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/32	3403, 12 July 1994	The question concerning Haiti
S/PRST/1994/33	3404, 13 July 1994	The situation in Liberia
S/PRST/1994/34	3405, 14 July 1994	The situation concerning Rwanda
S/PRST/1994/35	3406, 19 July 1994	The situation in Mozambique
S/PRST/1994/36	3408, 27 July 1994	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/PRST/1994/37	3409, 28 July 1994	The situation in the Middle East
S/PRST/1994/38	3410, 29 July 1994	The situation in Burundi
S/PRST/1994/39	3411, 29 July 1994	The situation concerning Western Sahara
S/PRST/1994/42	3414, 10 August 1994	The situation concerning Rwanda
S/PRST/1994/43	3415, 11 August 1994	The situation in Afghanistan
S/PRST/1994/44	3416, 11 August 1994	United Nations Protection Force
S/PRST/1994/45	3417, 12 August 1994	The situation in Angola
S/PRST/1994/46	3418, 25 August 1994	The situation in Somalia
S/PRST/1994/47	3419, 25 August 1994	The situation in Burundi
S/PRST/1994/48	3420, 25 August 1994	Presidency of the Security Council: rule 18 of the provisional rules of procedure of the Security Council
S/PRST/1994/50	3421, 2 September 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/51	3422, 7 September 1994	The situation in Mozambique
S/PRST/1994/52	3423, 9 September 1994	The situation in Angola
S/PRST/1994/53	3424, 13 September 1994	The situation in Liberia
S/PRST/1994/54	3425, 16 September 1994	Central America: efforts towards peace
S/PRST/1994/55	3426, 16 September 1994	Presidency of the Security Council: rule 18 of the provisional rules of procedure of the Security Council
S/PRST/1994/56	3427, 22 September 1994	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1994/57	3433, 30 September 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/58	3435, 8 October 1994	The situation between Iraq and Kuwait

Repertoire of the Practice of the Security Council

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/1994/59	3436, 14 October 1994	The situation concerning Rwanda
S/PRST/1994/60	3441, 21 October 1994	The situation in Burundi
S/PRST/1994/61	3444, 21 October 1994	The situation in Mozambique
S/PRST/1994/62	3448, 4 November 1994	An agenda for peace: peacekeeping
S/PRST/1994/63	3450, 4 November 1994	The situation in Angola
S/PRST/1994/64	3451, 4 November 1994	Agreed framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea
S/PRST/1994/65	3452, 8 November 1994	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1994/66	3456, 13 November 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/67	3457, 15 November 1994	The situation concerning Western Sahara
S/PRST/1994/68	3459, 16 November 1994	The situation between Iraq and Kuwait
S/PRST/1994/69	3460, 18 November 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/70	3463, 21 November 1994	The situation in Angola
S/PRST/1994/71	3466, 26 November 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/72	3467, 29 November 1994	The situation in the Middle East
S/PRST/1994/73	3469, 29 November 1994	Admission of new Members (Palau)
S/PRST/1994/74	3471, 29 November 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/75	3472, 30 November 1994	The situation concerning Rwanda
S/PRST/1994/77	3474, 30 November 1994	The situation in Afghanistan
S/PRST/1994/78	3476, 2 December 1994	The situation in Georgia
S/PRST/1994/79	3478, 13 December 1994	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1994/80	3479, 14 December 1994	The situation in Mozambique
S/PRST/1994/81	3483, 16 December 1994	Security Council working methods and procedure
S/PRST/1994/82	3485, 25 December 1994	The situation in Burundi
S/PRST/1995/1	3486, 6 January 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/2	3491, 17 January 1995	The situation prevailing and adjacent to the United Nations Protected Areas in Croatia
S/PRST/1995/4	3495, 30 January 1995	The situation in the Middle East
S/PRST/1995/5	3497, 31 January 1995	The situation in Burundi

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/1995/6	3498, 7 February 1995	The situation in Croatia
S/PRST/1995/7	3500, 10 February 1995	The situation concerning Rwanda
S/PRST/1995/8	3501, 17 February 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/9	3503, 22 February 1995	An agenda for peace
S/PRST/1995/10	3506, 9 March 1995	The situation in Burundi
S/PRST/1995/11	3508, 10 March 1995	The situation in Angola
S/PRST/1995/12	3509, 17 March 1995	The situation in Georgia
S/PRST/1995/13	3511, 29 March 1995	The situation in Burundi
S/PRST/1995/15	3513, 6 April 1995	The situation in Somalia
S/PRST/1995/16	3515, 12 April 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1995/17	3516, 12 April 1995	The situation concerning Western Sahara
S/PRST/1995/18	3518, 13 April 1995	The situation in Angola
S/PRST/1995/19	3520, 14 April 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/20	3523, 24 April 1995	The question concerning Haiti
S/PRST/1995/21	3525, 26 April 1995	The situation relating to Nagorny Karabakh
S/PRST/1995/22	3526, 27 April 1995	The situation concerning Rwanda
S/PRST/1995/23	3529, 1 May 1995	The situation in Croatia
S/PRST/1995/24	3530, 3 May 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/25	3530, 3 May 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/26	3531, 4 May 1995	The situation in Croatia
S/PRST/1995/27	3534, 11 May 1995	The situation in Angola
S/PRST/1995/28	3439, 19 May 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1995/29	3541, 30 May 1995	The situation in the Middle East
S/PRST/1995/30	3545, 16 June 1995	The situation in Croatia
S/PRST/1995/31	3548, 23 June 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/32	3554, 14 July 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/33	3556, 20 July 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/34	3557, 25 July 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/35	3558, 28 July 1995	The situation in the Middle East

Repertoire of the Practice of the Security Council

<i>Document number</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/1995/37	3560, 3 August 1995	The situation in Croatia
S/PRST/1995/38	3561, 4 August 1995	The situation in Croatia
S/PRST/1995/39	3567, 18 August 1995	The situation in Georgia
S/PRST/1995/40	3568, 19 August 1995	United Nations Protection Force
S/PRST/1995/41	3569, 23 August 1995	The situation concerning Rwanda
S/PRST/1995/42	3570, 25 August 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1995/43	3572, 7 September 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/44	3573, 7 September 1995	The situation in Croatia
S/PRST/1995/45	3576, 8 September 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/46	3579, 15 September 1995	Follow-up to resolution 817 (1993)
S/PRST/1995/47	3580, 18 September 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/48	3583, 26 September 1995	The fiftieth anniversary of the United Nations
S/PRST/1995/49	3584, 3 October 1995	The situation in Croatia
S/PRST/1995/50	3585, 6 October 1995	The situation in the former Yugoslavia
S/PRST/1995/51	3586, 12 October 1995	The situation in Angola
S/PRST/1995/52	3587, 12 October 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/53	3588, 17 October 1995	The situation concerning Rwanda
S/PRST/1995/54	3589, 6 November 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1995/55	3594, 16 November 1995	The question concerning Haiti
S/PRST/1995/57	3597, 27 November 1995	The situation in Sierra Leone
S/PRST/1995/58	3598, 28 November 1995	The situation in Angola
S/PRST/1995/59	3599, 28 November 1995	The situation in the Middle East
S/PRST/1995/60	3603, 7 December 1995	The situation in the Republic of Bosnia and Herzegovina
S/PRST/1995/61	3609, 19 December 1995	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping
S/PRST/1995/62	3614, 21 December 1995	The situation in Angola
S/PRST/1995/63	3615, 22 December 1995	The situation in Croatia

2. Statements issued only as Security Council documents

<i>Document number</i>	<i>Date</i>	<i>Item</i>
S/25157	8 January 1993	Items relating to the situation between Iraq and Kuwait
S/25478	26 March 1993	The situation in Cyprus
S/25480	29 March 1993	Items relating to the situation between Iraq and Kuwait
S/25554	8 April 1993	Item relating to the Libyan Arab Jamahiriya
S/25645	21 April 1993	Items relating to the situation in the former Yugoslavia
S/25830	24 May 1993	Items relating to the situation between Iraq and Kuwait
S/26126	21 July 1993	The situation between Iraq and Kuwait
S/26303	13 August 1993	Item relating to the Libyan Arab Jamahiriya
S/26474	20 September 1993	The situation between Iraq and Kuwait
S/26661	28 October 1993	The situation in the Republic of Bosnia and Herzegovina
S/26768	18 November 1993	The situation between Iraq and Kuwait
S/26861	10 December 1993	Item relating to the Libyan Arab Jamahiriya
S/PRST/1994/3	18 January 1994	The situation between Iraq and Kuwait
S/PRST/1994/18	8 April 1994	Libyan Arab Jamahiriya
S/PRST/1994/24	11 May 1994	The question concerning Haiti
S/PRST/1994/40	29 July 1994	The responsibility of the Security Council in the maintenance of peace and security
S/PRST/1994/41	5 August 1994	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1994/49	30 August 1994	The question concerning Haiti
S/PRST/1994/76	30 November 1994	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1995/3	24 January 1995	The situation in the Middle East
S/PRST/1995/14	30 March 1995	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1995/36		Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

<i>Document number</i>	<i>Date</i>	<i>Item</i>
S/PRST/1995/56	22 November 1995	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

C. Cases in which Security Council decisions were recorded in letters or notes from the President of the Security Council

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/25122	18 January 1993	The situation in Mozambique
S/25212	1 February 1993	The situation in Mozambique
S/25286	12 February 1993	The situation in Mozambique
S/25296	16 February 1993	The situation in Somalia
S/25315	19 February 1993	The situation in South Africa
S/25337	25 February 1993	United Nations Protection Force
S/25343	26 February 1993	The situation in Angola
S/25369	4 March 1993	The situation in Mozambique
S/25452	22 March 1993	Central America: efforts towards peace
S/25533	5 April 1993	The situation in Somalia
S/25568	10 April 1993	The situation in the Republic of Bosnia and Herzegovina
S/25588	13 April 1993	The situation between Iraq and Kuwait
S/25592	13 April 1993	The situation concerning Rwanda
S/25649	21 April 1993	The situation in the Republic of Bosnia and Herzegovina
S/25656	23 April 1993	The situation in Mozambique
S/25674	27 April 1993	The situation in Somalia
S/25698	29 April 1993	The situation in Tajikistan
S/25706	30 April 1993	The situation in the Republic of Bosnia and Herzegovina
S/25757	11 May 1993	The situation in Georgia
S/25771	13 May 1993	The situation in Cambodia
S/25807	19 May 1993	The situation in the Republic of Bosnia and Herzegovina
S/25817	21 May 1993	The situation in Cambodia
S/25825	22 May 1993	The situation in the Republic of Bosnia and Herzegovina

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/25833	24 May 1993	The situation in Cyprus
S/25861	28 May 1993	The situation concerning Western Sahara
S/25883	4 June 1993	The situation in Angola
S/25965	17 June 1993	The situation in Mozambique
S/26001	25 June 1993	United Nations Protection Force
S/26015	30 June 1993	Consideration of the draft report of the Security Council to the General Assembly and related matters
S/26020	30 June 1993	The situation concerning Rwanda
S/26049	7 July 1993	The situation in the Republic of Bosnia and Herzegovina
S/26050	7 July 1993	The situation in Cyprus
S/26056	6 July 1993	Applications made under Article 50 of the Charter as a consequence of the implementation of measures imposed against the former Yugoslavia
S/26071	12 July 1993	Central America: efforts towards peace
S/26077	13 July 1993	Central America: efforts towards peace
S/26065	15 July 1993	The question concerning Haiti
S/26089	15 July 1993	Follow-up to resolution 817 (1993)
S/26096	16 July 1993	The situation in Cambodia
S/26130	22 July 1993	The situation in the former Yugoslav Republic of Macedonia
S/26150	26 July 1993	The situation in Cambodia
S/26176	27 July 1993	Consideration of the draft report of the Security Council to the General Assembly and related matters
S/26179	27 July 1993	The situation in Cyprus
S/26224	2 August 1993	United Nations Protection Force
S/26226	2 August 1993	The situation in the Middle East
S/26239	4 August 1993	The situation concerning Western Sahara
S/26282	9 August 1993	Applications made under Article 50 of the Charter as a consequence of the implementation of measures imposed against the former Yugoslavia
S/26292	12 August 1993	The situation in Mozambique
S/26336	20 August 1993	United Nations Protection Force

Repertoire of the Practice of the Security Council

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/26374	27 August 1993	The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia
S/26375	27 August 1993	The situation in Somalia
S/26376	27 August 1993	The situation in Liberia
S/26389	31 August 1993	Consideration of the draft report of the Security Council to the General Assembly and related matters
S/26392	31 August 1993	The situation in Georgia
S/26405	3 September 1993	The situation in Georgia
S/26466	17 September 1993	Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council
S/26475	20 September 1993	The situation in Cyprus
S/26527	1 October 1993	The situation in Somalia
S/26533	4 October 1993	The situation in Liberia
S/26536	6 October 1993	The question concerning Haiti
S/26538	6 October 1993	The question concerning Haiti
S/26540	6 October 1993	The question concerning Haiti
S/26555	8 October 1993	The situation in Liberia
S/26559	9 October 1993	The question of South Africa
S/26566	11 October 1993	The situation between Iraq and Kuwait
S/26570	12 October 1993	The situation in Cambodia
S/26580	13 October 1993	The question concerning Haiti
S/26594	18 October 1993	The situation concerning Rwanda
S/26596	19 October 1993	Consideration of the draft report of the Security Council to the General Assembly and related matters
S/26620	22 October 1993	United Nations Protection Force
S/26622	22 October 1993	The situation between Iraq and Kuwait
S/26652	27 October 1993	Exchange of letters between the Secretary-General and the President of the Security Council concerning the situation between Iraq and Kuwait
S/26700	4 November 1993	The situation concerning Rwanda
S/26709	8 November 1993	The situation in Burundi

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/26731	12 November 1993	The situation concerning Rwanda
S/26736	12 November 1993	The situation between Iraq and Kuwait
S/26774	19 November 1993	The situation in Cambodia
S/26776	19 November 1993	The situation in Burundi
S/26779	19 November 1993	The situation in Liberia
S/26794	23 November 1993	The situation in Tajikistan and along the Tajik-Afghan border
S/26812	29 November 1993	Consideration of the draft report of the Security Council to the General Assembly and related matters
S/26824	30 November 1993	The situation in Somalia
S/26839	2 December 1993	United Nations Protection Force
S/26841	3 December 1993	The situation between Iraq and Kuwait
S/26848	6 December 1993	The situation concerning Western Sahara
S/26851	7 December 1993	The situation concerning Rwanda
S/26858	8 December 1993	The situation in Liberia
S/26864	10 December 1993	The question concerning Haiti
S/26866	10 December 1993	Central America: efforts towards peace
S/26884	16 December 1993	The question of South Africa
S/26886	16 December 1993	The situation in Liberia
S/26890	17 December 1993	United Nations Protection Force
S/26905	20 December 1993	Applications made under Article 50 of the Charter as a consequence of the implementation of measures imposed against the former Yugoslavia
S/26913	22 December 1993	The situation in Tajikistan and along the Tajik-Afghan border
S/26921	28 December 1993	The situation in Mozambique
S/1994/10	5 January 1994	The situation concerning Rwanda
S/1994/14	6 January 1994	The situation concerning Rwanda
S/1994/22	11 January 1994	The situation in Somalia
S/1994/24	11 January 1994	The situation in Georgia
S/1994/51	18 January 1994	The situation in Liberia
S/1994/61	20 January 1994	An agenda for peace: preventive diplomacy, peacemaking and peacekeeping

Repertoire of the Practice of the Security Council

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/1994/104	31 January 1994	Central America: efforts towards peace
S/1994/122	4 February 1994	United Nations Protection Force
S/1994/217	25 February 1994	The situation in the Republic of Bosnia and Herzegovina
S/1994/230	28 February 1994	Security Council working methods and procedure
S/1994/260	4 March 1994	The situation in Mozambique
S/1994/289	9 March 1994	Central America: efforts towards peace
S/1994/331	23 March 1994	United Nations Protection Force
S/1994/369	30 March 1994	The situation in the Republic of Bosnia and Herzegovina
S/1994/390	4 April 1994	Exchange of letters between the Secretary-General and the President of the Security Council concerning Cambodia
S/1994/411	8 April 1994	The situation between Iraq and Kuwait
S/1994/414	11 April 1994	The situation in Cyprus
S/1994/415	11 April 1994	Follow-up to resolution 817 (1993)
S/1994/445	14 April 1994	The situation in Angola
S/1994/485	21 April 1994	The situation in Mozambique
S/1994/494	22 April 1994	The situation in Tajikistan and along the Tajik-Afghan border
S/1994/521	29 April 1994	The situation in the Republic of Bosnia and Herzegovina
S/1994/546	6 May 1994	The situation concerning Rwanda
S/1994/573	13 May 1994	Exchange of letters between the Secretary-General and the President of the Security Council concerning Cambodia
S/1994/597	19 May 1994	The situation in Tajikistan and along the Tajik-Afghan border
S/1994/604	23 May 1994	The situation in Liberia
S/1994/652	26 May 1994	The situation in Somalia
S/1994/665	3 June 1994	The situation in the Republic of Yemen
S/1994/679	7 June 1994	Follow-up to resolution 817 (1993)
S/1994/708	14 June 1994	The situation in Somalia
S/1994/710	14 June 1994	The situation concerning Rwanda
S/1994/714	16 June 1994	The situation in Georgia
S/1994/799	6 July 1994	The situation concerning Rwanda
S/1994/800	7 July 1994	The situation in the Republic of Bosnia and Herzegovina

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/1994/838	18 July 1994	The situation in the Republic of Yemen
S/1994/847	19 July 1994	The question concerning Haiti
S/1994/849	25 July 1994	Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia
S/1994/896	28 July 1994	Security Council working methods and procedure
S/1994/898	28 July 1994	The situation in Somalia
S/1994/908	21 July 1994	The situation between Iraq and Kuwait
S/1994/930	4 August 1994	The situation in Georgia
S/1994/931	4 August 1994	The situation in Mozambique
S/1994/936	5 August 1994	United Nations Protection Force
S/1994/964	12 August 1994	The situation concerning Rwanda
S/1994/966	12 August 1994	The situation concerning Rwanda
S/1994/972	15 August 1994	The situation in Cyprus
S/1994/979	17 August 1994	Follow-up to resolution 817 (1993)
S/1994/991	23 August 1994	The situation concerning Rwanda
S/1994/1018	31 August 1994	The situation in Georgia
S/1994/1090	23 September 1994	Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia
S/1994/1105	27 September 1994	The question concerning Haiti
S/1994/1113	29 September 1994	Exchange of letters between the Secretary-General and the President of the Security Council concerning the United Nations Military Observer Group in India and Pakistan
S/1994/1118	29 September 1994	The situation in Tajikistan and along the Tajik-Afghan border
S/1994/1141	7 October 1994	The situation between Iraq and Kuwait
S/1994/1147	10 October 1994	Exchange of letters between the Secretary-General and the President of the Security Council concerning the United Nations Military Observer Group in India and Pakistan
S/1994/1176	18 October 1994	Security Council working methods and procedure

Repertoire of the Practice of the Security Council

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/1994/1183	19 October 1994	Exchange of letters between the Secretary-General and the President of the Security Council concerning Cambodia
S/1994/1256	4 November 1994	The situation in Cyprus
S/1994/1341	25 November 1994	The situation in Liberia
S/1994/1381	5 December 1994	United Nations Protection Force
S/1994/1393	7 December 1994	The situation in Somalia
S/1994/1432	19 December 1994	The situation in the Middle East
S/1994/1456	29 December 1994	The situation in Tajikistan and along the Tajik-Afghan border
S/1995/32	12 January 1995	The question concerning Haiti
S/1995/37	13 January 1995	The situation in Angola
S/1995/42	16 January 1995	United Nations Protection Force
S/1995/61	19 January 1995	The question concerning Haiti
S/1995/68	23 January 1995	The situation concerning Haiti
S/1995/109	6 February 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/1995/121	7 February 1995	The situation in Sierra Leone
S/1995/125	8 February 1995	United Nations Protection Force
S/1995/130	10 February 1995	The situation concerning Rwanda
S/1995/144	17 February 1995	Central America: efforts towards peace
S/1995/180	6 March 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/1995/205	17 March 1995	The situation in Angola
S/1995/218	23 March 1995	The situation in the Middle East
S/1995/234	29 March 1995	Security Council working methods and procedure
S/1995/269	6 April 1995	The situation in Cambodia
S/1995/280	10 April 1995	The situation between Iraq and Kuwait
S/1995/323	21 April 1995	The situation in Somalia
S/1995/332	26 April 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/1995/387	11 May 1995	The situation in Croatia
S/1995/431	30 May 1995	The situation concerning Western Sahara
S/1995/438	31 May 1995	Security Council working methods and procedure

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/1995/440	31 May 1995	Security Council working methods and procedure
S/1995/452	2 June 1995	The situation in Somalia
S/1995/487	15 June 1995	The situation in Angola
S/1995/507	23 June 1995	The situation between Iraq and Kuwait
S/1995/562	11 July 1995	The situation in Cyprus
S/1995/586	17 July 1995	United Nations Protection Force
S/1995/649	4 August 1995	The situation in Angola
S/1995/669	8 August 1995	The situation in Angola
S/1995/736	25 August 1995	The situation concerning Rwanda
S/1995/748	29 August 1995	The situation in Croatia
S/1995/773	7 September 1995	The situation in the Middle East
S/1995/774	7 September 1995	The situation concerning Rwanda
S/1995/826	27 September 1995	The situation in Burundi
S/1995/840	5 October 1995	The situation in Georgia
S/1995/847	6 October 1995	The situation between Iraq and Kuwait
S/1995/859	10 October 1995	The situation in Croatia
S/1995/870	13 October 1995	The situation in Cambodia
S/1995/880	20 October 1995	The situation concerning Rwanda
S/1995/886	26 October 1995	The situation between Iraq and Kuwait
S/1995/899	30 October 1995	The situation in the Republic of Bosnia and Herzegovina
S/1995/913	1 November 1995	The situation in Angola
S/1995/925	6 November 1995	The situation concerning Western Sahara
S/1995/932	7 November 1995	The situation in Burundi
S/1995/946	10 November 1995	The situation concerning Rwanda
S/1995/948	13 November 1995	Consideration of the draft report of the Security Council to the General Assembly
S/1995/955	15 November 1995	The situation in Tajikistan and along the Tajik-Afghan border
S/1995/958	16 November 1995	Security Council working methods and procedure
S/1995/960	16 November 1995	The situation in Liberia

Repertoire of the Practice of the Security Council

<i>Letter or note</i>	<i>Date</i>	<i>Item</i>
S/1995/1023	8 December 1995	The situation in the Middle East
S/1995/1053	21 December 1995	The situation in the Republic of Bosnia and Herzegovina
S/1995/1057	22 December 1995	The situation in Burundi

Chapter V

Subsidiary organs of the Security Council

Contents

	<i>Page</i>
Introductory note	105
Part I. Subsidiary organs of the Security Council established or continuing during the period 1993 to 1995	106
A. Standing committees/ad hoc committees	106
B. Investigative bodies	106
C. Peacekeeping operations	110
D. Security Council committees	133
E. Ad hoc commissions/Coordinator for the Return of Property	140
F. International Tribunals	142
Part II. Subsidiary organs of the Security Council whose mandate was completed or terminated during the period 1993 to 1995	144
Part III. Subsidiary organs of the Security Council proposed but not established	145

Introductory note

This chapter covers procedures of the Security Council relating to the establishment and control of subsidiary organs deemed necessary for the performance of its functions under the Charter of the United Nations. The Council's power to establish subsidiary organs is set out in Article 29 of the Charter and reflected in rule 28 of the provisional rules of procedure as follows:

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Rule 28

The Security Council may appoint a commission or committee or a rapporteur for a specified question.

The period 1993 to 1995 saw a further expansion in the number of subsidiary organs established by the Council, as compared with the previous reporting period. The Council mandated the establishment of 12 new peacekeeping operations and established four new committees to oversee the implementation of measures adopted pursuant to Chapter VII. The Council also authorized the establishment of a commission of experts to examine reported violations of international humanitarian law in Rwanda, a Commission of Inquiry to investigate armed attacks on personnel of the United Nations Operation in Somalia, an International Commission of Inquiry in connection with the assassination of the President of Burundi and an International Commission of Inquiry to, inter alia, investigate reports relating to the sale or supply of arms to former Rwandese Government Forces. Further, the Council established two international tribunals.

Part I of this chapter considers all new organs, together with those established prior to 1993 and continuing during part or all of the period under review. The organs are divided into six main categories, reflecting their main character or functions: standing and ad hoc committees; investigative bodies; peacekeeping missions; committees to oversee the implementation of measures adopted pursuant to Article 41; ad hoc commissions; and international tribunals. Ten peacekeeping operations were terminated during the period under review, as were three investigative bodies, two Security Council Committees and one ad hoc Commission. This is reflected in part II. Part III concerning subsidiary organs that were formally proposed but not established, indicates that there was no such proposed organ during the period under review.

Part I
Subsidiary organs of the Security Council
established or continuing during the period 1993 to 1995

A. Standing committees/ad hoc committees

During the period 1993-1995, the Committee of Experts on Rules of Procedure and the Committee on Council Meetings away from Headquarters continued to exist but did not meet.

The Committee on the Admission of New Members was asked to consider the applications for admission to membership in the United Nations of seven States, referred to it by the Council under rule 59 of the provisional rules of procedure.¹ Another body concerned with membership, the Committee of Experts established by the Council at the 1506th meeting, concerning the question of associate membership, continued to exist but did not meet.

Other ad hoc subsidiary organs established prior to 1993 which continued to exist during the period under review included the Committee established by Security Council resolution 446 (1979), concerning the situation in the occupied Arab territories; and the Ad Hoc Committee established under Security Council resolution 507 (1982), concerning the Seychelles. There was no activity during the period under review on the part of either body.

B. Investigative bodies

During the period under review, pursuant to the Council's requests to the Secretary-General in its resolutions, four new investigative bodies were established: commissions of inquiry concerning Somalia and Burundi, and the Commission of Experts and the International Commission of Inquiry concerning Rwanda. The Council also oversaw the activities of the Commission of Experts concerning the former Yugoslavia that had been established during the previous reporting period.

¹ The recommendations made by the Committee and the Council concerning admission are considered in chapter VII.

1. Commission of Experts established pursuant to resolution 780 (1992) concerning the former Yugoslavia

The Security Council had requested the Secretary-General, by its resolution 780 (1992) of 6 October 1992, to establish a Commission of Experts to examine and analyse information gathered with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.²

During the period under review, the five-member Commission submitted, through the Secretary-General, two interim reports, on 9 February and 3 October 1993,³ respectively, and a final report, on 24 May 1994,⁴ in which they concluded that grave breaches of the Geneva Conventions and other violations of international humanitarian law had been committed in the territory of the former Yugoslavia on a large scale, and were particularly brutal and ferocious in their execution. In his letter accompanying the final report,⁵ the Secretary-General stated that he had examined the report carefully and fully concurred with the Commission's conclusions. He therefore considered that the Commission had discharged its mandate. He also expressed his confidence that the material collected and analysed by the Commission, which had been forwarded to the Prosecutor of the International Tribunal for the former Yugoslavia, would greatly facilitate in carrying out the Tribunal's mandate.

2. Commission of Inquiry established pursuant to resolution 885 (1993) concerning Somalia

By its resolution 814 (1993) of 26 March 1993, the Security Council, acting under Chapter VII of the Charter, authorized the expansion of the size and mandate of the United Nations Operation in Somalia

² For details on the establishment and composition of the Commission, see *Supplement 1989-1992 to the Repertoire*, chapter V.

³ S/25274 and S/26545.

⁴ S/1994/674 and Add.1 and Add.2 (Vol. I-V).

⁵ S/1994/674.

(UNOSOM II). By its resolution 837 (1993) of 6 June 1993, the Council, acting under Chapter VII of the Charter, condemned the unprovoked armed attacks that had occurred against UNOSOM II personnel on 5 June, and reaffirmed that the Secretary-General was authorized under resolution 814 (1993) to take “all necessary measures” against all those responsible for those attacks, including to secure the investigation of their actions and their arrest and detention for prosecution, trial and punishment.

On 16 November 1993, the Security Council, by resolution 885 (1993), authorized the establishment of a Commission of Inquiry, in further implementation of its resolutions 814 (1993) and 837 (1993), to investigate the armed attacks on UNOSOM II personnel which had led to casualties among them. The Council requested the Secretary-General to appoint the Commission at the earliest possible time, and to report to the Council on the establishment of the Commission. It directed the Commission to determine procedures for carrying out its investigation, and requested the Commission to report its findings through the Secretary-General as soon as possible, taking into consideration the need for a thorough inquiry. The Council further requested that the Secretary-General, under his authority in resolutions 814 (1993) and 837 (1993), pending completion of the report of the Commission, suspend arrest actions against those individuals who might be implicated but were not detained pursuant to resolution 837 (1993), and make appropriate provision to deal with the situation of those already detained under the provisions of the resolution.

Through an exchange of letters between the Secretary-General and the President of the Security Council, dated 23 and 30 November 1993 respectively,⁶ the members of the Council took note of the composition of the three-member Commission and welcomed the Secretary-General’s decision to establish a separate secretariat to assist the Commission in carrying out its tasks.

Subsequently, in a letter dated 1 June 1994 addressed to the Secretary-General,⁷ the President of the Council conveyed the Council’s decision that the report of the Commission established pursuant to resolution 885 (1993), which had been received earlier by the members of the Council, should be circulated as

a document of the Security Council in the normal manner. The President also stated that, in connection with the report, it was noted that many of the suggestions contained therein had already been acted upon by UNOSOM II and by the Security Council. The members of the Council believed that the report demonstrated the complexity and difficulty of the operation in Somalia. Many lessons had been learned and the Security Council would be able to build upon that experience in future peacekeeping operations. The President asked that his letter be circulated as a document of the Security Council at the same time as the report was circulated. The report⁸ was issued concurrently with the letter.

3. Commission of Experts established pursuant to resolution 935 (1994) concerning Rwanda

On 31 May 1994, pursuant to a request by the Security Council,⁹ the Secretary-General submitted his report on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict.¹⁰ He noted that massacres and killings had continued in a systematic manner throughout Rwanda and also that “only a proper investigation [could] establish the facts and definite culpability”. On 1 July 1994, the Security Council adopted resolution 935 (1994). By that resolution, the Council requested the Secretary-General to establish, as a matter of urgency, “an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide”.

In the same resolution, the Council called upon States and, as appropriate, international humanitarian organizations, to collate substantiated information in their possession or submitted to them relating to grave violations of international humanitarian law, including breaches of the Convention on the Prevention and

⁶ S/26823 and S/26824.

⁷ S/1994/652.

⁸ S/1994/653.

⁹ Resolution 918 (1994), para. 18.

¹⁰ S/1994/640.

Punishment of the Crime of Genocide, committed in Rwanda during the conflict. The Council requested States, relevant United Nations bodies and relevant organizations to make that information available within 30 days of the adoption of the resolution and as appropriate thereafter and to provide appropriate assistance to the Commission.

The Council also requested the Secretary-General to report to it on the establishment of the Commission and, within four months from its establishment, on the conclusions of the Commission, and to take account of those conclusions in any recommendations for further appropriate steps.

Finally, the Council requested the Secretary-General and, as appropriate, the United Nations High Commissioner for Refugees, through the Secretary-General, to make the information submitted to the Special Rapporteur for Rwanda available to the Commission and to facilitate adequate coordination and cooperation between the work of the Commission and the Special Rapporteur in the performance of their respective tasks.

On 26 July 1994, the Secretary-General submitted his report on the establishment of the Commission¹¹ and on 29 July, in a letter addressed to the President of the Council,¹² he notified the Council of his appointment of three members of the Commission, reserving the right to expand the membership as necessary. The Security Council welcomed those developments.¹³

The Commission submitted, via the Secretary-General, a preliminary report on 1 October 1994.¹⁴ It submitted a final report on 9 December 1994, confirming that genocide and other systematic, widespread and flagrant violations of international humanitarian law had been committed in Rwanda.¹⁵ In his letter accompanying the Commission's final report,¹⁶ the Secretary-General noted that, by resolution 955 (1994) of 8 November 1994, the Security Council had decided to establish an international tribunal for Rwanda, in view of that resolution, the Commission's recommendation that an

international tribunal should be established and that the investigation into allegations of violations of international humanitarian law should continue, had already been acted upon. The Secretary-General also expressed his confidence that the material collected by the Commission, which would be transmitted to the Prosecutor of the International Tribunal for Rwanda, would greatly facilitate the latter's task. He therefore considered that the Commission had discharged its mandate.

4. International Commission of Inquiry established under resolution 1012 (1995) concerning Burundi

On 28 August 1995, the Security Council adopted resolution 1012 (1995). In the preambular paragraphs of that resolution, the Council recalled the statement by the President of the Council of 29 March 1995,¹⁷ in which the Council, *inter alia*, underlined the role that could be played in Burundi by an international commission of inquiry into the 1993 coup attempt and into the massacres that had followed; welcomed the letter of the Secretary-General to the President of the Security Council dated 28 July 1995¹⁸ recommending that such a commission of inquiry should be created by resolution of the Council; took into account the initiative of the Government of Burundi in calling for the establishment of an international judicial commission of inquiry as referred to in the Convention of Government;¹⁹ and recalled also the letter of the Permanent Representative of Burundi to the President of the Council dated 8 August 1995²⁰ noting with interest the letter of the Secretary-General of 28 July 1995.²¹

By that resolution, the Council requested the Secretary-General to establish, as a matter of urgency, an international commission of inquiry with the following mandate: (a) to establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which had followed; (b) to recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with

¹¹ S/1994/879.

¹² S/1994/906.

¹³ S/PRST/1994/42.

¹⁴ S/1994/1125.

¹⁵ S/1994/1405, annex.

¹⁶ S/1994/1405.

¹⁷ S/PRST/1995/13.

¹⁸ S/1995/631.

¹⁹ S/1995/190, annex.

²⁰ S/1995/673.

²¹ S/1995/631.

regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi.

The Council recommended that the International Commission of Inquiry be composed of five impartial and internationally respected, experienced jurists who would be selected by the Secretary-General and would be furnished with adequate expert staff, and that the Government of Burundi be duly informed. It called upon States, relevant United Nations bodies and, as appropriate, international humanitarian organizations to collate substantiated information in their possession relating to the above-mentioned acts, to make such information available as soon as possible and to provide appropriate assistance to the Commission. It requested the Secretary-General to report to the Council on the establishment of the Commission, and further requested him, within three months from the establishment of the Commission, to submit an interim report to the Council on the work of the Commission and to submit a final report when the Commission had completed its work.

The Council also called upon the Burundi authorities and institutions, including all Burundi political parties, to fully cooperate with the Commission in the accomplishment of its mandate, including responding positively to requests from the Commission for security, assistance and access in pursuing investigations, including (a) adoption by the Government of Burundi of any measures needed for the Commission and its personnel to carry out their functions throughout the national territory with full freedom, independence and security; (b) provision by the Government of Burundi of all information in its possession which the Commission requested or was otherwise needed to carry out its mandate and free access for the Commission and its staff to any official archives related to its mandate; (c) freedom for the Commission to obtain any information the Commission considered relevant and to use all sources of information which the Commission considered useful and reliable; (d) freedom for the Commission to interview, in private, any persons the Commission judged necessary; (e) freedom for the Commission to visit any establishment or place at any time; and (f) guarantee by the Government of Burundi of full respect for the integrity, security and freedom of

witnesses, experts and any other persons who helped the Commission in its work.

The Council further called upon all States to cooperate with the Commission in facilitating its investigations. It requested the Secretary-General to provide adequate security for the Commission in cooperation with the Government of Burundi, and also requested him to establish, as a supplement to financing as an expense of the Organization, a trust fund to receive voluntary contributions to finance the Commission. It urged States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the Commission including the offer of expert personnel in support of the implementation of the resolution.

In a letter dated 22 September 1995,²² the Secretary-General informed the President of the Security Council that, in accordance with resolution 1012 (1995), he had appointed five internationally respected jurists as members of the Commission. As soon as the Advisory Committee on Administrative and Budgetary Questions had approved the Commission's budget and once the support team which would accompany the Commission to Bujumbura had been formally recruited, he would ask the members of the Commission to assemble in New York before they started their mission. The Council would be kept informed of the progress achieved in this regard. In a reply dated 27 September,²³ the President of the Council stated that the members of the Council took note of the decision contained in the Secretary-General's letter.

5. International Commission of Inquiry established under resolution 1013 (1995) concerning Rwanda

On 7 September 1995, by resolution 1013 (1995), the Council requested the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry with the following mandate: (a) to collect information and investigate reports relating to the sale or supply of arms and related materiel to former Rwandese Government Forces in the Great Lakes region in violation of Council resolutions

²² S/1995/825.

²³ S/1995/826.

918 (1994), 997 (1995) and 1011 (1995);²⁴ (b) to investigate allegations that such forces were receiving military training in order to destabilize Rwanda; (c) to identify parties aiding and abetting the illegal acquisition of arms by former Rwandese Government Forces, contrary to the Council resolutions referred to above; (d) to recommend measures to end the illegal flow of arms in the region in violation of the Council resolutions referred to above. The Council recommended that this Commission be composed of 5 to 10 impartial and internationally respected persons, including legal, military and police experts, under the chairmanship of an eminent person, and assisted by the appropriate support staff. It requested the Secretary-General to report to it on the establishment of the Commission and to submit, within three months of its establishment, an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report containing the Commission's recommendations.

By a letter dated 20 October 1995, addressed to the President of the Security Council,²⁵ the Secretary-General informed the Council that arrangements for the establishment of the Commission had been completed. He had appointed six individuals to the Commission; they would be accompanied by a small support staff, including a legal expert and a security officer. In a reply of the same date,²⁶ the President of the Council stated that the members of the Council welcomed the Secretary-General's decision and took note of the information contained in his letter.

C. Peacekeeping operations

As noted in the report of the Secretary-General on the work of the Organization of 22 August 1995, peacekeeping operations, during the period under review, became more complex, being involved in a wider spectrum of operations ranging from the monitoring of traditional ceasefires to the task of armed protection of humanitarian convoys, and from

the control of buffer zones to assistance in the implementation of peace settlements.²⁷ During the period under review, the Security Council adopted several decisions which dealt with various aspects of peacekeeping operations, including the security of peacekeeping operations, communication with troop-contributing countries and stand-by arrangements for rapid deployment.²⁸

From 1993 to 1995, the Council mandated the establishment of 12 new peacekeeping operations — in Angola,²⁹ Somalia,³⁰ Uganda and Rwanda,³¹ Rwanda,³² Liberia,³³ Chad and the Libyan Arab Jamahiriya,³⁴ Haiti,³⁵ Tajikistan,³⁶ Croatia,³⁷ the former Yugoslav Republic of Macedonia,³⁸ Bosnia and Herzegovina³⁹ and Georgia,⁴⁰ while authorizing the termination or transition to new peacekeeping missions of 10 operations.⁴¹ In some cases, the Council

²⁷ A/50/1, para. 602.

²⁸ S/25696, S/25859, resolution 868 (1993), S/PRST/1994/22, S/PRST/1994/36 and S/PRST/1994/62.

²⁹ United Nations Angola Verification Mission III (UNAVEM III).

³⁰ United Nations Operation in Somalia II (UNOSOM II).

³¹ United Nations Observer Mission Uganda-Rwanda (UNOMUR).

³² United Nations Assistance Mission for Rwanda (UNAMIR).

³³ United Nations Observer Mission in Liberia (UNOMIL).

³⁴ United Nations Aouzou Strip Observer Group (UNASOG).

³⁵ United Nations Mission in Haiti (UNMIH).

³⁶ United Nations Mission of Observers in Tajikistan (UNMOT).

³⁷ United Nations Confidence Restoration Operation in Croatia (UNCRO).

³⁸ United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia (UNPREDEP).

³⁹ United Nations Mission in Bosnia and Herzegovina (UNMIBH).

⁴⁰ United Nations Observer Mission in Georgia (UNOMIG).

⁴¹ United Nations Angola Verification Mission II (UNAVEM II), United Nations Operation in Somalia (UNOSOM), United Nations Operation in Somalia II (UNOSOM II), United Nations Observer Mission in South Africa (UNOMSA), United Nations Operation in Mozambique (ONUMOZ), United Nations Observer Mission Uganda-Rwanda (UNOMUR), United Nations Aouzou Strip Observer Group (UNASOG), United Nations Observer Mission in El Salvador (ONUSAL), United Nations Transitional Authority in Cambodia (UNTAC) and United Nations Protection Force in the former Yugoslavia (UNPROFOR).

²⁴ Those resolutions relate to the imposition, initially, of an arms embargo against the territory of Rwanda in general, modified, subsequently, to an arms embargo against non-Government entities in Rwanda or entities in neighboring States that might forward the arms to the non-Government entities in Rwanda.

²⁵ S/1995/879.

²⁶ S/1995/880.

authorized significant changes and expansions in the mandates of peacekeeping operations including a number of those established during an earlier period.

Twenty-six peacekeeping operations in total are considered below, by geographic region. Studies of peacekeeping operations in each region are generally in the order of their establishment, while interlinked operations are dealt with jointly. As a full account of Council proceedings, including details of deliberations by the Council on the question and the content of the reports of the Secretary-General on the situations on the ground are set out in chapter VIII of this volume, this section focuses on procedures of the Council concerning the establishment, mandate, composition, implementation of mandate, and termination or transition of peacekeeping operations during the period under review. It is noted that, in accordance with the general principles set out in General Assembly resolutions 874 (S-IV) of 27 June 1963 and 3101 (XXVIII) of 11 December 1973, peacekeeping operations during the period under review were financed through assessed contributions by Member States.⁴²

⁴² Previously, the only United Nations peacekeeping operation not financed from assessed contributions by Member States was the United Nations Peacekeeping Force in Cyprus (UNFICYP). In accordance with resolution 186 (1964), the costs of the Force were met by the Governments providing the military contingents, by the Government of Cyprus, and by voluntary contributions. As a result of decisions taken by troop-contributing countries to reduce their contingents, the Secretary-General, in his report dated 30 March 1993 (S/25492), outlined two alternative proposals, one of which he recommended, for restructuring UNFICYP, stressing that both proposals would be practical only if the Council changed the financing from voluntary to assessed contributions. On 27 May 1993, by resolution 831 (1993), the Council decided that, with effect from the next extension of the Force's mandate on or before 15 June 1993, those costs of the Force which were not covered by voluntary contributions should be treated as expenses of the Organization under Article 17 (2) of the Charter. A majority of peacekeeping operations during the period under review were financed through the peacekeeping budget of the United Nations, while two peacekeeping operations, the United Nations Truce Supervision Organization and the United Nations Military Observer Group in India and Pakistan, are funded from the regular budget of the United Nations.

Africa

1. United Nations Mission for the Referendum in Western Sahara established pursuant to resolution 690 (1991)

During the period under review, the United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to perform its task of monitoring the ceasefire between Morocco and the Frente Popular de Liberación de Sagúía el Hamra y Río de Oro (Polisario Front) and facilitating the organization of a referendum over the future control of the territory in accordance with the Settlement Plan.⁴³

Mandate implementation

From 1993 to 1995, following the consideration of the reports of the Secretary-General on the situation concerning Western Sahara,⁴⁴ the Security Council, by adopting a series of resolutions,⁴⁵ extended the mandate of MINURSO on four occasions, for periods of three to four months; the last extension was until 31 January 1996.⁴⁶

By resolution 973 (1995) of 13 January 1995, the Council approved the expansion of the Mission, as proposed by the Secretary-General,⁴⁷ to reinforce personnel, including civilian police, for the completion of registration and identification in a reasonable time.

⁴³ S/21360 and S/22464 and Corr.1. The Settlement Plan was approved by the Security Council by resolution 658 (1990).

⁴⁴ S/25170, S/25818, S/26185, S/26797, S/1994/1420, S/1994/283, S/1995/404 and S/1995/779.

⁴⁵ Resolutions 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995 and 1017 (1995) of 22 September 1995.

⁴⁶ In most cases, the duration of the mandate was for three months, as recommended by the Secretary-General. In one case, however, while the Secretary-General, in his report of 19 May 1995 (S/1995/404), recommended that the mandate of MINURSO be extended for a four-month period, by resolution 995 (1995) of 26 May 1995, the Council extended it for one month, and decided to send a mission of the Council to the region, with a view to accelerating the implementation of the Settlement Plan.

⁴⁷ In his report dated 14 December 1994 (S/1994/1420, paras. 17-19).

2. United Nations Angola Verification Mission II established pursuant to resolution 696 (1991)

During the period under review, the United Nations Angola Verification Mission II (UNAVEM II) continued to carry out its mandate of overseeing and maintaining the ceasefire, and as authorized by resolution 747 (1992), monitoring the process of elections.

Mandate implementation

By resolution 804 (1993) of 29 January 1993, as recommended by the Secretary-General,⁴⁸ the Council authorized, as a provisional measure based on security considerations, the Secretary-General to concentrate Mission deployment in Luanda and, at his discretion, in other provincial locations, with the levels of equipment and personnel he deemed appropriate to allow for the subsequent expeditious redeployment of UNAVEM II, as soon as that became feasible. The mandate of UNAVEM II was extended for three months, until 30 April 1993, by resolution 804 (1993), and then for a further month, until 31 May 1993, by resolution 823 (1993) of 30 April 1993.

Following the breakdown of meetings held at Abidjan between the Government of Angola and UNITA to achieve an agreement on a ceasefire, by resolution 834 (1993) of 1 June 1993, the Council agreed to extend the existing mandate of the Mission for 45 days, in accordance with the Secretary-General's recommendations in which, stressing the importance of deciding again the United Nations role in Angola, he recommended a further two-month interim extension of the Mission's mandate, on a reduced basis.⁴⁹ UNAVEM II would provide good offices and mediation, with the goal of restoring the ceasefire and reinstating the peace process. UNAVEM would consist of a smaller number of military, police and political personnel of which some might also be deployed in several locations outside Luanda.

On the basis of reports of the Secretary-General,⁵⁰ the mandate of the Mission was subsequently extended on six occasions, by a series of

⁴⁸ In his report dated 21 January 1993 (S/25140).

⁴⁹ Report dated 25 May 1993 (S/25840, paras. 36 and 37).

⁵⁰ S/26060 and Add.1 and 2, S/26434 and Add.1, S/1994/282 and Add.1, S/1994/611, S/1994/740 and Add.1, S/1994/1019 and S/1994/1197.

resolutions, for further periods of between half a month and three months.⁵¹

By resolution 952 (1994) of 27 October 1994, encouraged by the substantial progress made in the Lusaka peace talks, the Council authorized, with the aim of consolidating the implementation of the peace agreement in its initial and most critical stages, the restoration of the strength of UNAVEM II to its previous level of 350 military observers and 126 police observers, upon receipt of a report from the Secretary-General to the Council that the parties had initialled a peace agreement and that an effective ceasefire was in place.

By resolution 966 (1994) of 8 December 1994, the Council extended the mandate of UNAVEM II until 8 February 1995 in order to monitor the ceasefire established by the Lusaka Protocol which was signed on 20 November 1994.

Through exchanges of letters between the Secretary-General and the President of the Council,⁵² the Chief Military Observer of UNAVEM II and the countries contributing military personnel to the Mission during the period under review were confirmed.

Termination/transition to a new mission

By resolution 976 (1995) of 8 February 1995, the Council, on the basis of the Secretary-General's recommendations,⁵³ established an enlarged United Nations operation in Angola, UNAVEM III, which replaced UNAVEM II.

3. United Nations Angola Verification Mission III established pursuant to resolution 976 (1995)

Establishment

Following the signing of the Lusaka Protocol on 20 November 1994,⁵⁴ the Security Council, by resolution 976 (1995) of 8 February 1995, authorized the establishment of the United Nations Angola

⁵¹ Resolutions 851 (1993) of 15 July 1993, 864 (1993) of 15 September 1993, 890 (1993) of 15 December 1993, 922 (1994) of 31 May 1994, 945 (1994) of 29 September 1994 and 952 (1994) of 27 October 1994.

⁵² S/25342 and S/25343; S/1995/36 and S/1995/37.

⁵³ In his report dated 1 February 1995 (S/1995/97 and Add.1).

⁵⁴ S/1994/1441.

Verification Mission III (UNAVEM III), for an initial mandate until 8 August 1995.

Mandate

The mandate of UNAVEM III, as set out in resolution 976 (1995), was to assist the parties in restoring peace and achieving national reconciliation in Angola, on the basis of the “Acordos de Paz”,⁵⁵ the Lusaka Protocol⁵⁶ and relevant Security Council resolutions.⁵⁷

Composition

UNAVEM III was authorized with a maximum deployment of 7,000 military personnel, in addition to the 350 military observers and 260 police observers mentioned in the report of the Secretary-General, with an appropriate number of international and local staff.⁵⁸ By exchanges of letters between the Secretary-General and the President of the Council, the Force Commander of UNAVEM III⁵⁹ and the countries contributing military personnel to the Mission⁶⁰ were confirmed.

Mandate implementation

By resolution 1008 (1995) of 7 August 1995, the Council extended the mandate of UNAVEM III until 8 February 1996.

Termination

The Council, by resolution 976 (1995) of 8 February 1995, declared its intention to conclude the Mission when the objectives of the Lusaka Protocol had been achieved in accordance with the schedule attached to the Lusaka Protocol and with the expectation of its completion by February 1997.

⁵⁵ S/22609.

⁵⁶ S/1994/1441.

⁵⁷ As outlined in the report of the Secretary-General dated 1 February 1995 (S/1995/97, paras. 13-16).

⁵⁸ S/1995/97 and Add.1.

⁵⁹ S/1995/668 and S/1995/669.

⁶⁰ S/1995/204 and S/1995/205; S/1995/648 and S/1995/649; S/1995/912 and S/1995/913.

4. United Nations Operation in Somalia established pursuant to resolution 751 (1992)

Termination/transition to a new mission

By resolution 814 (1993) of 26 March 1993, the Security Council, acting under Chapter VII of the Charter, decided to expand both the size of the force of the United Nations Operation in Somalia and its mandate in accordance with the Secretary-General's recommendations.⁶¹ By this expansion, UNOSOM made a transition to UNOSOM II.

5. United Nations Operation in Somalia II established pursuant to resolution 814 (1993)

Establishment

By resolution 814 (1993), the Security Council, acting under Chapter VII of the Charter, decided to establish UNOSOM II for an initial period until 31 October 1993 and requested the Secretary-General to direct the Force Commander of UNOSOM II to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, taking account of the particular circumstances in each locality, on an expedited basis in accordance with the recommendations contained in his report of 3 March 1993 and in that regard, to organize a prompt, smooth and phased transition from the Unified Task Force to UNOSOM II.⁶²

Mandate

As recommended by the Secretary-General,⁶³ the mandate of UNOSOM II was the following: (a) to monitor that all factions continue to respect the cessation of hostilities and other agreements to which they had agreed, particularly the Addis Ababa agreements of January 1993; (b) to prevent any resumption of violence and, if necessary, take appropriate action against any faction that violated or threatened to violate the cessation of hostilities; (c) to maintain control of the heavy weapons of the organized factions which would have been brought under

⁶¹ As contained in his report dated 3 March 1993 (S/25354, paras. 56-88).

⁶² By resolution 794 (1992), the Council, acting under Chapter VII of the Charter, authorized the Unified Task Force so as to establish a secure environment for humanitarian relief operations in Somalia as soon as possible.

⁶³ S/25354.

international control pending their eventual destruction or transfer to a newly constituted national army; (d) to seize the small arms of all unauthorized armed elements and to assist in the registration and security of such arms; (e) to secure or maintain security at all ports, airports and lines of communications required for the delivery of humanitarian assistance; (f) to protect, as required, the personnel, installations and equipments of the United Nations and its agencies, the International Committee of the Red Cross as well as non-governmental organizations, and to take such forceful action as might be required to neutralize armed elements that attacked or threatened to attack such facilities and personnel, pending the establishment of a new Somali police force which could assume that responsibility; (g) to continue the programme for mine-clearing in the most afflicted areas; (h) to assist in the repatriation of refugees and displaced persons within Somalia; and (i) to carry out such other functions as might be authorized by the Security Council.

Composition

UNOSOM II was to be composed of 20,000 troops made up of five brigades, as well as 8,000 personnel to provide logistical support. By exchanges of letters between the Secretary-General and the President of the Council, the Force Commander of UNISOM II⁶⁴ and the troop-contributing countries to the Mission⁶⁵ were confirmed.

Mandate implementation

During the reporting period, the Council, by adopting a number of resolutions, extended the mandate of UNOSOM II in six instances until its termination on 31 March 1995.⁶⁶ Among them, the extension of the mandate by resolution 923 (1994) was subject to a review by the Council based on a report by the Secretary-General on the humanitarian mission carried out by UNOSOM II and on the political and security situation in Somalia and progress made in achieving national reconciliation.

⁶⁴ S/1994/21 and S/1994/22.

⁶⁵ S/25532 and S/25533; S/25673 and S/25674.

⁶⁶ Resolutions 878 (1993) of 29 October 1993, 886 (1993) of 18 November 1993, 923 (1994) of 31 May 1994, 946 (1994) of 30 September 1994, 953 (1994) of 31 October 1994 and 954 (1995) of 4 November 1995.

Following the unprovoked armed attacks against the personnel of UNOSOM II on 5 June 1993, the Council, by resolution 837 (1993) of 6 June 1993, reaffirmed that the Secretary-General was authorized, under resolution 814 (1993), to take "all necessary measures" against all those responsible for such attacks, including against those responsible for publicly inciting such attacks, to establish the effective authority of UNOSOM II throughout Somalia.

By resolution 897 (1994) of 4 February 1994, the Council approved the Secretary-General's recommendation for the continuation of UNOSOM II,⁶⁷ with a revised mandate for the following: (a) encouraging and assisting the Somali parties in implementing the Addis Ababa Agreements, in particular in their cooperative efforts to achieve disarmament and to respect the ceasefire; (b) protecting major ports and airports and essential infrastructure and safeguarding the lines of communications vital to the provision of humanitarian relief and reconstruction assistance; (c) continuing its efforts to provide humanitarian relief to all in need throughout the country; (d) assisting in the reorganization of the Somali police and judicial system; (e) helping with the repatriation and resettlement of refugees and displaced persons; (f) assisting also in the ongoing political process in Somalia, which should culminate in the installation of a democratically elected government; and (g) providing protection for the personnel, installations and equipment of the United Nations and its agencies, as well as of non-governmental organizations providing humanitarian relief and reconstruction assistance.

Following the report of the Secretary-General dated 17 August 1994 in which he recommended immediate steps to reduce the force level of UNOSOM II by 1,500 and thereafter to bring it down to 15,000 all ranks as soon as possible,⁶⁸ in a presidential statement dated 25 August 1994,⁶⁹ the Council believed that the Secretary-General's proposed initial reduction of the UNOSOM II troops was appropriate in the circumstances prevailing in Somalia.

⁶⁷ As set out in his further report dated 6 January 1994 (S/1994/12, para. 57).

⁶⁸ S/1994/977.

⁶⁹ S/PRST/1994/46.

Termination

In the preamble to resolution 897 (1994) of 4 February 1994, the Council reaffirmed the objective that UNOSOM II complete its mission by March 1995, which was reiterated in resolution 923 (1994) of 31 May 1994.

In a presidential statement dated 6 April 1995,⁷⁰ the Council noted the successful conclusion of the withdrawal of UNOSOM II forces from Somalia. It also stated that the continuing lack of progress in the peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, had prevented the continuation of the mandate of UNOSOM II beyond 31 March 1995.⁷¹

6. United Nations Observer Mission in South Africa established pursuant to resolution 772 (1992)

During the period under review, the United Nations Observer Mission in South Africa (UNOMSA) continued its mandate, in coordination with the structures set up under the National Peace Accord signed on 14 September 1991, to bring an effective end to the violence and thus to create the conditions for the resumption of negotiations envisaged in resolution 765 (1992).

Mandate implementation

The Council, by a letter dated 19 February 1993 from the President of the Council addressed to the Secretary-General,⁷² welcomed the latter's decision to

⁷⁰ S/PRST/1995/15.

⁷¹ Following the withdrawal of the forces of UNOSOM II from Somalia, in accordance with the Secretary-General's proposal set out in his report dated 28 March 1995 (S/1995/231), a small political office, the United Nations Political Office in Somalia (UNPOS), was established to monitor the situation in Somalia and keep contact with the parties concerned to the extent possible (see the Secretary-General's letter to the President of the Council dated 18 April 1995 (S/1995/322)). The decision concerning the political office for Somalia was welcomed by Council members (see the letter dated 21 April 1995 from the President of the Council to the Secretary-General (S/1995/323)).

⁷² S/25315.

reinforce UNOMSA with an increment of 10 additional observers, for a total strength of 60 observers.⁷³

By an exchange of letters between the Secretary-General and the President of the Council dated 29 September and 9 October 1993,⁷⁴ the Council members agreed with the Secretary-General's request to increase the number of observers by 40 for a total complement of 100 observers to reinforce security and stability in the country during the transitional period.

By resolution 894 (1994) of 14 January 1994, the Council agreed with the Secretary-General's proposals concerning the mandate and size of UNOMSA,⁷⁵ that is, to include the observation of the elections scheduled for 27 April 1994, and to increase the Mission's strength by an additional number of 1,278 United Nations observers.⁷⁶

Termination

Subsequent to the establishment of a united, non-racial and democratic Government of South Africa, by resolution 930 (1994) of 27 June 1994, the Council decided that, with the successful completion of its mandate, UNOMSA was terminated forthwith.

7. United Nations Operation in Mozambique established pursuant to resolution 797 (1992)

During the period under review, the United Nations Operation in Mozambique (ONUMOZ) continued to fulfil its mandate to help implement the General Peace Agreement signed on 4 October 1992,

⁷³ In his report dated 22 December 1992, the Secretary-General expressed his intention to reinforce the Mission's strength with an increment of 10 additional observers, due to the delicate situation prevailing in South Africa (S/25004).

⁷⁴ S/26558 and S/26559.

⁷⁵ S/1994/16 and Add.1.

⁷⁶ Prior to the adoption of resolution 894 (1994), by a statement by the President dated 23 November 1993 (S/26785), the Council welcomed the successful completion of the multiparty negotiating process and the conclusion of agreements reached therein on an interim constitution and electoral bill, and invited the Secretary-General to accelerate contingency planning for a possible United Nations role in the election process in South Africa. In response, the Secretary-General, in his report dated 10 January 1994 (S/1994/16 and Add.1), proposed to expand the mandate and the size of UNOMSA, in order to include the observation of the elections scheduled for 27 April 1994.

by performing its principal tasks of monitoring the ceasefire, promoting security and providing technical assistance for the electoral process.

Mandate implementation

Through exchanges of letters between the Secretary-General and the President of the Security Council, the Force Commander of ONUMOZ⁷⁷ and the countries contributing to military elements of the Operation⁷⁸ during the period under review were confirmed.

By resolution 879 (1993) of 29 October 1993, the Council extended the mandate of ONUMOZ until 5 November 1993.

Subsequent to the consideration of the report of the Secretary-General,⁷⁹ by resolution 882 (1993) of 5 November 1993, the Council authorized the Secretary-General to proceed with the selection and deployment of 128 police observers approved by resolution 797 (1992) and renewed the mandate of the mission for a further six months, subject to the proviso that the Council would review the status of the mandate within 90 days on the basis of a report by the Secretary-General to be submitted every three months.

Establishment of police component. By resolution 898 (1994) of 23 February 1994, the Council authorized the establishment of the United Nations police component of up to 1,144 personnel as an integral part of ONUMOZ, with the mandate and deployment described in the report of the Secretary-General dated 28 January 1994.⁸⁰

⁷⁷ S/25285 and S/25286; S/1994/259 and S/1994/260.

⁷⁸ S/25121 and S/25122; S/25211 and S/25212; S/25368 and S/25369; S/25655 and S/25656; S/25964 and S/25965; S/26291 and S/26292; S/26920 and S/26921.

⁷⁹ S/26666 and Add.1.

⁸⁰ The Secretary-General recommended that, given that the political situation in Mozambique had developed in such a way as to allow the shift in focus of ONUMOZ away from the monitoring of the ceasefire towards the verification of police activities in the region and the respect for civil rights, the Council authorized the deployment of a United Nations police component as an integral part of ONUMOZ. The Secretary-General also noted that, given political developments in the country and the costs of the proposed police component, he would instigate a gradual reduction in the military elements of ONUMOZ in May 1994 (S/1994/89/Add.1, paras. 9-18).

By resolution 916 (1994) of 5 May 1994, the Council renewed the mandate of the Operation for a final period until 15 November 1994, at the strength described in the Secretary-General's report dated 28 April 1994,⁸¹ subject to the proviso that the Council would review the status of the mandate of the Operation by 15 July 1994 and also by 5 September 1994, based on further reports by the Secretary-General. By resolution 957 (1994) of 15 November 1994, the Council extended the mandate of ONUMOZ until the new Government of Mozambique took office, as recommended by the Secretary-General,⁸² but no later than 15 December 1994.

Termination

By resolution 957 (1994) of 15 November 1994, the Council authorized ONUMOZ to complete its residual operations prior to its withdrawal on or before 31 January 1995. The Council also approved the withdrawal schedule, for the safe and orderly withdrawal of all military and civilian personnel of the Operation before 31 January 1995.⁸³

Following the installation of the President of the Republic of Mozambique and the inauguration of the new Assembly of the Republic of Mozambique on 8 and 9 December 1994, the Council, by a presidential

⁸¹ S/1994/511, paras. 22, 24 and 25.

⁸² In his letter dated 9 November 1994 addressed to the President of the Council (S/1994/1282), the Secretary-General, in reporting the first multiparty elections in Mozambique, held from 27 to 29 October 1994, recommended that the mandate of ONUMOZ be extended until such time as the new government was installed, which was expected to take place by 15 December 1994. He recommended that, in the meantime, the Operation continue its good offices functions as well as its verification and monitoring activities.

⁸³ As described by the Secretary-General in his report of 26 August 1994 (S/1994/1002, paras. 34-38) and in his letter dated 9 November 1994 (S/1994/1282). Prior to the submission of the Secretary-General's recommendations, by resolution 898 (1994) of 23 February 1994, the Council requested the Secretary-General to begin preparing proposals for the drawdown of an appropriate number of military personnel, to prepare a timetable for the completion of the mandate of ONUMOZ, by the target date of the end of November 1994, and to ensure maximum economy in the operation of ONUMOZ, while remaining mindful of the importance of the effective discharge of its mandate.

statement dated 14 December 1994,⁸⁴ noted that the mandate of ONUMOZ had come to an end and the Operation would be finally withdrawn from Mozambique by 31 January 1995, in accordance with resolution 957 (1994).

8. United Nations Observer Mission Uganda-Rwanda established pursuant to resolution 846 (1993)

Establishment

Following the report of the Secretary-General dated 20 May 1993,⁸⁵ submitted pursuant to resolution 812 (1993),⁸⁶ the Council, by resolution 846 (1993) of 22 June 1993, established the United Nations Observer Mission Uganda-Rwanda (UNOMUR) on the Ugandan side of the border, for an initial period of six months, as recommended by the Secretary-General,⁸⁷ and subject to review every six months.

Mandate

The mandate of UNOMUR, as set out in resolution 846 (1993), was to monitor the Uganda-Rwanda border in order to verify that no military assistance reached Rwanda, focus being put primarily in that regard on the transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use.

Composition

UNOMUR was authorized to be composed of 81 military observers and 17 international and 7 local civilian support staff. Through a subsequent exchange of letters between the Secretary-General and the President of the Council,⁸⁸ the Chief Military Observer of UNOMUR and the countries contributing military observers to the Mission were confirmed.

⁸⁴ S/PRST/1994/80.

⁸⁵ S/25810 and Add.1.

⁸⁶ By resolution 812 (1993) of 12 March 1993, the Security Council invited the Secretary-General to examine the requests of the Governments of Rwanda and Uganda (S/25355 and S/25356, respectively) for the deployment of observers at the border between those two countries.

⁸⁷ S/25810 and Add.1.

⁸⁸ S/26019 and S/26020.

Mandate implementation

Integration within the United Nations Assistance Mission for Rwanda. Following the signing of a peace agreement, on 4 August 1993, between the Government of Rwanda and the Rwandan Patriotic Front in Arusha, United Republic of Tanzania, and on the basis of the Secretary-General's recommendation,⁸⁹ the Council, by resolution 872 (1993) of 4 October 1993, approved the Secretary-General's proposal concerning the integration of UNOMUR within the United Nations Assistance Mission for Rwanda which was established by that resolution. By resolution 891 (1993) of 20 December 1993, the Council noted that this integration was "purely administrative in nature" and would in no way affect the mandate of UNOMUR as set out in resolution 846 (1993) of 22 June 1993.

By resolution 891 (1993), the Council extended the mandate of UNOMUR for six months, after consideration of the report of the Secretary-General.⁹⁰

Termination

In his report dated 16 June 1994,⁹¹ the Secretary-General reported the extension, as from 14 May 1994, of the UNOMUR observation and monitoring activities to the entire Uganda/Rwanda border, following the drastic change in the overall situation in Rwanda, after the deaths of the Presidents of Rwanda and Burundi in a plane crash in Kigali on 6 April 1994. By resolution 928 (1994) of 20 June 1994, on the basis of the above-mentioned report, the Council decided to extend the mandate of UNOMUR for a final period of three months until 21 September 1994 and agreed with the reduction of military observers by phases.⁹²

⁸⁹ In his report dated 24 September 1993 (S/26488 and Add.1).

⁹⁰ S/26878.

⁹¹ S/1994/715.

⁹² In his final report dated 19 September 1994 (S/1994/1073), submitted pursuant to resolution 928 (1994) of 20 June 1994, the Secretary-General noted that UNOMUR had played a useful role as a confidence-building mechanism in the months following the conclusion of the Arusha Peace Agreement and during the initial efforts of UNAMIR to defuse tensions between the Rwandan parties and to facilitate the implementation of that Agreement. Following the resumption of the civil war in Rwanda, UNOMUR had also played an important role in support of the deployment of the expanded UNAMIR and of the coordination of humanitarian relief activities in the country.

9. United Nations Assistance Mission for Rwanda established pursuant to resolution 872 (1993)

Establishment

Following the signing of the Arusha Peace Agreement on 4 August 1993 and on the basis of the report of the Secretary-General dated 24 September 1993,⁹³ by resolution 872 (1993) of 5 October 1993, the Council established the United Nations Assistance Mission for Rwanda (UNAMIR) for a period of six months, subject to the proviso that the Mission would be extended beyond the initial 90-day period only upon a review by the Council on the basis of a report by the Secretary-General as to whether substantive progress had been made by the parties towards the implementation of the Arusha Peace Agreement.⁹⁴

Mandate

The mandate of UNAMIR, as set out in resolution 872 (1993), was as follows: (a) to contribute to the security of the city of Kigali, inter alia, within a weapons-secure area established by the parties in and around the city; (b) to monitor observance of the ceasefire agreement, which called for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures; (c) to monitor the security situation during the final period of the transitional Government's mandate, leading up to the elections; (d) to assist with mine clearance, primarily through training programmes; (e) to investigate at the request of the parties, or on its own initiative, instances of alleged non-compliance with the provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General; (f) to monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it was carried out in a safe and orderly manner; (g) to assist in the coordination of

⁹³ S/26488 and Add.1.

⁹⁴ Earlier, in a letter dated 14 June 1993 addressed to the President of the Council (S/25951), the representative of Rwanda had informed the Council that the Government of Rwanda and the Rwandan Patriotic Front had drawn up a joint request, which was annexed to his present letter, for the stationing of a neutral international force in Rwanda, as soon as the peace agreement had been signed.

humanitarian assistance activities in conjunction with relief operations; and (h) to investigate and report on incidents regarding the activities of the gendarmerie and the police.

Composition

UNAMIR was authorized with the maximum strength of 2,548 military personnel, of whom 2,217 would be staff officers and formed troops and 311 would be military observers, to be deployed in four phases in accordance with the Secretary-General's peace plan, as set out in his report.⁹⁵ Through exchanges of letters between the Secretary-General and the President of the Council, the Force Commander of UNAMIR⁹⁶ and the countries contributing military personnel to the Mission⁹⁷ were confirmed.

Mandate implementation

While the Secretary-General, in his report,⁹⁸ recommended an extension of the mandate of UNAMIR for six months, the Council, by resolution 909 (1994) of 5 April 1994, extended the mandate of UNAMIR until 29 July 1994, with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha Peace Agreement. By resolution 925 (1994) of 8 June 1994, the Council extended the mandate of UNAMIR until 9 December 1994. Subsequently, by a series of resolutions,⁹⁹ the Council extended the mandate of UNAMIR in four instances for additional periods of between three and six months, except on one occasion.¹⁰⁰

Following the Secretary-General's special report dated 20 April 1994,¹⁰¹ which informed the Council of the situation in Rwanda after the plane crash that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994, including the large-scale

⁹⁵ S/26488, paras. 39-43.

⁹⁶ S/26593 and S/26594; S/1994/963 and S/1994/964.

⁹⁷ S/26699 and S/26700; S/26850 and S/26851; S/1994/965 and S/1994/966; S/1994/990 and S/1994/991.

⁹⁸ S/1994/360.

⁹⁹ Resolutions 965 (1994) of 30 November 1994, 997 (1995) of 9 June 1995, 1028 (1995) of 8 December 1995 and 1029 (1995) of 12 December 1995.

¹⁰⁰ On 8 December 1995, by resolution 1028 (1995) the Council extended the mandate of UNAMIR, expiring that day, until 12 December 1995.

¹⁰¹ S/1994/470.

violence in Rwanda, and proposed options for adjustment of mandate of UNAMIR, by resolution 912 (1994) of 5 April 1994, the Council adjusted the mandate of UNAMIR to encompass the following tasks: (a) to act as an intermediary between the parties in an attempt to secure their agreement to a ceasefire; (b) to assist in the resumption of humanitarian relief operations to the extent feasible; (c) to monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with UNAMIR.

By resolution 918 (1994) of 17 May 1994, the Council revised the mandate of UNAMIR to include the following additional responsibilities: (a) to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; and (b) to provide security and support for the distribution of relief supplies and humanitarian relief operations. By the same resolution, the Council recognized that the Mission might be required to take action in self-defence against persons or groups who threatened protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief.¹⁰²

By resolution 925 (1994) of 8 June 1994, the Council endorsed the Secretary-General's proposals contained in his report¹⁰³ for the deployment of the

expanded UNAMIR,¹⁰⁴ and reaffirmed that UNAMIR, in addition to continuing to act as an intermediary between the parties in an attempt to secure their agreement to a ceasefire, would: (a) contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; and (b) provide security and support for the distribution of relief supplies and humanitarian relief operations. At the same time, the Council recognized that UNAMIR might be required to take action in self-defence against persons or groups who threatened protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief.

By resolution 965 (1994) of 30 November 1994, the mandate of UNAMIR was expanded to encompass the following tasks: (a) to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; (b) to provide security and support for the distribution of relief supplies and humanitarian relief operations; (c) to exercise good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement; (d) to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali; and (e) to assist in the establishment and training of a new, integrated, national police force.

By resolution 997 (1995) of 9 June 1995, in the light of the situation in Rwanda, the mandate of UNAMIR, its tasks were: (a) to exercise its good

¹⁰² Earlier, in his letter dated 29 April 1994 (S/1994/518), the Secretary-General reported that, in the circumstances in which massacres continued to occur, serious questions about the viability of the mandate of UNAMIR, revised by resolution 912 (1994), were raised. In particular, the mandate did not give UNAMIR the power to take effective action to halt the continuing massacres and at best the Mission could provide "limited protection" to small groups of threatened persons in Kigali. He urged the Council to re-examine the decision taken in resolution 912 (1994) and to consider what action, including forceful action, UNAMIR could take, or could authorize Member States to take, in order to restore law and order and end the massacres. In a letter addressed to the Secretary-General (S/1994/546), the President of the Council indicated that the Council had considered the Secretary-General's letter and had agreed that urgent and effective means of action needed to be considered.

¹⁰³ S/1994/640.

¹⁰⁴ In particular (a) the immediate initiation of the deployment of the two additional battalions in phase 2 in close synchronization with phase 1; (b) the continuation of urgent preparations for the deployment of the two battalions envisaged for phase 3; and (c) flexible implementation of all three phases to ensure effective use of available resources to accomplish the tasks of (i) contributing to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; and (ii) providing security and support for the distribution of relief supplies and humanitarian relief operations.

offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement; (b) to assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers; (c) to support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining; (d) to assist in the training of a national police force; and (e) to contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full-time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need.

By resolution 1029 (1995) of 12 December 1995, in the light of efforts to restore peace and stability through the voluntary and safe repatriation of Rwandan refugees, the Council adjusted the mandate of UNAMIR; it would: (a) exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees within the frame of reference of the recommendations of the Bujumbura Conference and the Cairo Summit of the Heads of State of the Great Lakes Region, and in promoting genuine national reconciliation; (b) assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and, to this end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks; (c) assist the United Nations High Commissioner for Refugees and other international agencies in the provision of logistical support for the repatriation of refugees; and (d) contribute, with the agreement of the Government of Rwanda, to the protection of the International Tribunal for Rwanda as an interim measure until alternative arrangements agreed with the Government of Rwanda could be put in place.

Change in strength

By resolution 912 (1994) of 21 April 1994, by which the mandate of UNAMIR was adjusted, the force level was authorized at 270 total, as set out as

one of the options in the Secretary-General's special report dated 20 April 1994.¹⁰⁵

By resolution 918 (1994) of 17 May 1994, the Council authorized the expansion of the Mission's forces to a level up to 5,500, as recommended by the Secretary-General in his report dated 13 May 1994.¹⁰⁶

Subsequent to the Secretary-General's recommendation that civilian police be increased in order to fulfil its expanded functions,¹⁰⁷ by a letter dated 10 February 1995 from the President of the Council addressed to the Secretary-General,¹⁰⁸ Council members agreed that the strength of civilian police should be increased from 90 to 120 observers.

By resolution 997 (1995) of 9 June 1995, the Council authorized a reduction of the force level to 2,330 troops within three months of the adoption of the resolution and to 1,800 troops within four months, while maintaining the current level of military observers and civilian police personnel. By resolution 1029 (1995) of 12 December 1995, the Council requested the Secretary-General to reduce the force level to 1,200 troops and the number of military observers, headquarters and other military support staff to 200, and to withdraw the civilian police component.

Termination

By resolution 872 (1993) of 5 October 1993, the Council noted that the mandate of UNAMIR, if extended, was expected to terminate following national elections and the installation of a new Government of Rwanda, events which were scheduled to occur by October 1995, but no later than December 1995.

By resolution 1029 (1995) of 12 December 1995, the Council requested the Secretary-General to initiate planning for the complete withdrawal of UNAMIR after the expiry of the mandate on 8 March 1996, that withdrawal to take place within a period of six weeks after the expiry of the mandate.

¹⁰⁵ S/1994/470, paras. 15-18.

¹⁰⁶ S/1994/565, paras. 16-17. By resolution 918 (1994), the Council requested the Secretary-General, as a first phase, immediately to redeploy to Rwanda the military observers of UNAMIR in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion in Rwanda.

¹⁰⁷ In his report dated 6 February 1995 (S/1995/107, para. 35).

¹⁰⁸ S/1995/130.

10. United Nations Observer Mission in Liberia established pursuant to resolution 866 (1993)

Establishment

Following the signing of the Peace Agreement¹⁰⁹ on 25 July 1993 by the three Liberian parties at Cotonou, which called on the United Nations and the Military Observer Group of the Economic Community of West African States (ECOMOG) to assist in the implementation of the Agreement, by resolution 866 (1993) of 22 September 1993, the Security Council established the United Nations Observer Mission in Liberia (UNOMIL). UNOMIL was established, for an initial period of seven months, subject to the proviso that it would continue beyond 16 December 1993 only upon a Council review, based on a report from the Secretary-General, on whether or not substantive progress had been made towards the implementation of the Peace Agreement.

Mandate

As set out in resolution 866 (1993), the mandate of UNOMIL was as follows: (a) to receive and investigate all reports on alleged incidents of violations of the ceasefire agreement and, if the violation could not be corrected, to report its findings to the Violation Committee established pursuant to the Peace Agreement, and to the Secretary-General; (b) to monitor compliance with other elements of the Peace Agreement, including at points on Liberia's borders with Sierra Leone and other neighbouring countries, and to verify its impartial application, and in particular to assist in the monitoring of compliance with the embargo on delivery of arms and military equipment to Liberia and the cantonment, disarmament and demobilization of combatants; (c) to observe and verify the election process, including the legislative and presidential elections to be held in accordance with the provisions of the Peace Agreement; (d) to assist, as appropriate, in the coordination of humanitarian assistance activities in the field in conjunction with the existing United Nations humanitarian relief operation; (e) to develop a plan and assess financial requirements for the demobilization of combatants; (f) to report on any major violations of international humanitarian law to the Secretary-General; (g) to train the Military Observer Group engineers in mine clearance and, in cooperation with the Group, coordinate the

identification of mines and assist in the clearance of mines and unexploded bombs; and (h) without participation in enforcement operations, to coordinate with the Military Observer Group in the discharge of the Group's separate responsibilities both formally, through the Violation Committee, and informally.

Composition

In accordance with resolution 866 (1993), and on the basis of the estimate by the Secretary-General,¹¹⁰ UNOMIL was to comprise 303 military observers, a military medical unit of at least 20 staff, a military engineering unit of 45 staff, an electoral component of 13 Professionals, 40 United Nations Volunteers and necessary support staff. Through exchanges of letters between the Secretary-General and the President of the Council, the Chief Military Observer of UNOMIL¹¹¹ and the countries contributing to the military elements of the Mission during the period under review¹¹² were confirmed.

Mandate implementation

During the period under review, by a series of resolutions,¹¹³ the Council extended the mandate of UNOMIL on six occasions for additional periods of between three and six months, on the basis of the reports of the Secretary-General.¹¹⁴ In particular, by resolution 1001 (1995) of 30 June 1995, the Council extended the mandate of the Mission until 15 September 1995, while declaring its intention that the mandate of the Mission would not be renewed on 15 September 1995, unless the Liberian parties made serious and substantial progress towards implementation of the Akosombo and Accra Agreements¹¹⁵ and specifically to accomplish the steps set out in that resolution, by that date. By resolution

¹⁰⁹ S/26272, annex.

¹¹⁰ In his report dated 9 September 1993 (S/26422 and Add.1 and Add.1/Corr.1).

¹¹¹ S/26532 and S/26533; S/1995/959 and S/1995/960.

¹¹² S/26554 and S/26555; S/26778 and S/26779; S/26857 and S/26858.

¹¹³ Resolutions 911 (1994) of 21 April 1994, 950 (1994) of 21 October 1994, 972 (1995) of 13 January 1995, 985 (1995) of 13 April 1995, 1001 (1995) of 30 June 1995 and 1014 (1995) of 15 September 1995.

¹¹⁴ Reports dated 18 April 1994 (S/1994/463), 14 October 1994 (S/1994/1167), 24 February 1995 (S/1995/158), 10 April 1995 (S/1995/279), 10 June 1995 (S/1995/473) and 9 September 1995 (S/1995/781).

¹¹⁵ S/1994/1174 and S/1995/7.

1014 (1995) of 15 September 1995, the Council, noting the positive political developments that the Liberian parties had made, extended the mandate of UNOMIL until 31 January 1996.

Following the consideration of the report of the Secretary-General,¹¹⁶ by resolution 950 (1994) of 21 October 1994, the Council recognized that the circumstances on the ground had warranted the Secretary-General's decision to reduce the strength of UNOMIL, and considered that any decision to return it to the authorized level would depend on the consideration by the Council of a further report from the Secretary-General reflecting a real improvement in the situation on the ground, in particular the security situation.

By resolution 972 (1995) of 13 January 1995, the Council requested that the Secretary-General base any decision to return the Mission and its civilian staff to the level authorized under resolution 866 (1993) on the existence of any effective ceasefire and on the ability of the Mission to carry out its mandate.

By resolution 1001 (1995) of 30 June 1995, the Council decided that if sufficient progress in the peace process regarding those steps in the resolution was achieved by 15 September 1995, the Council would consider restoring the Mission to its full strength with appropriate adjustment of its mandate.

By resolution 1014 (1995) of 15 September 1995, on the basis of the report of the Secretary-General,¹¹⁷ the Council, noting the positive political developments that the Liberian parties had made, welcomed the intention of the Secretary-General to increase immediately the number of military observers by 42, to monitor the ceasefire and the disengagement of forces.

By resolution 1020 (1995) of 10 November 1995, the number of military observers was decided to be a maximum of 160.

Following the signing of the Abuja Agreement by the parties on 19 August 1995,¹¹⁸ by resolution 1020 (1995) of 10 November 1995, the Council adjusted the mandate of UNOMIL as follows: (a) to exercise its good offices to support the efforts of the Economic Community of West African States (ECOWAS) and the Liberian National Transitional Government to

implement the peace agreements and to cooperate with them for this purpose; (b) to investigate all allegations of violations of the ceasefire reported to the Ceasefire Violations Committee, to recommend measures to prevent the recurrence of such violations and to report to the Secretary-General accordingly; (c) to monitor compliance with the other military provisions of the peace agreements including disengagement of forces, disarmament and observance of the arms embargo and to verify their impartial application; (d) to assist, as appropriate, in the maintenance of assembly sites agreed upon by ECOMOG, the Liberian National Transitional Government and the factions, and in the implementation of a programme for demobilization of combatants, in cooperation with the Transitional Government, donor agencies and non-governmental organizations; (e) to support, as appropriate, humanitarian assistance activities; (f) to investigate and report to the Secretary-General on violations of human rights and to assist local human rights groups, as appropriate, in raising voluntary contributions for training and logistic support; and (g) to observe and verify the election process, in consultation with the Organization of African Unity and ECOWAS, including the legislative and presidential elections to be held in accordance with provisions of the peace agreements.

11. United Nations Aouzou Strip Observer Group established pursuant to resolution 915 (1994)

Establishment

By resolution 915 (1994) of 4 May 1994, the Council established the United Nations Aouzou Strip Observer Group (UNASOG) for a single period of up to 40 days, following the signing of an agreement between Chad and the Libyan Arab Jamahiriya on the implementation of the Judgment of the International Court of Justice regarding the Aouzou Strip.

Mandate

The mandate of UNASOG was, as set out by resolution 915 (1994), to observe the implementation of the agreement signed on 4 April 1994 at Surt by the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994.¹¹⁹

¹¹⁶ S/1994/1167.

¹¹⁷ S/1995/781.

¹¹⁸ S/1995/742.

¹¹⁹ See S/1994/402 and S/1994/424.

The agreement called for the withdrawal of the Libyan administration and forces from the Aouzou Strip and for the United Nations observers to establish that the withdrawal had actually been effected, in accordance with article 1 thereof.

Composition

By resolution 915 (1994), the deployment of nine United Nations observers and six support staff to UNASOG was authorized.¹²⁰

Termination

Following the report of the Secretary-General in which he stated that UNASOG had successfully completed the task assigned to it by the Council and departed from the area on 5 June 1994,¹²¹ the Council, by resolution 926 (1994) of 13 June 1994, decided to terminate the mandate of the Group with immediate effect.

Americas

12. United Nations Observer Mission in El Salvador established pursuant to resolution 693 (1991)

During the period under review, the United Nations Observer Mission in El Salvador (ONUSAL) continued to fulfil its mandate, as set out in resolutions 693 (1991) and 729 (1991), of verifying and monitoring all agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, including a ceasefire and related measures, reform and reduction of the armed forces, creation of a new police force, reform of the judicial and electoral systems, human rights, land tenure and other economic and social issues.

Mandate implementation

By resolution 832 (1993) of 27 May 1993, noting that the Government of El Salvador had requested the United Nations to verify the general elections to be held in March 1994 and on the basis of the report of the Secretary-General,¹²² the Council enlarged the

mandate of ONUSAL to include the observation of the electoral process due to conclude with the general elections.

During the period under review, by a series of resolutions,¹²³ the Council, on the basis of the reports of the Secretary-General,¹²⁴ extended the mandate of ONUSAL on four occasions until its termination on 30 April 1995.

Termination

By resolution 991 (1995), recognizing with satisfaction that El Salvador had evolved from a country riven by conflict into a democratic and peaceful nation, the Council paid tribute to the accomplishments of ONUSAL and affirmed, in accordance with paragraph 8 of resolution 961 (1994), that the mandate of ONUSAL would terminate as of 30 April 1995.¹²⁵

13. United Nations Mission in Haiti established pursuant to resolution 867 (1993)

Establishment

By resolution 867 (1993) of 23 September 1993, the Security Council approved the Secretary-General's recommendations¹²⁶ to authorize the establishment and

¹²³ Resolutions 832 (1993) of 27 May 1993, 888 (1993) of 30 November 1993, 920 (1994) of 26 May 1994 and 961 (1994) of 23 November 1994.

¹²⁴ Reports dated 21 May 1993 (S/25812), 23 November 1993 (S/26790), 31 March 1994 (S/1994/375), 4 May 1994 (S/1994/536), 11 May 1994 (S/1994/561 and Add.1), and 31 October 1994 (S/1994/1212 and Add.1).

¹²⁵ By an exchange of letters between the Secretary-General and the President of the Council (S/1995/143 and S/1995/144), it was agreed that, following the termination of ONUSAL, verification responsibilities and the good offices function would be carried out by a small United Nations office (to be known as the United Nations Mission in El Salvador (MINUSAL)) under the Secretary-General's authority, as proposed by the Secretary-General in his above-mentioned letter.

¹²⁶ Contained in his reports of 25 August and 21 September 1993 (S/26352 and S/26480 and Add.1).

¹²⁰ For details regarding staff, see the report of the Secretary-General dated 6 June 1994 (S/1994/672, para. 3).

¹²¹ S/1994/672.

¹²² S/25812 and Add.1 and 2.

immediate dispatch, on an urgent basis, of the United Nations Mission in Haiti (UNMIH).¹²⁷

Mandate

The mandate of UNMIH was, as recommended by the Secretary-General,¹²⁸ to help implement the Governors Island Agreement, by providing guidance and training to the Haitian police and modernization of the armed forces. The Mission was established for a period of six months, subject to the provision that it would be extended beyond 75 days only upon a review by the Council to be based on a report from the Secretary-General on whether or not substantive progress had been made towards the implementation of the Governors Island Agreement and the political accords contained in the New York Pact.¹²⁹

Composition

As recommended by the Secretary-General in his report,¹³⁰ the Mission was initially to be composed of up to 567 United Nations police monitors and a military construction unit with a strength of approximately 700, including 60 military trainers. Through exchanges of letters between the Secretary-

General and the President of the Council, the composition of the military and police components¹³¹ and the Commanders of the military and police units of UNMIH¹³² were confirmed.

Mandate implementation

In a statement by the President of the Council dated 11 October 1993,¹³³ and similarly in the preamble to resolution 875 (1993), the Council expressed its concerns with the continued obstruction to the dispatch of UNMIH and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work. In a statement of the President of the Council dated 15 November 1993,¹³⁴ the Council requested the Secretary-General to continue planning for additional measures, including for an appropriate United Nations mission in Haiti to be deployed, as conditions permitted, consistent with the Governors Island Agreement. In his letter dated 10 December 1993,¹³⁵ the President of the Council informed the Secretary-General that Council members welcomed his report of 26 November 1993, on the basis of which they had found no reason why the mandate of UNMIH should not be continued for the full six-month period authorized by resolution 867 (1993).

While the deployment of UNMIH was not realized owing to the continued obstruction to the dispatch of UNMIH, the Council, by resolutions 905 (1994) of 23 March 1994 and 933 (1994) of 30 June 1994, decided to extend the mandate of UNMIH until 30 June 1994 and 31 July 1994, respectively, as recommended by the Secretary-General.¹³⁶ By resolution 975 (1995) of 30 January 1995, the Council decided to extend the mandate of UNMIH for a period of six months, until 31 July 1995. By resolution 1007 (1995) of 31 July 1995, the Council decided, in order to achieve the objectives established in resolution 940 (1994), to extend the mandate of UNMIH for a period of seven months.

¹²⁷ The Governors Island Agreement, as contained in the report of the Secretary-General dated 12 July 1993 (S/26063), signed by the President of Haiti and the Commander-in-Chief of the Haitian Armed Forces on 3 July 1993, called for international assistance in modernizing the armed forces of Haiti and establishing a new police force "with the presence of United Nations personnel" in those fields. In a letter dated 24 July 1993 addressed to the Secretary-General (S/26180), the President of Haiti conveyed proposals of the Government of Haiti for United Nations assistance in creating a new police force and professionalizing the Haitian armed forces. In his report dated 25 August 1993 (S/26352), the Secretary-General recommended the establishment of a United Nations Mission in Haiti consisting of civilian police and military assistance components, for an initial period of six months, to be dispatched as soon as the conditions set up in the Governors Island Agreement were met. By resolution 862 (1993), the Council approved the dispatch, as soon as possible, of an advance team, with a mandate expiring within a month, of not more than 30 personnel to assess requirements and prepare for the possible dispatch of both civilian police and military assistance components of the proposed mission.

¹²⁸ S/26352.

¹²⁹ S/26297, annex.

¹³⁰ S/26480 and Add.1.

¹³¹ S/26535 and S/26536; S/26579 and S/26580; S/1995/31 and S/1995/32; S/1995/60 and S/1995/61; S/1995/67 and S/1995/68.

¹³² S/26537 and S/26538; S/26539 and S/26540.

¹³³ S/26567.

¹³⁴ S/26747.

¹³⁵ S/26864.

¹³⁶ S/1994/311.

By resolution 940 (1994) of 31 July 1994, the Council, acting under Chapter VII of the Charter, authorized Member States to form a multinational force under unified command and control and to use all necessary means to facilitate the departure from Haiti of the military leadership, and decided to revise and extend the mandate of UNMIH, for a period of six months, to assist the democratic Government of Haiti in fulfilling its responsibilities in connection with (a) sustaining the secure and stable environment established during the multinational phase and protecting international personnel and key installations; and (b) the professionalization of the Haitian armed forces and the creation of a separate police force. Also, the Council requested that UNMIH assist the legitimate constitutional authorities of Haiti in establishing an environment conducive to the organization of free and fair legislative elections.

Transfer of responsibilities from multinational force. By resolution 975 (1995) of 30 January 1995, determining that a secure and stable environment appropriate for the deployment of UNMIH existed in Haiti, the Council authorized the Secretary-General to recruit and deploy military contingents, civilian police and other civilian personnel sufficient to allow UNMIH to assume the full range of its functions as established by resolution 867 (1993) and as revised and extended by paragraphs 9 and 10 of resolution 940 (1994). The Council also authorized the Secretary-General to take the necessary steps in order for UNMIH to assume those responsibilities as soon as possible, with the full transfer of responsibilities from the multinational force to the Mission to be completed by 31 March 1995.

By resolution 940 (1994) of 31 July 1994, the Council approved the establishment of an advance team of UNMIH of not more than 60 personnel, including a group of observers, whose term would expire on the date of termination of the mission of the multinational force, to establish the appropriate means of coordination with the multinational force, to carry out the monitoring of the operations of the multinational force and other functions described in paragraph 13 of the report of the Secretary-General of 15 July 1994,¹³⁷ and to assess requirements and to prepare for the deployment of UNMIH upon completion of the mission of the multinational force.

¹³⁷ S/1994/828 and Add.1.

Also by the same resolution, the Council decided to increase the troop level of UNMIH to 6,000.

By resolution 944 (1994) of 29 September 1994, welcoming the peaceful deployment of initial units of the multinational force in Haiti on 19 September 1994, the Council requested the Secretary-General to take steps to ensure the immediate completion of the deployment of the observers and other elements of the 60-person advance team of UNMIH established pursuant to resolution 940 (1994) of 31 July 1994.

In a presidential statement dated 24 April 1995,¹³⁸ the Council welcomed the transfer of responsibilities from the multinational force to UNMIH on 31 March 1995. The Council also welcomed the Secretary-General's decision to coordinate the Mission's peacekeeping mission with development activities carried out by others, in a manner consistent with the Mission's mandate, to help the Government of Haiti to strengthen its institutions, particularly the judicial system.

By resolution 975 (1995) of 30 January 1995, the Council authorized the Secretary-General to deploy in Haiti, in accordance with resolution 940 (1994), up to 6,000 troops and, as recommended by the Secretary-General in his report,¹³⁹ up to 900 civilian police officers.

Termination

By resolution 940 (1994) of 31 July 1994, the Council established the objective of completing the Mission, in cooperation with the constitutional Government of Haiti, not later than February 1996.

Asia

14. United Nations Military Observer Group in India and Pakistan established pursuant to resolution 47 (1949)

The United Nations Military Observer Group in India and Pakistan (UNMOGIP), established in 1948, continued to monitor the ceasefire between India and Pakistan in the State of Jammu and Kashmir on the

¹³⁸ S/PRST/1995/20.

¹³⁹ S/1995/46, para. 87.

basis of resolution 91 (1951).¹⁴⁰ During the period under review, through exchanges of letters between the Secretary-General and the President of the Security Council,¹⁴¹ countries contributing military observers to the Mission and the Chief Military Observer of UNMOGIP were confirmed.

15. United Nations Transitional Authority in Cambodia established pursuant to resolution 745 (1992)

Mandate implementation

The United Nations Transitional Authority in Cambodia (UNTAC) continued to ensure implementation of the Paris Agreements,¹⁴² including human rights monitoring, organization of elections, maintenance of law and order, repatriation and resettlement of refugees and internally displaced persons, and rehabilitation of Cambodian infrastructure. The mandate of UNTAC, in accordance with resolution 745 (1992), extended for a period not to exceed 18 months until the end of the transitional period, that is, until the establishment of a new Cambodian Government. Through exchanges of letters between the Secretary-General and the President of the Security Council,¹⁴³ countries contributing military personnel to UNTAC were confirmed.

Termination

By resolution 860 (1993) of 27 August 1993, the Council approved the withdrawal plan for UNTAC outlined by the Secretary-General in his reports.¹⁴⁴ Furthermore, the Council decided that the functions of UNTAC under the Paris Agreement should end upon the creation of a new government in Cambodia in September 1993, and that the period of withdrawal of

the military component of UNTAC should end on 15 November 1993. In resolution 880 (1993) of 4 November 1993, the Council, recognizing termination of the mandate of UNTAC following the establishment of the constitutional government on 24 September 1993, paid tribute to the work of UNTAC. At the same time, while reiterating that the safe and orderly withdrawal of the military component of UNTAC provided for in resolution 860 (1993) should end on 15 November 1993, the Council extended the period of withdrawal, for the Mine Clearance and Training Unit, until 30 November 1993, and for elements of the military police and medical components of UNTAC, beyond 15 November 1993 on the basis that all of those elements would be withdrawn by 31 December 1993.¹⁴⁵

16. United Nations Mission of Observers in Tajikistan established pursuant to resolution 968 (1994)

Establishment

Following the signing by the Tajik parties of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and Within the Country for the Duration of the Talks, at Tehran on 17 September 1994,¹⁴⁶ and subsequent to the consideration of the report of the Secretary-General,¹⁴⁷ the Council, by resolution 968 (1994) of 16 December 1994, established a United Nations Mission of Observers in Tajikistan (UNMOT), for a period of up to six months.

Mandate

UNMOT was mandated to undertake the following tasks: (a) to assist the Joint Commission to monitor the implementation of the Tehran

¹⁴⁰ Since 1971, the Council has not formally discussed UNMOGIP, which is funded from the regular United Nations budget without requirement of a periodic renewal procedure. Following the Simla Agreement of 2 July 1972 between India and Pakistan, India took the position that the mandate of UNMOGIP had lapsed, a position not accepted by Pakistan. Successive Secretaries-General have maintained that UNMOGIP can be terminated only by a decision of the Security Council.

¹⁴¹ S/1994/1112 and S/1994/1113; and S/1994/1146 and S/1994/1147.

¹⁴² S/23177, annex.

¹⁴³ S/25770 and S/25771; S/25816 and S/25817.

¹⁴⁴ S/26090 and S/26360.

¹⁴⁵ By resolution 880 (1993) of 4 November 1993, the Council also decided to establish a team of 20 military liaison officers for a single period of six months with a mandate to report on matters affecting security in Cambodia, to maintain liaison with the Government of Cambodia and to assist the Government in dealing with residual military matters relating to the Paris Agreements. Subsequently, by an exchange of letters dated 16 and 19 November 1993 (S/26773 and S/26774), the establishment of a United Nations Military Liaison Team in Cambodia was agreed upon.

¹⁴⁶ S/1994/1080, annex I.

¹⁴⁷ S/1994/1363.

Agreement;¹⁴⁸ (b) to investigate reports of ceasefire violations and to report on them to the United Nations and to the Joint Commission; (c) to provide its good offices as stipulated in the Agreement; (d) to maintain close contacts with the parties to the conflict, as well as close liaison with the mission in Tajikistan of the Conference on Security and Cooperation in Europe and with the collective peacekeeping forces in Tajikistan of the Commonwealth of Independent States and with the border forces; (e) to provide support for the efforts of the Special Envoy of the Secretary-General; and (f) to provide political liaison and coordination services, which could facilitate expeditious humanitarian assistance by the international community.

Composition

UNMOT was to consist of 40 military officers, four civilian professionals, and three to four civil affairs officers. Through an exchange of letters between the Secretary-General and the President of the Council,¹⁴⁹ the composition of the military elements of UNMOT was confirmed.

Mandate implementation

During the period under review, on six occasions, following consideration of the Secretary-General's progress reports, the Council, by a series of decisions and resolutions, extended the mandate of UNMOT; the last extension was until 15 June 1996.¹⁵⁰

Following the Secretary-General's recommendation in his reports,¹⁵¹ by a presidential statement dated 6 November 1995,¹⁵² the Council agreed to the

establishment of a liaison post of UNMOT in Taloqan (northern Afghanistan) and supported the increase in the Mission's strength, to include five military observers and three civil affairs officers.

Europe

17. United Nations Peacekeeping Force in Cyprus established pursuant to resolution 186 (1964)

During the period under review, pursuant to resolution 186 (1964), the United Nations Peacekeeping Force in Cyprus (UNFICYP) continued to perform its task of conflict control.

Mandate implementation

Following the consideration of the reports of the Secretary-General,¹⁵³ the Security Council continued to extend the mandate of UNFICYP for six-month periods,¹⁵⁴ the last of which was to expire on 30 June 1996.

By resolution 831 (1993) of 27 May 1993, the Council decided that UNFICYP should be restructured as a first step on the basis of the Secretary-General's proposal¹⁵⁵ — which would reduce the Force to the minimum number of infantry battalions required to maintain effective control of the buffer zone — and with the addition of a limited number of observers for reconnaissance, with a view to further restructuring in the light of a comprehensive reassessment to be conducted in December 1993. However, by resolution 889 (1993) of 15 December 1993, the Council noted the Secretary-General's conclusion that the prevailing circumstances did not allow for any modification in the strength and structure of UNFICYP,¹⁵⁶ and requested him to keep those matters under constant review with a view to possible restructuring. The Council reiterated

¹⁴⁸ Established to ensure the effective implementation of the Tehran Agreement.

¹⁴⁹ S/1994/1455 and S/1994/1456.

¹⁵⁰ See report of the Secretary-General dated 4 February 1995 and letter dated 6 February 1995 from the President of the Council (S/1995/105, S/1995/109); exchange of letters dated 3 and 6 March 1995 (S/1995/179, S/1995/180); exchange of letters dated 26 April 1995 (S/1995/331, S/1995/332); report of the Secretary-General dated 12 May 1995 and statement by the President of 19 May 1995 (S/1995/390, S/PRST/1995/28); report of the Secretary-General dated 10 June 1995 (S/1995/472 and Corr.1) and resolution 999 (1995) of 16 June 1995; and report of the Secretary-General dated 8 December 1995 (S/1995/1024) and resolution 1030 (1995) of 14 December 1995.

¹⁵¹ S/1995/472 and Corr.1 and S/1995/799.

¹⁵² S/PRST/1995/54.

¹⁵³ S/25912 and Add.1; S/26777 and Add.1; S/1994/680 and Add.1; S/1994/1407 and Add.1; S/1995/488 and Add.1; and S/1995/1020 and Add.1.

¹⁵⁴ Resolutions 839 (1993) of 11 June 1993, 889 (1993) of 15 December 1993, 927 (1994) of 15 June 1994, 969 (1994) of 21 December 1994, 1000 (1995) of 23 June 1995 and 1032 (1995) of 19 December 1995.

¹⁵⁵ In his report dated 30 March 1993 (S/25492, paras. 16-19).

¹⁵⁶ S/26777.

this request in the subsequent resolutions extending the mandate of UNFICYP.¹⁵⁷

18. United Nations Protection Force in the former Yugoslavia established pursuant to resolution 743 (1992)

Mandate implementation

Until the termination of the mandate of the United Nations Protection Force (UNPROFOR) on 20 December 1995, the Council, by a series of resolutions,¹⁵⁸ extended the mandate of the Force for durations of two to eight months, with a few exceptions.¹⁵⁹

During the period under review, the Council authorized the increase in the strength of UNPROFOR on five occasions:¹⁶⁰ by resolution 824 (1993) of 6 May 1993, by an additional 50 military observers; by resolution 844 (1993) of 18 June 1993, by an increase of some 7,600 personnel;¹⁶¹ by resolution 908 (1994) of 31 March 1994, by up to 3,500 additional troops;¹⁶² by resolution 914 (1994) of 27 April 1994, by up to

6,550 additional troops, 150 military observers and 275 civilian police monitors;¹⁶³ and by resolution 998 (1995) of 16 June 1995, by up to 12,500 additional troops.¹⁶⁴ Through exchanges of letters between the Secretary-General and the President of the Council, the Force Commander of UNPROFOR,¹⁶⁵ and the countries contributing to the Force during the period under review¹⁶⁶ were confirmed.

By resolution 836 (1993) of 4 June 1993, the Council, acting under Chapter VII, decided to expand the mandate of UNPROFOR, in order to enable it in the safe areas referred to in resolution 824 (1993), (a) to deter attacks against the safe areas, (b) to monitor the ceasefire, (c) to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and (d) to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population, as provided for in resolution 776 (1992). By the same resolution, the Council requested the Secretary-General (a) to make the adjustments or reinforcement of the Force, and to consider assignment of elements of UNPROFOR in support of the elements entrusted with protection of safe areas, and (b) to direct the Force Commander to redeploy to the extent possible the forces under his command in Bosnia and Herzegovina.

Use of force. Also by that resolution, the Council authorized UNPROFOR, in carrying out its mandate, acting in self-defence, to take the necessary measures, including the “use of force”, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys. By resolution 871 (1993) of 4 October 1993, the Council also authorized UNPROFOR, in carrying out its mandate in Croatia, acting in self-defence, to take the necessary measures,

¹⁵⁷ Resolutions 927 (1994) of 15 June 1994, 969 (1994) of 21 December 1994, 1000 (1995) of 23 June 1995 and 1032 (1995) of 19 December 1995.

¹⁵⁸ Resolutions 815 (1993) of 30 March 1993, 847 (1993) of 30 June 1993, 871 (1993) of 4 October 1993, 908 (1994) of 31 March 1994, 947 (1994) of 30 September 1994, 982 (1995) of 31 March 1995 and 1016 (1995) of 21 September 1995.

¹⁵⁹ Prior to the extension of the mandate for six months, until 31 March 1994, by resolution 871 (1993), the Council extended the mandate for a short period of time: by resolution 869 (1993) of 30 September 1993 until 1 October 1993 and by resolution 970 (1993) of 1 October 1993 until 5 October 1993.

¹⁶⁰ In addition, by a statement by the President of the Council of 3 March 1993 (S/25361), the Council, concerned about the continuing military attacks in eastern Bosnia, requested the Secretary-General to take immediate steps to increase the presence of UNPROFOR in eastern Bosnia; following the rapid deterioration of the situation in Srebrenica and its surrounding areas, the Council, by resolution 819 (1993) of 16 April 1993, requested the Secretary-General, with a view to monitoring the humanitarian situation in the safe area, to take immediate steps to increase the presence of UNPROFOR in Srebrenica and its surroundings.

¹⁶¹ For details, see the report of the Secretary-General of 14 June 1993 (S/25939 and Corr.1, para. 6).

¹⁶² See the reports of the Secretary-General of 11 and 16 March 1994 (S/1994/291 and S/1994/300) and his letter of 30 March 1994 (S/1994/367).

¹⁶³ As recommended by the Secretary-General in his reports of 11, 16 and 24 March 1994 (S/1994/291, S/1994/300 and S/1994/333) and his letter of 30 March 1994 (S/1994/367).

¹⁶⁴ This was in order to establish the Rapid Reaction Force. The terms were set out in the letter of the Secretary-General of 9 June 1995 (S/1995/470 and Add.1).

¹⁶⁵ S/26000 and S/26001; S/1994/121 and S/1994/122; S/1995/41 and S/1995/42.

¹⁶⁶ S/26619 and S/26620; S/1994/935 and S/1994/936; S/1995/585 and S/1995/586.

including the “use of force”, to ensure its security and its freedom of movement.

Establishment of three interlinked peacekeeping operations. By resolution 871 (1993) of 4 October 1993, the Council noted the Secretary-General’s intention¹⁶⁷ to establish three subordinate commands within UNPROFOR, namely, UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia), while retaining the existing dispositions in all other respects for the direction and the conduct of the United Nations operation in the territory of the former Yugoslavia.

Expansion of mandate. By resolution 947 (1994) of 30 September 1994, the Council approved the Secretary-General’s proposals concerning UNPROFOR activities in relation to mine-clearance, public information and civilian police.¹⁶⁸

Reaffirmation of mandate of UNPROFOR (Bosnia and Herzegovina). By resolution 982 (1995) of 31 March 1995, the Council authorized the Secretary-General to redeploy before 30 June 1995, all UNPROFOR personnel and assets from Croatia, and decided that (a) UNPROFOR should continue to perform fully the functions envisaged in the implementation of the Ceasefire Agreement¹⁶⁹ of 29 March 1994 and the Economic Agreement¹⁷⁰ of 2 December 1994 between the Republic of Croatia and the local Serb authorities and all relevant Council resolutions, and to facilitate the delivery of international humanitarian assistance to Bosnia and Herzegovina through the territory of Croatia until the effective deployment of the United Nations Confidence Restoration Operation in Croatia or 30 June 1995, whichever was sooner; and (b) UNPROFOR should retain its existing support structures in Croatia including the operation of its headquarters.

Termination

By resolution 1031 (1995) of 15 December 1995, acting under Chapter VII of the Charter, the Council decided that the mandate of UNPROFOR should

terminate on the date on which the Secretary-General reported to the Council that the transfer of authority from UNPROFOR to a multinational implementation force had taken place, and approved the arrangements set out in the report of the Secretary-General on the withdrawal of UNPROFOR and headquarters elements from the United Nations Peace Force. On 20 December 1995, the transfer of authority from UNPROFOR to the multinational implementation force was effected.

19. United Nations Confidence Restoration Operation in Croatia established pursuant to resolution 981 (1995)

Establishment

By resolution 981 (1995) of 31 March 1995, noting the letter from the representative of Croatia dated 17 March 1995 regarding his Government’s views on the establishment of a United Nations peacekeeping operation in the Republic of Croatia,¹⁷¹ and acting under Chapter VII of the Charter, the Council decided to establish the United Nations Confidence Restoration Operation in Croatia (UNCRO), in accordance with the report of the Secretary-General,¹⁷² for a period terminating on 30 November 1995.

Mandate and composition

As set out in resolution 981 (1995), the mandate of UNCRO included (a) performing fully the functions envisaged in the Ceasefire Agreement of 29 March 1994 between the Republic of Croatia and the local Serb authorities;¹⁷³ (b) facilitating implementation of the Economic Agreement of 2 December 1994;¹⁷⁴ (c) facilitating implementation of all relevant Council resolutions; (d) assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons, over the international borders between Croatia and Bosnia and Herzegovina, and Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO was responsible; (e) facilitating the delivery of international humanitarian assistance to Bosnia and Herzegovina, through the territory of Croatia; (f) monitoring the

¹⁶⁷ As outlined in his report dated 20 September 1993 (S/26470).

¹⁶⁸ In his report dated 17 September 1994 (S/1994/1067), paras. 26-29, 30-32 and 49.

¹⁶⁹ S/1994/367.

¹⁷⁰ S/1994/1375.

¹⁷¹ S/1995/206, para. 84.

¹⁷² S/1995/222 and Corr.1.

¹⁷³ S/1994/367.

¹⁷⁴ S/1994/1375.

demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992). It was also decided that UNCRO should be an interim arrangement to create the conditions that would facilitate a negotiated settlement consistent with the territorial integrity of Croatia and which guaranteed the security and rights of all communities living in a particular area of Croatia, irrespective of whether they constituted in that area a majority or minority. To fulfil the above-mentioned functions, by resolution 990 (1995) of 28 April 1995, the Council approved the arrangements, as proposed by the Secretary-General,¹⁷⁵ for the implementation of the mandate of UNCRO. As recommended by the Secretary-General,¹⁷⁶ and as authorized by resolution 990 (1995) of 28 April 1995, UNCRO was authorized with an overall total of some 8,750 troops.

Termination

By resolution 1025 (1995) of 30 November 1995, the Council decided that the mandate of UNCRO should terminate on 15 January 1996 or when the Council had decided on the deployment, including on the necessary period for the transfer of authority, of the transitional peacekeeping force, whichever was sooner.

20. United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia established pursuant to resolution 983 (1995)

Establishment

By resolution 983 (1995) of 31 March 1995, the Council decided that UNPROFOR within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force (UNPREDEP) whose mandate should continue for a period terminating on 30 November 1995.

Mandate and composition

As recommended by the Secretary-General,¹⁷⁷ UNPREDEP would have the same responsibilities and composition as UNPROFOR had in the former Yugoslav Republic of Macedonia.

¹⁷⁵ In his report dated 18 April 1995 (S/1995/320, paras. 11-28).

¹⁷⁶ S/1995/320, para. 29.

¹⁷⁷ S/1995/222, para. 85.

Mandate implementation

By resolution 1027 (1995) of 30 November 1995, the Council decided to extend the mandate for a period terminating on 30 May 1996.

21. United Nations Mission in Bosnia and Herzegovina established pursuant to resolution 1035 (1995)

Establishment

By resolution 1035 (1995) of 21 December 1995, the Council, endorsing the arrangements set out in the report of the Secretary-General,¹⁷⁸ established an International Police Task Force and a United Nations civilian office (both to be known as the “United Nations Mission in Bosnia and Herzegovina (UNMIBH)”), for a period of one year from the transfer of authority from UNPROFOR to the multinational implementation force.

Mandate

The International Police Task Force was entrusted with the tasks set out in annex 11 of the Peace Agreement, that is, to assist the parties in carrying out their law enforcement responsibilities. The United Nations civilian office was entrusted with the responsibilities set out in the report of the Secretary-General.¹⁷⁸

22. United Nations Observer Mission in Georgia established pursuant to resolution 858 (1993)

Establishment

By resolution 858 (1993) of 24 August 1993, the Council established a United Nations Observer Mission in Georgia (UNOMIG) in accordance with the report of the Secretary-General.¹⁷⁹ UNOMIG was established for a period of six months, subject to the proviso that it would be extended beyond the initial 90-day period

¹⁷⁸ S/1995/1031.

¹⁷⁹ S/26250 and Add.1. Prior to the establishment of UNOMIG, by resolution 854 (1993), the Council approved the Secretary-General’s proposal, contained in his letter dated 4 August 1993 (S/26254), that an advance team of up to 10 United Nations military observers be deployed to the region, as soon as possible, to begin to help verify compliance with the ceasefire as envisaged in the Ceasefire Agreement of 27 July 1993, the mandate of the team to expire within three months.

only upon a review by the Council based on a report from the Secretary-General on whether or not substantive progress had been made towards implementing measures aimed at establishing a lasting peace.

Mandate

The mandate of UNOMIG, in accordance with resolution 858 (1993), was the following: (a) to verify compliance with the ceasefire agreement of 27 July 1993, with special attention to the situation in Sukhumi; (b) to investigate reports of ceasefire violations and to attempt to resolve such incidents with the parties involved; and (c) to report to the Secretary-General on the implementation of its mandate including, in particular, violations of the ceasefire agreement.

Composition

UNOMIG would comprise up to 88 military observers, plus minimal staff necessary to support the Mission. Through exchanges of letters between the Secretary-General and the President of the Council, the Chief Military Observer of UNOMIG¹⁸⁰ and the countries contributing military elements to the Mission¹⁸¹ were confirmed.

Mandate implementation

During the period under review, by a series of resolutions,¹⁸² and on the basis of the reports of the Secretary-General,¹⁸³ the Council successively extended the mandate of UNOMIG for additional interim periods, the last of which was until 12 January 1996. The Council also adopted the following provisions: by resolution 881 (1993) of 4 November 1993, the Council decided that UNOMIG would not be extended beyond 31 January 1994, unless the Secretary-General reported to it that substantive

progress had been made towards implementing measures aimed at establishing a lasting peace or that the peace process would be served by the prolongation of its mandate. By resolution 993 (1995) of 12 May 1995, the Council decided to extend the mandate of UNOMIG, subject to review by the Council in the event of any changes that might be made in the mandate of the CIS peacekeeping force.

Noting with concern that the original mandate of UNOMIG had been overtaken by the military developments of 16 to 27 September 1993, the Council, by resolution 881 (1993) of 4 November 1993, on the basis of the report of the Secretary-General,¹⁸⁴ approved the continued presence of UNOMIG until 31 January 1994, comprising up to five military observers plus minimal support staff. The interim mandate set out by resolution 881 (1993) was: (a) to maintain contacts with both sides to the conflict and military contingents of the Russian Federation; and (b) to monitor the situation and report to Headquarters, with particular reference to any developments relevant to the efforts of the United Nations to promote a comprehensive political settlement.

Following the consideration of the Secretary-General's letter dated 16 December 1993,¹⁸⁵ by resolution 892 (1993) of 22 December 1993, the Council, noting that encouraging progress had been achieved in the negotiations between the parties, which justified the deployment of additional United Nations military observers, authorized the phased deployment of up to 50 additional military observers to UNOMIG. Those military observers were to perform the interim mandate described in resolution 881 (1993), and in a manner to contribute to the implementation by the parties of the provisions of the memorandum of understanding of 1 December 1993.¹⁸⁶

In a presidential statement of 8 April 1994,¹⁸⁷ the Council supported a further increase in the deployed strength of UNOMIG up to the limit specified in resolution 892 (1993) — 55 military observers — if the

¹⁸⁰ S/26391 and S/26392.

¹⁸¹ S/26405 and S/26406; S/1994/23 and S/1994/24; S/1994/929 and S/1994/930.

¹⁸² Resolutions 881 (1993) of 4 November 1993, 896 (1994) of 31 January 1994, 901 (1994) of 4 March 1994, 934 (1994) of 30 June 1994, 937 (1994) of 21 July 1994, 971 (1995) of 12 January 1995, 993 (1995) of 12 May 1995 and 993 (1995) of 12 May 1995.

¹⁸³ S/26646, S/1994/80 and Add.1, S/1994/253, S/1994/312 and Add.1, S/1994/725, S/1994/818 and Add.1, S/1995/10 and Add.1 and 2 and S/1995/342.

¹⁸⁴ S/26646.

¹⁸⁵ S/26901.

¹⁸⁶ S/26875, annex.

¹⁸⁷ S/PRST/1994/17.

Secretary-General considered that the conditions on the ground made that appropriate.¹⁸⁸

Expanded UNOMIG

Following the signing of the Agreement on a Ceasefire and Separation of Forces,¹⁸⁹ in Moscow on 14 May 1994, by resolution 937 (1994) of 21 July 1994, the Council authorized the increase in the strength of UNOMIG, as required, up to 136 military observers with appropriate civilian support staff.

The expanded mandate of the Mission was as follows: (a) to monitor and verify the implementation by the parties of the Agreement; (b) to observe the operation of the CIS peacekeeping force within the framework of the implementation of the Agreement; (c) to verify, through observation and patrolling, that troops of the parties did not remain in or re-enter the security zone and that heavy military equipment did not remain or was not reintroduced in the security zone or the restricted weapons zone; (d) to monitor the storage areas for heavy military equipment withdrawn from the security zone and the restricted weapons zone in cooperation with the CIS peacekeeping force as appropriate; (e) to monitor the withdrawal of troops of the Republic of Georgia from the Kodori valley to places beyond the boundaries of Abkhazia, Georgia; (f) to patrol regularly the Kodori valley; (g) to investigate, at the request of either party or the CIS peacekeeping force or on its own initiative, reported or alleged violations of the Agreement, and to attempt to resolve or contribute to the resolution of such incidents; (h) to report regularly to the Secretary-General within its mandate, in particular on the implementation of the Agreement, any violations and their investigation by the Mission, as well as other relevant developments; and (i) to maintain close contacts with both parties to the conflict and to

cooperate with the CIS peacekeeping force and, by its presence in the area, to contribute to conditions conducive to the safe and orderly return of refugees and displaced persons.

Middle East

23. United Nations Truce Supervision Organization established pursuant to resolution 50 (1948)

From 1993 to 1995, the military observers of the United Nations Truce Supervision Organization (UNTSO) continued to assist and cooperate with the United Nations Disengagement Observer Force (UNDOF), in accordance with the ceasefire and disengagement agreements of 1973/1974, and with the United Nations Interim Force in Lebanon (UNIFIL) established in 1978, in accordance with its terms of reference.

24. United Nations Disengagement Observer Force established pursuant to resolution 350 (1974)

During the period under review, the United Nations Disengagement Observer Force (UNDOF), stationed at the armistice line between Israel and the Syrian Arab Republic, continued to serve as an interposition force between the parties.

Mandate implementation

The Security Council extended the mandate of UNDOF on six occasions¹⁹⁰ following consideration of the reports of the Secretary-General.¹⁹¹ Through exchanges of letters between the Secretary-General and the President of the Council, the troop-contributing countries¹⁹² and the Force Commander of UNDOF during the period under review¹⁹³ were confirmed.

¹⁸⁸ By a letter dated 16 June 1994 from the President of the Council to the Secretary-General (S/1994/714), Council members, following the consideration of the latter's report (S/1994/529 and Add.1), noted the Secretary-General's intention, as a first step and in consultation with the parties, to increase the number of military observers of UNOMIG up to 55 as authorized by the Council in its resolution 892 (1993). Council members further noted the Secretary-General's ideas for a possible mandate for an expanded Mission (S/1994/529/Add.1, para. 7) and his provisional assessment of the strength of the Mission that might be required to perform that task.

¹⁸⁹ S/1994/583, annex I.

¹⁹⁰ Resolutions 830 (1993) of 26 May 1993, 887 (1993) of 29 November 1993, 921 (1994) of 26 May 1994, 962 (1994) of 29 November 1994, 996 (1995) of 30 May 1995 and 1024 (1995) of 28 November 1995.

¹⁹¹ S/25809, S/26781, S/1994/587 and Corr.1, S/1994/1311, S/1995/398 and S/1995/952.

¹⁹² S/26225 and S/26226; S/1995/1022 and S/1995/1023.

¹⁹³ S/1994/1431 and S/1994/1432.

25. United Nations Interim Force in Lebanon established pursuant to resolutions 425 (1978) and 426 (1978)

During the period under review, the United Nations Interim Force in Lebanon (UNIFIL) continued to fulfil its mandate of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in restoring its effective authority in the area.

Mandate implementation

During the period under review, following the consideration of the reports of the Secretary-General on UNIFIL,¹⁹⁴ the Council, by adopting six resolutions,¹⁹⁵ successively extended the Force's mandate; the last extension was until 31 January 1996. Through an exchange of letters between the Secretary-General and the President of the Council,¹⁹⁶ the change of the Force Commander of UNIFIL was confirmed.

By resolution 1006 (1995)¹⁹⁷ of 28 July 1995, the Council concurred with the streamlining of the Force, as proposed by the Secretary-General,¹⁹⁸ to reduce the strength of UNIFIL by 10 per cent, without affecting its operational capacity.

26. United Nations Iraq-Kuwait Observation Mission established pursuant to resolution 687 (1991)

The United Nations Iraq-Kuwait Observation Mission (UNIKOM) continued to monitor the Khawr 'Abd Allah and the demilitarized zone between Iraq and Kuwait, to deter violations of the boundary, and to observe any hostile or potentially hostile action mounted from the territory of one State against the other.

¹⁹⁴ S/25150 and Add.1, S/26111, S/1994/62, S/1994/856, S/1995/66 and S/1995/595.

¹⁹⁵ Resolutions 803 (1993), 852 (1993), 895 (1994), 938 (1994), 974 (1995) and 1006 (1995).

¹⁹⁶ S/1995/217 and S/1995/218.

¹⁹⁷ Prior to that decision, by resolution 974 (1995) of 30 January 1995, the Council had endorsed the Secretary-General's intention to pursue the possibilities for streamlining and achieving economies in the areas of maintenance and logistic support of UNIFIL, as noted in his report dated 23 January 1995 (S/1995/66).

¹⁹⁸ S/1995/595, para. 11.

Mandate implementation

During the period under review, in accordance with resolution 689 (1991),¹⁹⁹ the Council held periodic reviews of the question of termination or continuation of UNIKOM and its modalities of operation, on the basis of the reports of the Secretary-General.²⁰⁰ By letters from the President of the Council addressed to the Secretary-General,²⁰¹ Council members continued to concur with the Secretary-General's recommendation that UNIKOM be maintained. In a letter dated 6 October 1995 from the President of the Council addressed to the Secretary-General, Council members decided to review the question once again by 6 April 1996. Through exchanges of letters between the Secretary-General and the President of the Council, the Force Commander of UNIKOM²⁰² and the troop-contributing countries to the Mission during the period under review²⁰³ were confirmed.

By resolution 806 (1993) of 5 February 1993, the Council, approving the report of the Secretary-General of 18 and 19 January 1993,²⁰⁴ decided to extend the terms of reference of UNIKOM to include the capacity to take action to prevent or redress (a) small-scale violations of the demilitarized zone; (b) violations of the boundary between Iraq and Kuwait, for example by civilians or police; and (c) problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the demilitarized zone on the Kuwaiti side of the newly demarcated boundary.

D. Security Council committees

During the period 1993 to 1995, the Council established four new Security Council committees to

¹⁹⁹ By which the Security Council decided that UNIKOM could be terminated only by a further decision of the Council and that the Council should review the question of termination or continuation of UNIKOM and its modalities of operation every six months.

²⁰⁰ S/25514, S/26520, S/1994/388, S/1994/1111, S/1995/521 and S/1995/836.

²⁰¹ Letters dated 13 April and 11 October 1993, 8 April and 7 October 1994 and 10 April and 6 October 1995 (S/25588, S/26566, S/1994/411, S/1994/1141, S/1995/280 and S/1995/ 847).

²⁰² S/26735 and S/26736; S/1995/885 and S/1995/886.

²⁰³ S/26621 and S/26622.

²⁰⁴ S/25123 and Add.1.

supervise the implementation of measures adopted pursuant to Chapter VII against Haiti,²⁰⁵ the National Union for the Total Independence of Angola,²⁰⁶ Rwanda²⁰⁷ and Liberia.²⁰⁸ During the same period, the previously established Council committees concerning the question of South Africa, the situation between Iraq and Kuwait, the former Yugoslavia, the Libyan Arab Jamahiriya and Somalia continued their work. Of nine Security Council committees in total, two were terminated during the reporting period.²⁰⁹

General issues

On 29 March 1995, in a note by the President,²¹⁰ Council members confirmed their agreement to the following proposals:

“The following improvements should be introduced to make the procedures of the Sanctions Committees more transparent:

“(a) The practice of issuing press releases after meetings of the Committee should be increased;

“(b) The status-of-communication lists under the ‘no objection’ procedure prepared by the Secretariat should be made available to any delegation which wishes to have a copy;

“(c) A list of all other decisions by each active Committee should be prepared by the Secretariat, on a regular basis, and be made available to any delegation which requests it;

“(d) The annual report of the Council to the General Assembly should contain, in the introduction, more information about each Committee than it does at present;²¹¹

“(e) An annual report to the Council should be prepared by each Committee, providing a concise indication of each Committee’s activities;

“(f) An effort should be made to expedite the preparations of the summary records of each Committee.

“For the implementation of these measures, the existing procedures of the Committees should be respected.

“Meetings of the sanctions Committees should remain closed, as they are now, and the summary records of those meetings should continue to be distributed according to the existing pattern.”

On 31 May 1995, in a second note by the President,²¹² Council members confirmed their agreement to the following proposal:

“The practice of hearing comments by States and organizations concerned during closed meetings of the sanctions Committees on issues arising from implementation of sanctions regimes imposed by the Security Council should be continued while respecting the existing procedures followed by such Committees.”

1. Security Council Committee established pursuant to resolution 421 (1977) concerning the question of South Africa

Termination

The Committee established pursuant to resolution 421 (1977) following the imposition of an arms embargo against South Africa,²¹³ was dissolved during the period under review. On 25 May 1994, welcoming the establishment of “a united, democratic and non-racial government of South Africa”, which was inaugurated on 10 May with Mr. Nelson Mandela as President, the Security Council adopted resolution 919 (1994). By this resolution the Council terminated the arms embargo against South Africa and decided to dissolve the Committee effective from the date of the adoption of the resolution.

2. Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait

Mandate implementation

The Committee established pursuant to resolution 661 (1990) at the same time as the imposition of a comprehensive sanctions regime against Iraq, consisting of economic and financial sanctions as well as an arms embargo,²¹⁴ continued to exist during the

²⁰⁵ Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti.

²⁰⁶ Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola.

²⁰⁷ Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda.

²⁰⁸ Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia.

²⁰⁹ Security Council Committees established pursuant to resolution 421 (1977) concerning the question of South Africa and pursuant to resolution 841 (1993) concerning Haiti.

²¹⁰ S/1995/234.

²¹¹ At the time of the issuance of this note, the annual report simply listed the number of meetings held by each Committee during the year.

²¹² S/1995/438.

²¹³ Resolution 418 (1977).

²¹⁴ On the economic and financial sanctions, including exemptions, see also resolutions 666 (1990), 670 (1990), 687 (1991), 706 (1991) and 778 (1992).

period under review.²¹⁵ The Committee submitted, in accordance with the guidelines approved under Council resolution 700 (1991), twelve reports on the implementation of the arms embargo and related sanctions.²¹⁶

On 14 April 1995, by resolution 986 (1995), the Council authorized the sale and transport of Iraqi petroleum and petroleum products sufficient to produce a sum not exceeding a total of US\$ 1 billion every 90 days, to meet the humanitarian needs of the Iraqi population and for other purposes.²¹⁷ Each proposed purchase of Iraqi petroleum and petroleum products was made subject to approval by the Committee established pursuant to resolution 661 (1990). The Committee was also directed to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General.

In addition, by resolution 986 (1995), the Security Council authorized the export to Iraq of parts and equipment that were essential for the safe operation of the Kirkuk-Yumurtalik pipeline. Each export contract was made subject to approval by the Committee, as were the financing arrangements for such exports and related activities. The Committee was requested, in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements contained in specific paragraphs of the resolution.

Resolution 986 (1995) was, however, not implemented during the period covered by the present Supplement, owing to objections made by Iraq.²¹⁸

By a letter dated 7 December 1995 addressed to the President of the Security Council,²¹⁹ the Chairman of the Committee forwarded to the Council, in

accordance with the Council's request,²²⁰ a proposal for a mechanism to monitor Iraq's exports and imports of dual-purpose capabilities.

By a letter dated 26 August 1996 addressed to the President of the Security Council,²²¹ the Chairman of the Committee submitted, in accordance with the presidential note of 29 March 1995,²²² a report focusing primarily on the Committee's activities during 1995 and early 1996.

3. Security Council Committee established pursuant to resolution 724 (1991) concerning the former Yugoslavia

Mandate implementation

The Committee established pursuant to resolution 724 (1991) following the imposition of an arms embargo against the territory of the former Yugoslavia²²³ and, subsequently, the imposition of a comprehensive sanctions regime consisting of economic, financial and diplomatic sanctions,²²⁴ as well as prohibitions on participation in sporting events, on scientific and technical cooperation and on cultural exchanges and visits, against the Federal Republic of Yugoslavia (Serbia and Montenegro) continued to exist during the period under review.²²⁵

On 17 April 1993 by resolution 820 (1993), the Council tightened the existing economic and financial sanctions against the Federal Republic of Yugoslavia. Certain exemptions to the sanctions were made subject to approval by the Committee established pursuant to resolution 724 (1991).²²⁶ The Committee was also requested to submit periodic reports on information submitted to it regarding alleged violations of the relevant Council resolutions, identifying where possible persons or entities, including vessels, reported

²¹⁵ For details on the establishment and mandate of the Committee, see Supplement 1989-1992 to the *Repertoire*, chapter V.

²¹⁶ S/25442, S/25930, S/26430, S/26874, S/1994/274, S/1994/695, S/1994/1027, S/1994/1367, S/1995/169, S/1995/442, S/1995/744 and S/1995/992.

²¹⁷ For details, see resolution 986 (1995), para. 8.

²¹⁸ For details, see the exchange of letters between the Secretary-General and the President of the Security Council (S/1995/495 and S/1995/507).

²¹⁹ S/1995/1017.

²²⁰ Resolution 715 (1991), para. 7.

²²¹ S/1996/700.

²²² S/1995/234, in which it was stated, inter alia, that an annual report to the Council should be prepared by each sanctions Committee, providing a concise indication of the Committee's activities.

²²³ Resolution 713 (1991).

²²⁴ For details on these measures, including exemptions, see resolutions 757 (1992), 760 (1992) and 787 (1992).

²²⁵ For more details on the establishment and mandate of the Committee, see Supplement 1989-1992 to the *Repertoire*, chapter V.

²²⁶ See resolution 820 (1993), paras. 15, 22 (a)-(c), 23, 27 and 28.

to be engaged in such violations. By the same resolution, the Council imposed economic sanctions against the Bosnian Serbs.

On 18 June 1993, by resolution 843 (1993), the Council confirmed that the Committee established pursuant to resolution 724 (1991) was entrusted with the task of examining requests for assistance under the provisions of Article 50 of the Charter. The Council welcomed the establishment by the Committee of a working group to examine these requests, and invited the Committee, as it completed the examination of each request, to make recommendations to the President of the Security Council for appropriate action.

On 23 September 1994, by resolution 942 (1994), the Council imposed additional economic sanctions, as well as an assets freeze and a travel ban, targeting the Bosnian Serb forces. Certain exemptions to the sanctions were made subject to approval by the Committee established pursuant to resolution 724 (1991).²²⁷ The Committee was also requested to establish and maintain an updated list of persons meeting the criteria established for the imposition of the travel sanctions.

On 23 September 1994 by resolution 943 (1994), the Council suspended the prohibitions on participation in sporting events and cultural exchanges as well as the economic sanctions relating to the operation of certain aircraft and ferries.²²⁸ The Council also invited the Committee established pursuant to resolution 724 (1991) to adopt appropriate streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.

In 1994 and 1995, following recommendations to that effect from the Committee,²²⁹ the Security Council, by resolutions 967 (1994) and 992 (1995),

²²⁷ See resolution 942 (1994), paras. 7 (ii) (b), 13 and 15.

²²⁸ The suspension was for an initial period of 100 days, and was extended through the period under review by resolutions 970 (1995), 988 (1995), 1003 (1995) and 1015 (1995).

²²⁹ See the letters dated 14 December 1994 and 8 May 1995, respectively, from the Chairman of the Committee addressed to the President of the Council (S/1994/1418 and S/1995/372).

respectively, made temporary exceptions to the economic sanctions against the Federal Republic of Yugoslavia.²³⁰ In the latter resolution, which allowed the passage of vessels of the Federal Republic of Yugoslavia through the lock system on the left bank of the Danube while the lock system on the right bank was being repaired, the Council also decided that the Chairman of the Committee should, after consulting members of the Committee, transmit to the Council any substantiated evidence of a violation of the relevant Council resolutions by those vessels. The resolution also confirmed that the import to the Federal Republic of Yugoslavia of supplies essential to the repair was subject to approval by the Committee.

Following the initialling of the General Framework for Peace in Bosnia and Herzegovina (the "Peace Agreement") by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to formally sign the Peace Agreement, the Security Council, on 22 November 1995, by resolution 1021 (1995), terminated the general arms embargo maintained against the successor States of the former Yugoslavia under resolution 713 (1991), on a phased schedule. On the same day the Council also adopted resolution 1022 (1995), by which it suspended the sanctions against the Federal Republic of Yugoslavia; it left the sanctions against the Bosnian Serb party in place until the latter had met certain obligations.

4. Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

Mandate implementation

The Committee established pursuant to resolution 748 (1992) at the same time as the imposition of sanctions against the Libyan Arab Jamahiriya, which consisted of an arms embargo together with aviation, travel and diplomatic sanctions, continued to exist during the period under review.²³¹ On 11 November 1993 by resolution 883 (1993), the Council expanded

²³⁰ By resolution 967 (1994) the Council allowed the export of diphtheria anti-serum from the Federal Republic of Yugoslavia.

²³¹ For more details on the establishment and mandate of the Committee, see Supplement 1989-1992 to the *Repertoire*, chapter V.

the sanctions regime to include additional aviation-related sanctions, financial sanctions, and prohibitions on the supply of equipment used to refine, transport and export oil. The Council instructed the Committee established pursuant to resolution 748 (1992) to draw up expeditiously guidelines for the implementation of the relevant provisions of resolution 883 (1993), and to amend and supplement, as appropriate, the guidelines for the implementation of the relevant provisions of resolution 748 (1992), especially the paragraph relating to the non-provision of arms and military equipment and expertise. It also entrusted the Committee with the task of examining possible requests for assistance under the provisions of Article 50 of the Charter and making recommendations to the President of the Security Council for appropriate action.

On two occasions in 1994, the Security Council requested the Secretary-General to inform the Committee of flights made to or from the Libyan Arab Jamahiriya,²³² by the Secretary-General's reconnaissance team and, subsequently, the United Nations Aouzou Strip Observer Group, both of which were exempted from the aviation sanctions.

By a letter dated 29 December 1995 addressed to the President of the Security Council,²³³ the Chairman of the Committee submitted, in accordance with the presidential note of 29 March 1995,²³⁴ a report on the Committee's activities since the beginning of that year.

5. Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

The Committee established pursuant to resolution 751 (1992) following the imposition of an arms embargo against Somalia²³⁵ continued to exist during the period under review.²³⁶

²³² See resolutions 910 (1994) and 915 (1994).

²³³ S/1996/2.

²³⁴ S/1995/234, in which it was stated, inter alia, that an annual report to the Council should be prepared by each sanctions Committee, providing a concise indication of the Committee's activities.

²³⁵ Resolution 733 (1992).

²³⁶ For more details on the establishment and mandate of the Committee, see Supplement 1989-1992 to the *Repertoire*, chapter V.

6. Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti

Establishment and mandate

On 16 June 1993, by resolution 841 (1993), the Council, targeting the "de facto authorities" in Haiti, imposed an arms embargo and financial and petroleum sanctions. The Council also decided to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work with observations and recommendations: (a) to examine the reports submitted by States on the measures they had initiated for meeting their obligations concerning the sanctions; (b) to seek from all States further information regarding the action taken by them concerning the effective implementation of the resolution; (c) to consider any information brought to its attention by States concerning violations of the measures imposed by the present resolution and to recommend appropriate measures in response thereto; (d) to consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products for essential humanitarian needs in accordance with the relevant provision of the resolution; (e) to make periodic reports to the Council on information submitted to it regarding alleged violations of the resolution, identifying where possible persons or entities, including vessels, reported to be engaged in such violations; and (f) to promulgate guidelines to facilitate implementation of the resolution.

Mandate implementation

Following the signing of the Governors Island Agreement between the President of Haiti and the Commander-in-Chief of the Armed Forces in Haiti, and the confirmation and assumption of office of the Prime Minister of Haiti, the Security Council, on 27 August 1993, by resolution 861 (1993), suspended the sanctions against Haiti. On 13 October 1993 the Council adopted resolution 873 (1993), noting that the military authorities in Haiti had not complied in good faith with the Governors Island Agreement and thus revoking the suspension of sanctions. The Council also decided that the Committee established pursuant to resolution 841 (1993) would have the authority to grant exceptions to the financial sanctions, and to the other

prohibitions on a case-by-case basis under the no-objection procedure, at the request of President Aristide or Prime Minister Malval of Haiti.

On 6 May 1994 by resolution 917 (1994), the Council imposed additional measures against Haiti, consisting of economic sanctions, aviation sanctions (excluding regularly scheduled commercial passenger flights) and a travel ban on individuals to be designated based on the criteria contained in the resolution. The Council also decided that the Committee established pursuant to resolution 841 (1993) would undertake the following tasks in addition to those set out in resolutions 841 (1993) and 873 (1993): (a) to maintain an updated list, based on information provided by States and regional organizations, of persons subject to the travel ban; (b) to examine the reports submitted by States on the measures they had initiated on the implementation of resolution 917 (1994) and earlier relevant resolutions; (c) to seek from all States, in particular neighbouring States, further information regarding the action taken by them concerning the effective implementation of the measures contained in the resolution and earlier relevant resolutions; (d) to consider any information brought to its attention by States concerning violations of such measures and, in that context, to make recommendations to the Council on ways to increase their effectiveness; (e) to make recommendations in response to violations of such measures and provide information on a regular basis to the Secretary-General for general distribution to Member States; (f) to consider and to decide upon expeditiously any application by States for the approval of flights or entries exempt from the aviation and travel sanctions; (g) to amend the guidelines referred to in resolution 841 (1993) to take into account the measures contained in the present resolution; and (h) to examine possible requests for assistance under Article 50 of the Charter and to make recommendations to the President of the Council for appropriate action.

Termination

On 29 September 1994 by resolution 944 (1994), the Council decided to terminate the sanctions against Haiti and to dissolve the Committee established pursuant to resolution 841 (1994), with effect from 0001 hours eastern standard time on the day after the return to Haiti of President Aristide.

7. Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

Establishment and mandate

On 15 September 1993, by section B of resolution 864 (1993), the Security Council imposed an arms embargo and petroleum sanctions against the National Union for the Total Independence of Angola (UNITA). The Council also decided to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work with observations and recommendations: (a) to examine the reports that all States were requested to submit, by 15 October 1993 to the Secretary-General, on the measures they had adopted in order to meet their obligations concerning the sanctions against UNITA; (b) to seek from all States further information regarding the action taken by them with a view to effectively implementing the sanctions; (c) to consider information brought to its attention by States concerning violations of the sanctions and to recommend appropriate measures in response thereto; (d) to make periodic reports to the Council on information submitted to it regarding alleged violations of the sanctions, identifying where possible persons or entities, including vessels, reported to be engaged in such violations; and (e) to promulgate guidelines that may be necessary to facilitate the implementation of the sanctions.

Mandate implementation

On 30 June 1994 by resolution 932 (1994), the Council, inter alia, urged the two neighbouring States which had thus far failed to respond substantively to the requests from the Committee established pursuant to resolution 864 (1993) for information required regarding alleged sanctions violations to do so promptly. It also requested the Committee to provide a report, by 15 July 1994, on compliance with the sanctions regime and in particular on possible violations of that regime by those neighbouring States. The Committee submitted its report pursuant to paragraph 8 of resolution 932 (1994).²³⁷ A similar reminder of their obligations vis-à-vis the Committee

²³⁷ S/1994/825.

was addressed to the Member States concerned in a subsequent presidential statement.²³⁸

8. Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

Establishment and mandate

On 17 May 1994, by section B of resolution 918 (1994), the Security Council imposed an arms embargo against Rwanda. The Council also decided to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work with observations and recommendations: (a) to seek from all States information regarding the action taken by them concerning the effective implementation of the arms embargo; (b) to consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo; and (c) to recommend appropriate measures in response to the violations of the embargo and provide information on a regular basis to the Secretary-General for general distribution to all Member States.

Mandate implementation

In a presidential statement of 27 April 1995,²³⁹ the Council, *inter alia*, invited States and organizations which had information on the transport of arms into countries neighbouring Rwanda for the purpose of their use in Rwanda in contravention of resolution 918 (1994) to pass that information to the Committee established pursuant to resolution 918 (1994), and requested the Committee to consider that information as a matter of urgency and to report thereon to the Council. On 17 July 1995 by resolution 1005 (1995), the Council decided that appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes might be supplied to Rwanda upon application to and authorization by the Committee established pursuant to resolution 918 (1994).

²³⁸ S/PRST/1994/45.

²³⁹ S/PRST/1995/22.

On 16 August 1995, by section B of resolution 1011 (1995), the Security Council exempted the Government of Rwanda from the arms embargo, while confirming that the embargo continued to apply to non-Government entities in Rwanda or entities in States neighbouring Rwanda who might forward the arms to the non-Government entities in Rwanda. The Council decided that all States would notify the Committee established pursuant to resolution 918 (1994) of all exports from their territories of arms or related materiel to Rwanda, that the Government of Rwanda would mark and register and notify the Committee of all imports of arms and related materiel, and that the Committee would report regularly to the Council on notifications so received.

On 7 September 1995 the Council, by resolution 1013 (1995), requested the Secretary-General to establish an International Commission of Inquiry with the mandate, *inter alia*, of collecting information and investigating reports relating to the sale or supply of arms and related materiel to former Rwandese Government Forces in the Great Lakes region. In that context, the Council called upon States, relevant United Nations bodies, including the Committee established pursuant to resolution 918 (1994), and, as appropriate, international humanitarian organizations, to collate information in their possession relating to the mandate of the Commission, and requested them to make this information available as soon as possible.

9. Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia

Establishment and mandate

By resolution 788 (1992) of 19 November 1992 the Security Council imposed an arms embargo against Liberia. On 13 April 1995 by resolution 985 (1995), the Council decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work with observations and recommendations: (a) to seek from all States information regarding the action taken by them concerning the effective implementation of the arms embargo imposed by resolution 788 (1992); (b) to consider any information brought to its attention by States concerning violations of the embargo, and, in that context, to make recommendations to the Council

on ways of increasing the effectiveness of the embargo; and (c) to recommend appropriate measures in response to violations of the embargo and provide information on a regular basis to the Secretary-General for general distribution to Member States.

E. Ad hoc commissions/Coordinator for the Return of Property

During the period under review, the Security Council continued to oversee three ad hoc commissions: United Nations Iraq-Kuwait Boundary Demarcation Commission, United Nations Special Commission and United Nations Compensation Commission, and the United Nations Coordinator for the Return of Property, all of which were established during the prior reporting period. Of those, one Commission was terminated.²⁴⁰

1. United Nations Iraq-Kuwait Boundary Demarcation Commission established pursuant to resolution 687 (1991)

Termination

The United Nations Iraq-Kuwait Boundary Demarcation Commission, established pursuant to resolution 687 (1991), concluded its work during the period under review.²⁴¹ By a letter dated 21 May 1993,²⁴² the Secretary-General transmitted to the Council the Commission's final report. He noted that, as stated in the report, the Commission had fulfilled its mandate: it had demarcated in geographic coordinates of latitude and longitude the international boundary between Iraq and Kuwait set out in the agreement between them signed on 4 October 1963,²⁴³ made arrangements for the physical representation of the boundary through the emplacement of an appropriate number of boundary pillars or monuments, and provided for arrangements for continuing maintenance

²⁴⁰ United Nations Iraq-Kuwait Boundary Demarcation Commission.

²⁴¹ For details on the establishment and mandate of the Demarcation Commission, see Supplement 1989-1992 to the *Repertoire*, chapter V.

²⁴² S/25811 and Add.1.

²⁴³ Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters (United Nations, *Treaty Series*, vol. 485, No. 7063).

and location accuracy of the surficial boundary representation.

On 27 May 1993, by resolution 833 (1993), acting under Chapter VII of the Charter, the Council inter alia welcomed the successful conclusion of the Commission's work and reaffirmed that the Commission's decisions regarding the demarcation of the boundary were final. By two subsequent presidential statements of 28 June 1993 and 16 November 1994,²⁴⁴ the Council reacted to two separate letters from Iraq concerning the Commission's decisions and resolution 833 (1993).²⁴⁵

2. United Nations Special Commission established pursuant to resolution 687 (1991)

Mandate implementation

The United Nations Special Commission established pursuant to section C of resolution 687 (1991), to implement those provisions of the resolution relating to the elimination of Iraq's chemical and biological weapons and ballistic missiles with a range greater than 150 kilometres and to the non-acquisition by Iraq of the prohibited items, as well as to assist the International Atomic Energy Agency (IAEA) in implementing the nuclear areas of the resolution, continued to exist during the period under review.²⁴⁶

The Executive Chairman of the Special Commission submitted, through the Secretary-General, the fifth to tenth reports on the activities of the Special Commission pursuant to resolution 687 (1991).²⁴⁷ He also submitted the third to eighth reports²⁴⁸ on the implementation of the Special Commission's plan, approved by resolution 715 (1991), for the ongoing

²⁴⁴ S/26006 and S/PRST/1994/68.

²⁴⁵ Letter dated 6 June 1993 from the representative of Iraq to the Secretary-General (S/25905). The second letter, dated 12 November 1994, addressed to the President of the Security Council, was not issued as a document of the Council. A similar communication addressed to the Secretary-General had been circulated under the symbol S/1994/1288.

²⁴⁶ For details on the establishment and mandate of the Special Commission, see Supplement 1989-1992 to the *Repertoire*, chapter V.

²⁴⁷ S/25977, S/26910, S/1994/750, S/1994/1422 and Add.1, S/1995/494 and S/1995/1038.

²⁴⁸ S/25620 (report submitted by the Secretary-General), S/26684, S/1994/489, S/1994/1138 and Corr.1, S/1995/284 and S/1995/864.

monitoring and verification of Iraq's compliance with the relevant part of section C of resolution 687 (1991).

In two presidential statements,²⁴⁹ the Security Council reacted to impediments to the activities of the Special Commission and IAEA in Iraq, and demanded that Iraq abide by its obligations under all relevant Council resolutions and cooperate fully with those two bodies. Subsequently, in a letter dated 3 December 1993 addressed to the representative of Iraq,²⁵⁰ the President of the Council stated that the members of the Council had welcomed the "unconditional acknowledgement" of Iraq's obligations under resolution 715 (1991).²⁵¹ Finally, in 1994, in a third presidential statement the Council underlined "the complete unacceptability" of the possible withdrawal of cooperation by Iraq with the Special Commission.²⁵²

3. United Nations Coordinator for the Return of Property from Iraq to Kuwait under resolutions 686 (1991) and 687 (1991)

Mandate implementation

The United Nations Coordinator for the Return of Property from Iraq to Kuwait continued his work under the relevant provisions of Security Council resolutions 686 (1991) and 687 (1991).²⁵³ On 2 March 1994, the Secretary-General submitted, pursuant to the above resolutions and a letter from the President of the Security Council dated 25 January 1994,²⁵⁴ a report on the return of Kuwaiti property seized by Iraq,²⁵⁵ annexed to which was a list of all the handover operations which had been carried out. In the report, the Secretary-General noted that the Coordinator's role had been one of receiving, registering and submitting to Iraq claims presented by Kuwait and facilitating the return of property which Iraq had declared that it had in its possession and was ready to return. Therefore the Coordinator had not considered it within the scope of his mandate to investigate or verify claims from Kuwait that specific property items were removed by Iraq or claims by Iraq that specific items were not

removed or, if removed, were subsequently destroyed during the hostilities.

4. United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991)

Mandate implementation

Mandated to verify and value the claims of loss, damage and injury to foreign Governments, nationals and corporations resulting from Iraq's unlawful invasion and occupation of Kuwait, and to administer the payment of compensation, the United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991) continued to exist during the period under review.²⁵⁶ In 1994 the Commission faced what the Secretary-General described as a "financial emergency" as it would be unable to pay in full the second group of compensation payments, estimated to be over \$200 million, by the end of that year.²⁵⁷ In view of this, the Secretary-General put forward, and the members of the Council approved, a proposal to seek information directly from oil companies in order to identify Iraqi oil-related funds, 30 per cent of which were earmarked for the Compensation Fund, and to arrange for their transfer to an escrow account, in accordance with Council resolution 748 (1992).²⁵⁸

By letters addressed to the President of the Security Council, the President of the Commission's Governing Council reported on the Commission's activities at its regular sessions²⁵⁹ and its second and third special sessions.²⁶⁰ In the letters submitted between November 1994 and November 1995,²⁶¹ he also noted that compensation for many approved claims could not be paid because of lack of sufficient

²⁴⁹ S/25081 of 8 January 1993; S/25970 of 18 June 1993.

²⁵⁰ S/26841.

²⁵¹ See letter dated 26 November 1993 from the representative of Iraq (S/26811).

²⁵² S/PRST/1994/58.

²⁵³ For details on the appointment of the Coordinator, see Supplement 1989-1992 to the *Repertoire*, chapter V.

²⁵⁴ Not issued as a document of the Council.

²⁵⁵ S/1994/243.

²⁵⁶ For details on the establishment and mandate of the Compensation Commission, see Supplement 1989-1992 to the *Repertoire*, chapter V.

²⁵⁷ Letter dated 28 April 1994 from the Secretary-General to the President of the Security Council (S/1994/566). See also letter dated 24 March 1994 from the President of the Governing Council of the United Nations Compensation Commission to the President of the Council (S/1994/366).

²⁵⁸ S/1994/566, S/1994/567, S/1994/907 and S/1994/908.

²⁵⁹ S/25717, S/26251, S/26544, S/1994/409, S/1994/792, S/1994/1337, S/1995/285, S/1995/471 and S/1995/903.

²⁶⁰ S/1994/107 and S/1994/984.

²⁶¹ S/1994/1337, S/1995/285, S/1995/471 and S/1995/903.

resources in the Compensation Fund. He expressed concern over the “serious negative repercussions” that the lack of resources entailed for the credibility of the Commission and eventually for the whole United Nations system. He stated that the Governing Council looked to the Security Council for finding appropriate and expedited solutions to ensure that the increasing number of compensation awards that were issued, were honoured.

F. International Tribunals

During the period under review, the Security Council, acting under Chapter VII of the Charter, established international tribunals for the former Yugoslavia and for Rwanda, as detailed below.

1. 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

Establishment and mandate

On 22 February 1993, by resolution 808 (1993), the Security Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. It requested the Secretary-General to submit a report on all aspects of this matter, taking into account suggestions put forward by Member States.

On 25 May 1993, by resolution 827 (1993), acting under Chapter VII of the Charter, the Council approved the report of the Secretary-General²⁶² and decided to establish “an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace”. The Council also adopted the statute of the Tribunal which was annexed to that report.

²⁶² S/25704 and Corr.1; see also S/25704/Add.1 which contains the cost estimates for the first full year of operation of the Tribunal.

The Council decided that the Tribunal would consist of three organs; the Chambers, comprising two trial chambers and an Appeals Chamber, to which 11 judges were assigned; the Office of the Prosecutor, headed by the Prosecutor; and the Registry, headed by the Registrar. The expenses of the Tribunal were to be borne by the regular budget of the United Nations, in accordance with Article 17 of the Charter. As proposed by the Secretary-General,²⁶³ and subsequently decided by the Council,²⁶⁴ The Hague was determined to be the seat of the Tribunal, with the proviso that the Tribunal might sit elsewhere when it considered it necessary for the efficient exercise of its functions.

Election of judges

In accordance with article 13 of the statute of the Tribunal, the Security Council adopted resolution 857 (1993) whereby it established a list of 23 candidates from which the General Assembly could elect the 11 judges of the Tribunal. The Assembly elected those judges for a term of four years, beginning on 17 November 1993. The judges then proceeded to elect a President of the Tribunal, from among themselves.

Appointment of the Prosecutor

In accordance with article 16 of the statute of the Tribunal, the Security Council adopted resolution 877 (1993) whereby it appointed the Secretary-General’s nominee, Mr. Ramón Escobar-Salom, as Prosecutor of the Tribunal for a term of four years. However, Mr. Escobar-Salom did not take up his functions and, in February 1994, informed the Secretary-General that he was no longer available for this appointment. Consequently, the Security Council adopted resolution 936 (1994), whereby it appointed the Secretary-General’s new nominee, Mr. Richard Goldstone, as Prosecutor for a term of four years.

Annual reports to the Security Council and the General Assembly

During the period under review, in accordance with article 34 of the statute of the Tribunal, the President of the Tribunal submitted, through the

²⁶³ S/25704.

²⁶⁴ See resolution 827 (1993), para. 6; and letter dated 25 July 1994 from the President of the Security Council to the Secretary-General (S/1994/849).

Secretary-General, two annual reports of the Tribunal to the Security Council and the General Assembly.²⁶⁵

2. International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994

Establishment and mandate

On 8 November 1994, by resolution 955 (1994), acting under Chapter VII of the Charter, the Council decided, having received the request of the Government of Rwanda,²⁶⁶ to establish “an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994”. The statute of the Tribunal was annexed to the resolution. The Council also requested the Secretary-General to report periodically to it on the implementation of the resolution.²⁶⁷

The Council decided that the Tribunal would consist of three organs; the Chambers, comprising two trial chambers and an Appeals Chamber to which were assigned 11 judges; the Office of the Prosecutor, headed by the Prosecutor; and the Registry, headed by the Registrar. The expenses of the Tribunal were to be borne by the regular budget of the United Nations, in accordance with Article 17 of the Charter. As recommended by the Secretary-General,²⁶⁸ and

subsequently decided by the Security Council,²⁶⁹ Arusha was determined to be the seat of the Tribunal, with the proviso that the Tribunal might sit elsewhere when it considered it necessary for the efficient exercise of its functions. The Council also decided that an office would be established and proceedings would be conducted in Rwanda, where feasible and appropriate.²⁷⁰

Election of judges

In accordance with article 12 of the statute of the Tribunal for Rwanda, the members of the Appeals Chamber of the Tribunal for the Former Yugoslavia would also serve as members of the Appeals Chamber of the Tribunal for Rwanda. On 24 April 1995, the Security Council adopted resolution 989 (1995) whereby it established a list of 12 candidates for judges of the Tribunal for Rwanda, from which the General Assembly could elect six. The Assembly elected those judges for a term of four years, to begin, upon two months’ notice, shortly before the commencement of trial proceedings. The judges then proceeded to elect a President of the Tribunal, from among themselves.

The Prosecutor

In accordance with article 15 of the statute of the Tribunal for Rwanda, the Prosecutor of the Tribunal for the Former Yugoslavia, Mr. Richard Goldstone, also served as the Prosecutor of the Tribunal for Rwanda.

Annual reports to the Security Council and the General Assembly

In accordance with article 34 of the statute of the Tribunal for Rwanda, the President of the Tribunal submitted, through the Secretary-General, the first and second annual reports of the Tribunal to the Security Council and the General Assembly, on 29 August 1994 and 23 August 1995, respectively.²⁷¹

²⁶⁵ S/1994/1007 and S/1995/728.

²⁶⁶ Letter dated 28 September 1994 from the representative of Rwanda to the President of the Security Council, requesting, among other things, that the international community reinforce the Government of Rwanda’s efforts by “Setting up as soon as possible an international tribunal to try the criminals” (S/1994/1115).

²⁶⁷ For the reports of the Secretary-General see S/1995/134, S/1995/533 and S/1995/741.

²⁶⁸ S/1995/134.

²⁶⁹ See resolutions 955 (1994), para. 6, and 977 (1995), operative paragraph.

²⁷⁰ Resolution 955 (1994), para. 6.

²⁷¹ S/1994/1007 and S/1995/728.

Part II
Subsidiary organs of the Security Council whose
mandate was completed or terminated during the
period 1993 to 1995

Subsidiary organ

Investigative bodies	Completion of mandate or termination^a
Commission of Experts established under resolution 780 (1992) concerning the former Yugoslavia	Final report submitted in May 1994
Commission of Inquiry established under resolution 885 (1993) concerning Somalia	Report submitted in February 1994 (issued in June 1994)
Commission of Experts established pursuant to resolution 935 (1994) concerning Rwanda	Final report submitted in December 1994
Peacekeeping operations	
United Nations Operation in Somalia (UNOSOM) established pursuant to resolution 751 (1992)	March 1993
United Nations Transitional Authority in Cambodia (UNTAC) established pursuant to resolution 745 (1992)	September 1993
United Nations Observer Mission in South Africa (UNOMSA) established pursuant to resolution 772 (1992)	June 1994
United Nations Aouzou Strip Observer Group (UNASOG) established pursuant to resolution 915 (1994)	June 1994
United Nations Observer Mission Uganda-Rwanda (UNOMUR) established pursuant to resolution 846 (1993)	September 1994
United Nations Operation in Mozambique (ONUMOZ) established pursuant to resolution 797 (1992)	December 1994
United Nations Angola Verification Mission II (UNAVEM II) established pursuant to resolution 696 (1991)	February 1995

Subsidiary organ

United Nations Operation in Somalia II (UNOSOM II) established pursuant to resolution 814 (1993)	March 1995
United Nations Observer Mission in El Salvador (ONUSAL) established pursuant to resolution 693 (1991)	April 1995
United Nations Protection Force (UNPROFOR) established pursuant to resolution 743 (1992)	December 1995

Security Council committees

Security Council Committee established pursuant to resolution 421 (1977) concerning the question of South Africa	May 1994
Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti	September 1994

Ad hoc commission

United Nations Iraq-Kuwait Boundary Demarcation Commission established pursuant to resolution 687 (1991)	Final report submitted in May 1993
--	------------------------------------

^a For details of the completion of mandate or termination, see part I of the present chapter.

Part III

Subsidiary organs of the Security Council proposed but not established

During the period under review, there was no instance in which a subsidiary organ was formally proposed, by means of a draft resolution, but not created.

Chapter VI

Relations with other United Nations organs

Contents

	<i>Page</i>
Introductory note	150
Part I. Relations with the General Assembly	150
Note	150
A. Election by the General Assembly of non-permanent members of the Security Council	150
Note	150
B. Recommendations by the General Assembly to the Security Council in the form of resolutions under Articles 10 and 11 of the Charter	151
Note	151
1. Recommendations on matters relating to the Council's powers and functions or with regard to the general principles of cooperation in the maintenance of international peace and security	152
2. Recommendations with regard to questions relating to the maintenance of international peace and security or requesting action on such questions by the Council	155
C. Practice in relation to Article 12 of the Charter	157
Note	158
D. Practice in relation to provisions of the Charter involving recommendations by the Security Council to the General Assembly	158
Note	158
1. Membership in the United Nations	159
2. Election of the judges of the International Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda	159
E. Reports of the Security Council to the General Assembly	160
Note	160
F. Relations with subsidiary organs established by the General Assembly	162
Note	162
Communications from subsidiary organs established by the General Assembly	164
Part II. Relations with the Economic and Social Council	166
Practice in relation to Article 65 of the Charter	166
Note	166

Part III. Relations with the Trusteeship Council	169
Note	169
A. Practice relating to the partial termination of a trusteeship agreement under Article 83, paragraph 1, of the Charter	169
B. Transmission of reports to the Security Council by the Trusteeship Council	170
Part IV. Relations with the International Court of Justice	170
Note	170
A. Practice in relation to the election of members of the International Court of Justice . . .	170
B. Consideration of the relationship between the Security Council and the Court	172
Part V. Relations with the Secretariat	176
Note	176
A. Functions other than those of an administrative nature entrusted to the Secretary- General by the Security Council	176
B. Matters brought to the attention of the Security Council by the Secretary-General . . .	181
Note	181
Part VI. Relations with the Military Staff Committee	183
Note	183

Introductory note

This chapter deals, in parts I to V, with relations of the Security Council with the other principal organs of the United Nations. It also includes, in part VI, material relating to the Military Staff Committee, which has been placed, by Articles 45, 46 and 47 of the Charter, in a special relationship with the Security Council.

Part I Relations with the General Assembly

Note

Part I concerns various aspects of the relationship between the Security Council and the General Assembly. Section A deals with the election by the Assembly of non-permanent members of the Council. Section B considers the General Assembly's practice in making recommendations to the Council under Articles 10 and 11 of the Charter, and calling its attention under Article 11 (3) to situations which are likely to endanger international peace and security. Section C concerns the limitation imposed by Article 12 (1) on the authority of the General Assembly to make recommendations with respect to any dispute or situation while the Council is exercising the functions assigned to it by the Charter in respect of that dispute or situation. It also describes the procedure under Article 12, paragraph 2, by which the Secretary-General notifies the Assembly of matters relating to the maintenance of international peace and security which are being dealt with by the Council, and when the Council ceases to deal with such matters.

Section D considers those instances in which a decision by the Council must be taken before that of the General Assembly: for example, the appointment of the Secretary-General, the admission, suspension, or expulsion of Members, and the election of the judges of the International Tribunals for the former Yugoslavia and Rwanda, respectively.

Section E describes the annual and special reports submitted by the Council to the General Assembly.

Lastly, section F concerns relations between the Security Council and certain subsidiary organs established by the General Assembly which have reported to or otherwise play a role in the work of the Council.

A. Election by the General Assembly of non-permanent members of the Security Council

Note

During the period under review, in accordance with Article 23 of the Charter, the General Assembly, at each regular session, elected five non-permanent members to the Security Council for a two-year term to replace those members whose terms of office were to expire on 31 December of the respective year. At the forty-eighth session, the Assembly elected four non-permanent members during its 43rd plenary meeting and the fifth non-permanent member at its 44th plenary meeting. At the forty-ninth and fiftieth sessions, the Assembly elected the five non-permanent members in the course of one plenary meeting. A table of those elections is set out below.

<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected to two-year terms beginning January of the following year</i>
48/306	43rd 29 October 1993	Argentina Czech Republic Oman Rwanda
48/306	40th 29 October 1993	Nigeria
49/306	40th 20 October 1994	Botswana Germany Honduras Indonesia Italy
50/306	53rd 8 November 1995	Chile Egypt Guinea-Bissau Poland Republic of Korea

B. Recommendations by the General Assembly to the Security Council in the form of resolutions under Articles 10 and 11 of the Charter

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Note

During the period under review, the General Assembly made a number of recommendations, in the form of resolutions, to the Security Council regarding the maintenance of international peace and security. Several of these recommendations were of a general nature, touching upon the “powers and functions” of the Council under the Charter, and/or upon “the general principles of cooperation in the maintenance of international peace and security”. As such, they may be seen to be illustrative of the General Assembly’s recommendation-making powers under Articles 10 and 11 (1), respectively, of the Charter. A table of those recommendations is set out in section 1 below.

In other instances, the General Assembly made recommendations to the Security Council either with regard to specific questions relating to the maintenance of international peace and security, or requesting action from the Council with regard to such questions, in accordance with Article 11 (2). The recommendations all concerned items already on the Council’s agenda. Examples of the General Assembly requesting action from the Council include its resolutions urging the Council to take “all appropriate steps to uphold and restore fully the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina”. A table of the recommendations relating to Article 11 (2), which also includes one instance in which the Assembly resolution was subsequently referred to in a request for a meeting of the Council, is set out in section 2.

The General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3).

1. Recommendations on matters relating to the Council's powers and functions or with regard to the general principles of cooperation in the maintenance of international peace and security

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
47/120 B 20 September 1993	An Agenda for Peace	<p>Preventive deployment and demilitarized zones</p> <p>4. Invites the competent organs of the United Nations, within their respective mandates, to consider implementing preventive deployment and/or the establishment of a demilitarized zone with the objective of preventing conflict and of promoting efforts to achieve the peaceful settlement of disputes, and to continue to examine practical, operational and financial aspects of such preventive deployment and demilitarized zones with a view to increasing their efficacy and effectiveness.</p> <p>Special economic problems arising from the implementation of preventive or enforcement measures</p> <p>2. Invites the Security Council to consider what could be done within the United Nations system and involving international financial institutions with regard to solutions to the special economic problems of States arising from the carrying out of the measures imposed by the Council and to consider, inter alia, the following measures:</p> <p>(a) Strengthening of the consultative process for studying, reporting on and suggesting solutions to the special economic problems, with a view to minimizing such economic problems through consultations with States adversely affected or, as appropriate, with States likely to be adversely affected as a result of their implementing the preventive or enforcement measures, as well as with the Secretary-General, the principal organs, programmes and agencies of the United Nations, and international financial institutions;</p> <p>(b) Other measures, in consultation with Member States and, as appropriate, with international financial institutions, such as voluntary funds to provide assistance to States experiencing special economic problems arising from carrying out the measures imposed by the Security Council, additional credit lines, assistance for the promotion of exports of the affected</p>

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
48/25 ^a 29 November 1993	Cooperation between the United Nations and the Organization of African Unity	<p>countries, assistance for technical cooperation projects in such countries and/or assistance for the promotion of investment in the affected countries.</p> <p>4. Calls upon the United Nations organs, in particular the Security Council and the Economic and Social Council, to continue to involve the Organization of African Unity closely in all their activities concerning Africa.</p>
48/42 10 December 1993	Comprehensive review of the whole question of peacekeeping operations in all their aspects	<p><i>Organization and effectiveness</i></p> <p>24. Suggests that the Security Council and the Secretary-General should continue to analyse a given situation very carefully before the establishment of a United Nations peacekeeping operation, that a realistic mandate, including clear objectives and a time frame for the resolution of the problem, as appropriate, should be formulated in each case, conducive to the furtherance of the political process, that the Security Council should review periodically the effectiveness of current operations with a view to ensuring that they are consistent with the objectives and the mandates as approved by the Council, and affirms that no change in the mandate, character or duration of peacekeeping operations authorized by the Council is possible except through a specific decision of the Council;</p> <p>44. Welcomes the increasingly frequent informal consultations between the Secretariat and contributing States, strongly recommends the continuation of such consultations on peacekeeping operations from their initial stages to their conclusion and strongly encourages the presence of the President of the Security Council and other members of the Council, as appropriate, at such consultations.</p> <p><i>Status and safety of United Nations peacekeeping personnel</i></p> <p>76 (b). Calls upon the Security Council to include in mandates for the deployment of United Nations personnel, specific provisions recalling the obligations of Member States and the expectations of the United Nations concerning the status and safety of United Nations personnel.</p>

Repertoire of the Practice of the Security Council

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
48/264 29 July 1994	Revitalization of the work of the General Assembly	3. Welcomes the ongoing efforts of the Security Council to improve its working methods, and in that context encourages the Council, in the submission of reports to the Assembly, to provide in a timely manner a clear and informative account of its work, including its resolutions and other decisions, inclusive of measures taken under Chapter VII of the Charter.
49/31 9 December 1994	Protection and security of small States	7. Calls upon the Security Council and other relevant organs of the United Nations to pay special attention to the protection and security of small States in the restructuring and revitalization of the work of the United Nations, especially within the context of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and in the follow-up activities of the report of the Secretary-General of 17 June 1992 entitled "An Agenda for Peace".
49/57 9 December 1994	Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security	<p>1. In accordance with the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular Chapter VIII of the Charter:</p> <p>(b) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Council;</p> <p>(d) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;</p> <p>5. Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council.</p>

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
50/6 24 October 1995	Declaration on the Occasion of the Fiftieth Anniversary of the United Nations	14. ... The Security Council should, inter alia, be expanded and its working methods continue to be reviewed in a way that will further strengthen its capacity and effectiveness, enhance its representative character and improve its working efficiency and transparency.
50/30 6 December 1995	Comprehensive review of the whole question of peace-keeping operations in all their aspects	3. Urges Member States, the Secretariat and relevant organs of the United Nations to take all necessary steps to implement the proposals, recommendations and conclusions of the Special Committee [on Peacekeeping Operations].

^a See also paragraph 3 of General Assembly resolutions 49/64 of 15 December 1994 and 50/158 of 21 December 1995 on this item, which contained identical provisions.

2. Recommendations with regard to questions relating to the maintenance of international peace and security or requesting action on such questions by the Council

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
48/40 H 10 December 1993	United Nations Relief and Works Agency for Palestine Refugees in the Near East	3. Urges the Security Council to remain seized of the situation in the occupied Palestinian territory.
48/88 20 December 1993	The situation in Bosnia and Herzegovina	4. Condemns the continued violation of the international border between the Republic of Bosnia and Herzegovina and the Republic of Croatia by Serbian forces, and thereby requests the Security Council to take all necessary measures to implement its resolution 769 (1992) of 7 August 1992; 5. Requests the Security Council to follow and immediately implement its resolution 838 (1993) of 10 June 1993 to ensure that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to Bosnian Serb paramilitary units, as demanded in its resolution 819 (1993) of 16 April 1993; 12. Urges the Council to implement fully its resolution 770 (1992) to ensure the free flow of humanitarian assistance, particularly, to the "safe areas" [in Bosnia and Herzegovina];

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
48/91 20 December 1993	Third Decade to Combat Racism and Racial Discrimination	<p>15. Urges the Security Council, in fulfilling its responsibility under Article 24 of the Charter of the United Nations, to take all appropriate steps to uphold and restore fully the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina, in cooperation with States Members of the United Nations and the Government of the Republic;</p> <p>17. Also urges the Security Council to give all due consideration, on an urgent basis, to exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991) of 25 September 1991;</p> <p>21. Requests the Security Council to act immediately to close all detention camps in Bosnia and Herzegovina and further to close concentration camps established by the Serbs in Serbia and Montenegro and in Bosnia and Herzegovina and, until implementation, to assign international observers to those camps;</p> <p>27. Calls upon the Security Council to ensure that the proposals contained in the “Geneva peace package” are in conformity with the Charter of the United Nations, the principles of international law, previous resolutions of the General Assembly and those adopted by the Security Council, and the principles adopted at the International Conference on the Former Yugoslavia.</p> <p><i>Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993-2003)</i></p> <p>4. The General Assembly and the Security Council should ... continue to exercise constant vigilance with regard to South Africa until a democratic regime is installed in that country. These two bodies might, moreover, consider initiating a mechanism to advise and assist the parties concerned in order to bring apartheid to an end, not only in law but also in fact.</p>
48/159 A 20 December 1993	Elimination of apartheid and establishment of a united, democratic and non-racial South Africa	<p>11. ... requests the [Security] Council to continue to monitor effectively the strict implementation of [the mandatory arms] embargo [it imposed on South Africa].</p>

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
49/10 ^a 3 November 1994	The situation in Bosnia and Herzegovina	<p>18. [U]rges the Security Council to implement fully its resolution 770 (1992) to ensure the free flow of humanitarian assistance, particularly to the safe areas [in Bosnia and Herzegovina];</p> <p>21. Urges the Security Council, in fulfilling its responsibility under Article 24 of the Charter of the United Nations, to take all appropriate steps to uphold and restore fully the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina, in cooperation with States Members of the United Nations and the Government of the Republic;</p> <p>22. Encourages the Security Council to give all due consideration and exempt the Governments of the Republic and of the Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Council in resolution 713 (1991) of 25 September 1991 and as further outlined in the eighth preambular paragraph of the present resolution;</p> <p>24. Requests the Security Council to act immediately to close all detention camps in Bosnia and Herzegovina and further to close concentration camps established by the Serbs in Serbia and Montenegro and in Bosnia and Herzegovina and, until implementation, to assign international observers to these camps.</p>

^a Letter dated 3 November 1994 from the representative of Pakistan to the President of the Security Council, requesting an urgent meeting of the Council to consider the situation in the Republic of Bosnia and Herzegovina in the light of the adoption by the General Assembly of resolution 49/10 (S/1994/1248). At its 3454th meeting, on 8 November 1994, the Security Council included the letter in its agenda, under the item entitled "The situation in the Republic of Bosnia and Herzegovina", and considered the matter.

C. Practice in relation to Article 12 of the Charter

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Note

During the period under review, the Council did not request that the General Assembly make a recommendation in respect of a dispute or situation in accordance with the exception provided for in Article 12 (1). There was no discussion in the Security Council of the nature of the limitation placed by Article 12 (1) upon the authority of the General Assembly to make recommendations.

In accordance with Article 12 (2), the Secretary-General continued to notify the General Assembly of “matters relative to the maintenance of international peace and security which are being dealt with by the Security Council” and of matters with which the Council has ceased to deal.¹ These notifications were based upon the summary statement of matters of which the Security Council is seized and of the stage reached in their consideration, circulated each week to the members of the Security Council, in accordance with rule 11 of the provisional rules of procedure of the Council.² The items in the notifications were the same as those in the summary statements for the relevant period, apart from the omission of those items not considered to relate to the maintenance of international peace and security.

The matters being dealt with by the Security Council in the notifications have been listed since 1951 in two categories: (a) matters discussed during the period since the last notification; and (b) other matters of which the Council remained seized, but which it had not discussed at a formal meeting since the last

notification. When the Council subsequently ceased to deal with a matter listed in a notification, the Secretary-General so informed the General Assembly in an addendum to the relevant notification in the period under review.³ The addenda also indicated one instance in which the Council had altered the list of items of which it was seized, subsuming four previously discussed items under a single new item,⁴ as well as one instance in which the Council had concluded its consideration of a particular item.⁵

The consent of the Council for the notifications, required by Article 12 (2), was obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications. The General Assembly formally took note of the various notifications.

D. Practice in relation to provisions of the Charter involving recommendations by the Security Council to the General Assembly

Note

On a number of matters, the Charter provides for joint decision-making by the Security Council and the General Assembly, but requires the decision by the Council to be taken first. This is the case, for instance, with respect to the appointment of the Secretary-General (Article 97), the admission, suspension or expulsion of Members (Articles 4, 5 and 6), and the conditions under which a State which is not a United Nations Member may become a party to the Statute of the International Court of Justice (Article 93 (2)).

The Statute of the International Court of Justice provides for the Security Council to make recommendations to the General Assembly regarding the conditions under which a State which is a party to the Statute but is not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute (Articles 4 (3) and 69 of the Statute).

¹ See notes by the Secretary-General entitled “Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations” (A/48/411 (20 September 1993) and Add.1 (16 November 1993), Add. 2 (10 December 1993) and Add. 3 (3 August 1994); A/49/390 (15 September 1994); A/50/442 (18 September 1995) and Add. 1 (30 January 1996)). The last informed the Assembly that the Security Council had decided (S/1996/55) to remove one item relating to the maintenance of international peace and security from the list of matters of which the Security Council is seized. That decision necessitated an amendment to the notification of 18 September 1995 (A/50/442).

² Rule 11 reads as follows: “The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration”.

³ See, during the period under review, A/48/411/Add.1 (16 November 1993), Add.2 (10 December 1993) and Add.3 (3 August 1994); and A/50/442/Add. 1 (30 January 1996).

⁴ See A/48/411/Add.1.

⁵ See A/48/411/Add.3.

This section considers briefly the Council's practice during the period under review in relation to the admission of Members. No questions arose concerning the other matters.

1. Membership in the United Nations

Note

The admission of a State to membership in the United Nations, and the suspension or expulsion of a Member State from the Organization, is effected by "the General Assembly upon the recommendation of the Security Council" (Articles 4 (2), 5 and 6 of the Charter). In accordance with rule 60 of its provisional rules of procedure, the Council submits to the General Assembly within specified time limits its recommendation concerning each application for membership together with a record of its discussion of the application.

During the period under review, the Council recommended to the General Assembly the admission of seven States to membership in the United Nations.⁶ It made no negative recommendations requiring it to submit a special report to the General Assembly. The Council did not discuss or recommend the suspension or expulsion of any Member.

Concerning the former Yugoslavia, the Council, in resolution 821 (1993) of 28 April 1993, reaffirmed that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations;⁷ and therefore recommended to the General Assembly "that, further to the decision taken in resolution 47/1, it decide that the

⁶ Czech Republic (A/47/863, 8 January 1993); Slovak Republic (A/47/864, 8 January 1993); the former Yugoslav Republic of Macedonia (A/47/923, 7 April 1993); Eritrea (A/47/953, 26 May 1993); Principality of Monaco (A/47/954, 26 May 1993); Principality of Andorra (A/47/976, 9 July 1993); Republic of Palau (A/49/722, 30 November 1994). For the consideration by the Council of the applications of these countries, see chapter VII.

⁷ In its resolution 47/1 of 22 September 1992, the Assembly had, on the recommendation of the Council, decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly.

Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council". The General Assembly so decided.⁸

2. Election of the judges of the International Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda

Note

The procedure for the election of judges of the two Tribunals is set out in article 13(2), (3) and (4) of the statute of the International Tribunal for the Former Yugoslavia and article 12(2), (3), (4) and (5) of the statute of the International Tribunal for Rwanda.⁹

In each case, in accordance with the statute, the Secretary-General forwarded to the President of the Security Council the nominations received. The Security Council then convened a meeting, in accordance with the understanding reached in its prior consultations, and adopted a resolution establishing the list of candidates for judges. Subsequently, the President of the Security Council formally transmitted, via letter, the text of the resolution to the President of the General Assembly. The Assembly then proceeded to elect the judges from the list contained in that resolution.

Case 1

At its 3265th meeting, on 20 August 1993, the Security Council adopted resolution 857 (1993) whereby, in accordance with article 13(2)(c) of the statute of the International Tribunal for the Former Yugoslavia, it established a list of 23 candidates from which the General Assembly could elect the 11 judges of the Tribunal. By a letter of the same date,¹⁰ the President of the Security Council transmitted to the President of the General Assembly the text of resolution 857 (1993). At the 111th plenary meeting of

⁸ Resolution 47/229 of 29 April 1993.

⁹ For the text of the statute of the International Tribunal for the Former Yugoslavia, see S/25704, annex, which was adopted in Council resolution 827 (1993) of 25 May 1993. For the text of the statute of the International Tribunal for Rwanda, see Council resolution 955 (1994) of 8 November 1994, annex.

¹⁰ A/47/1003. Subsequently, one of the 23 candidates on the list decided to withdraw his candidacy.

its forty-seventh session, from 15 to 17 September 1993, in accordance with article 13(2)(d) of the statute, the General Assembly elected 11 judges for the Tribunal — that is, those candidates who received the absolute majority of the votes of States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters. In accordance with article 13(4) of the statute, the judges were elected for a term of four years, beginning on 17 November 1993.

Case 2

At its 3524th meeting, on 24 April 1995, the Security Council adopted resolution 989 (1995) whereby, in accordance with article 12(3)(c) of the statute of the International Tribunal for Rwanda, it established a list of 12 candidates from which the General Assembly could elect the six judges of the Tribunal. In accordance with article 12(2) of the statute, the members of the Appeals Chamber of the International Tribunal for the former Yugoslavia would also serve as members of the Appeals Chamber of the International Tribunal for Rwanda. By a letter of the same date,¹¹ the President of the Security Council transmitted to the President of the General Assembly the text of resolution 989 (1995). At the 103rd plenary meeting of its forty-ninth session, on 24 May 1995, in accordance with article 12(3)(d) of the statute, the General Assembly elected six judges for the Tribunal — that is, those candidates who received the absolute majority of the votes of States Members of the United Nations and of the non-Member States maintaining Permanent Missions at United Nations Headquarters. In accordance with article 12(5) of the statute, the judges were elected for a term of four years, to begin, upon two months' notice, shortly before the commencement of trial proceedings.

E. Reports of the Security Council to the General Assembly

Article 24, paragraph 3

The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

¹¹ A/49/889.

Article 15, paragraph 1

The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

Note

In accordance with Article 24(3) of the Charter, the Security Council continued during the period under review to submit annual reports to the General Assembly.¹² Each report covered the period from 16 June of one year to 15 June of the next. The basic format of the report remained unaltered during this period, though the content contained in the "introduction" was expanded, beginning from the report covering the period 1993/94. As before, the report comprised four main parts: part I provided a summary of the questions considered by the Security Council under its responsibility for the maintenance of international peace and security; part II dealt with "other matters" considered by the Council, such as the admission of new Members to the United Nations, the election of members of the International Court of Justice, the appointment of the Prosecutor of the International Tribunals for the Former Yugoslavia and Rwanda, and Security Council documentation and working methods and procedure; part III provided an account of the work of the Military Staff Committee; and part IV noted matters that were brought to the attention of the Council but not discussed during the period covered by the report.

Annual reports of the Security Council to the General Assembly were adopted at private meetings until the 47th report. On 30 June 1993, in a note by the President,¹³ the members of the Council indicated their agreement to the proposal that, thenceforth, the draft reports should be adopted at a public meeting of the Council. They also agreed to proposals concerning the

¹² Annual reports were adopted by the Security Council at the following meetings: 47th report (covering the period 1991/92), 3221st meeting, 26 May 1993; 48th report (covering the period 1992/93), 3294th meeting, 19 October 1993; 49th report (covering the period 1993/94), 3440th meeting, 18 October 1994; 50th report (covering the period 1994/95), 3593rd meeting, 13 November 1995.

¹³ S/26015.

timing of the submission of the report, the use of cross-referencing within the report, and the accessibility of the report in its draft version.¹⁴ In addition, on 29 March 1995, in a note by the President,¹⁵ the members of the Council indicated their agreement to a number of proposals related to making the procedures of Security Council sanctions committees more transparent, including the proposal that the annual report should contain, in the introduction, more information about each Committee than it did at that time.

Thus, from 1993 onwards, a member of the Secretariat, at the request of the President of the Security Council, made an explanatory statement on the draft report at a public meeting of the Council,¹⁶ following which the Council adopted the report without a vote. The Council's decision was subsequently reflected in a note by the President.¹⁷

For its part the General Assembly, in 1993, encouraged Member States to "participate actively in a substantive and in-depth discussion on, and

consideration of, the reports of the Security Council".¹⁸ Subsequently, in 1994, the Assembly invited the President of the General Assembly to "propose appropriate ways and means to facilitate an in-depth discussion by the Assembly of matters contained in the reports submitted to it by the Security Council".¹⁹

In the General Assembly, the President of the Security Council introduced the Council's report each year. His statement was followed, on each occasion, by discussion by the Member States.²⁰ Some of the points raised during the discussion were reflected in resolution 48/264, in which the General Assembly also encouraged the Council to "provide in a timely manner a clear and informative account of its work, including its resolutions and other decisions, inclusive of measures taken under Chapter VII of the Charter".²¹ Subsequently, following the conclusion of its debate on the Council's report for the period 1995/96,²² the General Assembly, in 1996, encouraged the Council to "provide in a timely manner a substantive, analytical and material account of its work" and called upon the Council to adopt a number of measures, which it outlined, in connection with the content of future reports.²³ One such measure was the inclusion, as appropriate, of "information on the consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action".

During the period covered by this Supplement, the Council did not submit any special reports to the

¹⁴ The relevant paragraphs of the note read as follows:

1. The Security Council should take all the necessary measures to ensure the timely submission of its report to the General Assembly. For that purpose: (a) The Security Council should retain the existing practice whereby the annual report is submitted to the General Assembly in a single volume covering the period from 16 June of one year to 15 June of the next year; (b) The Secretariat should submit the draft report to the members of the Security Council no later than 30 September immediately following the period covered by the report, so that the report may be adopted by the Council in time for consideration by the Assembly during the main part of its regular session.

3. The appendices in the annual report of the Security Council listing the resolutions and presidential statements should provide cross-references to the relevant chapter, section and subsection of the report, for each resolution and presidential statement.

4. The draft annual report of the Security Council to the General Assembly should no longer be issued as a confidential document; it should be a document with a "limited distribution" designation, as is the common practice in other bodies of the United Nations.

¹⁵ S/1995/234.

¹⁶ See also chapter III, part I.B, regarding the participation by the Secretariat in the proceedings of the Security Council.

¹⁷ See the following notes by the President: S/26596 (which states that the Security Council adopted the report unanimously), S/1994/1176 and S/1995/948.

¹⁸ Resolution 47/233 of 17 August 1993, on the revitalization of the work of the General Assembly, para. 5.

¹⁹ Resolution 48/264 of 29 July 1994, on the revitalization of the work of the General Assembly, para. 4.

²⁰ For the relevant debates in the General Assembly, see A/48/PV.41, p. 5 ff. and A/48/PV.42, p. 1 ff.; A/49/PV.48, p. 1 ff. and A/49/PV.49, p. 1 ff.; A/50/PV.72, p. 9 ff. and A/50/PV.73, p. 1 ff.; and A/51/PV.65, p. 9 ff., A/51/PV.66, p. 1 ff. and A/51/PV.87, p. 1 ff.

²¹ Resolution 48/264 of 29 July 1994, on the revitalization of the work of the General Assembly, para. 3.

²² A/51/2. The report covered the period from 16 June 1995 to 15 June 1996.

²³ Resolution 51/193 of 17 December 1996, on the Report of the Security Council, paras. 3 and 4(a)-(e).

Assembly (as, for example, under rule 60 (3) of the Council's provisional rules of procedure).²⁴

F. Relations with subsidiary organs established by the General Assembly

Note

Certain subsidiary organs established by the General Assembly have played a part in the work of the Security Council, either because they have been placed in a special relationship to the Council by resolution of the General Assembly, or because the Council has made use of the services of a subsidiary organ or invited its officers to participate in its meetings.

During the period under review, there was no constitutional discussion bearing on the relations between such subsidiary organs and the Security Council. Those subsidiary organs still active included the following: the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; the Special Committee against Apartheid; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; and the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa. These entities submitted reports and recommendations to the Security Council, and/or to the General Assembly, as appropriate, pursuant to a request by the General Assembly. Two of them, the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa and the Special Committee against Apartheid, submitted their last communications, respectively, in November 1993 and June 1994. The mandate of the Intergovernmental Group was terminated by General Assembly resolution 48/159 C of 20 December 1993. The mandate of the Special Committee against Apartheid was terminated by General Assembly resolution 48/258 A of 23 June 1994, following the end

²⁴ That rule provides that if the Security Council does not recommend an applicant State for membership or postpones the consideration of the application, it "shall submit a special report to the General Assembly with a complete record of the discussion".

of apartheid and the establishment of "a democratic and united, non-racial South Africa".²⁵

The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in meetings of the Council. The President of the Council participated in two meetings of the Committee commemorating the International Day of Solidarity with the Palestinian People during the period covered by the present Supplement.²⁶

The tables below give an account of the communications from those organs to the Council; participation in Council meetings is recorded in chapter III of the present Supplement. During the period under consideration, no decisions adopted by the Security Council contained references to these entities. The Council did, however, mention four other subsidiary organs (see cases 3-6) established by the General Assembly in its decisions.

Case 3

Continuing its consideration of the report of the Secretary-General entitled "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping",²⁷ the Security Council acknowledged the contributions made by the Special Committee on Peacekeeping Operations, on the same subject. In a statement of 28 May 1993, the President said:

The Security Council has studied thoroughly the recommendations of the Secretary-General contained in "An Agenda for Peace". It pays tribute to the valuable contributions made by the Special Committee on Peacekeeping Operations and other relevant bodies of the General Assembly. These discussions and consultations make it possible to formulate more clearly the common priorities of the Member States.²⁸

In a subsequent statement made on 3 May 1994, the President touched on the Special Committee's consideration of the report of the Secretary-General entitled "Improving the capacity of the United Nations for peacekeeping".²⁹

The Security Council notes that the report "Improving the capacity of the United Nations for peacekeeping" has been transmitted to the General Assembly and also notes that the

²⁵ Resolution 48/258 A, para. 3.

²⁶ For the relevant verbatim records, see A/AC.183/PV.202; and A/AC.183/PV.218.

²⁷ S/24111.

²⁸ S/25859.

²⁹ S/26450.

Special Committee on Peacekeeping Operations has made recommendations on the report.³⁰

Case 4

In several decisions taken during the period under review, in connection with the item entitled “The question concerning Haiti”, the Council expressed support for, and acknowledged the contribution of, the joint United Nations/Organization of American States International Civilian Mission to Haiti (MICIVIH). The United Nations participation in this Mission had been authorized by the General Assembly in resolution 47/20 B of 20 April 1993 in connection with the item entitled “The situation of democracy and human rights in Haiti”.

By its resolution 867 (1993) of 23 September 1993, adopted at its 3282nd meeting, the Security Council authorized the establishment and immediate dispatch of the United Nations Mission in Haiti (UNMIH). In paragraph 5 of the same resolution, the Council welcomed the intention of the Secretary-General to place the peacekeeping mission under the oversight of the Special Representative of the Secretaries-General of the United Nations and of the Organization of American States, who also oversaw the activities of MICIVIH.

In a statement made at the Council’s 3403rd meeting, on 12 July 1994, the President, on behalf of the Council, condemned the decision of the “illegal de facto regime and military leadership in Haiti” to expel from the country the joint United Nations/Organization of American States International Civilian Mission, “whose work ha[d] the highest approbation of the Council and whose mandate [had been] extended by the ... General Assembly on 8 July 1994 [resolution 48/27 B]”.³¹

In its resolutions 944 (1994) and 948 (1994) of 29 September and 15 October 1994, adopted at the 3430th and 3437th meetings, respectively, the Council, inter alia, expressed support for the immediate return to Haiti of MICIVIH.

Following the return to Haiti of President Jean-Bertrand Aristide, and the subsequent return of MICIVIH, the Council, in 1995, took three decisions in which, inter alia, it expressed its appreciation for the

work of that mission, particularly for its assistance with the electoral process in Haiti.³² In the last of those decisions, the Council also expressed its confidence that “the Special Representative of the Secretary-General, UNMIH and UN/OAS MICIVIH [would] continue to assist the Government and the people of Haiti”.

Case 5

In four statements made during the period under review, in connection with the situation in Afghanistan, the President, on behalf of the Council, supported a special mission to the country authorized by the General Assembly. In a statement made at the Council’s 3330th meeting, on 24 January 1994, he stated:

The Council notes General Assembly resolution 48/208 requesting the Secretary-General to dispatch as soon as possible a United Nations special mission to Afghanistan to canvass a broad spectrum of Afghanistan’s leaders to solicit their views on how the United Nations can best assist Afghanistan in facilitating national *rapprochement* and reconstruction. The Council welcomes the reaffirmation of support for such a mission issued on 12 January 1994 by the Secretary-General and his intention to dispatch this mission.³³

In a subsequent statement made at the Council’s 3353rd meeting, on 23 March 1994, the President said:

The Council welcomes the Secretary-General’s appointment of a special mission to Afghanistan, in accordance with General Assembly resolution 48/208. [...] The Council supports this mission, which is due to leave Geneva soon, and urges all Afghans to assist it in carrying out its mandate and thus promote a cessation of hostilities, the resumption of humanitarian aid and the restoration of peace in Afghanistan.³⁴

In a third statement made at the Council’s 3415th meeting, on 11 August 1994, the President stated:

The [Council] notes with appreciation the efforts of the United Nations Special Mission to Afghanistan in accordance with General Assembly resolution 48/208, headed by Ambassador Mahmoud Mestiri, and welcomes his progress report of 1 July 1994 (S/1994/766), in particular the recommendations contained in paragraph 40 [on “the first phase of a re-engaged United Nations effort” in Afghanistan] of the report.

³⁰ S/PRST/1994/22.

³¹ S/PRST/1994/32.

³² Resolution 975 (1995), adopted at the 3496th meeting, on 30 January 1995; resolution 1007 (1995), adopted at the 3559th meeting, on 31 July 1995; and statement by the President (S/PRST/1995/55) made at the 3594th meeting, on 16 November 1995.

³³ S/PRST/1994/4.

³⁴ S/PRST/1994/12.

The Council expresses its appreciation for the cooperation the Afghan people and leaders provided to the Special Mission. It calls on all Afghans to continue to work with the Special Mission as it seeks to help Afghans begin a peaceful political process to end their differences.³⁵

Finally, in a statement made at the Council's 3474th meeting, on 30 November 1994, the President stated:

The Security Council notes with appreciation the progress made by the United Nations Special Mission to Afghanistan, led by Ambassador Mahmoud Mestiri, and the report of the Secretary-General of 22 November 1994 (A/49/688).

The Security Council fully supports the Special Mission's broad-based consultations with Afghan representatives and its proposals to bring about an end to the factional fighting, institute a process of political reconciliation and begin the tasks of rehabilitation and reconstruction of Afghanistan.

[...]

Recognizing that the rehabilitation, reconstruction and development of war-torn Afghanistan will be dependent in large part upon the progress made towards the establishment of a reliable ceasefire and the development of a viable political process, the Security Council urges all States to support the peacemaking proposals of the Special Mission and to recognize its primary role in the peacemaking process.³⁶

³⁵ S/PRST/1994/43.

³⁶ S/PRST/1994/77.

Case 6

At its 3583rd meeting, held at the level of Foreign Ministers, on 26 September 1995, the Council met to commemorate the fiftieth anniversary of the United Nations. At the conclusion of the meeting, the President made a statement on behalf of the Council in which she, *inter alia*, took note of the conclusion of the Working Group of the General Assembly on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.³⁷ This entity had been established by the General Assembly by resolution 48/26 of 3 December 1993 and its mandate had been extended annually thereafter.³⁸ Thus, commenting on the subject of "strengthening" and "revitalizing" the United Nations, the President of the Security Council stated:

[The members of the Security Council] take note of the conclusions of the Working Group of the General Assembly on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, *inter alia*, that the Council should be expanded, and that its working methods should continue to be reviewed, in a way that further strengthens its capacity and effectiveness, enhances its representative character and improves its working efficiency and transparency; and that important differences on the key issues continue to exist.

³⁷ S/PRST/1995/48.

³⁸ See General Assembly decisions 48/498, 49/499 and 50/489.

Communications from subsidiary organs established by the General Assembly

(a) Communications from the Special Committee against Apartheid

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/25895	16 June 1993	Letter dated 2 June 1993 from the Chairman submitting the report of his mission to South Africa, from 1 to 11 March 1993.
S/26048	7 July 1993	Letter dated 7 July 1993 from the Chairman transmitting the following texts: the Declaration of the International Conference on Southern Africa: Making Hope a Reality, held in London on 14 and 15 June 1993; the report of the Secretary of the Conference; and the Appeal of its Conveners.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/26714	17 November 1993	Letter dated 3 November 1993 from the Chairman submitting the report of the Special Committee against Apartheid, in which, inter alia, the Special Committee recommended (para. 247 (f)) that the General Assembly request that mandatory measures imposed by the Security Council with regard to South Africa remain in effect and urge Member States to continue to respect them until the Council, in response to the election of a non-racial and democratic Government, may decide to lift them.
S/1994/261	7 March 1994	Letter dated 3 March 1994 from the Acting Chairman transmitting the texts of his opening statement, the keynote address and the concluding remarks made at the International Briefing on South Africa's First Democratic and Non-Racial Elections, held at Brussels from 28 February to 1 March 1994.
S/1994/383	5 April 1994	Letter dated 31 March 1994 from the Chairman submitting the report of his mission to South Africa, from 28 February to 6 March 1994.
S/26714/Add.1	14 June 1994	Letter dated 14 June 1994 from the Chairman submitting the addendum to the report of the Special Committee against Apartheid, in which the Special Committee noted that the system of apartheid having been brought to an end, it had fulfilled its mandate in accordance with the provisions of relevant General Assembly resolutions and had successfully concluded its work.

(b) Communications from the Committee on the Exercise of the Inalienable Rights of the Palestinian People

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/25464	23 March 1993	Letter dated 23 March 1993 from the Chairman drawing attention to the increasingly grave situation in the occupied Palestinian territory since the deportation of over 400 Palestinians in mid-December, and appealing to the Security Council to take the necessary measures to provide appropriate protection to the Palestinian people.
S/25862	28 May 1993	Letter dated 28 May 1993 from the Chairman drawing attention to the serious situation in the occupied Palestinian territory as a result of Israel's prolonged and indefinite closure of the West Bank and Gaza Strip and the isolation of East Jerusalem since 30 March, and stating that it was of the utmost importance for the international community as a whole, and the High Contracting Parties to the Fourth Geneva Convention in particular, to take all necessary measures to ensure the safety and protection of Palestinian civilians, particularly children, living under Israeli occupation.
S/1994/220	25 February 1994	Letter dated 25 February 1994 from the Chairman drawing attention to the tragic massacre of unarmed Palestinian worshippers in Hebron, and calling on all concerned to do everything possible to surmount current obstacles in the "peace negotiations" and to advance towards full implementation of the agreements that had been reached.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/1995/50	18 January 1995	Letter dated 17 January 1995 from the Chairman expressing concern at the growing Israeli settlement activity in the occupied West Bank, and appealing to the Secretary-General, the Security Council, the co-sponsors of the peace process and all others concerned to exert their influence on the Israeli Government to end its settlement policy.

(c) **Communications from the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa**

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/26789	22 November 1993	Letter dated 3 November 1993 from the Chairman transmitting the report of the Intergovernmental Group, which, inter alia, concluded that the changes in South Africa were sufficiently profound and irreversible to warrant the lifting of the oil embargo against South Africa (para. 31) and recommended to the General Assembly that, provided that the Transitional Executive Council was operational at that time, the mandate of the Group be terminated upon the adoption of the report by the Assembly (para. 35).

Part II Relations with the Economic and Social Council

Practice in relation to Article 65 of the Charter

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Note

During the period under consideration, the Security Council did not formally address a request for information or assistance to the Economic and Social Council nor mention Article 65 in its decisions. The Security Council did, however, receive information from the Economic and Social Council, through one of its subsidiary bodies, the Commission on Human Rights, about grave human rights abuses and violations of international humanitarian law identified by the Security Council as being of concern in three situations before the Security Council: respectively, the situation between Iraq and Kuwait; the situation in the former Yugoslavia; and the situation concerning Rwanda. These instances are

dealt with in cases 7 to 9 below. The Security Council also received information in relation to the situation in Burundi from a commission of inquiry established by the Secretary-General at its request. The commission's report included information provided by the Special Rapporteur of the United Nations Commission on Human Rights. This is dealt with in case 10.

In his report entitled "An agenda for peace: preventive diplomacy, peacemaking and peacekeeping", submitted in 1992 at the request of the Security Council, the Secretary-General had touched upon the potential relevance of Article 65 as part of an early warning system. He had recommended "that the Security Council invite a reinvigorated and restructured Economic and Social Council to provide reports, in accordance with Article 65 of the Charter, on those economic and social developments that may, unless mitigated, threaten international peace and security". During the period under review, in a follow-up report entitled "Implementation of the recommendations contained in an 'Agenda for Peace'",³⁹ the Secretary-General recalled his earlier

³⁹ See S/25944, para. 42.

recommendation and expressed the hope that discussion would continue on ways to put it into practice. In a subsequent report entitled "Supplement to an agenda for peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations",⁴⁰ the Secretary-General did not expressly refer to the Economic and Social Council. The Security Council considered the latter report at its 3492nd meeting, on 18 and 19 January 1995. One Council member, echoed by two additional speakers, supported cooperation between the Security Council and the Economic and Social Council to help better identify and address economic and social tensions before the outbreak of conflict or after its conclusion.⁴¹

Case 7

The situation between Iraq and Kuwait

At its 49th, 50th and 51st sessions, the Commission on Human Rights adopted resolutions⁴² by which it extended, for one year, the mandate of the Special Rapporteur on the situation of human rights in Iraq. In each of the three resolutions, the Commission requested the Special Rapporteur to submit an interim report to the General Assembly as well as a report to the Commission on Human Rights.

In his interim report of 18 November 1993,⁴³ the Special Rapporteur concluded, inter alia, that a number of acts of the Government of Iraq constituted a policy of repression in violation of paragraph 2 of Security Council resolution 688 (1991). He also concluded that the continuing difficulties in facilitating the humanitarian work of international organizations in the country constituted a violation of paragraph 3 of that resolution.

By a letter dated 7 December 1993,⁴⁴ the representative of Hungary drew the attention of the President of the Security Council to the interim report of the Special Rapporteur, highlighting the references made therein to resolution 688 (1991), and asked that it be circulated as a document of the Security Council.

⁴⁰ S/1995/1.

⁴¹ S/PV.3492, p. 24 (United States); S/PV.3492 (Resumption 1), p. 32 (Canada); and S/PV.3492 (Resumption 2), p. 18 (Ireland).

⁴² Resolutions 1993/74 of 10 February 1993, 1994/74 of 9 March 1994 and 1995/76 of 8 March 1995.

⁴³ A/48/600, paras. 61 and 81.

⁴⁴ S/26869.

Case 8

The situation in the former Yugoslavia

At its 49th, 50th and 51st sessions, the Commission on Human Rights adopted resolutions by which it extended, for one year, the mandate of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia. In each of the three resolutions,⁴⁵ the Commission requested the Special Rapporteur to continue to submit periodic reports, as appropriate, to the Commission on Human Rights and the General Assembly, and requested the Secretary-General to continue to make the reports of the Special Rapporteur available also to the Security Council. The Secretary-General did so by means of notes, to which the reports were annexed.⁴⁶

At its 3612th meeting, on 21 December 1995, the Security Council adopted resolution 1034 (1994) on the situation in Bosnia and Herzegovina. The Council affirmed that the violations of humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most from July to October 1995 had to be fully and properly investigated by "the relevant United Nations and other international organizations and institutions". It demanded that the Bosnian Serb party give immediate and unrestricted access to the areas in question, including for the purpose of the investigation of the atrocities, to representatives of "the relevant United Nations and other international organizations and institutions, including the Special Rapporteur of the Commission on Human Rights".

Case 9

The situation concerning Rwanda

At its third special session, the Commission of Human Rights adopted a resolution,⁴⁷ in the preambular part of which it, inter alia, recalled the request of the Security Council to the Secretary-

⁴⁵ Resolutions 1993/7 of 23 February 1993, 1994/72 of 9 March 1994 and 1995/89 of 8 March 1995.

⁴⁶ S/26469 of 28 September 1993; S/26383 of 30 August 1993; S/26415 of 8 September 1993; S/26765 of 20 November 1993; S/1994/265 of 7 March 1994; S/1994/743 of 23 June 1994; S/1994/967 of 9 August 1994; S/1994/1252 of 4 November 1994; S/1995/79 of 26 January 1995; S/1995/80 of 27 January 1995; S/1995/597 of 19 July 1995; S/1995/801 of 18 September 1995; S/1995/933 of 27 November 1995.

⁴⁷ Resolution S-3/1 of 25 May 1994.

General to collect information on the responsibility for the tragic incident that had resulted in the deaths of the Presidents of Rwanda and Burundi.⁴⁸ In the operative part, the Commission requested its Chairman to appoint a special rapporteur to investigate first-hand the human rights situation in Rwanda. It also requested the Secretary-General to make the report of the Special Rapporteur available to the Economic and Social Council, the General Assembly and the Security Council. The Secretary-General did so by means of notes, to which the reports were annexed.⁴⁹

At its 3388th meeting, on 8 June 1994, the Security Council unanimously adopted resolution 925 (1994) on the situation concerning Rwanda. In the preambular part of the resolution, the Council noted the appointment, by the Commission on Human Rights, of a Special Rapporteur for Rwanda. In the operative part, the Council, *inter alia*, requested the Secretary-General to ensure that the United Nations Mission for Rwanda (UNAMIR) extended close cooperation to the Special Rapporteur. During the discussion, the representative of China expressed reservations on “the resolution’s elements relating to the human rights rapporteur”. Recalling that the Charter contained explicit provisions on the mandates of the Security Council, the General Assembly and other United Nations organs, he stressed that the Council should “refrain from involvement in activities that [went] beyond its mandate”. He added that his delegation was “not in favour of wilfully linking the work of the Council with that of other organs”.⁵⁰ Conversely, the representative of New Zealand welcomed “the recognition given in [the] resolution to the importance of close cooperation between UNAMIR and the activities of the ... recently appointed United Nations Special Rapporteur for Rwanda”.⁵¹ The representative of the Czech Republic spoke of “going ... beyond the horizon of today’s draft resolution”, suggesting that in future the Council might wish to request the Special Rapporteur to report to it directly.⁵²

⁴⁸ See the statement by the President of the Security Council (S/PRST/1994/16) of 7 April 1994, first paragraph; and resolution 912 (1994) of 21 April 1994, para. 2.

⁴⁹ S/1994/1157 of 13 October 1994 and Add.1 of 14 November 1994; and S/1995/915 of 2 November 1995.

⁵⁰ S/PV.3388, p. 12.

⁵¹ *Ibid.*, pp. 9-11.

⁵² *Ibid.*, pp. 3-4.

At its 3400th meeting, on 1 July 1994, the Security Council unanimously adopted resolution 935 (1994), in the preambular part of which it again noted the appointment of the Special Rapporteur. By the operative part, the Council, *inter alia*, requested the Secretary-General to establish a commission of experts which would provide to him its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, and also requested the Secretary-General to make the information submitted to the Special Rapporteur available to the Commission of Experts and to facilitate adequate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur in the performance of their respective tasks. At the Council meeting, the representative of China reiterated his reservations on the involvement of the Council in matters within the purview of other organs, whereas other Council members stressed the need for close cooperation between the Special Rapporteur and the Commission of Experts.⁵³

Case 10

The situation in Burundi

At its 3571st meeting, on 28 August 1995, the Security Council adopted resolution 1012 (1995) on the situation in Burundi. By that resolution, the Council requested the Secretary-General to establish an international commission of inquiry which would, *inter alia*, establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related acts of violence that followed. By the same resolution, the Council called upon States, “relevant United Nations bodies” and, as appropriate, international humanitarian organizations to collate substantiated information in their possession relating to the above-mentioned acts, to make such information available as soon as possible and to provide appropriate assistance to the commission of inquiry. The Commission of Inquiry noted in its final report that it had, in the course of its work, met with the Special Rapporteur of the Commission on Human Rights for Burundi.⁵⁴

⁵³ S/PV.3400: p. 7 (China); pp. 3-4 (United States); and p. 5 (France).

⁵⁴ S/1996/682, para. 35.

Part III

Relations with the Trusteeship Council

Note

This part of chapter VI concerns the relationship between the Security Council and the Trusteeship Council in relation to those trust territories designated as “a strategic area or areas”, under Articles 77 and 82 of the Charter. Article 83 (1) provides that “all functions of the United Nations” relating to strategic areas — “including the approval of the terms of the trusteeship agreement and of their alteration or amendment” — are to be exercised by the Security Council. Article 83 (2) further provides that the Security Council shall “avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas”. Those supervisory functions are specified in Articles 87 and 88 of the Charter. Only one territory, the Pacific Islands, was placed under a trusteeship agreement as a strategic area and the agreement was approved by the Security Council in resolution 21 (1947) of 2 April 1947.

During the period under review, the Security Council adopted a resolution terminating the applicability of the Trusteeship Agreement for the Pacific Islands with respect to Palau. Palau was the sole remaining Trust Territory of the Pacific Islands and the last Trust Territory under the International Trusteeship system to have attained independence (case 12). The Trusteeship Council had thus completed its mandate under the Charter. On 25 May 1994, the Trusteeship Council adopted an amendment to its rules of procedure under which it no longer needed to meet regularly.⁵⁵

⁵⁵ Trusteeship Council resolution 2200 (LXI), adopted on 25 May 1994.

A. Practice relating to the termination of a trusteeship agreement under Article 83, paragraph 1, of the Charter

Case 12

By a letter dated 2 November 1994,⁵⁶ the President of the Trusteeship Council transmitted to the President of the Security Council a draft resolution recommended for adoption by the Council on the termination of the Trusteeship Agreement for the Trust Territory of the Pacific Island (Palau). In the draft resolution, the Council would determine, in the light of the entry into force on 1 October 1994 of the new status agreement for Palau,⁵⁷ that the objectives of the Trusteeship Agreement had been fully attained, and that the applicability of the Trusteeship Agreement had terminated with respect to Palau.

At its 3455th meeting, on 10 November 1994, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the draft resolution was put to the vote and adopted unanimously as resolution 956 (1994). Speaking in explanation of vote, the representative of France acknowledged that with Palau’s accession to independence, the Trusteeship Council had successfully completed the task entrusted to it under the Charter with respect to those territories placed under the Trusteeship System following the Second World War. He cautioned, however, against an amendment to the Charter to terminate the legal existence of the Trusteeship Council, arguing that a recent amendment of its rules of procedure, under which the Trusteeship Council would no longer need to meet regularly, reduced to a minimum the budgetary implications of its continuation, and thus obviated the need to modify its status. The speaker concluded by stating that the Trusteeship Council remained an instrument that the international community could resort to if necessary.⁵⁸

⁵⁶ S/1994/1234.

⁵⁷ Palau entered a Compact of Free Association with its former Administering Authority, the United States, on 1 October 1994.

⁵⁸ S/PV.3455, pp. 2-3.

B. Transmission of reports to the Security Council by the Trusteeship Council

From 1 January 1993 to 31 December 1995, the Secretary-General transmitted to the Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which continued to be the only Territory designated as a strategic area:

(a) Forty-fifth report, covering the period from 22 December 1992 to 18 January 1994;⁵⁹

(b) Forty-sixth report, covering the period from 19 January to 1 November 1994.⁶⁰

⁵⁹ *Official Records of the Security Council, Forty-eighth Year, Special Supplement No. 1 (S/1994/346)*.

⁶⁰ *Ibid.*, *Forty-ninth Year, Special Supplement No. 1 (S/1994/1400)*.

Part IV Relations with the International Court of Justice

Note

This part concerns the relationship between the Security Council and the International Court of Justice. Section A deals with the election of the members of the Court, which requires that action be taken by the Security Council in conjunction with the General Assembly, but with both organs proceeding independently. During the period under review, five elections were held to elect nine members to fill casual and regular vacancies (see cases 13-17). Section B notes the discussion that continued in the Security Council regarding the respective roles of the Council and the Court, in connection with the situation concerning the alleged involvement of Libyan nationals in the destruction of two civilian airliners (see case 18). It also deals with two instances where the Council took decisions: noting an Order of the Court, in connection with the situation in Bosnia and Herzegovina (see case 19); and assisting the parties, the Libyan Arab Jamahiriya and Chad, in implementing a Judgment of the Court concerning their territorial dispute (see case 21). An instance is also described where the members of the Council, by a letter, welcomed the referral to the Council of a dispute between Cameroon and Nigeria concerning the Bakassi peninsula, to the Court (see case 20).

A. Practice in relation to the election of members of the International Court of Justice

The procedure for the election of members of the Court is set out in Articles 4, 8 and 10 to 14 of the Statute of the International Court of Justice; rules 150

and 151 of the rules of procedure of the General Assembly; and rules 40 and 61 of the provisional rules of procedure of the Security Council.

For each of the five elections held during this period, the Security Council began the election procedure to fill a vacancy, or vacancies, by fixing the date of election, in accordance with Article 14 of the Court's Statute.⁶¹ The Security Council and the General Assembly then proceeded independently with the elections.⁶² At the Security Council meetings, the President of the Council drew attention to a memorandum by the Secretary-General describing the composition of the Court and setting out the procedure to be followed in the conduct of the election.⁶³ He reminded the Council that Article 10, paragraph 1, of the Court's Statute provides that, "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected", adding that the required majority in the Security Council was, therefore, eight votes. He explained further that the voting would be by secret ballot.

⁶¹ In four of the five instances, the Council adopted resolutions (resolutions 805 (1993), 951 (1994), 979 (1995) and 980 (1995)) fixing the date of the election; in the remaining instance, relating to the election to fill regular vacancies, it appears that the Council informally set the date of the election.

⁶² For the verbatim records of the relevant Council meetings, see S/PV.3209; S/PV.3309-3311; S/PV.3493; S/PV.3546; and S/PV.3552. For the verbatim records of the relevant General Assembly plenary meetings, see A/47/PV.103; A/48/PV.51-53; A/49/PV.96; A/49/PV.104; and A/49/PV.105.

⁶³ See, for example, S/26489.

Case 13

At its 3209th meeting, on 10 May 1993, the Council met to elect a member of the International Court of Justice, to fill a vacancy in the Court caused by the death of one of its members. On the first ballot, one candidate obtained the required majority of votes in the Council. The President stated that he would communicate the result of the vote to the President of the General Assembly, and requested the Council to remain in session until the result of the voting in the General Assembly had been received. Subsequently, he informed members of the Council that he had received a letter from the President of the General Assembly informing him that the same candidate had received an absolute majority in the General Assembly at the 103rd plenary meeting of its forty-seventh session. The candidate in question was therefore elected a member of the International Court of Justice. As the new member was elected to replace a member whose term of office had not expired, he was elected to the remainder of his predecessor's term of office, expiring on 5 February 1994.

Case 14

At its 3309th meeting, on 10 November 1993, the Council proceeded with the election of five members of the International Court of Justice, to fill the seats which would become vacant on 5 February 1994. At the outset, the President of the Council reported his decision to the Council not to preside over its proceedings in connection with the election of five members of the International Court of Justice and to invite the President for the following month to assume the presidential chair.⁶⁴ He noted that having fully considered the exceptional circumstances of the case — the President himself having been among the candidates for election to the International Court of Justice — he had reached the conclusion to act within the discretion of rule 20 of the Council's provisional rules of procedure.⁶⁵

⁶⁴ See chapter I, part III, case 3.

⁶⁵ Rule 20 states:

Whenever the President of the Security Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall

then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

The election required three meetings.⁶⁶ On the first ballot, five candidates obtained the required majority of votes in the Council. The Council then remained in session until the result of the voting at the 51st plenary meeting of the forty-eight session of the General Assembly had been received. The results, when compared, revealed that the Security Council and the General Assembly had agreed on four candidates. Those four candidates had therefore been elected as members of the Court for a term of office of nine years, beginning on 6 February 1994. The President of the Council then stated that, in accordance with Article 11 of the Statute of the Court, the Council would proceed to hold a new meeting to elect one candidate, by further ballot, for the seat remaining to be filled. He accordingly adjourned the first meeting and called to order the second meeting — the 3310th meeting. On the first ballot, one candidate received the required majority of votes in the Council. However, at the 52nd plenary meeting of the General Assembly, a different candidate received the absolute majority of votes. Having been informed of this result, the President of the Council announced that the Council would have to proceed to a third meeting on the item. At the 3311th meeting of the Security Council and the 53rd plenary meeting of the General Assembly, held in accordance with Article 11 of the Statute of the Court, the same candidate received the required majority of votes in the Council and the absolute majority of votes in the Assembly and was therefore elected a member of the International Court of Justice for a term of office of nine years, beginning on 6 February 1994.

Case 15

At its 3493rd meeting, on 26 January 1995, the Council met to elect a member of the International Court of Justice, to fill a vacancy in the Court caused by the death of one of its members. On the first ballot, one candidate obtained the required majority of votes in the Council. The President stated that he would communicate the result of the vote to the President of

then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

⁶⁶ 3309th, 3310th and 3311th meetings.

the General Assembly, and requested the Council to remain in session until the result of the voting in the General Assembly had been received. Subsequently, he informed members of the Council that he had received a letter from the President of the General Assembly informing him that the same candidate had received an absolute majority in the General Assembly at the 96th plenary meeting of its forty-ninth session. The candidate in question was therefore elected a member of the International Court of Justice. As the new member was elected to replace a member whose term of office had not expired, he was elected to the remainder of his predecessor's term of office, expiring on 5 February 1997.

Case 16

At its 3546th meeting, on 21 June 1995, the Council met to elect a member of the International Court of Justice, to fill a vacancy in the Court caused by the death of one of its members. On the first ballot no candidate obtained the required majority of votes in the Council. The Council thus proceeded to a second ballot, in accordance with rule 61 of the provisional rules of procedure. No candidate obtained the required majority of votes in the Council on the second, nor on the subsequent ballot. The Council thus proceeded to a fourth ballot. The President stated that he would communicate the result of the vote to the President of the General Assembly, and requested the Council to remain in session until the result of the voting in the General Assembly had been received. Subsequently, he informed members of the Council that he had received a letter from the President of the General Assembly informing him that the same candidate had received an absolute majority in the General Assembly at the 104th plenary meeting of its forty-ninth session. The candidate in question was therefore elected a member of the International Court of Justice. As the new member was elected to replace a member whose term of office had not expired, he was elected to the remainder of his predecessor's term of office, expiring on 5 February 1997.

Case 17

At its 3552nd meeting, on 12 July 1995, the Council met to elect a member of the International Court of Justice, to fill a vacancy in the Court caused by the resignation of one of its members. On the first ballot, one candidate obtained the required majority of

votes in the Council. The President stated that he would communicate the result of the vote to the President of the General Assembly, and requested the Council to remain in session until the result of the voting in the General Assembly had been received. Subsequently, he informed members of the Council that he had received a letter from the President of the General Assembly informing him that the same candidate had received an absolute majority in the General Assembly at the 105th plenary meeting of its forty-ninth session. The candidate in question was therefore elected a member of the International Court of Justice. As the new member was elected to replace a member whose term of office had not expired, he was elected to the remainder of his predecessor's term of office, expiring on 5 February 2000.

B. Consideration of the relationship between the Security Council and the Court

Case 18

During the period under review, the Security Council continued its consideration of the situation concerning the alleged involvement of Libyan nationals in the destruction of two civilian aircraft (Pan Am flight 103 over Lockerbie, Scotland, in 1988 and UTA flight 772 over Niger in 1989). In particular, in 1993, the Council intensified the sanctions against the Libyan Arab Jamahiriya, on the basis of its determination that that country's continued failure to demonstrate by concrete action its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions in resolutions 731 (1992) and 748 (1992) concerning full cooperation in establishing responsibility for the terrorist acts, constituted a threat to international peace and security. Meanwhile, the Applications of the Libyan Arab Jamahiriya before the International Court of Justice,⁶⁷ contending that the acts alleged in the indictment by the United States and the United Kingdom of the two accused Libyan nationals constituted an offence under the 1971

⁶⁷ Cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom and Libyan Arab Jamahiriya v. United States)*.

Montreal Convention and should be dealt with within the framework of that Convention, remained pending for judgement. Thus, on the occasion of the expansion of the sanctions against the Libyan Arab Jamahiriya, some discussion again arose concerning the respective roles of the Council and the Court.

At its 3312th meeting, on 11 November 1993, the Council adopted resolution 883 (1993) whereby, acting under Chapter VII of the Charter, it expanded the sanctions against the Libyan Arab Jamahiriya.⁶⁸ At the same meeting, speaking before the vote, the representative of the Libyan Arab Jamahiriya challenged the argument that the Security Council was considering a matter that threatened international peace and security. He contended that the matter should be dealt with by the Council under Chapter VI, instead of Chapter VII, of the Charter, due to the fact that the issue in question was a legal dispute over which country had the competence to try the two accused Libyan nationals — a dispute which was essentially settled by the provisions of the 1971 Montreal Convention. He cautioned against involving the Council in the question of extradition which would set a “dangerous precedent”.⁶⁹ The representative of the Sudan, speaking in his capacity as Chairman of the Group of Arab States, characterized it as “curious” that the draft resolution was based on Chapter VII of the Charter; this, in his opinion, did not apply to the dispute between the Libyan Arab Jamahiriya and the three other States involved, as it was a legal dispute relating to the extradition of two accused Libyan nationals. Such a dispute, he said, should be dealt with in a court of law, and specifically by the International Court of Justice. Alternatively, it should be addressed in conformity with Chapter VI of the Charter, and especially on the basis of Article 33.⁷⁰

Conversely, speaking after the vote, several Council members pointed out that the issue in question related to “international terrorism”, as well as the non-compliance of the Libyan Arab Jamahiriya with Security Council resolutions 731 (1992) and 748 (1992), both of which threatened international peace and security. The Council was, therefore, justified in

imposing additional measures on the Libyan Arab Jamahiriya, in order to fight international terrorism and secure its compliance with its previous decisions.⁷¹ One Council member added that, in his understanding, the action taken by the Council was aimed exclusively at addressing a “political problem”, as the body could not pass judgement on the merits of a criminal case. Echoed by another Council member,⁷² he stated that such action could not be construed in a manner inconsistent with the presumption of innocence. He also noted that the action taken by the Council was not intended to establish a “legal precedent” — especially not a precedent that would question the validity of time-honoured rules and principles of international law or the appropriateness of different domestic legislations with respect to the prevention and elimination of international terrorism.⁷³ Only one Council member explicitly opposed the imposition, and expansion, of sanctions against the Libyan Arab Jamahiriya as, in its view, only “negotiation and consultation” could lead to a solution.⁷⁴

On 16 and 20 June 1995, respectively, at the International Court of Justice, the United Kingdom and the United States filed preliminary objections to the jurisdiction of the Court to entertain the Applications of the Libyan Arab Jamahiriya. On 22 September 1995, the Court issued Orders that fixed, in each case, 22 December as the time limit within which the Libyan Arab Jamahiriya might present a written statement of its observations and submissions on those preliminary objections, which the Libyan Arab Jamahiriya did.⁷⁵

Case 19

On 20 March 1993, Bosnia and Herzegovina instituted proceedings against the Federal Republic of Yugoslavia (Serbia and Montenegro) before the

⁶⁸ The sanctions were expanded to incorporate further aviation sanctions, financial sanctions, and sanctions against particular items used in the refinement and export of oil.

⁶⁹ S/PV.3312, pp. 4-6 and 22-24.

⁷⁰ Ibid., pp. 31-32.

⁷¹ Ibid., pp. 40-42 (United States); pp. 42-44 (France); pp. 44-46 (United Kingdom); pp. 47-48 (Brazil); pp. 54-55 (Russian Federation); p. 56 (Spain); pp. 59-60 (Hungary), pp. 61-62 (Venezuela); and pp. 62-63 (Japan).

⁷² Ibid., p. 56 (Spain).

⁷³ Ibid., pp. 49-50 (Brazil).

⁷⁴ Ibid., p. 53 (China).

⁷⁵ *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom and Libyan Arab Jamahiriya v. United States of America, 22 September 1995)*, *Order of I.C.J. Reports 1995*, pp. 282 and 285.

International Court of Justice, “for violating the Genocide Convention”.⁷⁶ On the same day, it also filed a request for provisional measures, “to prevent further the loss of human life in Bosnia and Herzegovina”.⁷⁷ On 8 April 1993, the Court issued an Order indicating interim measures of protection.⁷⁸

By a letter dated 16 April 1993 addressed to the President of the Security Council,⁷⁹ the representative of Bosnia and Herzegovina requested that the Council, pursuant to Article 94 (2), of the Charter, “take immediate measures under Chapter VII of the Charter to stop the assault” on Bosnia and Herzegovina, which he alleged was being carried out by forces directed, controlled and supported by the Federal Republic of Yugoslavia (Serbia and Montenegro), and “enforce the Order of the International Court of Justice”. On the

same day, at its 3199th meeting, the Security Council, acting under Chapter VII, adopted resolution 819 (1993) in which it demanded, inter alia, that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina, having noted that “the International Court of Justice in its Order of 8 April 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) unanimously indicated as a provisional measure that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide”. At its 3200th meeting, on 17 April 1993, the Council adopted resolution 820 (1993) whereby, acting under Chapter VII, it strengthened both the economic and financial sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to secure improved compliance. No reference was made, however, to the Order of the Court in that resolution.

On 27 July 1993, Bosnia and Herzegovina filed a second request for provisional measures, “because the Respondent ha[d] violated each and every one of the three measures of protection on behalf of Bosnia and Herzegovina that were indicated by [the] Court on 8 April 1993, to the grave detriment of both the People and State of Bosnia and Herzegovina”. On 10 August 1993, the Federal Republic of Yugoslavia (Serbia and Montenegro) filed a request for provisional measures, “to prevent commission of the crime of genocide against the Serb ethnic group”.⁸⁰ On 13 September 1993, the Court issued an Order by which it reaffirmed the provisional measures indicated in its Order of 8 April 1993, which measures, the Court stated, should be immediately and effectively implemented.⁸¹

⁷⁶ *Application Instituting Proceedings in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*.

⁷⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, *Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993*, p. 3.

⁷⁸ *Ibid.*, p. 24. Relevant paragraphs of the Court’s Order read as follows: Paragraph 52 A (1): “The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its powers to prevent commission of the crime of genocide”. Paragraph 52 A (2): “The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, whether directed against the Muslim population of Bosnia and Herzegovina or against any other national, ethnic, racial or religious groups”. Paragraph 52 B: “The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of Bosnia and Herzegovina should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution”.

⁷⁹ S/25616.

⁸⁰ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, *Provisional Measures, Order of 13 September 1993, I.C.J. Reports 1993*, p. 325.

⁸¹ *Ibid.*, p. 349.

By a letter dated 15 September 1993 addressed to the President of the Security Council,⁸² the representative of Bosnia and Herzegovina requested that the Council, pursuant to Article 94 (2) of the Charter, “take the necessary measures under Chapter 7 of the Charter in order to enforce the order of 13 September 1993 of the International Court of Justice”. He also called upon the Council to “take the necessary and immediate steps to lift the sieges [of Bosnian cities] and thereby confront the ongoing genocide”. The Security Council did not take any action on that particular request.

Case 20

By a letter dated 28 February 1994 addressed to the President of the Council,⁸³ the representative of Cameroon reported an incident involving the Cameroonian army and the Nigerian army in the Cameroonian peninsula of Bakassi and requested an urgent meeting of the Security Council “given that this matter has implications for peace and security in the region”. By a follow-up letter dated 28 March 1994,⁸⁴ the representative of Cameroon transmitted the communiqué of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU) on its border dispute with Nigeria.

By a letter dated 4 March 1994 addressed to the President of the Council,⁸⁵ the representative of Nigeria expressed his Government’s surprise that Cameroon had, among other things, called for a discussion of the issue by the Security Council, and expressed the hope that the Council would encourage a bilateral resolution of the dispute, in accordance with Article 33 (1) of the Charter of the United Nations.

On 29 March 1994, Cameroon instituted proceedings against Nigeria before the International Court of Justice in a dispute concerning the question of sovereignty over the peninsula of Bakassi,⁸⁶ and requested the Court to determine the course of the

⁸² S/26442.

⁸³ S/1994/228.

⁸⁴ S/1994/351.

⁸⁵ S/1994/258.

⁸⁶ *Application Instituting Proceedings* in the case concerning *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*.

maritime frontier between the two States insofar as that frontier had not already been established in 1975.⁸⁷

In a third letter to the President of the Council, dated 20 April 1994,⁸⁸ the representative of Cameroon recalled that in his recent conversation with the Council President he had confirmed and reiterated his Government’s request for an urgent meeting of the Council and, in that context, stated that he was submitting an informal text of a draft resolution “that could mark the conclusion of the Council’s consideration of this case”.⁸⁹

The President of the Security Council responded to the four aforementioned letters, on behalf of the members of the Council, in identical letters dated 29 April 1994,⁹⁰ addressed to the representatives of Cameroon and Nigeria, respectively. He stated, inter alia, that the members of the Council “welcome[d] the fact that the dispute ha[d] been referred to the International Court of Justice”. They also requested the Secretary-General, in consultation with the Secretary-General of OAU, to follow developments and to use his good offices to help promote the ongoing dialogue aimed at resolving peacefully the dispute between the two countries over the peninsula, and to keep Council members appropriately informed.

On 13 December 1995, at the International Court of Justice, Nigeria filed certain preliminary objections to the jurisdiction of the Court and to the admissibility of Cameroon’s claims.

Case 21

At its 3363rd meeting, on 14 April 1994, the Council included in its agenda the item entitled, “Agreement signed on 4 April 1994 between the

⁸⁷ On 6 June 1994, Cameroon filed an Additional Application, “for the purpose of extending the subject of the dispute” to a further dispute described as essentially relating “to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad”, while also asking the Court to specify definitely the frontier between Cameroon and Nigeria from Lake Chad to the sea. Cameroon requested the Court to join the two Applications “and to examine the whole in a single case”. There being no objection to the suggested procedure from the Government of Nigeria, the Court dealt with the matter as requested.

⁸⁸ S/1994/472.

⁸⁹ S/1994/472, annex.

⁹⁰ S/1994/519.

Government of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994". The aforementioned Judgment related to the definition, and course, of the boundary between Chad and the Libyan Arab Jamahiriya.⁹¹ The subsequent Agreement between the two Governments provided for the withdrawal of the Libyan administration and troops from the Aouzou Strip,⁹² as well as the presence of

⁹¹ *Territorial dispute (Libyan Arab Jamahiriya/Chad), Judgment, I.C.J. Reports 1994*, p. 6.

⁹² See S/1994/402 and S/1994/424, from the representatives of the Libyan Arab Jamahiriya and Chad, respectively, transmitting the text of the Agreement to the Secretary-General.

United Nations observers to establish that the withdrawal had actually been effected.

Subsequently, the Security Council adopted, at its 3373rd meeting, on 4 May 1994, resolution 915 (1994), by which, expressing its determination to "assist the parties in implementing the Judgment of the International Court of Justice concerning their territorial dispute and thereby to help promote peaceful relations between them, in keeping with the principles and purposes of the Charter of the United Nations", it established the United Nations Aouzou Strip Observer Group (subsequently to be known as UNASOG) and set out its mandate.

Part V Relations with the Secretariat

Note

This part is concerned with the functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council under Article 98 of the Charter (section A) and with the Secretary-General's power of initiative under Article 99 (section B).⁹³

Article 98

The Secretary-General shall act in that capacity⁹⁴ in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. ...

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion

⁹³ The functions and powers of the Secretary-General in regard to the meetings of the Security Council, conferred under Article 98, are delineated in rules 21 to 26 of the Council's provisional rules of procedure: see also chapter I, part IV.

⁹⁴ Article 97 of the Charter stipulates that the Secretary-General shall be the chief administrative officer of the Organization.

may threaten the maintenance of international peace and security.

A. Functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council

During the period under review, the Secretary-General was requested or authorized by the Security Council to carry out a broad range of actions, particularly in relation to the peaceful settlement of disputes and peacekeeping. His functions in that regard expanded during that period as the activities of the Security Council continued to expand and diversify. In addition to carrying on his responsibilities in the area of peaceful settlement of disputes (political/diplomatic functions) and peacekeeping (security functions), the Secretary-General was entrusted with the establishment of international criminal tribunals as subsidiary bodies of the Security Council and with the implementation of sanctions regimes (legal functions). The practice described below is illustrative and does not purport to be comprehensive.⁹⁵

⁹⁵ For details of these and other instances where the Security Council entrusted functions to the Secretary-General, see the case studies in chapter VIII.

Measures to ascertain the facts

In a number of instances, the Secretary-General was asked to investigate the facts of a particular situation or his efforts to do so were endorsed:

(a) *In relation to the situation in the Republic of Bosnia and Herzegovina*, the Secretary-General was requested to investigate a number of incidents involving UNPROFOR and/or committed in the territory of Bosnia and Herzegovina;⁹⁶

(b) *In relation to the situation concerning Western Sahara*, the Secretary-General was invited to “intensify his efforts, with the parties, in order to resolve some outstanding issues, in particular those relating to the interpretation and application of the criteria for voter eligibility” and “to make the necessary preparations for the organization of the referendum of self-determination and to consult accordingly with the parties for the purpose of commencing voter registration on a prompt basis ...”.⁹⁷ In a letter dated 6 December 1993 to the Secretary-General,⁹⁸ the Council reaffirmed the Secretary-General’s role as “a guarantor of an objective and impartial referendum ...”;

(c) *With regard to the situation relating to Nagorny Karabakh*, the Council requested the Secretary-General, in consultation with the Conference for Security and Cooperation in Europe, to ascertain facts, as appropriate, regarding the situation on the ground;⁹⁹

(d) *In relation to the situation in the Republic of Yemen*, the Council requested the Secretary-General “to send a fact-finding mission to the area as soon as practicable to assess prospects for a renewed dialogue among those concerned and for further efforts by them to resolve their differences”;¹⁰⁰

(e) *In connection with the situation concerning Rwanda*, the Council requested the Secretary-General to “establish an impartial Commission of Experts to

examine and analyse information submitted pursuant to resolution 935 (1994) ..., with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide”.¹⁰¹ In connection with the same item, the Council requested the Secretary-General “to establish, as a matter of urgency, an International Commission of Inquiry” to, inter alia, “collect information and investigate reports relating to the sale or supply of arms and related *matériel* to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995)”;¹⁰²

(f) *With regard to the situation in Burundi*, the Council requested the Secretary-General to establish an International Commission of Inquiry “to establish the facts relating to the assassination of the President of Burundi on 21 October 1993 and the massacres which followed and to recommend measures of a legal, political or administrative nature ...”.¹⁰³

Good offices

The Secretary-General was often requested to exercise or continue to exercise his “good offices” function: his independent political role in preventing or mediating conflicts between or within States, or his role in that regard was endorsed:

(a) *In relation to the item entitled “Central America: efforts towards peace”*, the Security Council reaffirmed its support for “the Secretary-General’s use of his good offices in the El Salvador peace process”.¹⁰⁴ In November 1994, the Council set 30 April 1995 as the date by which the United Nations Observer Mission in El Salvador (ONUSAL) would fulfil its mandate. That deadline was observed.

(b) *In connection with items relating to the Libyan Arab Jamahiriya*, the Security Council invited

⁹⁶ Statements by the President of the Security Council of 8 January 1993 (S/25079), 17 March 1993 (S/25426), 28 October 1993 (S/26661), 9 November 1993 (S/26717) and 14 April 1995 (S/PRST/1995/19).

⁹⁷ Resolution 809 (1993) of 2 March 1993.

⁹⁸ S/26848.

⁹⁹ Statement by the President of the Security Council of 6 April 1993 (S/25539).

¹⁰⁰ Resolution 924 (1994) of 1 June 1994.

¹⁰¹ Resolution 935 (1994) of 1 July 1994.

¹⁰² Resolution 1013 (1995) of 7 September 1995.

¹⁰³ Resolution 1012 (1995) of 28 August 1995.

¹⁰⁴ Resolutions 832 (1993) of 27 May 1993; 888 (1993) of 30 November 1993; and 920 (1994) of 26 May 1994.

the Secretary-General “to continue his role as set out in paragraph 4 of resolution 731 (1992).”¹⁰⁵

(c) *In connection with the situation in Cyprus*, the Council requested the Secretary-General to “continue his mission of good offices”.¹⁰⁶ In July 1994, the Council requested the Secretary-General “to begin consultations with members of the Council, the Guarantor Powers and with the two leaders in Cyprus with a view to undertaking a fundamental and far-reaching reflection on ways of approaching the Cyprus problem in a manner that will yield results.”¹⁰⁷

(d) In identical letters dated 24 April 1994 from the President of the Security Council to the representatives of Cameroon and Nigeria,¹⁰⁸ the members of the Council requested the Secretary-General, in consultation with the Organization of African Unity, “to follow developments and to use his good offices to help promote the ongoing dialogue aimed at resolving peacefully the dispute” between Cameroon and Nigeria over the Bakassi peninsula, and to keep them appropriately informed.

Joint efforts to promote a political settlement

In several instances during the period under review, the Secretary-General was asked to undertake diplomatic efforts in conjunction with regional arrangements or other actors in order to achieve a political settlement.¹⁰⁹

(a) *In relation to the situation in Liberia*, the Council requested the Secretary-General, in consultation with the Economic Community of West African States (ECOWAS), to consider the possibility of convening a

meeting of the parties, to restate their commitment to the implementation of the Yamoussoukro IV Accord.¹¹⁰

(b) *With regard to the situation in Georgia*, the Council expressed its support for and encouraged the Secretary-General’s efforts aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe, to that end.¹¹¹

(c) *In relation to the situation in Haiti*, the Security Council commended the efforts of the Secretary-General’s Special Representative for Haiti and the efforts of the Secretary-General of the Organization of American States to establish a political dialogue with the Haitian parties. The Council, acting under Chapter VII of the Charter, inter alia, welcomed the request by the General Assembly that the Secretary-General take the necessary measures to assist, in cooperation with OAS, in the solution of the crisis, and requested the Secretary-General to report to the Security Council on progress achieved in the efforts jointly undertaken by him and the Secretary-General of OAS with a view to reaching a political solution to the crisis in Haiti.¹¹²

(d) *Regarding the situation in Somalia*, the Security Council urged the Secretary-General to redouble his efforts at the local, regional and national levels to continue the process of national reconciliation and political settlement; called on all Member States to assist, in all ways possible, the Secretary-General, in conjunction with regional organizations, in his efforts to reconcile the parties and rebuild Somali political institutions; and invited the Secretary-General to consult the countries of the region and regional organizations concerned on means of further reinvigorating the reconciliation process.¹¹³

(e) *In relation to the situation in Angola*, the Security Council commended the efforts of the Secretary-General, his Special Representative and

¹⁰⁵ Resolution 883 (1993) of 11 November 1993. In resolution 731 (1992), the Council had requested the Secretary-General “to seek the cooperation of the Libyan Government to provide a full and effective response” to the requests addressed to the Libyan authorities by France, the United Kingdom and the United States for the extradition of suspected terrorists involved in two airline bombings.

¹⁰⁶ Resolution 839 (1993) of 11 June 1993.

¹⁰⁷ Resolution 939 (1994) of 29 July 1994.

¹⁰⁸ S/1994/519.

¹⁰⁹ See chapter XII for a more comprehensive listing of instances of cooperation between the United Nations and regional arrangements in order to achieve a pacific settlement of a dispute and the role of the Secretary-General in those instances.

¹¹⁰ Resolution 813 (1993) of 26 March 1993.

¹¹¹ See resolutions 849 (1993) of 9 July 1993; 858 (1993) of 24 August 1993; 876 (1993) of 19 October 1993; and 993 (1995) of 12 May 1995.

¹¹² Resolution 862 (1993) of 16 June 1993.

¹¹³ Resolution 865 (1993) of 22 September 1993.

those of the three observer States to the Angolan peace process and of the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraged them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the “Acordos de Paz” and relevant Security Council resolutions.¹¹⁴

Peacekeeping and implementation of peace agreements

The Secretary-General was also entrusted with a leading role in dispatching and directing a number of peacekeeping missions authorized by the Council.¹¹⁵ The Council authorized 12 new missions during the period under review,¹¹⁶ many of which were

multifaceted operations, containing political, humanitarian, social and economic components. They were tasked with helping to regroup and demobilize combatants, destroy weapons, coordinate humanitarian assistance, monitor human rights and organize elections. The Secretary-General had the responsibility for the executive direction and command of these peacekeeping operations, that is, their establishment, deployment, withdrawal and the implementation of their mandates.

Establishment of international tribunals¹¹⁷

During the period under review, the Security Council requested the Secretary-General to undertake certain actions relating to the establishment of international tribunals.

The Council, acting under Chapter VII of the Charter, adopted resolutions 827 (1993) of 25 May 1993 and 955 (1994) of 8 November 1994, by which it established, respectively, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

In the case of the International Tribunal for the Former Yugoslavia, the Security Council, by resolution 808 (1993) of 22 February 1993, had previously decided that an international tribunal should be established “for the prosecution of persons responsible

peace accords and the Lusaka Protocol; the United Nations Confidence Restoration Operation in Croatia (UNCRO) to perform the functions envisaged in the ceasefire agreement, facilitate implementation of the economic agreement, monitor the crossing of military equipment and personnel over specified international borders, facilitate humanitarian assistance and monitor the demilitarization of a specified zone; the United Nations Preventive Deployment Force (UNPREDEP) to monitor the borders in the former Yugoslav Republic of Macedonia; and the United Nations Mission in Bosnia and Herzegovina (UNMIBH) to perform tasks set out in the peace agreement.

¹¹⁷ For a more in-depth treatment of this question, see chapter V.

¹¹⁴ See resolutions 922 (1994) of 31 May 1994; 932 (1994) of 30 June 1994; 952 (1994) of 27 October 1994; and 966 (1994) of 8 December 1994.

¹¹⁵ For further details of these decisions, see chapter V.

¹¹⁶ Pursuant to decisions of the Security Council, the Secretary-General deployed: the United Nations Operation in Somalia II (UNOSOM II) to establish throughout Somalia a secure environment for humanitarian assistance; the United Nations Observer Mission Uganda-Rwanda (UNOMUR) to monitor the border between Uganda and Rwanda and verify that no military assistance was provided across it; the United Nations Observer Mission in Georgia (UNOMIG) to verify compliance with the ceasefire agreement between Georgia and the Abkhaz authorities in Georgia; the United Nations Observer Mission in Liberia (UNOMIL) to work with ECOMOG towards the implementation of the peace agreement, monitor compliance with the ceasefire agreement, observe and verify elections, assist in demobilization of combatants, support humanitarian assistance, and investigate human rights violations; the United Nations Mission in Haiti (UNMIH) to help implement provisions of the Governor’s Island Agreement of 3 July 1993; the United Nations Assistance Mission for Rwanda (UNAMIR) to help implement the peace agreement signed by the Rwandan parties on 4 August 1993; the United Nations Aouzou Strip Observer Group (UNASOG) to monitor the withdrawal of Libyan administration and forces from the Aouzou Strip in accordance with the Agreement to implement a decision of the International Court of Justice; the United Nations Mission of Observers in Tajikistan (UNMOT) to monitor the ceasefire agreement between the Government of Tajikistan and the United Tajik Opposition; the United Nations Angola Verification Mission III (UNAVEM III) to assist the Government of Angola and the National Union for the Total Independence of Angola (UNITA) in restoring peace and achieving national reconciliation on the basis of the

for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991”¹¹⁸ and had requested the Secretary-General to submit to the Security Council “a report on all aspects of [that] matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 [...] taking into account suggestions put forward in [that] regard by Member States”.¹¹⁹ Pursuant to that request, the Secretary-General submitted to the Council a report entitled “Report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993)”,¹²⁰ which set out, *inter alia*, the legal basis for the Tribunal, the competence of the Tribunal and proposals for the organization of the Tribunal. It also contained, as an annex, a draft statute of the International Tribunal. By resolution 827 (1993) by which the Council formally established the Tribunal, it also, *inter alia*, requested the Secretary-General to “submit to the judges of the International Tribunal, upon their election, any suggestions received from States for the rules of procedure and evidence called for in Article 15 of the Statute of the International Tribunal”¹²¹ and, further, to “implement urgently the present resolution and in particular to make practical arrangements for the effective functioning of the International Tribunal at the earliest time and to report periodically to the Council”.¹²²

With respect to the establishment of the International Tribunal for Rwanda, by resolution 955 (1994), the Security Council decided, having received the request of the Government of Rwanda (S/1994/1115), “to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Tribunal for Rwanda”. The Council also requested the Secretary-General to implement the resolution urgently and in particular to

make practical arrangements for the effective functioning of the tribunal, including recommendations to the Council as to possible locations for the seat of the Tribunal.¹²³ The Council was periodically informed on the implementation of resolution 955 (1994) through, *inter alia*, oral briefings and through the progress report on the United Nations Assistance Mission for Rwanda (UNAMIR).¹²⁴ On 13 February 1995, the Secretary-General submitted his first formal report pursuant to that request by the Council, in which he, *inter alia*, reported on the legal basis for the establishment of the Tribunal, the competence of the Tribunal, its organization and structure, and made a recommendation for the seat of the Tribunal.¹²⁵

Regarding the election of the judges of the two Tribunals, the role of the Secretary-General is set out in the statutes of the respective tribunals, adopted by the Council. With respect to the International Tribunal for the Former Yugoslavia, article 13, subparagraph 2 (a), provides that the Secretary-General shall invite nominations for judges of the Tribunal from States Members of the United Nations and non-Member States maintaining permanent observer missions at United Nations Headquarters. Subparagraph 2 (c) stipulates that the Secretary-General shall forward the nominations received to the Security Council. At its 3265th meeting, on 20 August 1993, in accordance with that article, the Council established, by resolution 857 (1993), a list of 23 candidates from the nominations received by the Secretary-General.¹²⁶ By a memorandum dated 26 August 1993, the Secretary-General transmitted the list of candidates to the General Assembly.¹²⁷

With respect to the International Tribunal for Rwanda, the role of the Secretary-General was similarly set out in article 12 of its statute, which provides in subparagraph 3 (a) that the Secretary-General shall invite nominations for judges of the Tribunal from States Members of the United Nations and non-Member States maintaining permanent observer missions at United Nations Headquarters. Subparagraph 2 (c) stipulates that the Secretary-General shall forward the nominations received to the Security Council. At its 3524th meeting, on 24 April

¹¹⁸ Resolution 808 (1993), para. 1.

¹¹⁹ *Ibid.*, para. 2.

¹²⁰ S/25704 and Add.1.

¹²¹ Resolution 827 (1993), para. 3.

¹²² *Ibid.*, para. 8.

¹²³ Resolution 955 (1994) of 8 November 1994.

¹²⁴ S/1995/107, paras. 19-22.

¹²⁵ S/1995/134.

¹²⁶ See case 1 in part I, section D, of the present chapter.

¹²⁷ A/47/1005.

1995, in accordance with that article, the Council established, by resolution 989 (1995) a list of 12 candidates from the nominations received by the Secretary-General.¹²⁸ By a memorandum dated 2 May 1995, the Secretary-General transmitted the list of candidates to the General Assembly.¹²⁹

Implementation of sanctions regimes

During the period under review, the Security Council established four sanctions regimes bringing the total number of sanctions committees in place to nine.¹³⁰ In addition to providing all necessary assistance to the sanctions committees established to monitor implementation of the sanctions, the Secretary-General was also requested to support from within a territory the implementation of an arms embargo, in the case of Somalia;¹³¹ to consult with countries of a region and other regional organizations about the practical implementation of an arms embargo, with regard to Rwanda;¹³² and to ensure that all information on arms embargo was made available to the Council and publicized more widely as appropriate, in relation to Liberia.¹³³

B. Matters brought to the attention of the Security Council by the Secretary-General

Note

During the period under review, the Secretary-General did not invoke Article 99, either expressly or by implication. In a number of instances, however, he drew the attention of the Security Council to situations, already on the Council's agenda, that were

deteriorating, and requested the Council to consider taking appropriate action.¹³⁴ In addition, the Secretary-General exercised the implicit rights conferred upon him under Article 99 by initiating, for example, good offices missions in respect of Burundi, Georgia, Rwanda-Uganda and Sierra Leone.¹³⁵ In the case of Burundi, the Security Council noted "with satisfaction the immediate response of the Secretary-General to this situation by the dispatch of a Special Envoy on a good offices mission ..."¹³⁶ With regard to Georgia (the situation in Abkhazia), initially, the Secretary-General had sent on his own initiative a goodwill mission to the region in 1992. The Council then authorized the Secretary-General to begin to organize a United Nations observer group and welcomed the Secretary-General's continuing efforts to launch a peace process

¹³⁴ Thus, for example, in connection with the situation in Bosnia and Herzegovina, the Secretary-General, by a letter dated 2 April 1993 addressed to the President of the Security Council (S/25519), requested the members of the Council to consider "what supportive action they might take" in the "extremely worrying situation" which had developed in Srebrenica in eastern Bosnia; in connection with the situation [prevailing in and adjacent to the United Nations protected areas] in Croatia, the Secretary-General, in a letter dated 14 July 1993 (S/26082), stated that the developments at the Maslenica bridge and the Zemunik airport deserved the "urgent attention of the Council", and that the Council might wish to consider the "danger" posed by that situation and decide upon appropriate action; in connection with the situation concerning Rwanda, the Secretary-General, in a letter dated 29 April 1994 (S/1994/518), stated that his Force Commander had reported "a further deterioration of the situation in Kigali and other parts of Rwanda", and urged the Council to re-examine the decisions it had taken in resolution 912 (1994) and to consider again what action, including forceful action, it could take, or could authorize Member States to take, in order to restore law and order and end the massacre.

¹³⁵ The *Repertory of Practice of United Nations Organs* states in its Supplement No. 8 (1989-1994), volume VI, under Article 99, that "the implicit powers of the Secretary-General in the spirit of Article 99 have been more liberally construed to include the right to initiate fact-finding missions, investigative commissions and the offer of good-offices or mediation" (available from http://untreaty.org/cod/repertory/art99/english/rep_supp8_vol6-art99_e_advance.pdf). See also the report of the Secretary-General dated 17 June 1992 entitled "An Agenda for Peace" (S/24111), paras. 23-27, and the statement by the President of the Security Council of 30 November 1992 (S/24872).

¹³⁶ Statement by the President of the Security Council of 16 November 1993 (S/26757).

¹²⁸ See case 2 in part I, section D, of the present chapter.

¹²⁹ A/49/893.

¹³⁰ New sanctions regimes were imposed against Haiti, the National Union for the Total Independence of Angola (UNITA), Rwanda and Liberia. For more details, see chapter V.

¹³¹ Resolution 814 (1993) of 26 March 1993 on the situation in Somalia.

¹³² Statement by the President of the Security Council of 30 April 1994 (S/PRST/1994/21) on the situation concerning Rwanda.

¹³³ Statement by the President of the Security Council of 13 July 1994 (S/PRST/1994/33) on the situation in Liberia.

with the participation of the Russian Federation and supported the Secretary-General's continuing cooperation with the Chairman-in-Office of the Commission on Security and Cooperation in Europe in that regard.¹³⁷ In connection with Rwanda-Uganda, the Council welcomed "the decision of the Secretary-General to send a goodwill mission to the region ..."¹³⁸ Regarding the situation in Sierra Leone, the Council expressed "its appreciation to the Secretary-General for his offer of good offices in Sierra Leone ..."¹³⁹

Case 22

In his report of 17 June 1992 entitled "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping",¹⁴⁰ the Secretary-General had stressed that preventive diplomacy required timely and accurate knowledge of facts. He had said that an increased resort to fact-finding was needed, initiated either by the Secretary-General — to enable him to meet his responsibilities under the Charter, including Article 99 — or by the Security Council or the General Assembly. He had made a number of proposals in that

regard on enhancing informal and formal fact-finding. During the period covered by the present Supplement, the Security Council continued its consideration of the Secretary-General's report. At the Council's 3225th meeting, on 28 May 1993, to consider agenda item "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping", the President of the Council made a statement on behalf of the Council, in which, inter alia, the Council noted with satisfaction the increased use of fact-finding missions. It invited Member States to provide the Secretary-General with relevant detailed information on situations of tension and potential crisis. It invited the Secretary-General to consider appropriate measures for strengthening the Secretariat capacity to collect and analyse information.

In a position paper of 25 January 1995 entitled "Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations",¹⁴¹ the Secretary-General, under the section on preventive diplomacy and peacemaking, noted that "collectively Member States encourage the Secretary-General to play an active role in this field; individually they are often reluctant that he should do so when they are a party to the conflict". He stated that the "solution" might lie "in creating a climate of opinion, or ethos, within the international community in which the norm would be for Member States to accept an offer of United Nations good offices". At the Council's 3503rd meeting, on 22 February 1995, the President of the Council made a statement¹⁴² on behalf of the Council, in which, inter alia, the Council welcomed and shared the priority given by the Secretary-General to action to prevent conflict. It encouraged all Member States to make the fullest possible use of instruments of preventive action, including "the Secretary-General's good offices ..."

¹³⁷ Resolution 849 (1993) of 9 July 1993. See also resolution 858 (1993) of 24 August 1993; presidential statement of 6 October 1993 (S/26463); resolution 876 (1993) of 19 October 1993; resolution 881 (1993) of 4 November 1993; resolution 896 (1994) of 31 January 1994; resolution 901 (1994) of 4 March 1994; resolution 906 (1994) of 25 March 1994; presidential statement of 8 April 1994 (S/PRST/1994/17); resolution 971 (1995) of 12 January 1995; presidential statement of 17 March 1995 (S/PRST/1995/12); resolution 993 (1995) of 12 May 1995; presidential statement of 18 August 1995 (S/PRST/1995/39).

¹³⁸ Resolution 812 (1993) of 12 March 1993.

¹³⁹ Statement by the President of 27 November 1995 (S/PRST/1995/57). In a letter dated 1 February 1995 (S/1995/120), the Secretary-General had informed the Council that the Head of State of Sierra Leone had formally requested his good offices to facilitate negotiations between his Government and the Revolutionary United Front and that he had dispatched an exploratory mission to Sierra Leone to initiate consultations to that effect.

¹⁴⁰ S/24111.

¹⁴¹ S/1995/1.

¹⁴² S/PRST/1995/9.

Part VI

Relations with the Military Staff Committee

Note

The Military Staff Committee, established pursuant to Article 47 of the Charter, is composed of the Chiefs of Staff of the permanent members or their representatives. Its function is “to advise and assist the Security Council on all questions relating to the Security Council’s military requirements for the maintenance of international peace and security, the employment and command of forces at its disposal, the regulation of armaments, and possible disarmament”.¹⁴³

During the period under review, the Military Staff Committee met regularly under its draft rules of procedure and remained prepared to carry out the functions assigned to it under Article 47. The need to revitalize the Military Staff Committee was discussed by Council members during the discussions on the Secretary-General’s Agenda for Peace and its Supplement (case 23).

Case 23

At the Council’s 3492nd meeting, on 18 January 1995, in connection with the item entitled “Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations”, two speakers referred to the role of the Military Staff Committee.

The representative of the Russian Federation, commenting on the Secretary-General’s position paper and the proposal to create rapid reaction forces,¹⁴⁴ stressed the importance of giving “the Military Staff Committee, which is intended to advise and assist the Security Council on all questions relating to the Security Council’s military requirements, not only formal, but substantive work”. He stated that it would also be useful “to analyse the Committee’s potential to further the work of the Secretariat in developing the Agenda for Peace.”¹⁴⁵

Touching on the issue of the command and management of peacekeeping operations, the representative of Ukraine noted that difficulties faced in that area could be addressed by revitalizing Article 47 of the Charter. Quoting paragraph 4 of that Article, the speaker believed that the Military Staff Committee should make use of the possibility of establishing regional subcommittees under that paragraph and that appropriate countries that contribute troops to peacekeeping operations could be included in the membership of such regional subcommittees.¹⁴⁶

At the Council’s 3611th meeting, on 20 December 1995, in connection with the item entitled “An agenda for peace: peacekeeping”, the representative of Italy suggested reflecting on the idea of revitalizing the Military Staff Committee, providing for inclusion in it of the countries that contributed troops to each operation.¹⁴⁷

¹⁴³ Article 47.

¹⁴⁴ S/1995/1.

¹⁴⁵ S/PV.3492, p. 18.

¹⁴⁶ S/PV.3492 (Resumption 1), p. 23.

¹⁴⁷ S/PV.3611, pp. 10-11.

Chapter VII

Practice relative to recommendations to the General Assembly regarding membership in the United Nations

Contents

	<i>Page</i>
Introductory note	187
Part I. Applications for admission to membership in the United Nations and actions taken thereon by the Security Council and General Assembly, 1993-1995	188
Note	188
A. Applications recommended by the Security Council	188
B. Discussion of the question in the Security Council	189
C. Applications pending on 1 January 1993	190
D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 1993 to 31 December 1995	191
Part II. Presentation of applications	195
Note	195
Part III. Referral of applications to the Committee on the Admission of New Members	195
Note	195
Part IV. Procedures in the consideration of applications within the Security Council	196
Note	196
Part V. Practices relative to the applicability of Articles 4, 5 and 6 of the Charter	196
Note	196

Introductory note

The present chapter considers the practice of the Security Council in its recommendations to the General Assembly concerning applications for membership in the United Nations.

Part I sets forth the applications for admission considered and the decisions taken thereon by the Security Council and the General Assembly during the period under review. A comprehensive table, contained in section D shows the chain of proceedings from the submission of the applications to the decisions taken thereon by the General Assembly.

Parts II to IV concern the procedures employed by the Council in the consideration of the applications. The parts entitled "Consideration of the adoption or amendment of rules 58 to 60 of the provisional rules of procedure" and "Roles of the General Assembly and the Security Council" have been deleted from the present *Supplement* as there was no material for inclusion.

Part V deals with practices relating to the applicability of Articles 4, 5 and 6 of the Charter.

During the period under review, the Council recommended the admission of seven States to membership in the United Nations.

The application of the former Yugoslav Republic of Macedonia, whose admission had been pending since 30 July 1992, was finalized when the Security Council recommended its admission to the General Assembly under that provisional name, and the General Assembly decided to admit that country to membership in the United Nations (case 1).

The Federal Republic of Yugoslavia (Serbia and Montenegro) did not submit an application for admission to membership in the United Nations during the period under review.¹ The Security Council made a recommendation to the General Assembly regarding the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council (case 2).

¹ By resolution 777 (1992) of 19 September 1992, the Security Council considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly. Acting on the recommendation of the Security Council, the General Assembly, on 22 September 1992, adopted resolution 47/1, by which it decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly.

Part I

Applications for admission to membership in the United Nations and actions taken thereon by the Security Council and the General Assembly, 1993-1995

Note

As in the previous volumes of the *Repertoire*, part I provides information on the applications before the Council during the period under review and the decisions taken thereon by the Council and the General Assembly. Section A (Applications recommended by the Security Council), section B (Discussion of the question in the Security Council), section C (Applications pending on 1 January 1993) and section D (Applications submitted and action taken thereon by the Security Council and the General Assembly) have been maintained.

The table in section D includes additional information on the dates of circulation of the applications, as distinct from their dates of submission, the meetings at which the applications were first considered by the Council and their reference to the Committee on the Admission of New Members, the meetings, reports and recommendations of the Committee, and the presidential statements adopted by the Council following adoption of its resolutions. The sections concerning applications that failed to obtain a recommendation and applications pending at the end of the period under review contained in previous *Supplements* have been omitted as there was no material for inclusion.

A. Applications recommended by the Security Council

During the period from 1 January 1993 to 31 December 1995, the Council recommended the following seven States for admission to membership in the United Nations:

- Andorra
- Czech Republic
- Eritrea
- Monaco
- Palau
- Slovakia
- The former Yugoslav Republic of Macedonia

Case 1

By a letter dated 30 July 1992 addressed to the Secretary-General,² the President of the country referred to in the letter as “the Republic of Macedonia” requested its admission to membership in the United Nations.

By a note dated 22 January 1993,³ the Secretary-General circulated the application in accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council and

² S/25147, annex.

³ S/25147.

“following informal consultations held by the President of the Security Council at the request of the Secretary-General concerning the receivability” of that application.

In a letter dated 25 January 1993 addressed to the Secretary-General, the Minister for Foreign Affairs of Greece stated the views and position of the Government of Greece on that application. He stated the strong objection of Greece to the admission of the applicant to membership of the United Nations “prior to a settlement of certain outstanding issues necessary for safeguarding peace and stability, as well as good-neighbourly relations in the region”.⁴ Greece further pointed out that admission “prior to meeting the necessary prerequisites, and in particular abandoning the use of the denomination ‘Republic of Macedonia’, would perpetuate and increase friction and tension and would not be conducive to peace and stability in an already troubled region.”⁵

By resolution 817 (1993) adopted at the 3196th meeting, held on 7 April 1993 to consider the item entitled “Report of the Committee on the Admission of New Members concerning the application for admission to membership in the United Nations contained in document S/25147”, the Security Council recommended to the General Assembly that “the State whose application is contained in document S/25147 be admitted to membership in the United Nations”, that State being provisionally referred to for all purposes within the United Nations as “the former Yugoslav Republic of Macedonia” pending settlement of the difference that had arisen over the name of the State.

In a statement issued subsequently by the President of the Council on behalf of the members of the Council,⁶ the President stated that the reference in the resolution that had just been adopted to “the former Yugoslav Republic of Macedonia” carried no implication whatsoever that the State concerned had any connection with the Federal Republic of Yugoslavia (Serbia and Montenegro) and that it merely reflected the historic fact that it was in the past a republic of the former Socialist Federal Republic of Yugoslavia.

B. Discussion of the question in the Security Council

The Security Council held 14 meetings to consider applications for admission during the period under review.⁷

At the 3204th meeting, held on 28 April 1993 on the item entitled “Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council”, the question of the membership of the Federal Republic of Yugoslavia (Serbia and Montenegro) was discussed in the context of the adoption of a draft resolution on the question of the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council.⁸

⁴ S/25158, p. 3.

⁵ By a letter dated 6 April 1993 addressed to the President of the Security Council (S/25543), the Minister for Foreign Affairs of Greece stated, *inter alia*, that the Government of Greece considered the draft resolution before the Council “an acceptable basis for addressing the issue of the application of the former Yugoslav Republic of Macedonia for admission to the United Nations”.

⁶ S/25545.

⁷ See table in section D.

⁸ See case 2 in the present chapter.

C. Applications pending on 1 January 1993

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
The former Yugoslav Republic of Macedonia	30 July 1992	S/25147

D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 1993 to 31 December 1995

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Slovakia	S/25046 1.1.93 4.1.93	3155th mtg. 7.1.93 Referred by President	91st meeting 7.1.93 S/25066 Draft resolution recommending admission Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3157th mtg. 8.1.93	Draft resolution (S/25066) adopted as resolution 800 (1993) President made a statement (S/25069)	Adopted without vote	47th session, 95th mtg. 19.1.93	47/222	Adopted without vote	Admitted
Czech Republic	S/25045 4.1.93 4.1.93	3156th mtg. 7.1.93 Referred by President	92nd meeting 7.1.93 S/25067 Draft resolution recommending admission Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3158th mtg. 8.1.93	Draft resolution (S/25067) adopted as resolution 801 (1993) President made a statement (S/25071)	Adopted without vote	47th session, 95th mtg. 19.1.93	47/221	Adopted without vote	Admitted

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee: Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
The former Yugoslav Republic of Macedonia	S/25147 30.7.92 22.1.93	3195th mtg. 6.4.93 Referred by President	93rd meeting 7.4.93 S/25544 Draft resolution recommending admission under the provisional name "the former Yugoslav Republic of Macedonia" pending settlement of the difference that had arisen over the name of the State Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3196th mtg. 7.4.93	Draft resolution (S/25544) adopted as resolution 817 (1993) President made a statement (S/25545)	Adopted without vote	47th session, 98th mtg. 8.4.93	47/225	Adopted without vote	

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee: Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Eritrea	S/25793 12.5.93 18.5.93	3215th mtg. 25.5.93 Referred by President	94th meeting 25.5.93 S/25841 Draft resolution recommending admission Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3218th mtg. 26.5.93	Draft resolution (S/25841) adopted as resolution 828 (1993) President made a statement (S/25847)	Adopted without vote	47th session, 104th mtg. 28.5.93	47/230	Adopted without vote	Admitted
Monaco	S/25796 14.5.93 18.5.93	3216th mtg. 25.5.93 Referred by President	95th meeting 25.5.93 S/25842 Draft resolution recommending admission Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3219th mtg. 26.5.93	Draft resolution (S/25842) adopted as resolution 829 (1993) President made a statement (S/25848)	Adopted without vote	47th session, 104th mtg. 28.7.93	47/231	Adopted without vote	Admitted

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee: Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Andorra	S/26039 9.6.93 6.7.93	3250th mtg. 7.7.93 Referred by President	96th meeting 8.7.93 S/26051 Draft resolution recommending admission Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3251st mtg. 8.7.93	Draft resolution (S/26051) adopted as resolution 848 (1993) President made a statement (S/26054)	Adopted without vote	47th session, 108th mtg. 28.7.93	47/232	Adopted without vote	Admitted
Palau	S/1994/1315 14.11.94 18.11.94	3468th mtg. 29.11.94 Referred by President	97th meeting 29.11.94 S/1994/1356 Draft resolution recommending admission Committee recommended the Security Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3469th mtg. 29.11.94	Draft resolution (S/1994/1356) adopted as resolution 963 (1994) President made a statement (S/PRST/1994/73)	Adopted without vote	49th session, 89th mtg. 15.12.95	49/63	Adopted without vote	Admitted

Part II Presentation of applications

Note

Material concerning the presentation of applications — that is, the submission of applications to the Secretary-General pursuant to rule 58, their communication by the Secretary-General to representatives on the Security Council pursuant to rule 59 and their subsequent inclusion in the provisional agenda of the Council — is found in the table of applications in section D of part I.

Rule 59 provides, *inter alia*, that the Secretary-General “shall immediately place the application for membership before the representatives on the Security Council”.

During the period under review, the Secretary-General circulated to the members of the Council all applications received by him for admission to membership in the United Nations under cover of a note. In the case of the application for membership by the former Yugoslav Republic of Macedonia, which was submitted on 30 July 1992, that application was communicated to members of the Council in a note by the Secretary-General dated 22 January 1993⁹ and included in the agenda of the Council at its 3195th and 3196th meetings, held on 6 and 7 April 1993, respectively. In the note by which the application was transmitted, the Secretary-General also noted that “informal consultations held by the President of the Security Council at the request of the Secretary-General concerning the receivability of the application” had preceded the circulation of the application.

Part III Referral of applications to the Committee on the Admission of New Members

Note

During the period under review, all applications were referred by the President of the Security Council to the Committee on the Admission of New Members, in accordance with rule 59 of the provisional rules of procedure. There were no proposals to waive the application of that rule.¹⁰ On all occasions,¹¹ upon recommendation of the Committee on the Admission of New Members, the Council waived the time limit set forth in paragraph 4 of rule 60, in accordance with paragraph 5 of that rule.¹²

⁹ S/25147.

¹⁰ Rule 59 provides, *inter alia*, that “unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented”.

¹¹ See table in part I, section D.

¹² The fourth and fifth paragraphs of rule 60 provide as follows:

“In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

“In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.”

Part IV

Procedures in the consideration of applications within the Security Council

Note

During the period under review, the Council decided upon all applications in the chronological order of their receipt. All applications were decided upon separately. The Council adopted the draft resolutions submitted by the Committee on the Admission of New Members, without debate and without a vote, “in accordance with the understanding reached in prior consultations among members of the Council”. In each case, following the adoption of the resolution, the President of the Council made a statement on behalf of the members of the Council.

Part V

Practices relative to the applicability of Articles 4, 5 and 6 of the Charter

Note

During the period under review, the Security Council did not take or consider any measures under Article 5 or Article 6 of the Charter. In the deliberations of the Council in connection with the adoption of resolution 821 (1993) on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council, the criteria for membership contained in Article 4 of the Charter were referred to (case 2).

Article 4 of the Charter provides as follows:

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Case 2

At its 3204th meeting, held on 28 April 1993 in connection with the item entitled “Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council”, the Council adopted resolution 821 (1993) by 13 votes in favour, with 2 abstentions (China, Russian Federation). By that resolution, the Council reaffirmed that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore recommended to the General Assembly that, further to the decisions taken in Assembly resolution 47/1, it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the Economic and Social Council.

In a statement made following the vote, the representative of the United States stated that her country would support the application of the Federal Republic of Yugoslavia for membership in the United Nations when Serbia and Montenegro met the criteria in the Charter, that is, the Federal Republic of Yugoslavia would have to show that it was a peace-loving State and had demonstrated its willingness to comply fully with Chapter VII resolutions of the Security Council.¹³

¹³ S/PV.3204, pp. 6-7.

Chapter VIII

Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security

Contents

	<i>Page</i>
Introductory note	202
Africa	
1. The situation in Angola	203
2. The question of South Africa	259
3. The situation concerning Western Sahara	269
4. The situation in Liberia	286
5. The situation concerning Rwanda	327
6. The situation in Somalia	419
7. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	461
8. The situation in Mozambique	468
9. The situation in Burundi	496
10. Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	508
11. The situation in Sierra Leone	510
Americas	
12. Central America: efforts towards peace	513
13. The question concerning Haiti	536
Asia	
14. The situation in Cambodia	596
15. Items relating to the Democratic People's Republic of Korea	612
16. Items relating to the situation in Tajikistan	623
17. The situation in Afghanistan	643
Europe	
18. The situation in Georgia	647
19. Items relating to the situation between Armenia and Azerbaijan	686
20. The situation in Cyprus	702
21. Items relating to the situation in the former Yugoslavia	721
22. Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol	957
Middle East	
23. Items relating to the situation between Iraq and Kuwait	960

24. The situation in the Middle East	987
25. The situation in the occupied Arab territories.	1001
26. The situation in the Republic of Yemen	1019
Thematic issues	
27. Items relating to an Agenda for Peace.	1024
28. Security of United Nations operations	1055
29. Security Council action regarding the terrorist attacks in Buenos Aires and London	1058
30. Proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances	1058
31. Commemoration of the end of the Second World War in Europe	1064
32. Commemoration of the end of the Second World War in the Asia-Pacific region	1064

Introductory note

Chapter VIII of the *Repertoire* focuses on the substance of each of the questions included in the agenda of the Security Council that relate to its responsibility for the maintenance of international peace and security. Examining the entire chain of proceedings of the Council on each agenda item gives an overall sense of their political context.¹ The range of agenda items covers broadly those that may be deemed to fall under Chapters VI and VII of the Charter.

The overview of the proceedings of the Council provided in chapter VIII of the *Repertoire* constitutes a framework within which the procedural developments recorded in chapters I to VII and legal and constitutional discussions recorded in chapters X to XII may be considered. Chapter VIII also examines the substantive aspects of the Council's practice that are not covered in other chapters of the *Repertoire*.

The agenda items are grouped by region, for ease of reference, with an additional category of thematic issues. Within each region, items are listed in the order in which they were first included in the agenda of the Council.

Generally, individual sections cover all proceedings relating to a specific agenda item. In exceptional cases, in order to improve the coherence of the text, related agenda items have been grouped together, under a heading reading "Items relating to ...". When the Council includes a new item in its agenda, the section covering its first consideration bears the heading "Initial proceedings".

Each section is organized around the decisions taken by the Council on each agenda item. All of the meetings leading up to a decision are included under the heading for that decision. Decisions relating to the subject matter of chapters I to VII of the *Repertoire* are, with certain exceptions, omitted as not relevant to the purpose of this chapter. Affirmative decisions are included under a heading that indicates the form of the decision: a resolution, presidential statement or letter from the President of the Security Council to the Secretary-General. Proposals not adopted are entered under a heading indicative of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full, while proposals not adopted are indicated in summarized form. If there has been a discussion concerning the application of the Charter in connection with a draft resolution that was not adopted, the text of the relevant parts of the draft resolution will in most instances be found in chapters X to XII.

¹ The *Repertoire of the Practice of the Security Council* covers formal meetings and documents of the Security Council. Some of the questions considered in this chapter have also been discussed in informal consultations among the members of the Council.

Africa

1. The situation in Angola

Decision of 29 January 1993 (3168th meeting): resolution 804 (1993)

On 21 January 1993, pursuant to resolution 793 (1992), the Secretary-General submitted to the Security Council a further report on the United Nations Angola Verification Mission (UNAVEM II), describing the political and military developments in the country and outlining options for the future of the Mission.¹ The Secretary-General reported that following consultations held by his Special Representative during the month of January, both sides had agreed to a two-tiered approach: a meeting between military leaders to bring about a ceasefire, to be followed, immediately afterwards, by political negotiations on all the fundamental issues, including the future of UNAVEM. Arrangements had been made to hold the meeting in Addis Ababa on 16 and 17 January 1993. However, on 14 January, the National Union for the Total Independence of Angola (UNITA) had modified its position, insisting that political talks must take place at the same time as the military meeting. Meanwhile, on 21 January 1993, the Secretary-General received a letter from President dos Santos requesting him to recommend to the Security Council that the mandate of UNAVEM II be extended.

The Secretary-General noted in his report that, in spite of strenuous efforts by himself and his Special Representative, and the Security Council's support, the situation in Angola had continued to deteriorate since the adoption of resolution 793 (1992). The civil war had resumed, and it had been impossible for the United Nations to bring about a ceasefire meeting between the two sides, let alone the sustained political dialogue needed to put the peace process back on track and to define an enlarged United Nations role that he could recommend to the Council. He therefore, concluded that there was no realistic prospect, in the immediate future, of UNAVEM being enlarged to fulfil the role envisaged in the discussion paper which his Special Representative had made available to the two sides on 24 December 1992.² He outlined three options for the

Council's consideration regarding the future of UNAVEM II: (a) to maintain UNAVEM II at its authorized strength and to try to re-establish its deployment as it was immediately after the elections; (b) to reduce its provincial deployment to approximately six locations; and (c) to confine its deployment to Luanda for the time being. His Special Representative would in any case pursue his good offices and would be based in Luanda with the necessary civilian, military and police staff. He would also continue to be in charge of all United Nations activities in connection with the peace process.³ The Secretary-General recommended that the Council approve the last option (c), while retaining sufficient equipment in Luanda to permit a subsequent move to option (b) if desirable and feasible. He also recommended 30 April 1993 as the deadline for the Mission's withdrawal, should the two parties fail to agree on a ceasefire and to resume negotiations.

By a letter dated 25 January 1993 addressed to the President of the Security Council, the representative of Angola transmitted a letter of 24 January from the President of Angola to the Secretary-General, informing the latter about military actions conducted by the South African army against the Angolan people and its Government, and the presence of Zairean soldiers and foreign mercenaries alongside UNITA's forces.⁴ The situation threatened peace and stability in central and southern Africa. He therefore requested an urgent meeting of the Council to discuss the issue and take appropriate measures to restore peace and stability.

At its 3168th meeting, on 29 January 1993, held in response to Angola's request of 25 January, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Angola, Cuba, Guinea-Bissau, Mozambique, Namibia, Nigeria, Portugal, Zaire and Zimbabwe, at their request, to participate in the discussion without the right to vote. The President

¹ S/25140 and Add.1.

² S/25140, annex.

³ *Ibid.*, para. 29.

⁴ S/25161.

(Japan) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁵ He also drew their attention to several other documents.⁶

At the outset, the representative of Angola said that, despite a short-lived peace, his country continued to be in a virtual state of war caused by the leader of UNITA, which hindered the full functioning of Angola's elected democratic institutions. His delegation appreciated the clear and unequivocal position taken by the international community in condemning the aggressive and militaristic actions of UNITA's leadership. However, that position should be backed up with a resolution of the Security Council condemning UNITA's aggressive military faction. The direct or indirect involvement of Zaire and South Africa in the internal affairs of Angola must also be condemned and the Council should conduct an international investigation to look into the matter. The speaker was optimistic and hopeful that the Council's deliberations on UNAVEM II would be restricted to option A, as set out in the report of the Secretary-General. He stressed that the Government of Angola was the result of democratic elections, which had been endorsed by the international community and the United Nations, and therefore could not be treated on the same level as an armed military party and deserved the Council's support. The speaker further stated that his Government had not "closed the door" to dialogue, provided that UNITA would fully abide by the Peace Accords and would announce a date for an unconditional ceasefire. It must also agree to the confinement, disarmament and demobilization of its troops, under the supervision of UNAVEM II.⁷

The representative of the Russian Federation supported the Secretary-General's proposal to concentrate UNAVEM II personnel in Luanda, since it would guarantee their safety. He believed that a sizeable United Nations presence in the country would make that possible, by stabilizing the situation and ensuring a speedy resumption of the Mission's activities. The Council should call upon all sides immediately to ceasefire and, having resumed a

meaningful constructive dialogue, to agree on a clear timetable for the full implementation of the Peace Accords, in particular with regard to the confinement of troops, the collection of weapons, demobilization, the formation of unified national armed forces and effective restoration of central authority throughout the country. UNITA should also give the international community convincing proof of its willingness to resume dialogue. The Russian Federation, as one of the three observer countries, along with Portugal and the United States, of the Peace Accords on Angola would continue to support the efforts of the Secretary-General and his Special Representative to bring about a resumption of peace process and the effective implementation of the mandate of UNAVEM II.⁸

The representative of China stated that the United Nations must make every effort to prevent the escalation of the conflict and to ensure peace and stability in the region. He therefore supported the principled position of the Government of Angola that no outside forces should be involved in the conflict and urged all countries to comply with the relevant Council resolutions and to desist from any action which might further aggravate the situation. He reiterated that the question of Angola should be eventually settled by the Angolans themselves. Mediation and other initiatives made by the international community should contribute to creating conditions favourable to that goal. His delegation believed that the Security Council should take immediate action to support the good offices of the Secretary-General and his Special Representative. It was also in favour of the continued stationing of UNAVEM II in Angola.⁹

The representative of the United States expressed his delegation's support for the draft resolution, which accurately reflected the situation in Angola, clearly outlined the steps to be taken by the warring parties, and provided the Organization with the authority and flexibility to fulfil its responsibilities. It was particularly appropriate for the Secretary-General to adapt the size and scope of UNAVEM II operations to existing political and security conditions. He noted, however, that the Secretary-General, UNAVEM II and concerned nations could not impose peace where the will for peace did not exist. Lasting peace would be possible only when all Angolans, particularly the

⁵ S/25187.

⁶ Letters addressed to the Secretary-General from the representatives of Senegal (S/25109), Denmark (S/25151), Angola (S/25155) and South Africa (S/25177).

⁷ S/PV.3168, pp. 6-20.

⁸ *Ibid.*, pp. 38-40.

⁹ *Ibid.*, pp. 41-42.

parties' leadership, desisted from pursuing power through violence.¹⁰

The representative of France stressed that at a time when Angola was going through difficulties, the international community must remain at its side. That meant that any outside interference in the conflict must stop. The United Nations should also continue to lend all possible assistance to restore peace in the country. The draft resolution before the Council, while authorizing the Secretary-General to take the necessary steps for the protection of UNAVEM II personnel, allowed for the possibility of a speedy resumption of the mission when conditions allowed. It also expressed the willingness of the Council to strengthen the United Nations presence in Angola should there be any significant progress in the peace process. He stressed, however, that it was primarily up to the Angolans themselves to restore peace and promote national reconciliation.¹¹

The representative of the United Kingdom stated that the United Nations must remain actively engaged in Angola, as long as there was any prospect for a peaceful solution, with the emphasis being on the diplomatic role of the Special Representative, rather than on the earlier monitoring functions of UNAVEM II. He also called for the immediate release of all foreign prisoners, and for an end to the indiscriminate killing of civilians.¹²

The representative of Venezuela stated that the Council had the obligation to investigate the charges of foreign support and involvement in military actions in Angola and to take appropriate action. His delegation further believed that universal diplomatic recognition of the Government of Angola at that time would strengthen and support the draft resolution before the Council.¹³

The representative of Zaire rejected Angola's "unfounded accusations" against his country. He observed that both countries shared an extremely "porous" 2,650-kilometre border, and that neither Angola nor his country had the means to ensure control over that boundary. Moreover, his country was experiencing a catastrophic economic situation and would not dare to interfere in the internal affairs of

Angola. He pointed out that the Organization of African Unity (OAU) had established an observer mission to which his country and Angola had recourse whenever there was a border violation. Thus there was no reason to bring their disputes before the Security Council.¹⁴

The representative of Namibia, speaking on behalf of the Group of African States, stressed the need for a "visible and effective" United Nations presence in Angola to restore trust and confidence to the Angolan people. He recalled that the Secretary-General of OUA had recently appealed to the international community to give full support to UNAVEM II and to strengthen the Mission's presence, instead of withdrawing or reducing it. The Group of African States supported the meeting taking place in Addis Ababa between the Government of Angola and UNITA, and hoped that it would put the Peace Accords back on track.¹⁵

The representative of Portugal stated that the role of the United Nations was crucial to peace and stability in Angola. However, those efforts must be followed by the countries which had responsibilities in the process, namely the three observers: Portugal, the United States and the Russian Federation. He stressed that the United Nations presence in Angola must be maintained at an adequate level and not reduced to such a degree as to make it lose its visibility and operational capability and its usefulness to put pressure on the parties. The Organization must also adopt a more active attitude within the framework of the Peace Accords, demanding full compliance with their provisions and making it clear that violations would be unequivocally condemned. He commended the clear positions taken by the Council, as reflected in the draft resolution, namely its commitment to preserve the unity and territorial integrity of Angola and to the immediate cessation of any external military interference.¹⁶

Other speakers were also in favour of a continued United Nations presence and involvement in Angola and of a substantial increase in the strength of UNAVEM, as soon as the situation warranted it.¹⁷

¹⁰ Ibid., pp. 46-47.

¹¹ Ibid., pp. 47-50.

¹² Ibid., pp. 49-51.

¹³ Ibid., pp. 58-61.

¹⁴ Ibid., pp. 65-75.

¹⁵ Ibid., pp. 76-78.

¹⁶ Ibid., pp. 97-102.

¹⁷ Ibid., pp. 21-30 (Brazil); pp. 31-32 (Cape Verde); pp. 52-56 (Spain); and pp. 63-65 (Japan).

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 804 (1993), which reads:

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992 and 793 (1992) of 30 November 1992,

Having considered the further report of the Secretary-General of 21 and 25 January 1993,

Having considered also the request submitted to the Secretary-General by the Government of Angola in its letter dated 21 January 1993,

Gravely disturbed by the recent outbreak of heavy fighting in many parts of Angola and the further deterioration of the already dangerous political and military situation in that country,

Gravely concerned at the continuing non-implementation of the major provisions of the Peace Accords for Angola,

Concerned at the recent absence of dialogue between the Government of Angola and the National Union for the Total Independence of Angola, and welcoming the meeting between them under United Nations auspices at Addis Ababa to discuss the ceasefire and political matters,

Also concerned at the outrageous harassment and physical abuse to which personnel of the United Nations Angola Verification Mission II have been subjected, and the looting and destruction of United Nations property, as described in the report of the Secretary-General,

Further concerned at reports of foreign support for and involvement in military actions in Angola,

Regretting that the deteriorating situation has made it increasingly difficult for the Mission to carry out its mandate,

Recalling that democratic elections were held on 29 and 30 September 1992, which the Special Representative of the Secretary-General certified as being generally free and fair, and that steps have been taken to set up a Government of National Unity which would reflect the results of the legislative elections, and deeply regretting the failure of the National Union for the Total Independence of Angola to take part in the political institutions thus established,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Recognizing that the Angolans themselves bear ultimate responsibility for the restoration of peace and national reconciliation in their country,

Reiterating its support for the efforts of the Secretary-General and his Special Representative aimed at resolving the present crisis and resuming the political process, in particular through the completion of the electoral process,

1. *Takes note with appreciation* of the further report of the Secretary-General;

2. *Strongly condemns* the persistent violations of the main provisions of the Peace Accords for Angola, in particular the initial rejection by the National Union for the Total Independence of Angola of the election results, its withdrawal from the new Angolan armed forces, its seizure by force of provincial capitals and municipalities and the resumption of hostilities;

3. *Demands* that the two parties ceasefire immediately, restore continued and meaningful dialogue at their meeting at Addis Ababa and agree on a clear timetable for the full implementation of the Peace Accords, in particular with regard to confinement of their troops and collection of their weapons, demobilization and formation of the unified national armed forces, effective restoration of the Government administration throughout the country, the completion of the electoral process and the free circulation of people and goods;

4. *Fully supports* the Secretary-General and his Special Representative in their continuing efforts to restore the peace process and to carry out the mandate of the United Nations Angola Verification Mission II under extremely difficult conditions;

5. *Urges once again* the two parties, and in particular the National Union, to produce early evidence of their adherence to, and fulfilment without exception of, the Peace Accords;

6. *Strongly appeals* to the Government of Angola and the National Union to confirm as soon as possible to the Secretary-General that real progress has been made towards implementation of the Peace Accords;

7. *Appeals* to all Member States to render economic and technical assistance to the Government of Angola for reconstruction and development of the country;

8. *Calls upon* all Member States to support all those concerned in their efforts for the implementation of the Peace Accords;

9. *Urges* all Member States to take all necessary steps to stop immediately and effectively any direct or indirect military or paramilitary interference from their territories and to respect scrupulously the provisions of the Peace Accords concerning the cessation of supply of lethal material to any Angolan party;

10. *Strongly condemns* violations of international humanitarian law, in particular the attacks against the civilian population, including the extensive killings carried out by armed civilians, and calls upon both parties to abide by their obligations there under and the appropriate provisions of the Peace Accords;

11. *Demands* that the National Union immediately release foreign nationals taken hostage;

12. *Strongly condemns* attacks in Angola against personnel of the United Nations Angola Verification Mission II, and demands that the Government and the National Union take all necessary measures to ensure their safety and security;

13. *Expresses its condolences* to the family of the Mission police observer who lost his life;

14. *Approves* the recommendation of the Secretary-General to maintain a Special Representative for Angola based in Luanda, with the necessary civilian, military and police staff with the mandate as described in paragraph 29 of the report of the Secretary-General;

15. *Decides* to extend the mandate of the Mission for a period of three months, until 30 April 1993, with the proviso that, as a provisional measure based on security considerations, the Secretary-General is authorized to concentrate Mission deployment in Luanda, and at his discretion in other provincial locations, with the levels of equipment and personnel he deems appropriate to be retained in order to allow the subsequent expeditious redeployment of the Mission as soon as this becomes feasible, with a view to the resumption of its functions in accordance with the Peace Accords and previous resolutions on this matter;

16. *Requests* the Secretary-General to submit to it as soon as the situation warrants, and in any case before 30 April 1993, a report on the situation in Angola, together with his recommendations for the further role of the United Nations in the peace process, and in the meantime to keep the Council regularly informed;

17. *Stresses its readiness* to take action promptly, at any time within the period of the mandate authorized by the present resolution, on the recommendation of the Secretary-General, to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process;

18. *Reiterates its readiness* to consider all appropriate measures under the Charter of the United Nations to secure implementation of the Peace Accords;

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

**Decision of 12 March 1993 (3182nd meeting):
resolution 811 (1993)**

At its 3182nd meeting, on 12 March 1993, the Security Council resumed consideration of the item. Following the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (New Zealand) drew the attention of the members of the Council to the text of a draft resolution

prepared in the course of prior consultations.¹⁸ He also drew their attention to several other documents.¹⁹

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 811 (1993), which reads:

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992 and 804 (1993) of 29 January 1993,

Gravely disturbed by the recent outbreak of heavy fighting in many parts of Angola, the large number of casualties and massive loss of human life which have ensued and the further deterioration of the already dangerous political and military situation, bringing the country to the verge of the resumption of civil war,

Gravely concerned at the persistent violations by the National Union for the Total Independence of Angola of the major provisions of the Peace Accords for Angola,

Also concerned at reports that military support and equipment continue to flow in contravention of the Peace Accords,

Noting with particular concern that a humanitarian tragedy of grave proportions is developing in Angola and the need, therefore, for increased international humanitarian assistance,

Deeply regretting that the second meeting between the delegations of the Government of Angola and the National Union, which had been scheduled to be held on 26 February 1993 at Addis Ababa under the auspices of the United Nations, did not take place because of the failure by the National Union to fulfil its commitment to send a delegation,

Noting with satisfaction the readiness displayed by the Government of Angola to participate in the Addis Ababa meeting,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Welcoming and supporting the efforts of the Secretary-General and his Special Representative aimed at resolving the present crisis through negotiations,

1. *Strongly condemns* the persistent violations by the National Union for the Total Independence of Angola of the major provisions of the Peace Accords for Angola, in particular

¹⁸ S/25399.

¹⁹ Letters addressed to the President of the Security Council by the representative of Angola (S/25271, S/25389 and S/25390); and letters addressed to the Secretary-General by the representatives of Argentina (S/25236); and Denmark (S/25304).

the continued rejection by the National Union of the results of the elections held on 29 and 30 September 1992, which the Special Representative of the Secretary-General determined to be generally free and fair, its failure to take part in the political institutions established on the basis of those elections, its failure to engage in meaningful negotiations with the Government of Angola, its withdrawal from the new Angolan armed forces and its seizure by force of provincial capitals and municipalities and the resumption of hostilities;

2. *Demands* that the National Union accept unreservedly the results of the democratic elections of 1992 and abide fully by the Peace Accords, and also demands that the two parties, particularly the National Union, produce early evidence, not later than 30 March 1993, that real progress has been made towards the implementation of the Accords;

3. *Strongly demands* an immediate ceasefire throughout the country, and also demands the resumption without delay and without preconditions of a continued and meaningful dialogue under United Nations auspices so that a clear timetable for the completion of the implementation of the Peace Accords may be established;

4. *Reaffirms* that it will hold responsible any party which refuses to take part in such a dialogue, thereby jeopardizing the entire process, and will consider all appropriate measures under the Charter of the United Nations to advance the implementation of the Peace Accords;

5. *Strongly condemns* verbal and physical attacks against the Special Representative of the Secretary-General and personnel in Angola of the United Nations Angola Verification Mission II, and demands that these attacks cease forthwith and that the Government of Angola and the National Union take all necessary measures to ensure their safety and security;

6. *Condemns* the kidnapping of a Mission military observer in Cabinda on 23 February 1993 and demands that he be released unharmed and unconditionally and without further delay;

7. *Fully supports* the Secretary-General and his Special Representative in their continuing efforts to restore the peace process and to carry out the mandate of the Mission under extremely difficult conditions;

8. *Invites* the Secretary-General to seek to organize a meeting between the Government of Angola and the National Union at the highest possible level with a view to securing the full implementation of the Peace Accords, which meeting is to take place in good time before 30 April 1993, and to consider also the future role of the United Nations in Angola, and encourages the parties to respond positively;

9. *Requests* the Secretary-General, pending the submission of the report referred to in paragraph 16 of resolution 804 (1993), to present as soon as possible a progress report on the efforts for the resumption of the talks between the two parties in Angola at all appropriate levels;

10. *Calls on* all Member States, United Nations agencies and non-governmental organizations to accord or increase humanitarian relief assistance to Angola, and encourages the Special Representative of the Secretary-General, with the resources at her disposal, to coordinate the provision of humanitarian assistance to the civilian population in need;

11. *Strongly appeals* to both parties strictly to abide by applicable rules of international humanitarian law, including unimpeded access for humanitarian assistance to the civilian population in need;

12. *Appeals once again* to all Member States to render economic, material and technical assistance to the Government of Angola for the reconstruction and development of the country;

13. *Looks forward* to the report of the Secretary-General referred to in paragraph 16 of resolution 804 (1993) on the situation in Angola, together with his recommendations for the further role of the United Nations in the peace process;

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

Speaking after the vote, the representative of the Russian Federation stated that his country was concerned by the developments in Angola. The Security Council should take steps aimed at returning events in that country to a peaceful course. It should also ensure the implementation of its previous decisions, in particular the adoption of measures against the side that had been recognized as responsible for the breakdown of a political settlement in Angola. The legitimate Government of Angola and UNITA could and must return to the negotiating table. If that did not happen, the international community must provide comprehensive support to the Government of Angola, including all necessary assistance. The time had come for the international community to demonstrate responsibility and firmness in dealing with those forces which were ignoring the resolutions of the Council, and individual States must also apply every available means to exert influence on UNITA.²⁰

The representative of France noted that the unanimous adoption of the resolution demonstrated the Council's commitment to the settlement of the Angolan conflict, despite many difficulties and disappointments. His Government welcomed the information provided by the Special Representative, and supported the Secretary-General's proposal for the holding of a high-level meeting between the Government of Angola and

²⁰ S/PV.3182, pp. 11-12.

UNITA, under his auspices, with a view to breaking the deadlock.²¹

The representative of the United States noted that over the past months, when Angola rightfully should have been taking the first steps down a democratic path, its citizens had been faced instead with a bitter war and the resulting humanitarian tragedy of growing proportions. Although both sides had acknowledged that the conflict could not be resolved on the battlefield, the war continued to escalate. The United States continued to believe that a dialogue between the two parties without preconditions was the only way out for Angola. Such dialogue must be taken urgently and without preconditions. The speaker warned that the international community's patience was not endless. The party that continued to violate the Peace Accords, refused to engage in a serious dialogue and appeared to rely on a military solution would be held responsible.²²

The representative of China stated that Angola faced an all-round civil war. His delegation supported the Secretary-General and the United Nations in their efforts to bring the peace process "back on track", and urged the two parties to resume negotiations, promptly and unconditionally, under United Nations auspices. It also supported the proposed high-level meeting between the leadership of the two Angolan parties, at an appropriate time.²³

**Decision of 30 April 1993 (3206th meeting):
resolution 823 (1993)**

By a letter dated 29 April 1993 addressed to the President of the Security Council,²⁴ the Secretary-General reported the resumption of peace talks, in Abidjan, on 12 April 1993, between the Government of Angola and UNITA, under United Nations auspices and the chairmanship of his Special Representative. They were expected to continue beyond 30 April. He therefore recommended extending the existing mandate of UNAVEM II for an interim period of 31 days, until 31 May 1993. He had hoped that, upon the conclusion of the talks, he would make appropriate recommendations on the future mandate and strength of the Mission.

²¹ Ibid., pp. 13-14.

²² Ibid., pp. 14-16.

²³ Ibid., pp. 16-18.

²⁴ S/25690.

At its 3206th meeting, on 30 April 1993, the Security Council included the above-mentioned letter in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Pakistan) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.²⁵ He also drew their attention to a letter dated 11 March 1993 from the representative of Angola addressed to the President of the Security Council and to a letter dated 17 March 1993 from the representative of South Africa addressed to the Secretary-General.²⁶

Speaking before the vote, the representative of Brazil noted that the humanitarian situation in Angola had deteriorated further, following attacks against humanitarian flights, and in particular the recent shooting of a World Food Programme chartered aircraft. Brazil had welcomed the resumption of the peace talks in Abidjan, and the representative expressed the hope that they would bring about an immediate ceasefire and the speedy and full implementation of the "Acordos de Paz", including the holding of a second round of elections. Turning to the draft resolution, he stated that the one-month extension of the mandate of UNAVEM II was a provisional measure, to be completed by a substantive consideration of the further role of the United Nations in Angola. The draft resolution clearly emphasized the willingness of the Council, at any time within the one-month period of the mandate, to take action to expand the United Nations presence in Angola.²⁷

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 823 (1993), which reads:

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992, 804 (1993) of 29 January 1993 and 811 (1993) of 12 March 1993,

Recalling its resolution 804 (1993), in particular paragraph 15, in which it decided to extend the mandate of the United Nations Angola Verification Mission II for a period of three months, until 30 April 1993,

²⁵ S/25694.

²⁶ S/25496 and S/25489.

²⁷ S/PV.3206, pp. 3-5.

Extending its support to the current and ongoing peace talks in Abidjan between the Government of Angola and the National Union for the Total Independence of Angola under United Nations auspices and chairmanship, and expressing the hope that those talks will result in an immediate ceasefire and in the full implementation of the Peace Accords for Angola,

Gravely concerned at the continuing attacks against international humanitarian flights operating in Angola, in particular the recent shooting down of a World Food Programme airplane,

Taking into account the letter dated 29 April 1993 from the Secretary-General addressed to the President of the Security Council,

1. *Decides* to extend the existing mandate of the United Nations Angola Verification Mission II until 31 May 1993;

2. *Requests* the Secretary-General to submit to it as soon as the situation warrants, and in any case before 31 May 1993, a report on the situation in Angola with his recommendations for the further role of the United Nations in the peace process and in the meantime to keep the Council regularly informed;

3. *Stresses its readiness* to take action promptly, at any time within the period of the mandate authorized by the present resolution, on the recommendation of the Secretary-General, to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process;

4. *Condemns* the attacks against international humanitarian flights operating in Angola and demands that these attacks cease forthwith and that both parties, in particular the National Union for the Total Independence of Angola, take all necessary measures to ensure the safety of these flights as well as the security of Mission personnel;

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

**Decision of 1 June 1993 (3226th meeting):
resolution 834 (1993)**

On 25 May 1993, pursuant to resolution 804 (1993), the Secretary-General submitted to the Council a further report on UNAVEM II.²⁸ He reported that, despite six weeks of intensive efforts, the Abidjan meeting, which had begun on 12 April 1993, had ended on 21 May 1993 without agreement. The main rock on which the talks had foundered had been the insistence of UNITA on absolute parity in the simultaneous movement and quartering of Government and UNITA troops, rather than just UNITA troops, as foreseen in a draft Protocol of Abidjan which had been prepared by

²⁸ S/25840 and Add.1.

the representatives of the three observer countries, and a Memorandum of Understanding.

The Secretary-General observed that the prospect that was facing Angola was graver than ever. Conflict had intensified throughout most of the country and the breakdown of the Abidjan talks marked a major and tragic setback to the peace process. He further noted that the failure to reach agreement on a ceasefire made it essential to reconsider the United Nations role in Angola. It would, however, be unthinkable to abandon it at that critical juncture.²⁹ In those circumstances, he recommended a further two-month interim extension of the Mission's mandate on a reduced basis. Such a mission would provide good offices and mediation, with the goal of restoring a ceasefire and reinstating the peace process. It would be a smaller mission with a reduced number of military, police and political personnel, some of which might also be deployed in several locations outside Luanda. In the event that, during that interim period, the parties reached an agreement, he would present specific proposals for adapting and strengthening the Mission's capabilities.³⁰ Noting the importance of increasing resources for the coordination of humanitarian assistance, he stated that new arrangements for the delivery of humanitarian aid were being proposed to the parties by his Special Representative. He appealed to them to abide by the rules of international humanitarian law and to facilitate unimpeded access for relief operations.

At its 3226th meeting, on 1 June 1993, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the Council invited the representatives of Angola and Portugal, at their request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.³¹

The representative of Angola stated that the Secretary-General's report reflected in great measure the tragic situation in the country, and also made it clear that the failure of the negotiations had been due entirely and exclusively to UNITA. The dramatic situation that prevailed in the so-called areas under its control was a result of Mr. Savimbi's refusal to allow

²⁹ *Ibid.*, para. 36.

³⁰ *Ibid.*, para. 37.

³¹ S/25857.

international humanitarian organizations to move around the country to evaluate the actual needs in those areas. More than 2 million refugees from all parts of the country had been registered. The international community should recognize that UNITA constituted a serious threat to regional peace and security. He therefore urged the Council to adopt strong “condemnatory and sanctioning measures” to compel UNITA to accept de facto the results of the 1992 democratic elections, and to participate in the overall process of pacification and national reconciliation.³²

The representative of Portugal stated that the Angolan war must not become a forgotten war. The effects of the conflict were not limited to that country alone, but affected peace and international security in the whole southern African region. The international community, the observer countries, neighbouring States and the Security Council must unite their efforts and apply maximum pressure on the party that refused to seek a peaceful solution to the conflict. The Council’s weight must be felt effectively, and its resolutions, particularly resolutions 804 (1993) and 811 (1993), must not become merely exercises in rhetoric. Those who violated the Peace Accords and failed to respect the minimum standards of international behaviour must be made aware of the consequences unless they changed their position. He stated that his Government would continue to endeavour to ensure the early resumption of negotiations in order to bring an end to the conflict.³³

Speaking before the vote, the representative of Cape Verde noted that the resolution of the Angolan crisis was vital to peace and stability in the southern African region. He stressed the importance of a continued and effective United Nations presence in Angola and supported the incorporation of humanitarian assistance in the UNAVEM mandate.³⁴

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 834 (1993), which reads:

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992, 84 (1993) of 29 January

³² S/PV.3226, pp. 6-13.

³³ *Ibid.*, pp. 13-16.

³⁴ *Ibid.*, pp. 21-23.

1993, 811 (1993) of 12 March 1993 and 823 (1993) of 30 April 1993,

Having considered the further report of the Secretary-General of 25 and 27 May 1993,

Expressing grave concern at the deterioration of the political and military situation, and noting with consternation the further deterioration of an already grave humanitarian situation,

Gravely concerned at the failure of the talks between the Government of Angola and the National Union for the Total Independence of Angola held at Abidjan under the auspices of the United Nations and the chairmanship of the Special Representative of the Secretary-General with participation of the representatives of the three observer States to the Angolan peace process — Portugal, the Russian Federation and the United States of America — and in particular at the failure to establish a ceasefire,

Welcoming and supporting the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations,

Emphasizing the importance of a continued and effective United Nations presence in Angola, with a view to fostering the peace process and advancing the implementation of the Peace Accords for Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

1. *Decides* to extend the existing mandate of the United Nations Angola Verification Mission II for a period of forty-five days, until 15 July 1993, in accordance with the recommendations contained in paragraphs 36 and 37 of the report of the Secretary-General;

2. *Stresses* the importance of the functions of good offices and mediation by the Mission and the Special Representative, with the goal of restoring a ceasefire and reinstating the peace process for the full implementation of the Peace Accords for Angola;

3. *Reiterates its demand* that the National Union for the Total Independence of Angola accept unreservedly the results of the democratic elections of 1992 and abide fully by the Peace Accords;

4. *Condemns* the National Union for its actions and armed attacks, which have resulted in increased hostilities and which endanger the peace process, and demands that it immediately cease such actions and armed attacks;

5. *Welcomes* the disposition of the Government of Angola to reach a peaceful settlement of the conflict in conformity with the Peace Accords and pertinent Security Council resolutions, deeply regrets the refusal of the National Union at the talks to agree to the withdrawal of its troops from the locations which it has occupied since the resumption of the hostilities, and demands that it do so;

6. *Affirms* that such occupation is a grave violation of the Peace Accords;

7. *Strongly appeals* to the two parties, in particular to the National Union, to re-initiate as soon as possible the interrupted peace talks under United Nations auspices with a view to the earliest establishment of a ceasefire throughout the country and the full implementation of the Peace Accords, further undertakings between the two parties, and relevant resolutions of the Security Council, due account being taken of what was achieved during the discussion of the Abidjan draft protocol;

8. *Holds* the National Union responsible for the breakdown of the talks and for thereby jeopardizing the peace process, and reaffirms that it will consider all appropriate measures under the Charter of the United Nations to advance the implementation of the Peace Accords;

9. *Fully supports* the continuing efforts of the Secretary-General and his Special Representative aimed at restoring the peace process and at carrying out the mandate of the United Nations Angola Verification Mission II under extremely difficult conditions;

10. *Calls on* all States to refrain from any action which directly or indirectly could jeopardize the implementation of the Peace Accords, and urges all States to refrain from providing to the National Union any form of direct or indirect military assistance or other support inconsistent with the peace process;

11. *Welcomes* the steps taken by the Secretary-General to strengthen the humanitarian activities being undertaken by the United Nations system in Angola under the overall coordination of the Special Representative, including the preparation of the United Nations humanitarian assistance plan for Angola, and strongly appeals to the Government of Angola and to the National Union to cooperate fully with the Secretary-General's efforts in this field;

12. *Calls on* all Member States, United Nations agencies and non-governmental organizations to respond swiftly and generously to the Secretary-General's appeal in implementation of the above-mentioned plan and to accord or increase humanitarian relief assistance to Angola, and encourages the Special Representative of the Secretary-General to continue to coordinate the provision of such assistance;

13. *Reiterates its appeal* to both parties strictly to abide by applicable rules of international humanitarian law, including to guarantee unimpeded access for humanitarian assistance to the civilian population in need, and commends in particular the efforts of the Secretary-General and his Special Representative to establish agreed humanitarian relief corridors;

14. *Also reiterates its appeal* to both parties to take all necessary measures to ensure the security and the safety of the personnel involved in humanitarian relief operations;

15. *Requests* the Secretary-General to submit to it as soon as the situation warrants, and in any case before 15 July

1993, a report on the situation in Angola with his recommendation for the further role of the United Nations in the peace process and, in the meantime, to keep the Council regularly informed of developments;

16. *Reiterates its readiness* to take action promptly, at any time within the period of the mandate authorized by the present resolution, on the recommendation of the Secretary-General to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process;

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

After the vote, the representative of the Russian Federation warned that if the UNITA leadership continued to flout the international community, the Security Council would have to consider all appropriate measures, in accordance with the Charter of the United Nations, to put an end to those actions, which disregarded its decisions and undermined the authority of the Organization.³⁵

**Decision of 8 June 1993 (3232nd meeting):
statement by the President**

At its 3232nd meeting, on 8 June 1993, the Security Council resumed its consideration of the item on the agenda. Following the adoption of the agenda, the President (Spain) stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:³⁶

The Security Council received with grave concern and shock the report of the Secretary-General on the attack on 27 May 1993 by forces of the National Union for the Total Independence of Angola (UNITA) on a train carrying civilians between Quipungo and Matala, which resulted in the death of 225 persons, including women and children, and several hundred wounded.

The Council strongly condemns this action by UNITA, which is a clear violation of Council resolutions and of international humanitarian law, and it reiterates its demand that UNITA immediately cease its armed attacks. The Council expresses its condemnation of such criminal attacks and stresses that those responsible must be held accountable. It urges UNITA leaders to make sure that its forces abide by the rules of international humanitarian law.

The Council emphasizes once again the imperative need for an immediate ceasefire throughout the country. It reiterates its appeal to the two parties, in particular UNITA, to re-initiate

³⁵ *Ibid.*, pp. 24-27.

³⁶ S/25899.

the interrupted peace talks with a view to the full implementation of the Peace Accords for Angola.

**Decision of 15 July 1993 (3254th meeting):
resolution 851 (1993)**

On 12 July 1993, pursuant to resolution 834 (1993), the Secretary-General submitted to the Council a further report on UNAVEM II.³⁷ He reported that the political and military situation in the country had continued to deteriorate dangerously as fighting had intensified and as the mistrust had deepened. The consequences, both for Angola and for regional security, were increasingly worrying. The neighbouring countries were receiving large inflows of Angolan refugees. Moreover, the repeated attempts of UNITA to seize additional territory had called into serious question its declarations about peaceful intentions. Meanwhile, the Government of Angola had reintroduced military conscription, and the National Assembly, on 17 June 1993, had empowered it to “use any means,” including placing the country on a war footing, to confront the UNITA offensive. As the fighting had intensified, so had mutual accusations regarding the use of mercenaries and foreign forces. In addition, there had been reports of foreign arrangements by both sides for the supply of military equipment. The Secretary-General further reported on regional efforts and on his Special Representative’s good offices. Since his arrival in Angola on 30 June, his new Special Representative had been pursuing intensive consultations with the parties, during which both sides had expressed their readiness to resume negotiations and to facilitate humanitarian relief operations. UNITA’s leader had also stressed the need for an effective United Nations mediation role.

The Secretary-General observed that in the prevailing circumstances, it would be unthinkable for the international community and the United Nations to abandon Angola. At the same time, it was the Angolans themselves who bore the ultimate responsibility for the establishment of peace and national reconciliation in their country. Noting that UNAVEM II had become an essential factor to facilitate the resumption of negotiations to advance the peace process and in supporting humanitarian activities in the country, as well as an indispensable channel for communication between the parties, he recommended a three-month extension of the Mission’s mandate.

³⁷ S/26060 and Add.1 and 2.

At its 3254th meeting, on 15 July 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representatives of Angola, Egypt, Namibia, Portugal, the United Republic of Tanzania, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote. The President (United Kingdom) drew the attention of the members of the Council to several documents.³⁸

The representative of Angola stated that his Government had repeatedly called the attention of the Security Council to the persistence of UNITA in resorting to arms to obtain the power that had been denied it at the polls. The time had come to move from the phase of simple resolutions of condemnation to the adoption of coercive mechanisms to put an end to the UNITA rebellion against the legitimate Government and the international community. He stressed the importance of safeguarding the Council’s authority, which was being challenged by the “militaristic wing” of UNITA, in order to avoid creating a precedent that might jeopardize the resolution of various international conflicts. Never before, since the resumption of the war, had Angola suffered so many deaths and so much destruction, in such a short period of time. His delegation was of the view that the outright adoption by the international community of a set of restrictive measures would help persuade UNITA to give up war and violence. Measures such as freezing UNITA bank accounts, imposing travel restrictions, closing its overseas offices and banning the use of propaganda facilities in Member States should be taken urgently. He stressed that although his Government continued to believe that a negotiated settlement was the only alternative, it would nevertheless resort to any means,

³⁸ Letter dated 9 July 1993 from the representatives of Portugal, the Russian Federation and the United States addressed to the Secretary-General, transmitting the text of a joint statement made on 8 July 1993 in Moscow, on the situation in Angola (S/26064); letter dated 13 July 1993 from the representative of Uganda addressed to the President of the Security Council, transmitting a copy of the Declaration on the situation in Angola adopted by the OAU Assembly of Heads of State and Government at its twenty-ninth ordinary session, held at Cairo from 28 to 30 June 1993 (S/26076); letter dated 14 July 1993 from the representative of Uganda addressed to the President of the Council, transmitting the text of a resolution on the situation in Angola, adopted by the OAU Council of Ministers at its fifty-eighth ordinary session, held at Cairo from 21 to 26 June 1993 (S/26081).

including military action, to enforce the law and restore democratic rule. To that end, the Government would accept all assistance and international aid available under the Charter of the United Nations to defend Angola's sovereignty and territorial integrity and to protect its people.³⁹

The representative of Zimbabwe stated that the collective measures proposed in the draft resolution should be imposed forthwith. In the view of his delegation, the time had come for initiating and implementing a comprehensive programme for UNAVEM III. The Council and the international community should take the initiative to create peace by adopting collective measures that would give UNITA and its leader no other alternative but to return to the negotiating table on the basis of the Peace Accords and the Abidjan formulas. His delegation was also concerned that the involvement of too many negotiators might actually retard progress and allow UNITA to buy time to continue its military offensive. It therefore urged that discussions continue to be conducted solely under the auspices of the United Nations and OAU.⁴⁰

The representative of Namibia stated that Africa and the world could not afford another Somalia. Thus Angola should not be allowed to drift into a similar tragedy. The Security Council must take strong and effective measures to deprive UNITA of its supply of arms and other war materiel. The region needed peace and stability to start its economic reconstruction; it did not need any more weapons. In that regard, he urged the Council to request the Secretary-General to elaborate a plan for the reconstruction of Angola, including the convening of a pledging conference. He also called for a sizeable and effective United Nations presence in Angola. The speaker reiterated his Government's invitation to Mr. Savimbi to come to Windhoek with a view to seeking a solution to the conflict.⁴¹

The representative of Egypt, speaking on behalf of OAU, stated that the tragic developments in Angola clearly demonstrated the deterioration of the political and military situation in that country as a result of unabated hostilities and the growing mistrust between the parties. It also posed a threat to security and peace

in the region. OAU fully endorsed the draft resolution, which condemned UNITA violations and warned of serious consequences if it failed to return to the negotiating table. She noted that the OAU Summit Declaration on the situation in Angola, adopted in Cairo, *inter alia*, laid down the foundations for a solution to the crisis and reflected the African leaders' commitment to the preservation of the unity and territorial integrity of Angola, as well as their strong condemnation of UNITA actions. The Declaration recommended that the Council take concrete measures against UNITA, such as the adoption of sanctions, including the closure of its offices abroad. It further called on the Governments of neighbouring countries to prevent their territories and space from being used as a springboard for any action against the Government of Angola. Her delegation expressed full support for extending the mandate of UNAVEM II and reinforcing its personnel. In conclusion, the speaker emphasized the importance of continuing coordination and consultation between the United Nations and OAU in regard of the Angolan problem.⁴²

The representative of Portugal stated that, as a mediator of the process that had led to the signing of the Peace Accords, and as an observer, his country had special responsibilities. It was not his delegation's intention to take sides in the Angolan conflict nor to suggest that one of the parties be subjugated or annihilated. On the contrary, his delegation was convinced that the future of Angola could only be built on a political solution respecting the results of the elections and including all the signatory parties. However, it felt compelled to denounce UNITA's violation of the Peace Accords and its choice of a strategy of war. The latter must understand that its behaviour would inevitably incur costs and lead to international isolation. It was in that context that the three observers had discussed in Moscow additional measures that might be considered by the Council. His delegation took note of the Council's determination to consider the imposition of measures against UNITA and supported the extension of the mandate of UNAVEM II and the possibility of enlarging it.⁴³

The representative of the Russian Federation stated that the continuing deterioration of the military, political and humanitarian situation in Angola posed a

³⁹ S/PV.3254, pp. 3-18.

⁴⁰ *Ibid.*, pp. 21-23.

⁴¹ *Ibid.*, pp. 28-42.

⁴² *Ibid.*, pp. 59-70.

⁴³ *Ibid.*, pp. 91-95.

serious threat not just to the people of that country, but also to the security of the entire region. The Council must send a serious warning to UNITA that, if it failed to cease hostilities and fully implement the Peace Accords, the Council would consider imposing measures under the Charter, including a mandatory arms embargo. Moreover, if it continued to defy the relevant resolutions, the Council would consider additional measures, such as freezing its overseas assets and bank accounts.⁴⁴

Speaking before the vote, the representative of China urged UNITA to cease immediately all hostile actions, to withdraw from the occupied territories and to return to the negotiating table. It must also ensure the safe departure of foreign nationals from areas under its control and allow unimpeded access for humanitarian relief. He contended that UNAVEM II had not only become an indispensable channel of communication between the two warring parties, but it also played an essential role by monitoring the escalation of the conflict. His delegation thus supported the draft resolution and the extension of the Mission's mandate.⁴⁵

In the course of the debate, other speakers supported the imposition of collective measures, under the Charter of the United Nations, to persuade UNITA to desist from its military actions, to comply with previous Council resolutions and to return to the negotiating table.⁴⁶

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 851 (1993), which reads:

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992, 804 (1993) of 29 January 1993, 811 (1993) of 12 March 1993, 823 (1993) of 30 April 1993 and 834 (1993) of 1 June 1993,

Having considered the further report of the Secretary-General of 12 and 14 July 1993,

Recalling the statement made by the President of the Security Council on 8 June 1993,

⁴⁴ *Ibid.*, pp. 94-98.

⁴⁵ *Ibid.*, pp. 103-106.

⁴⁶ *Ibid.*, pp. 53-60 (Spain); pp. 81-91 (United Republic of Tanzania); pp. 94-98 (Russian Federation); pp. 106-108 (Venezuela); pp. 121-124 (Hungary); and pp. 124-126 (United Kingdom).

Welcoming the Declaration on the Situation in Angola adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-ninth ordinary session, held at Cairo from 28 to 30 June 1993, and the resolution on the situation in Angola adopted by the Council of Ministers of the Organization of African Unity at its fifty-eighth ordinary session, held at Cairo from 21 to 26 June 1993,

Welcoming also the joint statement issued in Moscow on 8 July 1993 by the representatives of Portugal, the Russian Federation and the United States of America, the three observer States to the Angolan peace process,

Taking note of the Special Declaration on Angola adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Expressing grave concern at the deterioration of the political and military situation, and noting with consternation the further deterioration of an already grave humanitarian situation,

Deeply concerned that the peace talks remain suspended and that a ceasefire has not been established,

Welcoming and supporting the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations,

Emphasizing the importance of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the implementation of the Peace Accords for Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

1. *Welcomes* the further report of the Secretary-General of 12 and 14 July 1993, and decides to extend the existing mandate of the United Nations Angola Verification Mission II for a period of two months, until 15 September 1993;

2. *Reiterates its readiness* to consider taking action promptly, at any time within the period of the mandate authorized by the present resolution, on the recommendation of the Secretary-General, to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process;

3. *Stresses* the importance of the functions of good offices and mediation by the Mission and the Special Representative, with the goal of restoring a ceasefire and reinstating the peace process for the full implementation of the Peace Accords for Angola;

4. *Reiterates its demand* that the National Union for the Total Independence of Angola accept unreservedly the results of the democratic elections of 1992 and abide fully by the Peace Accords;

5. *Condemns* the National Union for continuing military actions, which are resulting in increased suffering for the civilian population of Angola and damage to the Angolan

economy and again demands that it immediately cease such actions;

6. *Also condemns* the National Union's repeated attempts to seize additional territory and its failure to withdraw its troops from the locations which it has occupied since the resumption of the hostilities, and demands once again that it immediately do so and agree without delay to return its troops to United Nations-monitored areas as a transitional measure pending full implementation of the Peace Accords;

7. *Reaffirms* that such occupation is a grave violation of the Peace Accords and is incompatible with the goal of peace through agreements and reconciliation;

8. *Stresses* the fundamental need to re-initiate without delay the peace talks under United Nations auspices with a view to the immediate establishment of a ceasefire throughout the country and the full implementation of the Peace Accords and relevant resolutions of the Security Council;

9. *Takes note* of statements by the National Union that it is prepared to resume peace negotiations and demands that it act accordingly;

10. *Welcomes* the continued disposition of the Government of Angola to reach a peaceful settlement of the conflict in conformity with the Peace Agreements and the relevant Security Council resolutions;

11. *Urges* all States to refrain from any action which directly or indirectly could jeopardize the implementation of the Peace Accords, especially from providing any form of direct or indirect military assistance to the National Union, or any other support to the National Union inconsistent with the peace process;

12. *Expresses its readiness* to consider the imposition of measures under the Charter of the United Nations, including a mandatory embargo on the sale or supply to the National Union of arms and related materiel and other military assistance, to prevent it from pursuing its military actions, unless by 15 September 1993 the Secretary-General has reported that an effective ceasefire has been established and that agreement has been reached on the full implementation of the Peace Accords and relevant Security Council resolutions;

13. *Recognizes* the legitimate rights of the Government of Angola, and in this regard welcomes the provision of assistance to the Government in support of the democratic process;

14. *Welcomes* the steps taken by the Secretary-General to implement the emergency humanitarian assistance plan;

15. *Takes note* of statements by the National Union that it will cooperate in ensuring the unimpeded delivery of humanitarian assistance to all Angolans and demands that it act accordingly;

16. *Calls upon* all Member States, United Nations agencies and non-governmental organizations to respond swiftly

and generously to the Secretary-General's appeal in implementation of the above-mentioned plan and to accord or increase humanitarian relief assistance to Angola, and encourages the Special Representative of the Secretary-General to continue to coordinate the provision of humanitarian assistance;

17. *Demands* that the National Union continue to extend its cooperation in ensuring the immediate evacuation of foreign nationals and their family members from Huambo and other locations which it has occupied;

18. *Reiterates its strong condemnation* of the attack by National Union forces on 27 May 1993 on a train carrying civilians, and reaffirms that such criminal attacks are clear violations of international humanitarian law;

19. *Reiterates its appeal* to both parties strictly to abide by applicable rules of international humanitarian law, including to guarantee unimpeded access for humanitarian assistance to the civilian population in need, and commends in particular the efforts of the Secretary-General and his Special Representative to establish agreed humanitarian relief corridors;

20. *Also reiterates its appeal* to both parties to take all necessary measures to ensure the security and safety of personnel of the United Nations Angola Verification Mission II, as well as of the personnel involved in humanitarian relief operations;

21. *Requests* the Secretary-General to submit to it as soon as the situation warrants, and in any case before 15 September 1993, a report on the situation in Angola with his recommendation for the further role of the United Nations in the peace process and, in the meantime, to keep the Council regularly informed of developments;

22. *Also requests* the Secretary-General to submit as soon as possible the budgetary implications of bringing the Mission up to its full strength as mandated in resolution 696 (1991);

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

Speaking after the vote, the representative of the United States expressed her delegation's support for the United Nations effort to relieve the humanitarian suffering in Angola, as well as its concern about the plight of the people of Angola. She called on UNITA to refrain from military action and to return to the peace process. Noting that peacekeeping had become a growth industry, she contended that, before the increased demand could be effectively met, her delegation would need clarification on the relevant costs and their duration.⁴⁷

⁴⁷ *Ibid.*, pp. 114-115.

The representative of France expressed his Government's concern at the deterioration of the situation in Angola and reiterated its appeal for dialogue between the leaders of the two parties and looked forward to the resumption and speedy conclusion of the negotiations. Should they fail, his Government would support the imposition by the Council of any necessary measures against the party opposed to peace.⁴⁸

**Decision of 15 September 1993
(3277th meeting): resolution 864 (1993)**

On 13 September 1993, pursuant to resolution 851 (1993), the Secretary-General submitted to the Council a further report on UNAVEM II.⁴⁹ He reported that despite intensified international efforts to steer the peace process back on track, the grave situation in Angola had worsened further and had become particularly tragic in the humanitarian domain. Since early August, the Government had embarked on a counter-offensive which had resulted in UNITA being removed from several places it had held before. On 11 August, Mr. Savimbi had proposed, via a press interview, an immediate ceasefire without preconditions which was reiterated to the Special Representative on 20 August through the Special Envoy of the President of Zaire. Despite his request to meet with Mr. Savimbi in order to obtain additional information concerning the UNITA proposal, the Special Representative had not yet been able to meet with the leader of UNITA. Meanwhile, the international community had persevered in its efforts towards a peaceful resolution of the Angolan crisis. The Secretary-General highlighted two of the initiatives that were under way. One sought the convening of a meeting between the President of Angola and the leader of UNITA, under the auspices of the King of Morocco, the President of Cote d'Ivoire and the President of the African National Congress of South Africa, while the other involved efforts of the OAU Ad Hoc Committee on Southern Africa to meet with Mr. Savimbi.

He outlined the action taken by his Special Representative and some African Presidents towards the crisis. He further noted that the humanitarian situation had worsened dramatically and described the

steps taken by the United Nations to provide humanitarian assistance. Regarding the situation of UNAVEM II, he stated that the number of international civil staff was inadequate to carry out the various tasks under the Mission's mandate, especially that of mediation and good offices.

Voicing his concern at the continued tragic situation, the Secretary-General urged both parties to return to the negotiating table without delay, in order to agree on an immediate ceasefire which would allow for the distribution of desperately needed humanitarian assistance. He also urged the OAU Ad Hoc Committee on Southern Africa, the Heads of State of neighbouring countries, and the three observer States, to continue their efforts. He recommended a three-month extension of the Mission's mandate and that the Council confirm its readiness to take prompt action to expand the United Nations presence in Angola, in the event of significant progress in the peace process.

At its 3277th meeting, on 15 September 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Angola, Egypt, Nigeria and Portugal, at their request, to participate in the discussion without the right to vote. The President (Venezuela) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations, as well as to a letter dated 3 September 1993 from the representative of Angola addressed to the President of the Security Council.⁵⁰

The representative of Angola stated that, in spite of the efforts made by his Government, the international community and the Special Representative, to end hostilities, there had been no progress since the adoption of the Council's last resolution, due to UNITA's continued refusal to participate in the negotiation process. For its part, his Government had made several concessions at the Abidjan talks, with a view to ending the suffering of the people and stopping the destruction by UNITA of the country's social and economic infrastructure. UNITA, on the other hand, had intensified its military operations to gain additional territory. The time had come to impose mandatory sanctions against UNITA to force it to cease hostilities and to resume the political dialogue. He therefore called for the adoption of the

⁴⁸ Ibid., pp. 122-123.

⁴⁹ S/26434 and Add.1.

⁵⁰ S/26445 and S/26410.

following measures, under Chapter VII of the Charter: a mandatory comprehensive arms embargo; a ban on the sale or supply of petroleum and petroleum products to UNITA; the closure of UNITA's foreign offices or any form of representation; and a ban of its political and propaganda activities in any country. The Council should also seize and freeze UNITA's bank accounts, and take appropriate measures, under Chapter VII, to guarantee the delivery of humanitarian assistance to the population. Moreover, it should recognize the legitimate rights of the Government of Angola and welcome all assistance to the Government in restoring peace, defending its sovereignty, territorial integrity and the consolidation of democracy; demand that UNITA respect human rights and free all Angolan citizens and foreigners being held captive and call upon the international community to contribute to the humanitarian emergency plan of assistance to Angola.⁵¹

The representative of Egypt, speaking on behalf of OAU, stated that the Angolan conflict threatened peace and security in the region. By resolution 851 (1993) of 15 July 1993, the Security Council had given UNITA a chance to participate in the national efforts to achieve peace, however the latter had not complied with that resolution. The Council must therefore take the necessary measures, under Chapter VII, to prompt UNITA to abide by the international will. Expressing his delegation's support for the draft resolution, he emphasized the importance of consultation and continuous coordination between the United Nations and OAU to put an end to the crisis.⁵²

During the debate, other speakers while recognizing the need for, and supporting, the imposition of mandatory sanctions against UNITA, under Chapter VII of the Charter, noted that the resolution gave that organization a final opportunity to comply with previous Council resolutions.⁵³

Speaking before the vote, the representative of China contended that the imposition of sanctions against UNITA was not the end, but rather the means to persuade it to resume negotiations with the

Government of Angola. He expressed his delegation's support for the draft resolution and its hope that the sanctions envisaged would bring about a genuine ceasefire at an early date and an agreement on the comprehensive implementation of the Peace Accords and Council resolutions so that it would be able to consider lifting the sanctions in due course.⁵⁴

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 864 (1993), which reads:

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992, 804 (1993) of 29 January 1993, 811 (1993) of 12 March 1993, 823 (1993) of 30 April 1993, 834 (1993) of 1 June 1993 and 851 (1993) of 15 July 1993,

Having considered the further report of the Secretary-General of 13 and 14 September 1993,

Expressing grave concern at the continuing deterioration of the political and military situation, and noting with consternation the further deterioration of an already grave humanitarian situation,

Deeply concerned that, despite its previous resolutions and the efforts undertaken by the Secretary-General and his Special Representative, the peace talks remain suspended and a ceasefire has not been established,

Welcoming the joint statement issued in Lisbon on 10 September 1993 by the representatives of Portugal, the Russian Federation and the United States of America, the three observer States to the Angolan peace process,

Welcoming also and supporting to that end the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations, and stressing the importance it attaches thereto,

Welcoming further the efforts of the Ad Hoc Committee on Southern Africa of the Organization of African Unity and of heads of State of neighbouring countries to facilitate the resumption of the peace process in Angola,

Emphasizing the importance of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the full implementation of the Peace Accords for Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

⁵¹ S/PV.3277, pp. 3-11.

⁵² *Ibid.*, pp. 16-20.

⁵³ *Ibid.*: pp 12-15 (Nigeria); pp. 21-22 (Portugal); pp. 23-27 (Brazil); pp. 30-35 (Spain) ; pp. 35-36 (Cape Verde); pp. 36-38 (Djibouti); pp. 47-50 (Hungary); pp. 51-52 (Pakistan); and pp. 51-52 (New Zealand).

⁵⁴ *Ibid.*, pp. 28-30.

A

1. *Welcomes* the further report of the Secretary-General of 13 and 14 September 1993, and decides to extend the existing mandate of the United Nations Angola Verification Mission II for a period of three months, until 15 December 1993;

2. *Reiterates its readiness* to consider taking action promptly, at any time within the period of the mandate authorized by the present resolution, on the recommendation of the Secretary-General, to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process;

3. *Reaffirms* the importance of the functions of good offices and mediation by the Mission and the Special Representative, with the goal of restoring a ceasefire and reinstating the peace process for the full implementation of the Peace Accords for Angola;

4. *Welcomes* the continued disposition of the Government of Angola to reach a peaceful settlement of the conflict in conformity with the Peace Accords and relevant resolutions of the Security Council;

5. *Reaffirms its recognition* of the legitimate rights of the Government of Angola and in this regard welcomes the provision of assistance to the Government in support of the democratic process;

6. *Reiterates once again its demand* that the National Union for the Total Independence of Angola accept unreservedly the results of the democratic elections of 30 September 1992 and abide fully by the Peace Accords;

7. *Condemns* the National Union for continuing military actions, which are resulting in increased suffering for the civilian population of Angola and damage to the Angolan economy, and again demands that it immediately cease such actions;

8. *Also condemns* the repeated attempts by the National Union to seize additional territory and its failure to withdraw its troops from the locations which it has occupied since the resumption of the hostilities, and demands once again that it immediately do so and agree without delay to return its troops to United Nations-monitored areas as a transitional measure pending full implementation of the Peace Accords;

9. *Reaffirms* that such occupation is a grave violation of the Peace Accords and is incompatible with the goal of peace through agreements and reconciliation;

10. *Stresses once again* the fundamental need to re-initiate without delay the peace talks under United Nations auspices with a view to the immediate establishment of a ceasefire throughout the country and the full implementation of the Peace Accords and Security Council resolutions;

11. *Takes note* of statements by the National Union that it is prepared to resume peace negotiations and demands that it act accordingly;

12. *Welcomes* the further steps taken by the Secretary-General to implement the emergency humanitarian assistance plan;

13. *Strongly condemns* the repeated attacks carried out by the National Union against United Nations personnel working to provide humanitarian assistance and reaffirms that such attacks are clear violations of international humanitarian law;

14. *Takes note* of statements by the National Union that it will cooperate in ensuring the unimpeded delivery of humanitarian assistance to all Angolans and demands that it act accordingly;

15. *Reiterates its appeal* to both parties to take all necessary measures to ensure the security and safety of personnel of the United Nations Angola Verification Mission II as well as of the personnel involved in humanitarian relief operations, and strictly to abide by applicable rules of international humanitarian law;

16. *Demands* that the National Union proceed immediately to the release of all foreign citizens held against their will and to abstain from any action which might cause damage to foreign property;

B

Strongly condemning the National Union for the Total Independence of Angola and holding its leadership responsible for not having taken the necessary measures to comply with the demands made by the Security Council in its previous resolutions,

Determined to ensure respect for its resolutions and the full implementation of the Peace Accords for Angola,

Urging all States to refrain from providing any form of direct or indirect assistance, support or encouragement to the National Union,

Determining that, as a result of the National Union's military actions, the situation in Angola constitutes a threat to international peace and security,

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

17. *Decides* that the provisions set forth in paragraphs 19 to 25 below shall come into force ten days after the date of adoption of the present resolution unless the Secretary-General notifies the Council that an effective ceasefire has been established and that agreement has been reached on the implementation of the Peace Accords and relevant Security Council resolutions;

18. *Decides also* that if, at any time after the submission of the above-mentioned report of the

Secretary-General, the Secretary-General reports to the Council that the National Union for the Total Independence of Angola has broken the ceasefire or ceased to participate constructively in the implementation of the Peace Accords and the relevant Council resolutions, the provisions set forth in paragraphs 19 to 25 below shall come into force immediately;

19. *Decides further*, with a view to prohibiting all sale or supply to the National Union of arms and related materiel and military assistance, as well as petroleum and petroleum products, that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the afore-mentioned, as well as of petroleum and petroleum products, whether or not originating in their territory, to the territory of Angola other than through named points of entry on a list to be supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations;

20. *Calls upon* all States, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the date of adoption of the present resolution;

21. *Calls upon* States to bring proceedings against persons and entities violating the measures imposed by the present resolution and to impose appropriate penalties;

22. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 24 below;

(b) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 19 above;

(c) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 19 and to recommend appropriate measures in response thereto;

(d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 19, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(e) To promulgate guidelines that may be necessary to facilitate the implementation of the measures imposed by paragraph 19;

23. *Calls upon* all States to cooperate fully with the committee established by paragraph 22 above in the fulfilment

of its tasks, including supplying such information as may be sought by the committee in pursuance of the present resolution;

24. *Requests* all States to report to the Secretary-General by 15 October 1993 on the measures they have adopted in order to meet the obligations set out in paragraph 19 above;

25. *Requests* the Secretary-General to provide all necessary assistance to the committee established by paragraph 22 above and to make the necessary arrangements in the Secretariat for this purpose;

26. *Expresses its readiness* to consider the imposition of further measures under the Charter of the United Nations, including, inter alia, trade measures against the National Union for the Total Independence of Angola and restrictions on the travel of its personnel, unless by 1 November 1993 the Secretary-General has reported that an effective ceasefire has been established and that agreement has been reached on the full implementation of the Peace Accords for Angola and relevant Security Council resolutions;

C

27. *Expresses also its readiness* to review the measures in the present resolution if the Secretary-General reports to the Council that an effective ceasefire has been established and that substantial progress has been achieved towards the full implementation of the Peace Accords for Angola and relevant Council resolutions;

28. *Requests* the Secretary-General to submit to it as soon as the situation warrants, and in any case in good time before 1 November 1993 and again before 15 December 1993, a report on the situation in Angola and the implementation of the present resolution, with his recommendation for the further role of the United Nations in the peace process and, in the meantime, to keep the Council regularly informed of developments;

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

Speaking after the vote, the representative of the United Kingdom stated that the unanimous adoption of the resolution reflected the Council's determination to support the democratic process in Angola. The measures adopted were not intended to punish, but rather to persuade UNITA to rejoin the negotiating process. Stressing that the humanitarian priorities were equally clear, he noted that his Government had already pledged two million pounds for emergency humanitarian relief, and it would continue to do its utmost to alleviate the human suffering in that country.⁵⁵

The representative of the United States stressed that the international community held UNITA's

⁵⁵ *Ibid.*, pp. 41-42.

leadership responsible for the Angolan crisis and would not tolerate its continued attempts to wage war on its own people in an effort to conquer militarily what it could not win in a democratic election. UNITA must also understand the Council's readiness to impose additional sanctions unless it fully complied with the Peace Accords and relevant Council resolutions. That was the last warning.⁵⁶

The representative of the Russian Federation noted that the resolution just adopted afforded the leadership of UNITA a final opportunity to return to the path of genuine interaction with the Government of Angola. Should it refuse once again to fully meet its obligations under the Peace Agreements, however, the imposition of Chapter VII measures banning the supply of weapons, oil and petroleum products to UNITA would be automatic. Moreover, if there was no progress in the peace process, the Council should consider taking additional measures under the Charter, including trade measures against UNITA, restrictions on the travel of its representatives and a ban on all air, land and sea deliveries to Angola, with the exception of those previously authorized by the Government of Angola. The resolution would also strengthen the efforts of the Secretary-General and his Special Representative to obtain a peaceful settlement of the conflict.⁵⁷

Noting that the Council had given Mr. Savimbi a reprieve of 10 days, the representative of France expressed the hope that he would "heed the voice of wisdom" and thus avoid the mandatory measures. Such a decision would also allow the establishment of a massive United Nations peacekeeping operation and the restoration of peace in the country.⁵⁸

**Decision of 1 November 1993 (3302nd meeting):
statement by the President**

On 27 October 1993, pursuant to resolution 864 (1993), the Secretary-General submitted to the Council a further report on UNAVEM II.⁵⁹ He reported that on 14 and 15 September 1993 his Special Representative had met with a high-level UNITA delegation in Abidjan

⁵⁶ Ibid., pp. 42-43. See also the similar statements made by the representatives of the United Kingdom, the Russian Federation and France.

⁵⁷ Ibid., pp. 43-47.

⁵⁸ Ibid., p. 47.

⁵⁹ S/26644 and Add.1 and Add.1/Corr.1.

and had received a proposal on a "unilateral declaration of a ceasefire in situ throughout the Angolan national territory" which would come into effect on 20 September 1993. The proposal also called for immediate discussions on a number of political and military issues. His Special Representative had noted, however, that the proposal did not make reference to the legal framework for the peace process, acceptance of the 1992 election results, the understandings reached at Abidjan and relevant Council resolutions, nor to the fact that the UNITA statement was a unilateral declaration of a cessation of hostilities rather than a ceasefire. The Government of Angola, in its peace plan of 22 September 1993,⁶⁰ set out the following principles for the resolution of the post-electoral crisis: UNITA's withdrawal from the occupied areas, followed by a ceasefire; unimpeded access for humanitarian aid and immediate evacuation of the wounded, the sick and foreigners after the ceasefire; full and unequivocal acceptance of the validity of the Accords and the election results; and respect for the legislation produced by the instruments of sovereignty constituted as a result of the elections. Subsequently, in a communiqué issued on 6 October 1993, UNITA had reaffirmed the validity of the Peace Accords as the basis of the peace process but believed they should be updated; reiterated its acceptance of the results of the elections, although it considered them fraudulent; and considered the Abidjan Protocol as a serious basis for negotiations. It had also stated, inter alia, that the institutions resulting from the elections should reflect the position of UNITA; it pledged to maintain the unilateral ceasefire; and would request its verification by United Nations observers; and requested the Special Representative to announce the date of the resumption of negotiations. While welcoming these statements by UNITA, the Special Representative had underlined the need for UNITA to clarify its position on several important aspects, including the Security Council resolutions.

The Secretary-General reported that the ability of UNAVEM II effectively to verify the military situation following UNITA's declaration of a unilateral ceasefire was limited. On the humanitarian situation, he reported that the United Nations system, working with non-governmental organizations had significantly increased the rate of delivery of relief aid to all parts of Angola.

⁶⁰ S/26492.

The Secretary-General further reported that following extensive consultations by his Special Representative with the Angolan parties, the observer countries and the countries of the region, the two parties had begun exploratory talks in Lusaka, Zambia, on 25 October 1993, under United Nations auspices. In view of the ongoing negotiations, he recommended postponing until 1 December 1993 the imposition of further measures against UNITA under Chapter VII of the Charter as stipulated in resolution 864 (1993). He also recommended an increase of UNAVEM II personnel who would be deployed in the event of a breakthrough and would enhance the Mission's ability to verify major developments on the ground and to provide good offices. In the meantime, he intended to proceed with the necessary contingency planning for the possible augmentation of the Mission's strength, to enable the United Nations to respond at short notice in the event of significant progress in the peace process.

At its 3302nd meeting, on 1 November 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Cape Verde) drew the attention of the members of the Council to several other documents.⁶¹ The President then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶²

The Security Council has considered the report of the Secretary-General of 27 October 1993 submitted in response to paragraph 28 of resolution 864 (1993). It notes the exploratory talks in Lusaka under the auspices of the United Nations, to which both the Government of Angola and the National Union for the Total Independence of Angola (UNITA) have sent delegations. It affirms its complete support for the Secretary-General and his Special Representative in their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the Peace Accords for Angola and Security Council resolutions. It calls upon the Angolan parties to cooperate fully with the Secretary-General and his Special Representative to this end.

⁶¹ Letter addressed to the President of the Security Council from the representative of Angola transmitting the "Peace Plan of the Republic of Angola" (S/26492); letters from the representative of Angola addressed to the Secretary-General and the President of the Council (S/26516 and S/26569).

⁶² S/26677.

The Council notes recent actions taken by both parties, including the lessening of hostilities, and considers it essential that the two parties take the necessary steps to resume direct negotiations towards a peaceful settlement and agree without delay on the modalities for an effective ceasefire in accordance with Council resolutions.

The Council notes UNITA's communiqué of 6 October referred to in paragraph 11 of the report of the Secretary-General. It expresses its concern that the Secretary-General has reported that not enough progress has yet been made towards the full implementation of the Peace Accords and relevant Council resolutions. It demands that UNITA take the necessary steps to comply with its previous resolutions. It expresses its readiness to consider the immediate imposition of further measures under the Charter of the United Nations, including, *inter alia*, trade measures against UNITA and restrictions on the travel of UNITA personnel, at any time that it observes that UNITA is not cooperating in good faith to make the ceasefire effective and implement the Peace Accords and relevant Council resolutions, or upon a report from the Secretary-General to that effect.

The Council expresses its grave concern at the serious deterioration in the humanitarian situation in Angola. It is encouraged, however, by the Secretary-General's report that the United Nations system, working with humanitarian agencies, has now been able significantly to increase the rate of delivery of relief aid to all parts of the country. It welcomes the resumption of humanitarian relief deliveries to the cities of Cuito and Huambo. It calls upon the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all Angolans throughout the country, to take all necessary measures to ensure the security and safety of United Nations and other personnel involved in humanitarian relief operations, and strictly to abide by applicable rules of international humanitarian law. It commends the international community for its generous provision of relief aid and calls upon the international community to make available further relief aid rapidly to meet the growing need.

The Council shares the Secretary-General's view that the United Nations Angola Verification Mission II (UNAVEM II) should be able to respond rapidly to any progress which might be achieved in the peace process. It encourages the Secretary-General to carry out urgent contingency planning for the possible augmentation of the existing strength of the military, police and medical components of UNAVEM II for deployment in the event of significant progress in the peace process, including contacting potential troop contributors. It stands ready to take decisions in the matter at any time within the period of the mandate authorized by resolution 864 (1993) of 15 September 1993.

The Council again expresses its strongest appeal that both sides, in particular UNITA, undertake to commit themselves to the peace process that will lead to a comprehensive settlement in Angola on the basis of the Peace Accords.

The Council will remain actively seized of the matter and will review the position again with regard to further measures at the latest on 15 December in the context of its consideration of the report that the Secretary-General is due to make by that date pursuant to its resolution 864 (1993).

**Decision of 15 December 1993
(3323rd meeting): resolution 890 (1993)**

On 14 December 1993, pursuant to resolution 864 (1993), the Secretary-General submitted to the Security Council a report on UNAVEM II.⁶³ He reported that following exploratory contacts held at Lusaka, from 25 to 31 October 1993, under United Nations auspices, with the participation of the three observer States, direct negotiations between the parties had begun on 15 November 1993, with the following agenda: reaffirmation of the acceptance by both parties of relevant legal instruments, namely, the Peace Accords and Security Council resolutions; further implementation of the Accords and completion of the Abidjan work regarding military questions, police, mandate of the United Nations and role of observers in respect of the Peace Accords, national reconciliation and the conclusion of the electoral process, as well as the date and venue for the signing of the Lusaka Protocol. An ad hoc military committee, which was established, considered general and specific roles relating to the military aspects on the agenda. The negotiations had culminated, on 10 December 1993, in the formal adoption of general and specific principles on the re-establishment of the ceasefire and the completion of the formation of the Angolan Armed Forces. Both parties had also insisted on a substantial increase in the involvement of the United Nations for the purpose of verifying and monitoring the withdrawal and quartering of UNITA troops; collecting, storing and guarding UNITA armaments; overseeing the disarming of civilians; and verifying the formation of the Angolan armed forces and the police; and the expansion of the State administration throughout the country.

The Secretary-General underlined that the formal adoption by the Government and UNITA of the general and specific principles constituted a significant accomplishment of the peace process. He, once again, recommended postponing the imposition of additional measures against UNITA, under Chapter VII of the Charter. He also recommended that, in view of the

⁶³ S/26872 and Add.1.

encouraging results achieved at Lusaka, the mandate of UNAVEM II be extended for three months.

At its 3323rd meeting, on 15 December 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (China) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁶⁴

Speaking before the vote, the representative of Brazil noted that, following the adoption of Chapter VII measures against UNITA, the overall situation in Angola had improved to some extent, with reduced military actions, relative progress in humanitarian activities and the resumption of the peace talks. That confirmed the importance of respect for the legal and political framework established by the Council for promoting peace in Angola. The draft resolution reaffirmed the Council's readiness to take action at any time and to impose further measures, if necessary. The Council must confirm and strengthen its unequivocal commitment not only to support the negotiations but also to contribute substantially to the implementation of an eventual agreement between both parties. As to the foreseen expansion of the United Nations presence in Angola, his delegation encouraged the Secretary-General to proceed with the necessary contingency planning and to make his recommendations as soon as appropriate.⁶⁵

The representative of the United States stated that the Government and UNITA must still address the difficult question of national reconciliation. Both parties needed to approach that crucial phase of the negotiations in a spirit of compromise and flexibility. The international community would also need to receive cogent demonstrations that it was indeed committed to peace, if it were to assist in implementing an eventual peace agreement.⁶⁶

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 890 (1993), which reads:

⁶⁴ S/26877.

⁶⁵ S/PV.3323, pp. 3-6.

⁶⁶ *Ibid.*, pp. 15-17.

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992, 804 (1993) of 29 January 1993, 811 (1993) of 12 March 1993, 823 (1993) of 30 April 1993, 834 (1993) of 1 June 1993, 851 (1993) of 15 July 1993 and 864 (1993) of 15 September 1993,

Recalling the statement made by the President of the Security Council on 1 November 1993,

Having considered the report of the Secretary-General of 3 and 15 December 1993,

Reiterating the importance it attaches to the full implementation of the Peace Accords for Angola and relevant Security Council resolutions,

Welcoming the resumption of direct negotiations in Lusaka under the auspices of the United Nations, and the ongoing efforts of the Government of Angola and the National Union for the Total Independence of Angola to reach a negotiated settlement,

Commending the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the Peace Accords and relevant Council resolutions,

Noting actions taken by both parties, including the lessening of hostilities, but deeply concerned that an effective ceasefire has not yet been established,

Stressing the importance it attaches to the acceptance by the National Union without reservations, as requested by the Security Council, of the results of the democratic elections of 30 September 1992 held under United Nations supervision and to their abiding fully by the Peace Accords and relevant Council resolutions,

Deeply concerned also about the continued grave humanitarian situation,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

1. *Welcomes* the report of the Secretary-General of 3 and 15 December 1993;

2. *Stresses again* the importance it places on a peaceful resolution of the conflict in Angola in conformity with the Peace Accords for Angola and relevant resolutions of the Security Council, and urges both parties to continue to demonstrate flexibility in the negotiations and a commitment to peace;

3. *Decides* to extend the existing mandate of the United Nations Angola Verification Mission II until 16 March 1994;

4. *Reaffirms its willingness* as necessary to review the existing mandate of the Mission to determine whether it is able to carry out effectively its mission, taking account of any

progress achieved towards the early establishment of peace in the country;

5. *Reaffirms* the importance of the functions of good offices and mediation of the Secretary-General and his Special Representative and the Mission, with the goal of restoring a ceasefire and reinstating the peace process for the full implementation of the Peace Accords and relevant Council resolutions;

6. *Calls upon* both parties to honour the commitments already made by them at the talks in Lusaka, urges them to exercise maximum restraint and to stop immediately all military actions in order to prevent further suffering on the part of the civilian population of Angola and damage to Angola's economy, and also urges them to agree on the modalities for and establishment of an effective and sustainable ceasefire in accordance with relevant Council resolutions and to conclude a peaceful settlement as soon as possible;

7. *Requests* the Secretary-General to inform the Council as soon as an effective ceasefire is established and in any case by 1 February 1994 on progress made by the parties in the Lusaka talks, including a report on progress achieved in furthering the peace process, establishing an effective ceasefire and implementing relevant Council resolutions and the Peace Accords;

8. *Notes* the steps taken by the Secretary-General to initiate contingency planning for the possible augmentation of the existing components of the Mission for deployment in the event of significant progress in the peace process, and requests him to inform the Council periodically in this regard;

9. *Reiterates its readiness*, in the event of the achievement of an effective and sustainable ceasefire, to consider promptly any recommendations by the Secretary-General on the basis of that contingency planning;

10. *Reaffirms further* the need for unimpeded delivery of humanitarian assistance to all civilian populations in need;

11. *Welcomes* the actions taken by the Secretary-General to implement the emergency humanitarian assistance plan;

12. *Commends* those Member States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and strongly appeals to all Member States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

13. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993);

14. *Decides*, in view of the direct negotiations under way between the parties, not to impose at present the additional measures against the National Union for the Total Independence of Angola contained in paragraph 26 of resolution 864 (1993), but reiterates its readiness to consider at any time further steps, in the light, inter alia, of a recommendation of the

Secretary-General, either to impose such additional measures or to review those in effect;

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

Speaking after the vote, the representative of France stated that, bearing in mind the substantial progress achieved in the peace process, his delegation had voted in favour of the resolution, which postponed the imposition of additional measures against UNITA. He expressed the hope that the negotiations would conclude soon and would lead to a comprehensive agreement aimed at putting an end to the fighting and restoring democracy in the country. France was also ready to give favourable consideration to the United Nations taking an active part in the implementation of an agreement.⁶⁷

The representative of the Russian Federation welcomed the resumption of direct negotiations in Lusaka and the important compromise solutions reached by the parties, including agreement on general and special principles for a ceasefire and on the constitution of the Angolan armed forces. It was the view of his delegation that the primary condition for reaching a peaceful settlement was the full compliance by UNITA with the Peace Accords and the unconditional recognition by its leaders of the results of the elections. The Council should respond duly to any attempts by UNITA to delay the peace process — *inter alia*, by imposing additional measures, as provided for in the resolution.⁶⁸

**Decision of 10 February 1994 (3335th meeting):
statement by the President**

On 29 January 1994, pursuant to resolution 890 (1993), the Secretary-General submitted to the Council a report on UNAVEM II.⁶⁹ He reported that the Lusaka talks had been interrupted, following an alleged attempt on Mr. Savimbi's life on 13 December 1993. They resumed briefly, on 21 December, after a United Nations fact-finding mission dispatched to the area had concluded that although the government air force did carry out a bombing raid against UNITA, there was no credible and conclusive evidence that the Government had intended to kill Mr. Savimbi. After being suspended on 23 December 1993, the discussions were reconvened on 5 January 1994 to consider the agenda

⁶⁷ *Ibid.*, pp. 17-18.

⁶⁸ *Ibid.*, pp. 20-22.

⁶⁹ S/1994/100.

item dealing with the police and culminated in the adoption of general and specific principles concerning that item.

The Secretary-General noted that, notwithstanding progress made in the political arena, the military situation had continued to deteriorate. He urged both sides to respect the commitments already entered into during the negotiations, to exercise maximum restraint and to put an immediate end to all military operations. Moreover, since UNITA had already indicated its readiness to dismantle its military structure and become a political party, it was essential to reach agreement on how to reintegrate UNITA personnel into the Government and State administration. He reported considerable progress in the humanitarian assistance activities undertaken by United Nations agencies and non-governmental organizations throughout Angola but, nevertheless, highlighted the urgent need to strengthen their capacity to address the enormous needs of the Angolan population. In conclusion, he said that a United Nations team of experts had recently visited Lusaka and Luanda to make a preliminary assessment of the needs in connection with his contingency planning, should a comprehensive settlement be reached.

At its 3335th meeting, on 10 February 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Djibouti) then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁷⁰

The Security Council has considered the report of the Secretary-General on the United Nations Angola Verification Mission II, submitted pursuant to resolution 890 (1993) of 15 December 1993.

The Council commends the Secretary-General, his Special Representative and the Chief Military Observer on their efforts to bring to a successful conclusion the talks between the Government of Angola and the União Nacional para a Independência Total de Angola, currently taking place at Lusaka, with a view to reaching an effective and sustainable settlement of the conflict, within the framework of the "Acordos de Paz" and the relevant resolutions of the Council. The Council also commends the efforts of the three observer States to the Angolan peace process and those of the Organization of African

⁷⁰ S/PRST/1994/7.

Unity and of neighbouring States in support of the Lusaka talks, and encourages them to continue these efforts.

The Council notes the progress made to date in the Lusaka talks, in particular the adoption of the general and specific principles, as well as the modalities, relating to all the military and police issues on the agenda. The Council calls upon the parties to renew their commitment to a peaceful settlement. It demands that they redouble their efforts in the Lusaka talks with the aim of urgently attaining an effective and sustainable ceasefire, completing work on the remaining points on the agenda and concluding a peaceful settlement without procrastination.

The Council is deeply concerned at the intensification of hostilities and, in particular, at the recent outbreak of serious military activity at several locations in Angola, particularly at Kuito-Bie. It deplores the great loss of life and destruction of property.

The Council stresses that the only way to achieve an effective, verifiable and sustainable ceasefire is for the parties to conclude and sign a comprehensive peace agreement. It calls upon them to honour the commitments they have already voluntarily agreed to at Lusaka, to exercise maximum restraint, to stop immediately all offensive military actions, and to commit themselves to the urgent conclusion of the Lusaka talks.

The Council welcomes the improvement in the delivery of humanitarian relief assistance to the affected population in Angola, while acknowledging that the overall situation remains serious. It urges the parties to continue to cooperate with the United Nations agencies and the non-governmental organizations in ensuring the unimpeded delivery of humanitarian relief supplies and the necessary security for its efficient distribution. It calls upon the international community to contribute generously to humanitarian aid efforts in Angola.

The Council requests the Secretary-General to keep it informed on a timely basis of developments in the Lusaka peace talks. It reaffirms its readiness to consider promptly any recommendations from the Secretary-General once an agreement has been concluded between the parties. It also reaffirms its readiness to consider further action in accordance with its previous resolutions.

The Council will remain seized of the matter.

**Decision of 16 March 1994 (3350th meeting):
resolution 903 (1994)**

On 9 March 1994, pursuant to resolution 890 (1993), the Secretary-General submitted to the Council a report on UNAVEM II.⁷¹ He reported that an agreement had been reached on 17 February 1994 on the general principles concerning national reconciliation and that the negotiations were currently focused on the specific

⁷¹ S/1994/282 and Add.1.

principles, particularly UNITA's participation in the management of state affairs. He further reported that the military situation remained volatile and fighting at varying levels of intensity continued in several provinces, hampering emergency relief activities. However, the overall humanitarian situation in Angola had improved over the last months as a result of an increase in multisectoral assistance.

The Secretary-General noted that the precarious nature of the military situation underscored once again the utmost importance for both parties to exercise maximum restraint on the ground. They also needed to show greater flexibility in addressing the remaining issues on the agenda, particularly with regard to the question of national reconciliation, the conclusion of the electoral process and the re-establishment of national administration throughout the country. Stressing that UNAVEM II was an essential factor in the ongoing peace efforts, he recommended a three-month extension of the Mission's mandate, at its existing strength. He also recommended to the Security Council that it authorize, in principle, an increase in the existing strength of UNAVEM II on the understanding that the additional personnel would only be deployed upon achievement of a comprehensive peace agreement.⁷²

At its 3350th meeting, on 16 March 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁷³ He also drew their attention to a letter dated 2 March 1994 from the representatives of Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and São Tomé and Príncipe transmitting the joint communiqué of the First Meeting of the Ministers for Foreign Affairs and External Relations of the Portuguese-speaking Countries and to a letter dated 16 March 1994, from the representative of Angola transmitting a message dated 15 March from the President of Angola. Both letters were addressed to the Secretary-General.⁷⁴

⁷² For further information, see chapter V.

⁷³ S/1994/298.

⁷⁴ S/1994/263 and S/1994/299.

The representative of Angola recalled that during the preceding two years, the Council had adopted 10 resolutions and various declarations on the situation in Angola, setting forth mandatory measures with which UNITA had never complied. The international community must thus use all available means under international law to ensure that the Angolan people would not continue to be penalized by the ambitions of an organization and the “power obsession” of its leader. For its part, the Angolan Government had always demonstrated a deep commitment to the restoration of peace, national reconciliation and democratization of the country. It had recently offered to UNITA four ministerial portfolios and five deputy ministries, including defence, at the central, provincial and local government levels. UNITA, unfortunately, had responded with an “unrealistic proposal”, asking to head some provincial governments, as well as various key ministries. If implemented, those demands for equal power-sharing would cast a shadow over the democratic electoral process, and would set a dangerous precedent by encouraging the losers to wage war to achieve a similar solution. Since UNITA had not shown the political will to resolve the conflict it had initiated, the Angolan Government believed that the time had come to consider a second package of sanctions against it. The Council might also establish a deadline for the conclusion of the negotiations.⁷⁵

Noting that, in accordance with resolution 864 (1993), which had been adopted under Chapter VII, all States must refrain from and prevent the sale and supply of weapons and military equipment to Angola, the representative of Djibouti expressed his concern at the level of military resupplying which was taking place in Angola in clear violation of that resolution. Those violations were feeding the fighting and bolstering the ability of everyone, particularly UNITA, to withhold agreement.⁷⁶

The resolution was thereupon put to the vote and was adopted unanimously as resolution 903 (1994), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement made by the President of the Security Council on 10 February 1994,

⁷⁵ S/PV.3350, pp. 2-5.

⁷⁶ *Ibid.*, p. 8.

Having considered the report of the Secretary-General of 9 March 1994,

Reiterating the importance it attaches to the full implementation of the “Acordos de Paz” and relevant Security Council resolutions,

Reiterating also the importance in current circumstances of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the full implementation of the “Acordos de Paz”,

Welcoming the progress, described in the report of the Secretary-General, in the talks being held between the Government of Angola and the União Nacional para a Independência Total de Angola at Lusaka, under the auspices of the United Nations, and urging the parties to complete the negotiation process expeditiously,

Commending the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the “Acordos de Paz” and relevant Security Council resolutions,

Commending also the efforts of the three observer States to the Angolan peace process, the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts,

Stressing the importance it attaches to the acceptance without reservation by the União Nacional para a Independência Total de Angola of the results of the democratic elections of 30 September 1992 held under United Nations supervision and to their abiding fully by the “Acordos de Paz” and relevant Security Council resolutions,

Strongly urging both parties, and in particular the União Nacional para a Independência Total de Angola, to exercise maximum flexibility and good faith at this crucial stage of the negotiations at Lusaka and to refrain from any acts which could delay their early and successful completion,

Stressing that its future decisions concerning Angola will take into account the continued demonstration by the parties of their political will to achieve a lasting peace,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Noting that Angolans bear ultimate responsibility for the successful implementation of the “Acordos de Paz” and any subsequent agreement,

Expressing its concern at the continuing hostilities and their effect on the civilian population in terms of loss of life and property, which underlines the need for an effective and sustainable ceasefire,

Welcoming the improvement in the overall humanitarian situation in Angola, while noting that the situation remains serious in certain areas of the country,

1. *Welcomes* the report of the Secretary-General of 9 March 1994;

2. *Calls upon* both parties to honour the commitments already made by them in the talks at Lusaka, and urges them to redouble their efforts with the aim of urgently completing work on the remaining points on the agenda, attaining an effective and sustainable ceasefire and concluding a peaceful settlement without procrastination;

3. *Expresses its deep concern* at continued offensive military actions, and demands the cessation of all such actions immediately;

4. *Decides* to extend the mandate of the United Nations Angola Verification Mission II until 31 May 1994;

5. *Declares its readiness*, in principle, to consider authorizing promptly, with a view to consolidating a settlement in its initial and most critical stages, the increase of the strength of the Mission to its previous level of three hundred and fifty military observers, one hundred and twenty-six police observers and fourteen military medical staff, with an appropriate number of international and local civilian staff, following a report from the Secretary-General that the parties have reached an agreement and that the conditions are right for deployment, and invites the Secretary-General to proceed with contingency planning to this effect;

6. *Takes note* of the preparations and contingency planning undertaken by the Secretary-General for an appropriate United Nations presence in Angola once a comprehensive peace settlement has been reached, and reaffirms its readiness to consider promptly any recommendations from the Secretary-General in this regard;

7. *Condemns* any actions that threaten the unimpeded delivery of humanitarian assistance to all in need in Angola and put the lives of the humanitarian assistance workers at risk, and calls for the full cooperation of all parties;

8. *Strongly appeals* to the international community to respond generously to the 1994 revised inter-agency appeal for Angola, and commends those who have already contributed to humanitarian relief efforts in Angola;

9. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of Council resolution 864 (1993) of 15 September 1993;

10. *Decides*, in view of the direct negotiations continuing between the parties, not to impose at present the additional measures against the União Nacional para a Independência Total de Angola contained in paragraph 26 of resolution 864 (1993), but reiterates its readiness to consider at any time further steps in the light, inter alia, of a recommendation by the Secretary-General either to impose such additional measures or to review those in effect;

11. *Requests* the Secretary-General to ensure that the Council is informed regularly of the progress of the talks at Lusaka as well as of the military and humanitarian situation in

Angola, and to this end requests the Secretary-General to submit a report by 4 April 1994;

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

Speaking after the vote, the representative of the United States stated that the ongoing peace negotiations offered the parties a chance to start anew and to begin the process of reconstruction and reconciliation. That chance, however, would not last forever. The United States Government did not accept efforts that were under way to delay essential decisions. Noting her Government's readiness to assist in the implementation of a peace accord, she stressed that Angolans must first demonstrate political will, flexibility and the courage to make peace a reality.⁷⁷

The representative of the United Kingdom stated that the resolution reflected the Council's commitment to an early and successful conclusion of the peace talks. It was not for the international community, however, to define the details of a settlement between the Government and UNITA. Any long-term settlement, must be determined by the Angolans themselves, with the assistance of the Special Representative. The resolution also made it clear that the members of the Council expected the parties to redouble their efforts to achieve an early solution.⁷⁸

The representative of the Russian Federation stated that his country had voted in favour of the resolution because it sent a clear signal to the Angolan parties — and first and foremost to UNITA — that they must redouble their efforts. Expressing concern over UNITA's "obstructionist tactics" at the Lusaka talks, he said that its leadership must be made aware of the Council's readiness to adopt additional measures against that organization. It was important in that regard that the Secretary-General present to the Council, during the first days of April, a progress report on the ongoing direct negotiations to enable the Council to take timely action.⁷⁹

Decision of 14 April 1994: letter from the President to the Secretary-General

On 31 March 1994, pursuant to resolution 903 (1994), the Secretary-General submitted to the Council

⁷⁷ Ibid., p. 9. Similarly cautious comments were made by the representatives of the United Kingdom and the Russian Federation.

⁷⁸ S/PV.3350, pp. 9-10.

⁷⁹ Ibid., p. 10.

a report on UNAVEM II.⁸⁰ He reported that, at the Lusaka talks, agreement had been achieved on 12 of the 18 specific principles relating to the question of national reconciliation. The six outstanding principles concerned: UNITA's participation in organs of central, provincial, and local government, and in diplomatic missions; the future status of "Vorgan" radio; the re-establishment of State administration throughout Angola; the return of Government property in the hands of UNITA, and vice-versa; the assumption by UNITA deputies of Parliament of their seats in the National Assembly; and the provision of appropriate facilities to UNITA. One of the six remaining points, UNITA participation in the management of State affairs, had caused the talks to stall for the past month, in spite of efforts undertaken by himself and his Special Representative. He therefore urged both parties to show the flexibility needed to reach a comprehensive settlement and to heed the Council's demands for restraint on the ground and the cessation of all military actions. Notwithstanding a reduction of large-scale armed operations, UNITA had continued its actions. For its part, the Government of Angola had attempted to keep those actions in check and had conducted limited offensive operations. With regard to humanitarian activities, the assistance programme remained on track and United Nations agencies and non-governmental organizations had continued to distribute relief assistance to the affected populations. The Secretary-General believed that it would be essential to strengthen the presence of the United Nations on the ground as soon as a comprehensive peace agreement had been reached. He therefore trusted that the necessary financial resources would be made available in a timely manner, so as to consolidate the agreement in its initial stage, and create the best possible conditions for its successful implementation.

By a letter dated 14 April 1994,⁸¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your report of 31 March 1994 on the United Nations Angola Verification Mission II.

The members of the Council commend you, your Special Representative, the three observer States to the Angolan peace process, the Organization of African Unity and neighbouring States for the efforts aimed at the prompt resolution of the

⁸⁰ S/1994/374.

⁸¹ S/1994/445.

Angolan crisis and express the strong hope that these efforts will be continued.

The members of the Council have reaffirmed the importance they attach to the prompt and successful conclusion of the Lusaka peace talks. They believe that it is essential that the parties approach the remaining issues with realism and the necessary political will, within the framework of the "Acordos de Paz".

Council members are concerned at continuing outbreaks of hostilities in Angola and their impact on the civilian population in terms of loss of life and property. They expressed their deep concern at continued offensive military actions and demand the cessation of all such actions immediately. They condemn any action that threatens the free and unimpeded delivery of humanitarian assistance to all in need in Angola.

The members of the Council have reaffirmed their readiness, depending on the progress achieved towards the full implementation of the "Acordos de Paz" and relevant Council resolutions, to consider further action in accordance with previous Council resolutions.

The members of the Council consider that the Lusaka peace talks are of crucial importance, and are determined to continue to monitor them closely. In that regard, they have asked me to recall the importance they attach to receiving timely briefings on the state of the Lusaka talks and on the situation in Angola.

**Decision of 31 May 1994 (3384th meeting):
resolution 922 (1994)**

On 24 May 1994, pursuant to resolution 903 (1994), the Secretary-General submitted to the Council a report on UNAVEM II.⁸² He reported that consideration of the other remaining issues of the Lusaka agenda, namely the completion of the electoral process, the future mandate of the United Nations in Angola and the role of the three observer States of the Peace Accords, had taken place and that on 5 May 1994, agreement had been reached on the question of the completion of the electoral process. However, no decisions had been taken yet on the six specific issues of which the most contentious was UNITA's participation in the management of State affairs. In that regard, he reiterated his appeal to both parties to show the flexibility needed to reach a comprehensive settlement.

The Secretary-General expressed concern at the continuing fighting throughout the country and its devastating impact on Angolan society. He called upon the Council to urge the parties to take all necessary

⁸² S/1994/611.

steps to create an atmosphere of trust in the Lusaka negotiations. Should the Lusaka Protocol be concluded, he hoped that the Council would be in a position to decide immediately on the strengthening of the United Nations presence in Angola. However, if the talks did not produce early positive results, the Council might consider taking appropriate action, including a decision on the Mission's future. In the meantime, the Secretary-General recommended that the structure and mandate of UNAVEM II remain unchanged, and that the Mission be extended for an additional three months.

At its 3384th meeting, on 31 May 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representatives of Angola and Portugal, at their request, to participate in the discussion without the right to vote. The President (Nigeria) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations,⁸³ and read out revisions to be made to the draft in its provisional form. He also drew their attention to a letter dated 31 May 1994 from the representative of Angola, addressed to the President of the Council, enclosing a list of the Government's most recent offers regarding UNITA's participation in State administration.⁸⁴

The representative of Angola, while commending the Secretary-General's report, expressed reservations about the reference contained therein concerning the Mission's future. He stated that his Government had committed itself, since the beginning of the post-electoral crisis, to find a rapid solution, and had taken the initiative to negotiate with UNITA. However, during the last two years there had been an escalation of the conflict and a premeditated delay on the part of UNITA to proceed with the negotiations. Furthermore, the Security Council resolutions containing mandatory measures had not been fully implemented and the international community had failed to pressure UNITA into showing more flexibility. At the same time, new demands for flexibility had been placed upon the Government of Angola. The Government considered as unconstructive and as bad faith UNITA's efforts to persuade the United Nations to withdraw its forces from Angola at a time when the Organization was

playing a crucial role in the attempt to re-establish peace in Lusaka. He contended that UNITA's increased military operations were made possible by the continued support it received from Zaire, in flagrant violation of the arms and fuel embargo. His Government was in possession of evidence of such support and requested the Council to instruct the Sanctions Committee to send an investigating team to Zaire to verify the charges and recommend measures to stop such support. He also contended that the involvement of Zaire constituted an act of aggression, in light of the definition of aggression given by the United Nations in 1974.⁸⁵

The representative of Portugal stated that the negotiations could not be prolonged indefinitely. The Security Council must send a clear and powerful signal to the parties that the international community expected them to reach an agreement within a reasonable time period. It must also be ready to adopt further measures if the situation warranted it. He added that violations of relevant Council resolutions must not be permitted to continue since, apart from flouting its authority, they also had a negative impact on the peace process.⁸⁶

The representative of Brazil stated that the draft resolution was not merely a "routine" renewal of the Mission's mandate. The one-month extension reflected the international community's commitment to a prompt conclusion of the negotiations. His delegation would vote in favour of the draft resolution in the expectation that when the Council would again consider the issue of Angola, it would be to determine how an expanded United Nations presence could best contribute to a comprehensive peace settlement.⁸⁷

The representative of Spain noted that the draft resolution would extend the Mission's mandate only until 30 June 1994. The next review must be exhaustive and, if warranted, must censure the party responsible for delaying the peace talks. The international community's future commitment depended, more than ever before, on the attitude of the parties. Stressing the obligation of all States to comply strictly with the enforcement measures, he said that the

⁸³ S/1994/628.

⁸⁴ S/1994/637.

⁸⁵ S/PV.3384, pp. 2-5.

⁸⁶ *Ibid.*, pp. 6-7.

⁸⁷ *Ibid.*, pp. 7-8.

Sanctions Committee must investigate Angola's allegations of violations.⁸⁸

The draft resolution, as orally revised in its provisional form, was thereupon put to the vote and was adopted unanimously as resolution 922 (1994), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the letter dated 14 April 1994 from the President of the Security Council addressed to the Secretary-General,

Having considered the report of the Secretary-General of 24 May 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating also the importance of United Nations support in fostering the peace process and advancing the full implementation of the "Acordos de Paz",

Commending the efforts of the Special Representative of the Secretary-General and those of the three observer States to the Angolan peace process and of the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Recalling its readiness, in principle, in accordance with its resolution 903 (1994) of 16 March 1994, to consider authorizing promptly an increase of the strength of the United Nations Angola Verification Mission II to its previous level,

Noting with grave concern, however, the resurgence of military operations throughout the territory of Angola, which cause continued suffering to the civilian population and hamper the effective implementation of the current mandate of the Mission,

Deeply concerned at alleged violations of the measures contained in paragraph 19 of its resolution 864 (1993) of 15 September 1993,

Concerned also at the protracted duration of the Lusaka peace talks, and reaffirming the importance it attaches to their prompt and successful conclusion,

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and any subsequent agreement,

Reiterating its strong appeal to the Government of the Republic of Angola and the União Nacional para a Independência Total de Angola to show the good faith and flexibility needed to reach an early and comprehensive settlement at the Lusaka peace talks,

1. *Welcomes* the report of the Secretary-General of 24 May 1994;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission II until 30 June 1994;

3. *Stresses* that its future decision concerning Angola will take into account the extent to which the parties demonstrate their political will to achieve a lasting peace;

4. *Welcomes* the formal acceptance by the Government of the Republic of Angola of the proposals on national reconciliation put forward by the Special Representative of the Secretary-General and the three observer States to the Angolan peace process, urges the União Nacional para a Independência Total de Angola to do likewise, and encourages both parties to finalize outstanding details without further procrastination to allow the successful conclusion of the Lusaka peace talks;

5. *Reaffirms its readiness* to consider promptly any recommendations from the Secretary-General for an expanded United Nations presence in Angola in the event a comprehensive peace settlement is reached;

6. *Declares its intention* to reconsider the role of the United Nations in Angola in the event a peace agreement has not been reached at Lusaka by the time of the expiration of the extended mandate of the Mission;

7. *Decides*, in view of the direct negotiations continuing between the parties, not to impose at present the additional measures against the União Nacional para a Independência Total de Angola contained in paragraph 26 of resolution 864 (1993), but reiterates its readiness to consider at any time further steps in the light, inter alia, of a recommendation by the Secretary-General either to impose such additional measures or to review those in effect;

8. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993);

9. *Strongly deplores* the resurgence of military actions throughout Angola contrary to resolution 903 (1994), and reiterates its demand that both parties cease immediately all offensive military operations;

10. *Further deplores* in this regard the worsening of the humanitarian situation, and condemns acts that imperil humanitarian relief efforts and all actions which would inhibit the free and unrestricted movement of humanitarian relief and humanitarian relief workers;

⁸⁸ Ibid., pp. 10-11.

11. *Commends* those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and strongly appeals to all States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

12. *Requests* the Secretary-General to submit to the Council, as soon as there is progress, and in any case by 30 June 1994, a report on the Lusaka peace talks and on the continued political will of the parties to achieve a lasting peace, with recommendations for the future United Nations presence in Angola;

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

Speaking after the vote, the representative of France warned that his country would not hesitate to reconsider the United Nations presence and the deployment of additional “Blue Helmets” if the parties could not manage to agree.⁸⁹

Similarly, the representative of the United Kingdom noted that if no settlement was reached by the end of June, the Council would be compelled to reconsider the future role of the United Nations in Angola. He added that, in that event, the Council would also be ready to consider at any time further measures against UNITA.⁹⁰

The representative of the Russian Federation also stressed the possibility of adopting additional measures against UNITA and the need to step up the work of the Committee of the Security Council established under resolution 864 (1993).⁹¹

**Decision of 30 June 1994 (3395th meeting):
resolution 932 (1994)**

On 20 June 1994, pursuant to resolution 922 (1994), the Secretary-General submitted to the Council a report on UNAVEM II.⁹² He reported that agreement had been reached on all but one of the specific principles pertaining to the question of national reconciliation, namely the provision of appropriate facilities to UNITA. Regarding the modalities, the three most contentious issues pertained to UNITA’s participation in the management of State affairs; the re-establishment of State administration throughout

Angola; and the future status of the President of UNITA. After intensive consultations, the United Nations and the observer States had put forward a number of proposals on the allocation of senior Government posts to UNITA, which had been accepted by the Government on 28 May 1994. UNITA had indicated, on 8 June 1994, its acceptance of the proposals but had requested an additional post of Governor. His Special Representative had pointed out to UNITA that the proposals constituted an indivisible package. The Secretary-General suggested in that regard that if UNITA persisted in its refusal to accept the complete set of proposals, the Council could consider further measures.

The Secretary-General also reported that both sides were intensifying their military operations throughout the country, resulting in heavy casualties, extensive damage to property and further suffering for the population. The continuing operations were also having a deplorable effect on the humanitarian situation. He recommended that the Council, in addition to urging an immediate suspension of hostilities, press the Government and UNITA to grant immediately security clearances and guarantees for relief deliveries to all locations, and to refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people. He further recommended the extension of the Mission’s mandate for an additional three-month period. Should an agreement be reached within that period, he would immediately dispatch a reconnaissance mission to Angola to prepare further recommendations for the Council.

In an addendum to the report, the Secretary-General, in view of the continuing deterioration of the humanitarian situation in Angola, recommended that the Council urge the parties, in particular UNITA, to take the necessary action to permit the resumption of humanitarian assistance in all parts of the country.

At its 3395th meeting, on 30 June 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior

⁸⁹ *Ibid.*, pp. 11-12.

⁹⁰ *Ibid.*, p. 12. See also comments made by the representatives of France and the Russian Federation.

⁹¹ S/PV.3384, pp. 12-13.

⁹² S/1994/740 and Add.1.

consultations.⁹³ He also drew their attention to a letter dated 28 June 1994 from the representative of the United States addressed to the President of the Security Council.⁹⁴

The representative of Angola stated that when his Government had accepted the mediation proposals, providing for greater participation by UNITA at the central, provincial and local Government level, it was convinced that UNITA would respond in an equal manner. The latter had instead made further demands, thus clearly demonstrating its unwillingness to enter into a negotiated solution. It was up to the Security Council to use all the means at its disposal to prevent the failure of the peace talks due to UNITA's intransigence. The Lusaka talks had already covered more than 90 per cent of the issues on the agenda, the sole remaining item awaited UNITA's acceptance of the set of proposals. His Government firmly supported the measures referred to in paragraph 5 of the draft resolution, although it considered that the grace period was excessive and that the measures should be imposed automatically. His Government also favoured a deadline for the completion of the talks.⁹⁵

The representative of the Russian Federation stated that by systematically escalating its demands and disregarding previous Council resolutions and mediation proposals, UNITA was forcing the introduction of additional sanctions by the Council. He warned that if the Council failed to show any resolve against UNITA, it could be construed as being rather soft on the obstructionist leadership of UNITA.⁹⁶

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 932 (1994), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 20 June 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating also the importance of United Nations support in fostering the peace process and advancing the full implementation of the "Acordos de Paz",

Stressing the importance it attaches to the acceptance without reservation by the União Nacional para a Independência Total de Angola of the results of the democratic elections of 30 September 1992 held under United Nations supervision and to its abiding fully by the "Acordos de Paz" and relevant Security Council resolutions,

Stressing also that its future decisions concerning Angola will take into account the extent to which the parties demonstrate their political will to achieve a lasting peace,

Strongly urging both parties, and in particular the União Nacional para a Independência Total de Angola, to exercise maximum flexibility and good faith in the negotiations at Lusaka at this crucial stage and to refrain from any acts which could delay their early and successful completion,

Commending the efforts of the Secretary-General, his Special Representative and those of the three observer States to the Angolan peace process and the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Recalling its readiness, in principle, in accordance with its resolution 922 (1994) of 31 May 1994, to consider authorizing promptly an increase of the strength of the United Nations Angola Verification Mission II to its previous level,

Noting with grave concern, however, the intensification of military operations throughout the territory of Angola, which cause extensive suffering to the civilian population and hamper the successful conclusion of the Lusaka peace talks and the effective implementation of the current mandate of the Mission,

Deeply concerned at alleged violations of the measures contained in paragraph 19 of its resolution 864 (1993) of 15 September 1993,

Concerned also at the protracted duration of the Lusaka peace talks, and reaffirming the importance it attaches to their prompt and successful conclusion,

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and any subsequent agreement,

1. *Welcomes* the report of the Secretary-General of 20 June 1994;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission II until 30 September 1994;

⁹³ S/1994/773.

⁹⁴ S/1994/770.

⁹⁵ S/PV.3395, pp. 2-4.

⁹⁶ *Ibid.*, pp. 5-6.

3. *Calls upon* both parties to honour the commitments already made by them in the talks at Lusaka, and urges them to redouble their efforts with the aim of urgently completing work on the remaining points on the agenda, attaining an effective and sustainable ceasefire and concluding a peaceful settlement without procrastination;

4. *Welcomes* the formal acceptance by the Government of the Republic of Angola of the proposals on national reconciliation put forward by the Special Representative of the Secretary-General and the three observer States to the Angolan peace process, and strongly urges the União Nacional para a Independência Total de Angola to do likewise;

5. *Declares its readiness* to impose additional measures against the União Nacional para a Independência Total de Angola as indicated in paragraph 26 of resolution 864 (1993) if by 31 July 1994 the União Nacional para a Independência Total de Angola has not formally accepted the complete set of proposals on national reconciliation put forward by the Special Representative of the Secretary-General and the three observer States, and declares further that in such a case it will decide what further measures it will impose;

6. *Welcomes* the preparations and the contingency planning undertaken by the Secretary-General for an appropriate United Nations presence in Angola once a comprehensive peace settlement is reached, and reaffirms its readiness to consider promptly any recommendations from the Secretary-General in this regard;

7. *Declares its intention* to review the role of the United Nations in Angola in the event that a peace agreement has not been reached at Lusaka by the time of the expiration of the extended mandate of the Mission;

8. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993), and in that context urges the two neighbouring States which have so far failed to respond substantively to requests from the Security Council Committee established pursuant to resolution 864 (1993) concerning Angola for information required regarding alleged sanctions violations to do so promptly, and requests the Committee to provide a report to the Council, by 15 July 1994, on compliance with the sanctions regime and in particular on possible violations of that regime by those neighbouring States;

9. *Strongly deplores* the intensification of offensive military actions throughout Angola contrary to resolution 922 (1994), and reiterates its demand that both parties cease immediately all military operations;

10. *Further deplores* in this regard the worsening of the humanitarian situation, and strongly condemns acts that imperil humanitarian relief efforts and all actions which inhibit the free and unrestricted movement of humanitarian relief and humanitarian relief workers;

11. *Strongly urges* both parties to grant immediately security clearances and guarantees for relief deliveries to all locations and to refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people;

12. *Commends* those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

13. *Requests* the Secretary-General to ensure that the Council is informed regularly of the progress of the Lusaka peace talks as well as of the military and humanitarian situation in Angola, and to this end requests the Secretary-General to submit a report by 31 July 1994;

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

Speaking after the vote, the representative of France stated that the Council had repeatedly given the parties more time to conclude the negotiations, and “its patience was running out”. France called on UNITA to accept the proposals in their entirety or face new sanctions. He however stressed that the goal of the Council was not to punish but, on the contrary, to contribute to the restoration of peace and democracy in Angola. It was in that spirit that the Council had reaffirmed its willingness to increase the Mission’s strength once a peace agreement was reached.⁹⁷

The representative of the United States pointed out that the resolution gave the Angolan leaders two choices: first, hostilities must cease throughout the country, and secondly, UNITA must accept the mediation proposals on national reconciliation, already accepted by the Government.⁹⁸

The representative of the United Kingdom said that the resolution reflected the Council’s unanimous view that the negotiations could not be prolonged indefinitely. Expressing concern at the escalation of hostilities, he contended that it was unacceptable and counterproductive for the parties to pursue military offensives while simultaneously conducting negotiations.⁹⁹

⁹⁷ Ibid., p. 7. Similar comments were made by the representatives of the United States and the United Kingdom.

⁹⁸ S/PV.3395, pp. 8-9.

⁹⁹ Ibid., p. 9.

**Decision of 12 August 1994 (3417th meeting):
statement by the President**

On 22 July 1994, pursuant to resolution 932 (1994), the Secretary-General submitted to the Council a report on UNAVEM II.¹⁰⁰ He reported that his Special Representative had travelled to Angola on 18 June for talks with the President of UNITA and to Cape Town on 23 June for a meeting with the President of South Africa. He had also held meetings with several African leaders, in order to resolve the question of UNITA's participation in the management of State affairs, including the future status of the President and other UNITA senior officials. On 7 July, President Mandela had hosted a summit meeting in Pretoria attended by the Presidents of Angola, Mozambique and Zaire, during which it was decided to revive a long dormant Security and Defence Commission between Angola and Zaire. The Government of Angola and UNITA were examining a compromise text proposed by the United Nations on the modalities pertaining to national reconciliation. The Secretary-General noted that despite those efforts, limited progress had been made at the Lusaka Peace talks. He expressed the hope that the expected visit of Mr. Savimbi to Pretoria, at the invitation of President Mandela, would improve the prospects for the resolution of pending issues. The Secretary-General called upon the Council to urge both parties to cease hostilities forthwith and to refrain from any action that could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian relief. He also reiterated his intention, in the event that a comprehensive agreement was reached, to dispatch an advance team to Angola to prepare further recommendations.

At its 3417th meeting, on 12 August 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) drew the attention of the members of the Council to two letters dated 28 July and 3 August 1994 from the representative of Angola addressed to the President of the Security Council and to the Secretary-General, respectively.¹⁰¹ He stated that, after consultations among the members of the Council, he

had been authorized to make the following statement on behalf of the Council:¹⁰²

The Security Council has reviewed the report of the Secretary-General of 22 July 1994 on the situation in Angola, which was submitted in accordance with Security Council resolution 932 (1994) of 30 June 1994.

The Council commends the tireless efforts of the Secretary-General, his Special Representative and the three observer States to the Angolan peace process and encourages them to continue their efforts to put an end to the destructive civil war and bring peace to Angola through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions. It urges both the Government of Angola and the União Nacional para a Independência Total de Angola to offer their full cooperation to the Special Representative of the Secretary-General to allow the earliest and successful conclusion of the Lusaka peace talks.

Nonetheless, the Council expresses its impatience over the protracted nature of the negotiations, and warns that the peace process cannot be delayed indefinitely. The Council believes that a just and comprehensive peace agreement is within reach and strongly urges the União Nacional para a Independência Total de Angola to demonstrate its commitment to peace and accept the complete set of proposals put forward by the Special Representative of the Secretary-General and the three observer States.

The Council expresses its appreciation for the efforts of Mr. Frederick Chiluba, President of Zambia, in support of the Lusaka peace process.

Furthermore, the Council expresses its gratitude to Mr. Nelson Mandela, President of South Africa, who offered his assistance to help the finalization of the Lusaka peace process, and agrees that these helpful efforts deserve time to come to fruition.

Consequently, the Council decides to defer temporarily the imposition of the additional measures against the União Nacional para a Independência Total de Angola as referred to in paragraph 5 of resolution 932 (1994). The Council confirms its readiness to impose further measures against the União Nacional para a Independência Total de Angola if the latter does not accept the mediation proposals on national reconciliation during the course of the month of August. The Council states that it will start to compile a list of such possible measures and will not tolerate further procrastination in the peace process.

The Council again reminds both parties that offensive military actions threaten all of the progress that has been achieved thus far at Lusaka, and that no tactical battlefield advantage is worth the tremendous cost in human suffering that is being paid by the Angolan people.

¹⁰⁰ S/1994/865.

¹⁰¹ S/1994/889 and S/1994/926.

¹⁰² S/PRST/1994/45.

The Council expresses its dismay at the actions of both parties, particularly the União Nacional para a Independência Total de Angola, which have led to deterioration of the humanitarian situation and again reminds them of their responsibility to facilitate the delivery of humanitarian supplies. The Council calls for the necessary steps to ensure that relief flights can resume to Malange and Cuito.

Referring to the report of the Security Council Committee established pursuant to resolution 864 (1993) concerning Angola, the Council reminds the Member States concerned of their obligation to respond substantively to requests from the Committee for the information required regarding alleged sanctions violations, and urges them to do so effectively without further delay. The matter of cooperation with the Committee by those States which have so far failed to respond satisfactorily will be taken up by the Council as a matter of urgency for appropriate action, if such reply is not received forthwith.

**Decision of 9 September 1994 (3423rd meeting):
statement by the President**

At its 3423rd meeting, on 9 September 1994, the Security Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the members of the Council to a letter dated 2 September 1994 from the representative of Angola addressed to the President of the Security Council.¹⁰³ He then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁰⁴

The Security Council takes note of the information conveyed to it by the Secretariat on the situation in Angola, in particular in the light of the letter dated 5 September 1994 from the União Nacional para a Independência Total de Angola to the Special Representative of the Secretary-General. The Council considers this letter as constituting the required formal acceptance by the União Nacional para a Independência Total de Angola of the complete set of proposals on national reconciliation, which were submitted to it on 28 May 1994 by the Special Representative of the Secretary-General and the representatives of the three observer States of the Angolan peace process.

The Council welcomes this development. By accepting the complete set of proposals, the União Nacional para a Independência Total de Angola has met the requirements demanded in this regard in Council resolution 932 (1994) of 30 June 1994. In this context and in view of the current negotiations, the Council has agreed not to consider, at present, the imposition of additional measures against the União

Nacional para a Independência Total de Angola as indicated in paragraph 26 of resolution 864 (1993) of 15 September 1993.

The Council considers that, following the acceptance by both the Government of Angola and the União Nacional para a Independência Total de Angola of the complete set of proposals on national reconciliation, the way is now clear for an early conclusion of the negotiations at Lusaka towards a comprehensive agreement within the framework of the “Acordos de Paz” and relevant Council resolutions. It urges both parties to reach such an agreement before the expiry of the present mandate of the United Nations Angola Verification Mission II on 30 September 1994. It reiterates its intention to reconsider the future role of the United Nations in Angola in the event a peace agreement has not been concluded by that date.

The Council remains deeply concerned by the continuation of the armed conflict in Angola. It reiterates its demand that the parties cease all offensive military actions and reminds them again that all such actions threaten the prospects for a negotiated peace. Attempts to gain short-term military advantage and to procrastinate at the Lusaka peace talks will only prolong the conflict and the continued suffering of the Angolan people and discourage the involvement of the international community in assisting Angola.

The Council expresses its grave concern about any act against United Nations and other international personnel in Angola, and calls upon all parties to ensure the safety and security of the staff and property of the United Nations and all humanitarian organizations. The Council stresses the importance of facilitating the free and unrestricted movement of humanitarian relief supplies and humanitarian assistance workers throughout the territory of Angola.

**Decision of 29 September 1994 (3431st meeting):
resolution 945 (1994)**

On 17 September 1994, pursuant to resolution 932 (1994), the Secretary-General submitted to the Council a report on UNAVEM II.¹⁰⁵ He reported that he had dispatched a high-level mission to Angola to prepare an assessment of the state of United Nations efforts in the areas of peacemaking, peacekeeping and humanitarian activities. The military situation had been marked by an increase in hostilities. There were widespread reports of concentration of Angolan Armed Forces and UNITA troops in several parts of the country and of preparations for further attacks and offensives. On the humanitarian side, United Nations agencies and non-governmental organizations had been consolidating plans to implement a nationwide mine-awareness campaign and to develop an overall mine-

¹⁰³ S/1994/1026.

¹⁰⁴ S/PRST/1994/52.

¹⁰⁵ S/1994/1069.

action strategy. Preparatory work on demobilization and reintegration programmes was also continuing.

The Secretary-General noted that the developments in Lusaka had been encouraging, especially the formal acceptance by UNITA of the set of proposals on national reconciliation. However, additional efforts were needed to bring the peace talks to a prompt and successful conclusion. Moreover, while the United Nations efforts would be maintained, it was up to the parties to capitalize on the recent breakthrough in the talks. The Secretary-General further noted that the persistence of hostilities throughout the territory threatened the progress achieved so far. Drawing attention to the renewed attacks against international relief personnel, he urged both parties, and in particular UNITA, to cooperate with the United Nations and to ensure unimpeded delivery of humanitarian supplies to all areas. In the meantime, he recommended that the Mission's mandate be further extended for a short period, until 30 November 1994, to allow time for the conclusion of the talks, for follow-up meetings between the parties' military representatives, for the signing of the Lusaka protocols and for preparations for the expansion of the Mission.

At its 3431st meeting, on 29 September 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations, as well as to a letter dated 2 September 1994 from the representative of Angola addressed to the President of the Security Council.¹⁰⁶

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 945 (1994), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement made by the President of the Security Council on 9 September 1994,

Having considered the report of the Secretary-General of 17 September 1994 and the oral report of his Special Envoy on 23 September 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Stressing also that its future decisions on the future role of the United Nations in Angola will take into account the extent to which the parties demonstrate their political will to achieve a lasting peace,

Commending the efforts of the Secretary-General and his Special Representative and those of the three observer States to the Angolan peace process and of the Organization of African Unity and some neighbouring States, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating its grave concern over the continuation of military hostilities throughout the territory of Angola, which cause extensive suffering to the civilian population and hamper the successful conclusion of the Lusaka peace talks and the effective implementation of the current mandate of the United Nations Angola Verification Mission II,

Deeply concerned at alleged violations of the measures contained in paragraph 19 of its resolution 864 (1993) of 15 September 1993,

Concerned also by the protracted duration of the Lusaka peace talks, and reaffirming the importance it attaches to their prompt and successful conclusion,

1. *Welcomes* the report of the Secretary-General of 17 September 1994 and the oral report of his Special Envoy on 23 September 1994;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission II until 31 October 1994;

3. *Calls upon* both parties to honour the commitments already made by them at the Lusaka peace talks, and urges them to complete their negotiations as soon as possible and to make every effort necessary to have the Lusaka agreement formally signed before 31 October 1994;

4. *Declares* in this context that any further obstruction or procrastination in the peace process would be unacceptable;

5. *Declares further* that in view of the formal acceptance by the União Nacional para a Independência Total de Angola of the complete set of proposals put forward by the Special Representative of the Secretary-General and the three observer States and in view of the current negotiations, it will not consider at this time the imposition of additional measures against the União Nacional para a Independência Total de Angola as indicated in paragraph 26 of its resolution 864 (1993);

6. *Reiterates its intention* to review, at any time, the role of the United Nations in Angola in the event that a peace agreement has not been reached at Lusaka;

¹⁰⁶ S/1994/1110 and S/1994/1026.

7. *Strongly deplors* the intensification of the offensive military actions throughout Angola contrary to resolution 932 (1994) of 30 June 1994, and reiterates once again its demand that both parties cease forthwith all military operations;

8. *Affirms its readiness* to consider authorizing promptly, once an agreement is initialled by the parties, the rapid increase of the strength of the Mission to its previous authorized level, with a view to consolidating that agreement in its initial and most critical stages;

9. *Further affirms its readiness* to consider promptly, once the agreement to be concluded at Lusaka is formally signed, any recommendation from the Secretary-General for an expanded United Nations presence in Angola;

10. *Condemns* any action, including the laying of landmines, which threatens the unimpeded delivery of humanitarian assistance to all in need in Angola and puts the lives of the humanitarian relief workers at risk, and calls for the full cooperation of all parties, especially the União Nacional para a Independência Total de Angola;

11. *Expresses its grave concern* over the disappearance of humanitarian relief workers on 27 August 1994, demands their immediate release by the responsible parties, and calls for the complete cooperation of the parties, especially the União Nacional para a Independência Total de Angola, with the United Nations investigation into their disappearance;

12. *Commends* those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

13. *Notes with concern* continued reports of violations of the provisions of paragraph 19 of its resolution 864 (1993), and reaffirms the obligation of all Member States to implement fully that resolution;

14. *Requests* the Secretary-General to ensure that the Council is informed regularly of the progress of the talks at Lusaka, as well as of the military and humanitarian situation in Angola, and to this end requests the Secretary-General to submit a report by 20 October 1994;

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

**Decision of 27 October 1994 (3445th meeting):
resolution 952 (1994)**

On 20 October 1994, pursuant to resolution 945 (1994), the Secretary-General submitted to the Council a report on UNAVEM II, including the findings of the mission to Angola.¹⁰⁷ The mission reported that the

concept of operations envisaged in the contingency planning for an expanded United Nations presence in Angola was generally compatible with the principles and modalities which had so far been agreed upon at Lusaka. The operational plan would be carried out in three phases: (a) the disengagement of Government and UNITA forces, followed by the deployment of United Nations military and police observers to monitor and verify the ceasefire; (b) the monitoring and verification of the ceasefire by United Nations peacekeeping troops, the quartering of UNITA troops, the collection and storage of arms and ammunition, the demobilization process, the formation of the Angolan Armed Forces, and the reintegration of the police; and (c) the consolidation of national reconciliation activities and the completion of the electoral process.

The Secretary-General noted that the peace talks had entered their final phase and it was expected that their conclusion, including an agreement on the timetable for implementing the Lusaka Protocol, would be followed by the initialling of the agreement, a meeting on technical modalities for re-establishing the ceasefire, the signing of the Protocol by both leaders, and the formal coming into effect of the ceasefire. He urged both parties to make every effort to conclude the peace talks by 31 October 1994 and to ensure that the subsequent military talks produced the earliest possible agreement on the remaining important military questions. The Secretary-General recommended that the mandate of UNAVEM II be extended until 30 November 1994. He further suggested that the Council might consider taking a decision at that time to authorize the restoration of the strength of the mission to its previous level. The consolidation of peace would also require the continuing support of the international community for humanitarian assistance programmes, many components of which would be directly related to the implementation of the Lusaka Protocol. It was therefore of paramount importance that the two sides, in particular UNITA, respect the neutrality of humanitarian personnel and cooperate with the United Nations in determining the whereabouts of relief workers missing since August 1994.

At its 3445th meeting, on 27 October 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (United

¹⁰⁷ S/1994/1197.

Kingdom) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.¹⁰⁸

The resolution was thereupon put to the vote and adopted unanimously as resolution 952 (1994), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 20 October 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the “Acordos de Paz” and relevant Security Council resolutions,

Commending the efforts of the Secretary-General, his Special Representative and the Force Commander and personnel of the United Nations Angola Verification Mission II, the three observer States to the Angolan peace process, the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the “Acordos de Paz” and relevant Security Council resolutions,

Encouraged by the substantial progress made recently in the Lusaka peace talks, and reaffirming the importance of the parties showing flexibility and bringing them to a prompt and successful conclusion and achieving a comprehensive settlement,

Declaring that renewed obstruction or procrastination in the peace process would be unacceptable,

Deeply concerned, however, at continued military hostilities throughout the territory of Angola, which cause extensive suffering to the civilian population and obstruct humanitarian relief efforts and have delayed the successful conclusion of the Lusaka peace talks and hampered the effective implementation of the current mandate of the Mission,

Reaffirming the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993,

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the “Acordos de Paz” and any subsequent agreement,

1. *Welcomes* the report of the Secretary-General of 20 October 1994;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission II until 8 December 1994;

3. *Calls upon* the parties to honour the commitments already made by them in the talks at Lusaka, and urges them to conclude immediately an agreement and thereafter to establish and respect fully an effective and sustainable ceasefire as a matter of urgency;

4. *Authorizes*, with the aim of consolidating the implementation of the peace agreement in its initial and most critical stages, the restoration of the strength of the Mission to its previous level of three hundred and fifty military observers and one hundred and twenty-six police observers, with an appropriate number of international and local staff, the deployment of such additional personnel to take place upon receipt of a report from the Secretary-General to the Council that the parties have initialled a peace agreement and that an effective ceasefire is in place;

5. *Reaffirms its readiness* to consider promptly, once the agreement to be concluded at Lusaka is formally signed, a report from the Secretary-General containing any recommendation for an expanded United Nations presence in Angola based on his assessment of the circumstances that warrant that, and welcomes the contingency planning done in this regard by the Secretary-General;

6. *Deplores* the continuation of military hostilities throughout Angola contrary to resolutions 922 (1994) of 31 May 1994, 932 (1994) of 30 June 1994 and 945 (1994) of 29 September 1994, and reiterates its demand that both parties cease immediately all military operations;

7. *Further deplors* the deterioration in the humanitarian situation, condemns all acts, including the laying of landmines, that imperil or inhibit humanitarian relief efforts, and demands that both parties grant security clearances and guarantees for relief deliveries to all locations and refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people;

8. *Reiterates*, in this context, its demand for the immediate release by the responsible parties of the humanitarian relief workers who disappeared on 27 August 1994 and its call for the complete cooperation of the parties, especially the União Nacional para a Independência Total de Angola, with the United Nations investigation into their disappearance;

9. *Commends* those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations rapidly to provide further assistance to Angola to meet the growing humanitarian needs;

10. *Requests* the Secretary-General to ensure that the Council is informed of further developments in the Lusaka peace talks and of the military and humanitarian situation in Angola;

¹⁰⁸ S/1994/1216.

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

After the vote, the representative of the United States stated that the international community would not expose United Nations personnel to needless risks by sending them into a war zone. Before deploying an enlarged peacekeeping force into Angola, her Government would require evidence that the parties were serious about holding to a ceasefire and implementing the peace agreement.¹⁰⁹

Similarly, the representative of France stated that, although the Council had authorized the restoration of the Mission's previous strength, the deployment of the personnel was contingent on the Security Council receiving a report from the Secretary-General that the Lusaka Protocol had been initialled and attesting to the establishment of an effective ceasefire between the parties.¹¹⁰

**Decision of 4 November 1994 (3450th meeting):
statement by the President**

At its 3450th meeting, on 4 November 1994, the Security Council resumed its consideration of the item. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to a letter dated 1 November 1994 from the representatives of Portugal, the Russian Federation and the United States, and a letter dated 3 November 1994 from the representative of Angola, both addressed to the President of the Security Council.¹¹¹ The President then stated that, after consultations among the members of the Council, she had been authorized to make the following statement on behalf of the Council:¹¹²

The Security Council, while welcoming the initialling of the peace protocol at Lusaka on 31 October 1994, is gravely concerned over recent reports of an intensification of military operations, in particular those towards Huambo, which put the lives of Angolan citizens at risk and jeopardize the successful completion of the peace process. It reiterates its demand to the parties to cease immediately military hostilities throughout Angola and to establish quickly an effective and firm ceasefire.

The Council notes that the leadership of both parties must have adequate opportunity to meet with their negotiating teams

¹⁰⁹ S/PV.3445, p. 3.

¹¹⁰ *Ibid.*, pp. 3-4.

¹¹¹ S/1994/1235 and S/1994/1241.

¹¹² S/PRST/1994/63.

to prepare for the military talks scheduled to begin on 10 November 1994. It urges the Government of Angola to allow flight clearances into Huambo to enable the negotiating team of the União Nacional para a Independência Total de Angola to consult with its leadership.

The Council stresses once again that any obstruction to the peace process would be unacceptable. It urges the Government of Angola to exercise its authority to bring an immediate end to the military activities.

At this particular juncture, the Council stresses the need for both parties to spare no effort to bring about a stable and long-lasting peace in Angola. It calls upon them to honour their commitments made at the Lusaka talks, to exercise maximum restraint and responsibility, and to refrain from any action that could jeopardize the signing of the protocol on 15 November 1994.

**Decision of 21 November 1994 (3463rd meeting):
statement by the President**

At its 3463rd meeting, on 21 November 1994, the Security Council resumed consideration of the item. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to a letter dated 14 November 1994 from the representative of Angola addressed to the President of the Security Council.¹¹³ She then stated that, after consultations among the members of the Council, she had been authorized to make the following statement on behalf of the Council:¹¹⁴

The Security Council welcomes the signing of the Lusaka Protocol by representatives of the Government of Angola and the União Nacional para a Independência Total de Angola at Lusaka on 20 November 1994. This Protocol, together with the Bicesse Accords, should lay the foundation for lasting peace in Angola. Having signed the Protocol, Angola's parties must continue to demonstrate their commitment to peace through the full and timely implementation of this detailed peace agreement. Most importantly, the ceasefire required by the Protocol must be respected.

The Council acknowledges the tireless efforts of the Secretary-General and his Special Representative, Mr. Alioune Blondin Beye, which have been so vital in reaching this agreement. The Council also commends the role of the observer States to the Angolan peace process and the constructive interventions by leaders throughout Africa. Finally, the Council thanks President Frederick Chiluba and the Government of Zambia, which graciously hosted the negotiations.

¹¹³ S/1994/1290.

¹¹⁴ S/PRST/1994/70.

The Council notes with concern the reports that the fighting in Angola is continuing. The Council reminds the parties of the responsibility they bear to respect fully the ceasefire agreement which is to go into effect on 22 November 1994. The Council looks forward to a report from the Secretary-General that the ceasefire has become effective, thereby allowing the deployment of the United Nations Angola Verification Mission II military and police observers to reinforce United Nations monitoring capabilities in Angola.

The Council remains seized of this matter.

**Decision of 8 December 1994 (3477th meeting):
resolution 966 (1994)**

On 4 December 1994, pursuant to resolution 952 (1994), the Secretary-General submitted to the Council a report on UNAVEM II.¹¹⁵ He reported that, despite the signing of the Lusaka Protocol on 20 November 1994, there were reports of renewed clashes, with each side blaming the other for the attacks.¹¹⁶ It was therefore imperative that both parties implement the ceasefire on the ground, otherwise the whole process could unravel again. The Secretary-General further reported that, given the wider United Nations role provided for in the Lusaka Protocol, on 24 November he had dispatched a technical survey team to Angola, to check existing contingency plans against the actual situation on the ground and to prepare proposals for an enlarged operation. He however stressed that for the United Nations to consider committing major resources to a substantial expansion of its operation, the parties must abide fully by the Protocol. In the meantime, he recommended that the Council extend the Mission's mandate until 31 January 1995. He also called on Member States, United Nations agencies and non-governmental organizations to make available the necessary resources to carry out the humanitarian aspects of the Protocol and the rehabilitation and reconstruction of the country.

By a letter dated 7 December 1994, addressed to the President of the Security Council, the Secretary-General reported that the ceasefire had entered into force on 22 November 1994 and that, according to information available to UNAVEM, it was generally holding, despite some initial difficulties.¹¹⁷ Both sides were reasonably satisfied with the status of the

ceasefire and had requested the planned enlargement of UNAVEM, as soon as possible. Based on the above, and in accordance with resolution 952 (1994), the Secretary-General intended to restore the Mission to its previous level and to deploy it throughout the country. He stressed that the actual enlargement of the Mission would be dependent on the strict observance by the parties of an effective ceasefire, and on the provision by them of satisfactory guarantees regarding the safety and security of United Nations personnel. The Mission would, additionally, monitor and verify all major elements of the Lusaka Protocol and provide good offices to the parties. It would also conduct, if needed, inspections/investigations of alleged violations independently, or jointly with the parties.

At its 3477th meeting, on 8 December 1994, the Security Council included the Secretary-General's report and the above-mentioned letter in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the members of Council to the text of a draft resolution prepared in the course of prior consultations.¹¹⁸ He also drew their attention to a letter from the representative of Angola, addressed to the President of the Security Council and a letter from the representative of Mali, addressed to the Secretary-General, both dated 7 December 1994.¹¹⁹

The representative of Angola stated that the Lusaka Protocol represented the beginning of a critical stage in the final resolution of the internal conflict. It also meant compliance with the laws of Angola and with the country's democratic institutions, on a basis of equality with all other political parties. His Government was, however, concerned by the large gap between the signing of the agreement, the entry into force of the ceasefire and the arrival of the first contingent of "Blue Helmets" which might jeopardize the timetable for the implementation of the various phases of the agreement. He therefore called for the urgent deployment of United Nations observers throughout the territory, including those areas under UNITA's control. The war being over, his Government faced many challenges in the social and humanitarian fields, including social reintegration of UNITA troops,

¹¹⁵ S/1994/1376.

¹¹⁶ A copy of the Lusaka Protocol is contained in a letter from the representative of Angola to the President of the Security Council (S/1994/1441).

¹¹⁷ S/1994/1395.

¹¹⁸ S/1994/1396.

¹¹⁹ S/1994/1391 and S/1994/1394.

support for millions of displaced persons and refugees, reconstruction of basic infrastructure and disarming, tasks which it hoped to address with the continued support of the international community.¹²⁰

Prior to the vote, the representative of the Russian Federation expressed the hope that the mutual understanding achieved in Lusaka would grow into mutual trust during the implementation of the signed agreements. His delegation believed that the dispatch of United Nations personnel to Angola should take place promptly, with the immediate deployment of observer posts *in situ*.¹²¹

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 966 (1994), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, including resolution 868 (1993) of 29 September 1993,

Having considered the report of the Secretary-General of 4 December 1994 and his letter dated 7 December 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the “Acordos de Paz” and relevant Security Council resolutions,

Encouraged by the signing of the Lusaka Protocol on 20 November 1994, which is a significant step towards the restoration of lasting peace and national reconciliation in Angola,

Reaffirming its readiness to consider promptly any recommendation from the Secretary-General for an expanded United Nations presence in Angola on condition that the ceasefire is maintained,

Commending the efforts of the Secretary-General, his Special Representative and the Force Commander and personnel of the United Nations Angola Verification Mission II, the three observer States to the Angolan peace process, the Organization of African Unity and some neighbouring States, in particular Zambia, which have resulted in the signing of the Lusaka Protocol, and encouraging them to continue their efforts aimed at the full implementation of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Declaring that renewed obstruction to or procrastination in the implementation of those accords would be unacceptable,

¹²⁰ S/PV.3477, pp. 2-5.

¹²¹ *Ibid.*, pp. 7-8.

Deeply concerned at reports of renewed clashes in Angola after the entry into force of the agreed ceasefire, which cause suffering to the civilian population and may jeopardize the successful implementation of the Lusaka Protocol and hamper the effective discharge of the mandate of the Mission,

Reaffirming the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993,

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the “Acordos de Paz” and the Lusaka Protocol,

1. *Welcomes* the report of the Secretary-General of 4 December 1994;

2. *Decides*, in order to enable the United Nations Angola Verification Mission II to monitor the ceasefire established by the Lusaka Protocol, to extend its mandate until 8 February 1995;

3. *Commends* the Government of Angola and the União Nacional para a Independência Total de Angola for signing the Lusaka Protocol, and urges them to respect fully the ceasefire which entered into effect on 22 November 1994;

4. *Underlines* that it will monitor closely compliance with the ceasefire, and requests the Secretary-General to keep the Council fully informed of any relevant developments;

5. *Calls upon* the parties to honour the commitments made by them and to continue to work together to achieve national reconciliation on the basis of the “Acordos de Paz” and the Lusaka Protocol;

6. *Welcomes* the Secretary-General’s decision as conveyed in his letter dated 7 December 1994, in accordance with resolution 952 (1994) of 27 October 1994, to proceed with the restoration of the strength of the Mission to its previous level, the actual enlargement being dependent on the strict observance by the parties of an effective ceasefire and on the provision by them of satisfactory guarantees regarding the safety and security of the United Nations personnel;

7. *Encourages* the Secretary-General, in order to enhance the verification capabilities of the existing Mission and as an additional confidence-building measure, to continue to deploy personnel to the countryside, subject to the strict compliance by the parties with the conditions in paragraph 6 above;

8. *Notes* the intention of the Secretary-General to submit a report on the possible mandate for a new United Nations operation in Angola based on his assessment of the circumstances that warrant that, including the maintenance of the ceasefire, such a report to contain a detailed description of the results of his efforts to identify potential troop-contributing countries, the objectives, the concept of operations and financial aspects of such an operation, and progress in discussions with the Government of Angola regarding the conclusion of a status-of-forces agreement, and welcomes the contingency planning

being done by him in this regard, including the continuation of the consultations with potential troop contributors to assess their willingness to participate in an enlarged peacekeeping operation in Angola;

9. *Declares its intention* to review the role of the United Nations in Angola by 8 February 1995 at the latest, in the light of the above report;

10. *Welcomes* the resumption and the increased flow of humanitarian relief assistance throughout Angola, and demands that both parties grant security clearances and guarantees for relief deliveries to all locations and refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people;

11. *Emphasizes* that both parties must respect and ensure the safety and security of international personnel in Angola;

12. *Commends* those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations rapidly to provide further assistance to Angola to meet the growing humanitarian needs;

13. *Requests* the Secretary-General to inform the Security Council of the next steps to be taken by the United Nations to implement a well coordinated and comprehensive mine-clearance programme in Angola;

14. *Also requests* the Secretary-General to ensure that the Council is regularly informed of further developments in the implementation of the "Acordos de Paz" and the Lusaka Protocol and of the activities of the Mission;

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

Speaking after the vote, the representative of the United Kingdom stated that despite the signing of the Lusaka Protocol, the situation on the ground remained fragile. The international community could not be expected, and would not be equipped to, enforce peace in Angola. Therefore the deployment of a new, expanded United Nations operation would be possible only if the ceasefire remained effective and the parties demonstrated their commitment to peace.¹²²

Similarly, the representative of France stated that the Angolan parties must strive to complete the process of peace and national reconciliation. They must also abide by the ceasefire agreement, so as to enable the deployment of United Nations personnel.¹²³

Decision of 8 February 1995 (3499th meeting): resolution 976 (1995)

On 1 February 1995, pursuant to resolution 966 (1994), the Secretary-General submitted to the Council a report on UNAVEM II, which provided a detailed description of the objectives and concept of a new United Nations operation in Angola.¹²⁴ The main features of the new mandate would be (a) political: to assist in the implementation of the Lusaka Protocol by providing good offices and mediation to the parties; (b) military: to supervise, control and verify the disengagement of forces, and to monitor the ceasefire, verify information received from the Government and UNITA regarding their forces, verify and monitor all troop movements, assist in the establishment of quartering areas, verify and monitor the withdrawal, quartering and demobilization of UNITA forces, supervise the collection and storage of UNITA armaments, verify the movement of FAA to barracks and monitor the completion of its formation, and verify the free circulation of persons and goods; (c) police: to verify and monitor the neutrality of the Angolan National Police, the disarming of civilians, the quartering of the rapid reaction police and the security arrangements for UNITA leaders; (d) humanitarian; to coordinate, facilitate and support humanitarian activities linked directly to the peace process, in particular these relating to the quartering and demobilization of troops and their reintegration in civilian life, as well as participating in mine-clearance activities; (e) electoral: to declare formally that all essential requirements for the holding of the second round of presidential elections had been fulfilled, and to support, verify and monitor the entire electoral process.¹²⁵ The Mission would be headed by his Special Representative and its political affairs component would include human rights specialists and a public information section with staff available to establish a UNAVEM radio station. In order to carry out the proposed mandate, the Mission would need, in addition to an estimated 6,771 military personnel, 350 military observers and 260 police officers. The Secretary-General noted, however, that it would be difficult to justify the deployment of the main body of United Nations infantry unless the Government and UNITA implemented, according to the agreed timetable, the following essential initial tasks set out in

¹²² Ibid., pp. 11-12.

¹²³ Ibid., pp. 12-13.

¹²⁴ S/1995/97 and Corr.1 and Add.1.

¹²⁵ S/1995/97, sect. IV.

the Lusaka Protocol: an effective ceasefire, effective cessation of hostilities and full disengagement of Government and UNITA forces; the setting up of verification mechanisms; the establishment of reliable communication links between the Government, UNITA and UNAVEM; the provision to, and verification by, UNAVEM of all relevant military data, including troop itineraries; the designation of all quartering areas and withdrawal of troops to the nearest barracks; and the early start of demining activities. He intended to request his Special Representative to determine whether those tasks had been satisfactorily implemented before proceeding with the actual deployment of the infantry battalions and to inform the Council accordingly.¹²⁶

The Secretary-General observed that the ceasefire had been generally holding. The Joint Commission, established in pursuance of the Lusaka Protocol, had held several sessions since the UNITA delegation had returned to Luanda in December 1994. In addition, a series of other high-level contacts between Government and UNITA officials since the signing of the Lusaka Protocol had contributed to improved relations between the two parties. This Special Representative was finalizing arrangements for a meeting between President dos Santos and Mr. Savimbi. The Secretary-General also noted that the delivery of humanitarian assistance had improved considerably. In view of those positive factors, he recommended the immediate establishment of a new United Nations operation in Angola — UNAVEM III — for an initial period of 12 months.

At its 3499th meeting, on 8 February 1995, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representatives of Algeria, Angola, Brazil, Guinea-Bissau, India, Kenya, Lesotho, Malawi, Mozambique, Namibia, the Netherlands, Norway, Portugal, Senegal, South Africa, Spain, Sweden, Tunisia, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote. An invitation was also extended, under rule 39 of the Council's provisional rules of procedure, to the Secretary-General of OAU. The President (Botswana) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course

of prior consultations.¹²⁷ He also drew their attention to several other documents.¹²⁸

The representative of Angola declared that the military situation on the ground was calm and the ceasefire was being observed without any major incidents. The Joint Commission was operating normally and the disengagement of Government and UNITA forces in the areas of direct contact had been accelerated. In addition, UNITA's leader had responded positively to an invitation from the Angolan President for a joint meeting within Angolan territory. Taking into account those positive developments, his Government considered that conditions had been created for the establishment and rapid deployment of UNAVEM III and reiterated his country's determination to make every effort to facilitate the Mission's tasks by ensuring its safety and providing the necessary facilities for the discharge of its work. Noting that the implementation of the Lusaka Protocol might cost \$1.26 billion,¹²⁹ he announced that the Government of Angola would make an immediate contribution in kind of approximately \$64.7 million to defray the expenses. He stressed the importance of the mobilization of financial and humanitarian aid, and appealed to the international community, and to governmental and non-governmental organizations, to lend their support to the Government. In conclusion, he expressed concern regarding paragraphs 6, 8 and 12 of the draft resolution, and added that his delegation would present specific proposals to improve the text at the appropriate time.¹³⁰

¹²⁷ S/1995/117.

¹²⁸ Letter dated 9 December 1994 from the representative of Angola addressed to the President of the Security Council, transmitting a copy of the Lusaka Protocol (S/1994/1441); letter dated 28 December 1994 from the representative of Angola addressed to the President of the Security Council, transmitting a document entitled "Cost of the Implementation of the Lusaka Protocol" (S/1994/1451); letters dated 17 and 30 January 1995 from the representative of Angola addressed to the President of the Security Council and the Secretary-General, respectively (S/1995/51 and S/1995/94).

¹²⁹ See S/1994/1451.

¹³⁰ S/PV.3499, pp. 2-5.

¹²⁶ *Ibid.*, para. 32.

The representative of Malawi, speaking on behalf of the OAU Council of Ministers,¹³¹ conveyed Africa's concern that unless urgent and appropriate measures were taken by the international community, particularly the United Nations, to sustain the momentum, the entire peace process would be seriously threatened. He contended that, notwithstanding the concerns of those who urged caution against any increased international involvement until peace had been firmly established, the Angolan people were tired of war and the situation was different. The OAU delegation therefore urged the Council to facilitate the speedy establishment and deployment of UNAVEM III. The speedy deployment of the mechanisms provided for in the Lusaka Protocol would serve as a confidence-builder and encourage the parties concerned to move forwards even further to implement the peace process.¹³²

The representative of Portugal stated that although he understood the rationale behind a phased deployment of UNAVEM III, his delegation believed that the flexibility to deploy additional forces must be retained. The Council must be cautious before establishing conditions for its next phase. He warned that, by giving the parties the opportunity to challenge whether or not such conditions had been fulfilled, the Council was not only allowing for delays in the deployment of additional personnel, but also threatening to derail the peace process itself.¹³³

The representative of Mozambique stressed the importance of upholding the principles of sovereignty, non-intervention and non-interference in the internal affairs of Angola, in line with the Peace Accords and the Lusaka Protocol, and in accordance with the Charter of the United Nations. In that context, his Government would not agree to the deployment of any peacekeeping operation with "strings attached", and therefore supported the views expressed by the Angolan delegation that some paragraphs of the draft resolution should be revised in order to meet the full agreement of the Government of Angola.¹³⁴

Prior to the vote, the representative of Nigeria expressed his delegation's support for the draft

¹³¹ The OAU delegation comprised the Foreign Ministers of Angola, Botswana, Lesotho, Namibia, South Africa, Tunisia and Zambia, as well as representatives of Guinea-Bissau and Senegal.

¹³² S/PV.3499, pp. 5-7.

¹³³ Ibid., pp. 11-12.

¹³⁴ S/PV.3499 (Resumption), pp. 6-8.

resolution, contending that none of its paragraphs contained any provisions that derogated from the sovereign rights of the Government of Angola and the territorial integrity of the country.¹³⁵

The representative of China noted that, by sending such a large high-level delegation to New York to participate in the Council's debate on Angola, OAU had demonstrated its readiness, and that of African countries, to contribute to the settlement of conflicts in Africa. The United Nations and the Security Council should attach great importance to resolving African problems and to strengthening cooperation with OAU so as to "help Angola set out along the road towards rebuilding peace at an early date".¹³⁶

The representative of France welcomed the role of OAU in resolving the Angolan conflict, and stressed that the involvement of regional organizations in solving crises was vital to the success of the United Nations. The draft resolution provided a full framework and a clear mandate for UNAVEM III over the next two years. He noted, however, that its adoption would not give *carte blanche* to the Angolan parties. The Council would review the United Nations role in Angola, should the Secretary-General report that the cooperation required from the parties fell short.¹³⁷

Many other speakers who participated in the debate called for a prompt deployment of UNAVEM III¹³⁸ while some cautioned that the conditions set out in the draft resolution might impede the progress of the operation.¹³⁹

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 976 (1995), which reads:

¹³⁵ Ibid., pp. 9-10.

¹³⁶ Ibid., pp. 10-11.

¹³⁷ Ibid., pp. 13-14.

¹³⁸ S/PV.3499, pp. 7-8 (India); pp. 9-11 (Zambia); pp. 12-13 (Lesotho); pp. 13-14 (Spain); pp. 14-15 (Netherlands); pp. 15-16 (Tunisia); pp. 16-18 (Brazil); pp. 20-21 (South Africa); and pp. 21-22 (Algeria); S/PV.3499 (Resumption), p. 2 (Zimbabwe); pp. 3-4 (Senegal); pp. 4-5 (United Republic of Tanzania); pp. 5-6 (Guinea-Bissau); pp. 8-9 (Sweden); pp. 12-13 (Honduras); pp. 14-15 (Italy); pp. 15-16 (Germany); pp. 16-17 (Rwanda); pp. 21-22 (Indonesia); pp. 22-23 (Oman); pp. 23-24 (Argentina); and pp. 24-25 (Czech Republic).

¹³⁹ S/PV.3499, pp. 12-13 (Lesotho).

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 1 February 1995,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Welcoming the signing of the Lusaka Protocol on 20 November 1994 as a major step towards the establishment of peace and stability in Angola,

Reiterating the importance it attaches to the full implementation of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Noting the schedule for implementation set forth in the Lusaka Protocol, in particular the need for the Government of Angola and the União Nacional para a Independência Total de Angola to provide all relevant military data to the United Nations, to allow freedom of movement and free circulation of goods, and to begin limited disengagement where forces are in contact,

Welcoming the maintenance of a ceasefire which has been generally holding,

Welcoming also the progress made in meetings of the Chiefs of Staff of the Angolan Armed Forces and the União Nacional para a Independência Total de Angola on 10 January 1995 in Chipipa and on 2 and 3 February 1995 in Waco Kungo,

Welcoming further the deployment of observer forces of the United Nations Angola Verification Mission II and the contributions of Member States to the Mission,

Welcoming the offer from the Government of Angola to provide substantial contributions in kind to United Nations peacekeeping operations in Angola as set out in the document entitled “Cost of the Implementation of the Lusaka Protocol”,

Deeply concerned that the implementation of the Lusaka Protocol has fallen behind schedule,

Stressing the need for the President of Angola, José Eduardo dos Santos, and the leader of the União Nacional para a Independência Total de Angola, Jonas Savimbi, to meet without delay with a view to building the necessary political momentum for the successful implementation of the Lusaka Protocol,

Welcoming the ministerial delegation of the Organization of African Unity to the Security Council to participate in its consideration of the situation in Angola,

1. *Authorizes* the establishment of a peacekeeping operation, the United Nations Angola Verification Mission III, to assist the parties in restoring peace and achieving national reconciliation in Angola on the basis of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions, as outlined in section IV of the report of the Secretary-General of 1 February 1995, with an initial mandate until 8 August 1995

and with a maximum deployment of 7,000 military personnel, in addition to the 350 military observers and 260 police observers mentioned in the report of the Secretary-General, and an appropriate number of international and local staff;

2. *Urges* the expeditious deployment of the military and police observers to monitor the ceasefire;

3. *Authorizes* the immediate deployment of such planning and support elements as are needed to prepare for the deployment of peacekeeping forces, provided that the Secretary-General remains satisfied that an effective ceasefire and effective joint ceasefire monitoring mechanisms are in place and that both parties are allowing the free and safe flow of humanitarian assistance throughout the country, and authorizes the subsequent deployment of such additional elements as are necessary to establish operational quartering areas for the forces of the União Nacional para a Independência Total de Angola;

4. *Decides* that the deployment of infantry units will take place on the basis of a report from the Secretary-General to the Security Council that the conditions contained in paragraph 32 of the report of the Secretary-General, inter alia, effective cessation of hostilities, provision of all relevant military data and designation of all quartering areas, have been met, provided the Council does not decide otherwise;

5. *Stresses* the importance it attaches to the expeditious establishment of a well-coordinated and comprehensive mine clearance programme in Angola as set out in the report of the Secretary-General, and requests him to inform the Council of progress in its implementation;

6. *Endorses* the Secretary-General’s view set out in his report as to the need for the Mission to have an effective information capability, including a United Nations radio station to be established in consultation with the Government of Angola;

7. *Requests* the Secretary-General to inform the Council monthly of progress in the deployment of the Mission and in implementation of the Lusaka Protocol, including the maintenance of an effective ceasefire, free access by the Mission to all areas of Angola, free flow of humanitarian assistance throughout Angola and compliance by both the Government of Angola and by the União Nacional para a Independência Total de Angola with their obligations under the Lusaka Protocol, and also requests the Secretary-General to submit to the Council a complete report by 15 July 1995;

8. *Welcomes* the Secretary-General’s intention to include human rights specialists in the political component of the Mission to observe the implementation of the provisions related to national reconciliation;

9. *Expresses its intention* to review the role of the United Nations in Angola should the Secretary-General report that the cooperation required from the parties is substantially delayed or not forthcoming;

10. *Declares its intention* to conclude the Mission when the objectives of the Lusaka Protocol have been achieved in accordance with the schedule attached to the Lusaka Protocol and with the expectation of its completion by February 1997;

11. *Welcomes* the substantial contributions of Member States, United Nations agencies and non-governmental organizations to meet the humanitarian needs of the Angolan people, and encourages additional substantial contributions;

12. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993, and calls upon the Government of Angola and the União Nacional para a Independência Total de Angola during the presence of the Mission in Angola to cease any acquisition of arms and war materiel, as agreed upon in the "Acordos de Paz", and to devote their resources instead to priority humanitarian and social needs;

13. *Calls upon* the Government of Angola to conclude no later than 20 March 1995 an agreement with the United Nations on the status of forces;

14. *Encourages* the Secretary-General to pursue urgently the offer of direct assistance by the Government of Angola to the Mission, to reflect this as appropriate in the status-of-forces agreement referred to in paragraph 13 above, and to explore with the Government of Angola and the União Nacional para a Independência Total de Angola possibilities for substantial additional assistance related to peacekeeping and to report to the Council on the results of these explorations;

15. *Urges* Member States to respond positively to the request made to them by the Secretary-General to contribute personnel, equipment and other resources to the Mission in order to facilitate its early deployment;

16. *Demands* that all concerned in Angola take the necessary measures to ensure the safety and freedom of movement of United Nations and other personnel deployed under the Mission;

17. *Welcomes* the presence of the Organization of African Unity ministerial delegation, and notes, in this connection, the need for continued cooperation between the United Nations and the Organization of African Unity in the promotion of peace and security in Angola and the contribution which regional organizations can make to crisis management and conflict resolution;

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

Speaking after the vote, the representative of the United States stated that her Government wished to emphasize that any deployment of infantry units in UNAVEM III could not proceed without the Secretary-General report that the Lusaka Protocol was being effectively implemented. The United Nations and UNAVEM could assist the process of national reconciliation, but it was up to the parties themselves

to demonstrate by their actions the political will to fulfil the Lusaka Protocol. She noted that when the objectives of UNAVEM III were achieved, which she felt could be done within two years, the mandate of the Mission would end.¹⁴⁰

The representative of the United Kingdom stated that the Council's decision to increase the United Nations operation in Angola underlined its commitment to support the people of that country in their long search for peace and national reconciliation. The resolution made it clear that it was not prepared to countenance further substantial delays or lack of cooperation from the parties. His Government saw the resolution as a reaffirmation by the international community of its commitment to United Nations mechanisms for resolving conflicts that were beyond the means or ability of individual nations to solve. As Council resolutions had, however, repeatedly stated, the people of Angola were ultimately responsible for the future of their country. Therefore, the Government of Angola and UNITA must demonstrate that the international community had made the right decision. An early meeting between President dos Santos and Mr. Savimbi would send the right signal in that regard.¹⁴¹

The President, speaking in his capacity as representative of Botswana, noted that the presence in the Council of the African Foreign Ministers and the OAU Secretary-General indicated the importance which Africa attached to the Angolan conflict. He contended that peacekeeping operations were, by nature, expensive and prone to breakdowns, as past experience had amply demonstrated. They could also be wasteful and divert scarce resources that could otherwise be used for economic and social development. The United Nations operation in Angola would not be an easy one; its failure or success would depend to a large extent on the patience, understanding and cooperation of all those involved. At the same time, the operation should not be impeded by too many conditions. He supported a continued United Nations presence in Angola beyond the expiration of the mandate of UNAVEM, to assist the people to adjust to a new life.¹⁴²

¹⁴⁰ S/PV.3499 (Resumption), pp. 18-19.

¹⁴¹ *Ibid.*, pp. 19-20.

¹⁴² *Ibid.*, pp. 25-26.

The representative of Angola, while assuring the members of the Council of his Government's commitment to all Security Council resolutions, expressed its regret that resolution 976 (1995) included a provision which violated the Lusaka Protocol. Referring to paragraph 12 of the resolution, he said that it contained elements that might harm the legitimate Government of Angola.¹⁴³

**Decision of 10 March 1995 (3508th meeting):
statement by the President**

On 5 March 1995, pursuant to resolution 976 (1995), the Secretary-General submitted to the Council the first progress report on UNAVEM III.¹⁴⁴ He reported that his Special Representative had continued his efforts to facilitate the implementation of the Lusaka Protocol and had met separately with the leader of UNITA and the President of Angola. Both parties had confirmed their readiness to participate in the proposed joint meeting. The Secretary-General expressed the hope that such a meeting would take place without delay, so as to signal to the international community that national reconciliation had effectively begun.

The Secretary-General further reported that in general the ceasefire continued to hold, and that tension had decreased in many areas. UNAVEM III deployment to the countryside had been slowed down by recent incidents of shooting at UNAVEM aircraft by UNITA, lack of security clearances to visit certain areas and restrictions on freedom of movement. He noted that under the timetable approved by the Council, the deployment of the infantry units of UNAVEM was scheduled to begin on 9 May 1995. That, however, could be achieved only if he was in a position to notify the Council, by 25 March at the latest, that the parties had substantially complied with the conditions set forth in resolution 976 (1995). He therefore urged both parties to take the concrete actions without which the deployment of infantry units could only be deferred.¹⁴⁵ In the meantime, the coming into effect of the ceasefire and the ensuing improvement of security conditions in the country had encouraged the movement of populations and economic activity, thereby decreasing the overall reliance on humanitarian aid. Displaced persons and other vulnerable

populations, however, still needed significant assistance, and landmines remained a serious impediment to the movement of people and goods, as well as to the resumption of agricultural activity. The capacity of the humanitarian agencies to contend with those problems depended on full and prompt funding by the donor community of the humanitarian programme set out in the 1995 Inter-agency Appeal for Angola.

At its 3508th meeting, on 10 March 1995, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (China) drew the attention of the members of the Council to a letter dated 9 March 1995 from the representative of Angola, addressed to the Secretary-General.¹⁴⁶

The President then stated that, after consultations among the members of the Council, he had been authorized to make the following statement of behalf of the Council:¹⁴⁷

The Security Council has considered the report of the Secretary-General of 5 March 1995 on the United Nations Angola Verification Mission III.

The Council welcomes the assessment by the Secretary-General that the ceasefire is generally holding. It also welcomes the continued deployment of United Nations military and police observers to sites outside Luanda. It notes, however, that this deployment has been complicated by a lack of full cooperation by the parties, in particular the União Nacional para a Independência Total de Angola. In the month since its adoption of resolution 976 (1995), a number of developments have taken place which give rise to serious concern. These include the lack of progress in disengagement around Uige and Negage, the escalation of tensions in the last few weeks, especially in the northern region, the lack of security clearances to visit certain areas and restrictions on movement of the Mission personnel, attacks on villages, mine-laying, unauthorized movement of troops and military air activity, and attacks on United Nations aircraft, in particular that by the União Nacional para a Independência Total de Angola in Quibaxe on 13 February 1995. The Council calls upon the parties, particularly the União Nacional para a Independência Total de Angola, to refrain from such activities, to end negative propaganda, to improve their cooperation with each other and the United Nations through the Joint Commission and to cooperate fully with humanitarian operations.

¹⁴³ Ibid., p. 27.

¹⁴⁴ S/1995/177.

¹⁴⁵ Ibid., para. 25.

¹⁴⁶ S/1995/192.

¹⁴⁷ S/PRST/1995/11.

The Council reiterates its call upon President dos Santos and Mr. Savimbi to meet without delay as a sign of their joint commitment to the peace process and urges the Government of Angola and the União Nacional para a Independência Total de Angola to finalize arrangements towards this end immediately, with a view to ensuring the necessary political momentum for the successful implementation of the Lusaka Protocol. It also encourages the observer States to the peace process, the Organization of African Unity and the neighbouring countries involved to continue their efforts aimed at the full implementation of the peace process.

The Council reaffirms the obligations of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) and reiterates its call upon the Government of Angola and the União Nacional para a Independência Total de Angola to cease the acquisition of arms and war materiel as agreed in the "Acordos de Paz".

The Council notes that the United Nations is currently pursuing with the Government of Angola the provision of critical services and access to key facilities such as ports and airports for the Mission. Early and positive responses from the Government of Angola to the United Nations requirements in this respect are essential to the deployment of the Mission. It calls on both parties to expedite the completion of the initial tasks in order to ensure the prompt deployment of Mission units. The Council reiterates the importance it attaches to the Government of Angola and the United Nations agreeing on a status-of-forces agreement by 20 March 1995 as called for in paragraph 13 of its resolution 976 (1995). It will continue to monitor closely developments in these areas.

The Council commends the United Nations agencies and non-governmental organizations for their continuing efforts to distribute humanitarian relief throughout Angola. It reiterates the importance it attaches to a well-coordinated and comprehensive mine clearance programme which will, inter alia, improve the logistics of humanitarian operations. It calls upon both parties to cooperate with the United Nations and with the non-governmental organizations to put this in place. It deplores the killing on 2 March of three Angolans and one German, all members of the "Cap Anamur" non-governmental organization involved in demining activities, as well as attacks in the last month on aircraft and road transport of the International Committee of the Red Cross and reminds the parties of its repeated demands that they refrain from all actions which could jeopardize the safety of humanitarian personnel in Angola.

The Council endorses the Secretary-General's conclusions that the Government of Angola and the União Nacional para a Independência Total de Angola must provide more concrete signs of cooperation and goodwill in the implementation of the peace process. It reminds the parties that the deployment of the Mission units will not take place unless the conditions contained in paragraph 32 of his report of 1 February 1995 have been met. It has taken careful note of the Secretary-General's statement in paragraph 25 of his report of 5 March 1995, that, unless he can report by 25 March 1995 that the parties have complied with

those conditions, it will not be possible to ensure that deployment begins on 9 May 1995. Time is short if the opportunity created by the Lusaka Protocol and resolution 976 (1995) is not to be lost. The Council joins the Secretary-General in calling upon the parties to take the necessary steps now to ensure that deployment of these units can begin as planned on 9 May 1995. It requests the Secretary-General to keep it closely informed of developments in this regard.

**Decision of 13 April 1995 (3518th meeting):
statement by the President**

On 7 April 1995, pursuant to resolution 976 (1995), the Secretary-General submitted to the Council his second progress report on UNAVEM III.¹⁴⁸ He reported that he had dispatched his Special Adviser to Angola, from 17 to 22 March 1995, to deliver letters from him to both parties and to discuss with them the measures to bring the military situation under control and to ensure respect for the ceasefire. He also requested that his Special Adviser assess whether the situation in Angola permitted the deployment of UNAVEM III. During the discussions, President dos Santos and senior government officials had supported the early deployment of the mission's infantry units. On the basis of his Special Adviser's report, he had informed the Council by a letter dated 25 March that, in spite of certain risks, he intended to proceed with the preparations for such deployment.¹⁴⁹

The Secretary-General further reported that the ceasefire had generally held and that the level of violations had remained relatively low. Moreover, the first phase of the disengagement of forces had been adequately completed. The humanitarian situation had improved, in spite of the tension that continued in parts of the country. The mine situation, however, remained critical.

The Secretary-General noted that following the visit to Angola by his Special Adviser, there had been encouraging developments in the peace process and the pace of implementation of the Lusaka Protocol had increased. Progress had also been made in the consolidation of the ceasefire, disengagement of forces, freedom of movement of UNAVEM, discussion of the modalities for the global incorporation of UNITA troops into the national army and other critical areas. Arrangements for the dispatch of UNAVEM III infantry units were also under way. In that regard, he

¹⁴⁸ S/1995/274.

¹⁴⁹ S/1995/230.

reminded the parties that unless they complied without delay with the requirements of the Lusaka Protocol and provided logistic support to the mission, he would not hesitate to recommend postponing or stopping its deployment. He also warned against undue expectations that the arrival of United Nations troops would solve the pressing problems that the Angolans must resolve themselves. The Secretary-General renewed his appeal to President dos Santos and Mr. Savimbi to meet without delay. Such a meeting should provide a strong impetus to national reconciliation.

At its 3518th meeting, on 13 April 1995, the Security Council included the second progress report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter dated 13 April 1995 from the representative of Angola, addressed to the President of the Security Council.¹⁵⁰

The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁵¹

The Security Council has considered the progress report of the Secretary-General of 7 April 1995 on the United Nations Angola Verification Mission III.

The Council welcomes the confirmation by the Secretary-General that the ceasefire is generally holding and that the level of ceasefire violations has remained relatively low. It also welcomes the continued deployment of military and police observers of the Mission to team sites and regional headquarters outside Luanda, and the progress reported by him in a number of important areas, including liaison with the União Nacional para a Independência Total de Angola, the completion of the first phase of disengagement and discussions of the modalities for the incorporation of the União Nacional para a Independência Total de Angola into the national army. It commends the parties for their efforts in this regard.

The Council notes that a number of developments give cause for concern. These include reports of continuing military actions and preparations, in particular the attack on the airstrip at Andulo by the Angolan air force, the failure to complete the second phase of disengagement by 10 April 1995, some restrictions on the Mission's access to government military facilities and recent attacks on the personnel of the Mission and non-governmental organizations. It welcomes the improved access by the Mission to areas controlled by the União Nacional

para a Independência Total de Angola but notes that some local commanders of the União Nacional para a Independência Total de Angola continue to impose restrictions on the movement of Mission personnel and calls upon the União Nacional para a Independência Total de Angola to ensure unrestricted access.

The Council calls upon the parties to cooperate fully with the United Nations, in particular through the Joint Commission, and to ensure the safety of the personnel of the Mission and non-governmental organizations. It notes with satisfaction that the members of the Joint Commission, including representatives of the Government of Angola, met Mr. Savimbi in Bailundo on 7 April and that at that meeting he publicly confirmed his commitment to the Lusaka Protocol. It reiterates its call for a meeting between President dos Santos and Mr. Savimbi as a matter of urgency because such a meeting may help to improve the climate of trust and give new impetus to the peace process in Angola.

The Council welcomes the Secretary-General's decision to proceed with preparations for the deployment of infantry units of the Mission. It notes that he has reminded the Angolan parties that they must implement without delay the requirements of the Lusaka Protocol, provide the Mission with the indispensable logistic support and undertake essential tasks such as mine clearance, the repair of major transport routes and the designation of quartering areas, to make it possible for United Nations infantry battalions to deploy to Angola in May 1995. The Council fully supports the Secretary-General in this regard and emphasizes the need for full implementation of the Lusaka Protocol. It welcomes his intention to deploy the infantry battalions in stages. It stresses the importance it attaches to the Government of Angola providing the logistic support envisaged for the Mission. In this context, it welcomes the agreement of the Government of Angola to allow the United Nations full operational access to the Catumbela airfield and calls upon the Government of Angola to ensure that this arrangement is extended for as long as required by the Mission. It also welcomes the intention of the Government of Angola to conclude, by 15 April 1995, a status-of-forces agreement with the United Nations.

The Council reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) and states that the continuing flow of arms into Angola contrary to the provisions of the "Acordos de Paz" and resolution 976 (1995) contributes to the country's instability and undermines efforts at confidence-building.

The Council is encouraged that the Secretary-General has been able to report overall progress in the humanitarian situation in the month since his last report to the Council. It calls upon the parties to continue to facilitate access to all areas of the country for the delivery of humanitarian assistance. It calls once again upon the parties to respect the safety and security of all humanitarian personnel in Angola. It endorses the call upon the parties by the three observer States to the Angolan peace process to cooperate fully in releasing all war-related detainees through the International Committee of the Red Cross, as well as all

¹⁵⁰ S/1995/296.

¹⁵¹ S/PRST/1995/18.

captured foreign citizens or to provide information about their fate.

While the Council notes the progress made in the implementation of the comprehensive mine action programme, it also takes note of the statement in the report of the Secretary-General that the mine situation in Angola remains critical. The Council therefore urges both parties to support and facilitate mine clearance and to comply fully with the relevant provisions of the Lusaka Protocol. In this context, it welcomes the statement by the Special Representative of the Secretary-General following the 13th meeting of the Joint Commission that the Government of Angola and the União Nacional para a Independência Total de Angola have pledged to put 800 and 400 personnel respectively, at the disposal of the Mission for mine-clearance activities.

The Council will continue to monitor the situation in Angola closely. It looks forward to the next monthly report of the Secretary-General and requests him, in the meantime, to ensure that it is kept informed of developments in Angola and on prospects for the prompt deployment of the infantry battalions of the Mission.

**Decision of 11 May 1995 (3534th meeting):
statement by the President**

On 3 May 1995, pursuant to resolution 976 (1995), the Secretary-General submitted to the Council his third progress report on UNAVEM III.¹⁵² He reported that preparations for the meeting between President dos Santos and Mr. Savimbi were at an advanced stage and that agreement had been reached on the agenda and on practical details. His Special Representative had travelled to Lusaka, Zambia on 21 April 1995, to discuss the final arrangements. He also said that the status-of-forces agreement for UNAVEM III had been signed on 3 May 1995.

The Secretary-General further reported that the ceasefire continued to hold generally. There had been a further reduction in the number of ceasefire violations, but the situation in several areas had remained tense, as both sides had continued to occupy forward positions, sporadically attacked the local population and conducted troop movements. Despite some problems, the second phase of disengagement had been almost completed. The deployment of UNAVEM III military observers had been completed and the civilian police component had become fully operational.

The Secretary-General noted that the implementation of the Lusaka Protocol had entered a

new phase. There had been a marked improvement in the overall political climate in the country and in the attitude of the parties. He hoped that the meeting between President dos Santos and Mr. Savimbi would result in concrete agreements. He reiterated, however, that he would not hesitate to recommend that the deployment of the troops be postponed or stopped if the parties failed to fulfil their commitments under the Lusaka Protocol and the relevant Council resolutions. He also reiterated his concern about the slow progress in demining, opening up of major roads and repair of airfields and other vital infrastructure. The Secretary-General called upon both parties to make available the necessary facilities and services, in addition to the personnel they had promised to provide to begin mine clearance. The improvement in security conditions had made new areas accessible to humanitarian agencies, thereby increasing their potential to assist the civilian population. He therefore stressed the need for Member States to continue to support the ongoing humanitarian activities in Angola and to disburse expeditiously the contributions pledged during the donors' meeting in February 1995. He also called on the parties to cooperate with the United Nations and its agencies, as well as to non-governmental organizations, to promote the expansion of humanitarian activities throughout the country.

At its 3534th meeting, on 11 May 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁵³

The Security Council has considered the third progress report of the Secretary-General of 3 May 1995 on the United Nations Angola Verification Mission III and the oral briefing by the Secretariat.

The Council welcomes the positive developments in Angola. It welcomes in particular the meeting in Lusaka on 6 May 1995 between President dos Santos and Mr. Savimbi, which took place in a positive atmosphere and gave new impetus to the consolidation of the peace process and the furthering of national reconciliation in Angola. The Council commends the efforts of the Special Representative of the Secretary-General, of the observer States to the Angolan peace process, of States of the region and, in particular, of the President of Zambia, which assisted in bringing about this meeting. It expresses the hope that the meeting will mark the beginning of a regular and

¹⁵² S/1995/350.

¹⁵³ S/PRST/1995/27.

constructive dialogue between the President of Angola and the leader of the União Nacional para a Independência Total de Angola.

The Council notes with satisfaction the progress in the implementation of the Lusaka Protocol concerning, inter alia, the reduction of ceasefire violations, the disengagement of forces, the cooperation among the parties and the Mission, the signing of the status-of-forces agreement and the providing of logistic facilities for the Mission. The Council welcomes the ongoing deployment of support units of the Mission and stresses the importance of a timely deployment of the infantry battalions of the Mission.

The Council is however concerned by the slow progress in other areas. It stresses the necessity for the increased cooperation of the Government and the União Nacional para a Independência Total de Angola with the United Nations in carrying out all major provisions of the Lusaka Protocol and relevant Council resolutions. While welcoming the release of the first group of prisoners, the Council urges the parties to expedite this process. Urgent attention should be given to the quartering of soldiers of the União Nacional para a Independência Total de Angola by the parties as well as the United Nations and the withdrawal of government troops to their barracks in order to permit the incorporation of the troops of the União Nacional para a Independência Total de Angola within the national army and police in accordance with the Lusaka Protocol. The Council stresses also the importance of the completion of the disengagement process and the improvement of communication links with the União Nacional para a Independência Total de Angola in all regions. It recalls the conditions set forth in Council resolution 976 (1995) for the deployment of infantry units and calls upon the parties in Angola to take all necessary steps to ensure that these conditions are met promptly for the timely deployment of sustainable infantry units throughout Angola capable of fully discharging their mandated tasks.

The Council particularly underlines the urgency of a mine-clearance programme and calls upon the parties to provide, as promised, the funds and equipment necessary in order for the programme to become operational, and to begin mine-sweeping operations on major roads under their control. The demining, the opening of major roads and repair of air fields and other infrastructure are of crucial importance for the expeditious deployment of infantry units of the Mission, the distribution of humanitarian aid and the return of displaced persons to their places of origin. The Council invites the donors as well as the United Nations and its agencies and non-governmental organizations to support actively demining actions.

The Council notes with satisfaction the amelioration of the humanitarian situation in Angola and calls upon the parties to cooperate without restriction with the United Nations and other humanitarian international organizations to facilitate the distribution of aid in all the regions and to intensify their efforts to guarantee the security of humanitarian transports and of personnel of the Mission. It requests Member States to continue to support the ongoing humanitarian activities in Angola and to

disburse as soon as possible the contributions pledged during the donors' meeting in February 1995.

The Council will continue to monitor the situation in Angola closely and looks forward to the next monthly report of the Secretary-General.

Decision of 15 June 1995: letter from the President to the Secretary-General

On 4 June 1995, pursuant to resolution 976 (1995), the Secretary-General submitted to the Council his fourth progress report on UNAVEM III.¹⁵⁴ He reported that President dos Santos and Mr. Savimbi had met in Lusaka on 6 May 1995. In their discussions, both leaders had pledged their cooperation to consolidate peace in Angola and to implement the provisions of the Lusaka Protocol. They had also agreed to meet again in Luanda, at an unspecified date.

The Secretary-General further reported that the ceasefire had continued generally to hold and the number of violations had further decreased. According to the revised timetable, the first infantry battalion was expected to arrive in Angola during the first week of June, deployment of the second was planned for the first half of July, and the third in the second half of July. The further deployment of United Nations infantry would depend on the progress made by the parties in opening up major access roads and in mine clearance.

The Secretary-General noted that the implementation of the Lusaka Protocol had entered a new and promising phase, following the long-awaited meeting between the leaders of both parties. He had strongly encouraged both leaders to pursue actively the issues discussed and to convene a second meeting in Luanda, as soon as possible. He further noted that while much progress had recently been achieved in the implementation of the Lusaka Protocol, the peace process was behind schedule. Recent actions by the parties to initiate mine clearance and road rehabilitation must be reinforced to accelerate free circulation of people and goods throughout the country and to facilitate the deployment inland of United Nations troops. He urged the international community to support those vital efforts, in particular by providing the equipment needed. He also urged the parties to work out modalities for the formation of the new integrated armed forces and to begin preparations for

¹⁵⁴ S/1995/458.

the demobilization of UNITA troops and the withdrawal of government forces to barracks. The Secretary-General noted that as the peace process gathered momentum, the role of humanitarian assistance in sustaining and consolidating the peace acquired additional importance. He appealed to the international community to replenish the humanitarian stocks for Angola as a matter of urgency.

By a letter dated 15 June 1995,¹⁵⁵ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have discussed your fourth progress report on the United Nations Angola Verification Mission (UNAVEM III). They welcome the positive developments in Angola that you reported, including continued maintenance of the ceasefire, the start of the deployment of United Nations infantry battalions, the decision on the future strength of the Angolan Armed Forces and improved access to all parts of the country for humanitarian assistance. They strongly support the ongoing dialogue between the two Angolan parties and encourage a further meeting between President dos Santos and Mr. Savimbi.

The members of the Council note with concern that, despite considerable progress in the implementation of the Lusaka Protocol, the peace process is still behind schedule. The members of the Council remain concerned at the problem of mines in the country. Lack of progress in mine clearance has an impact not only on the deployment of the United Nations Angola Verification Mission III but also on the ability of the population to return to their homes and resume agricultural activity. The members of the Council therefore endorse your call upon the parties to reinforce their recent actions in the fields of mine clearance and road and bridge repair. They agree that the international community should support these vital efforts. They also support your appeal to the parties to work out modalities for the formation of the new integrated armed forces and to begin preparations for the quartering of the troops of the União Nacional para a Independência Total de Angola and the withdrawal of the rapid reaction police to barracks.

The members of the Council learned with distress that, in two tragic incidents, a United Nations police observer lost his life and a United Nations military observer was wounded. In this connection, they recall the responsibility of the parties for the safety and security of all United Nations personnel in Angola.

The members of the Council will continue to monitor the situation in Angola and look forward to your next report.

¹⁵⁵ S/1995/487.

**Decision of 7 August 1995 (3562nd meeting):
resolution 1008 (1995)**

On 17 July 1995, pursuant to resolution 976 (1995), the Secretary-General submitted to the Council a report on UNAVEM III.¹⁵⁶ He reported that, since the 6 May meeting between President dos Santos and Mr. Savimbi, high-level contacts between the Government and UNITA had intensified. In late June, a high-level UNITA delegation had visited Luanda to review with the Government the practical modalities for accelerating the implementation of the Lusaka Protocol. The review culminated in a comprehensive working document signed by the two parties. He also informed the Council that he had visited Angola from 14 to 16 July 1995 to assess the situation on the ground. During his visit, he had discussed with the parties ways and means of expediting the implementation of the peace process and had also reviewed the reconstruction needs of the country.

The Secretary-General further reported that progress continued to be slow in troop disengagement, demining and the establishment of quartering areas. There were also allegations about renewed laying of mines in some parts of the country. Moreover, the Angolan parties had been registering complaints about human rights violations. In response, UNAVEM had established a small sub-unit to deal with human rights issues and observe implementation of the relevant provision of the Lusaka Protocol. The Secretary-General intended to increase the strength of that unit, in order to station human rights monitors in almost all provinces. The humanitarian situation in Angola had continued to improve, as a direct result of the peace process and the expanded United Nations presence in the country.

The Secretary-General noted that the progressive deployment of United Nations military and police observers and troops had helped to consolidate the ceasefire. Despite occasional military tensions and incidents, both parties had been adhering to the spirit of the Lusaka Protocol. He welcomed, in that regard, the agreement reached between the parties on the adjusted and accelerated timetable for the implementation of the Protocol. At the same time, a comprehensive, fair and workable programme for the formation of the new armed forces should be adopted without delay. It was also essential to accelerate the

¹⁵⁶ S/1995/588.

exchange of prisoners and the repatriation of mercenaries, to reinforce the freedom of movement throughout the country and to speed up demining activities. In the meantime he recommended that the mandate of UNAVEM III be extended for a period of six months, until 8 February 1996.

At its 3562nd meeting, on 7 August 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Angola and Brazil, at their request, to participate in the discussion without the right to vote. The President (Indonesia) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.¹⁵⁷

Speaking before the vote, the representative of Botswana stated that, although the Secretary-General's report dealt with the economic and social aspects of the peace process in Angola, his delegation did not expect that to be part of a peacekeeping mandate, it hoped that the international community would continue to contribute substantially to the economic and social reconstruction of Angola.¹⁵⁸

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1008 (1995), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 17 July 1995,

Welcoming the briefing by the Secretary-General on 25 July 1995 on his recent visit to Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Noting the agreement reached between the Government of Angola and the União Nacional para a Independência Total de Angola on the adjusted and accelerated timetable for the implementation of the Lusaka Protocol,

Commending the continued efforts of the Secretary-General, his Special Representative, the three observer States to the Angolan peace process and the personnel of the United Nations Angola Verification Mission III to facilitate the implementation of the Lusaka Protocol and to consolidate the ceasefire and the peace process which has entered a new and promising phase,

Noting that the situation in most of the country is fairly calm, but concerned at the number of ceasefire violations,

Welcoming the meeting at Lusaka on 6 May 1995 between the President of Angola, José Eduardo dos Santos, and the leader of the União Nacional para a Independência Total de Angola, Jonas Savimbi, which led to the diminishing atmosphere of mistrust and the intensification of high-level contacts between the Government of Angola and the União Nacional para a Independência Total de Angola,

Recognizing that the progressive deployment of United Nations military and police observers and troops has significantly contributed to the consolidation of the ceasefire,

Welcoming the commitment of the international community to assist and support the economic, social and reconstruction efforts of Angola, and recognizing the importance of such assistance in sustaining a secure and stable environment,

Expressing concern at reports of human rights violations, and recognizing the contribution that human rights monitors can make in building confidence in the peace process,

1. *Welcomes* the report of the Secretary-General of 17 July 1995;
2. *Decides* to extend the mandate of the United Nations Angola Verification Mission III until 8 February 1996;
3. *Commends* the Government of Angola and the União Nacional para a Independência Total de Angola for their commitment to the peace process, and notes the progress made thus far in the implementation of the Lusaka Protocol;
4. *Expresses concern* at the slow pace in the implementation of the Lusaka Protocol, in particular troop disengagement, demining and the establishment of quartering areas, and expects the Government of Angola and the União Nacional para a Independência Total de Angola, in cooperation with the Mission, to finalize arrangements for the establishment of quartering areas, complete troop disengagement and expedite the conduct of demining;
5. *Urges* the Government of Angola and the União Nacional para a Independência Total de Angola to adhere strictly to the revised timetable for the implementation of the Lusaka Protocol and make concerted efforts to accelerate that process;
6. *Stresses* the importance of the completion of the electoral process, as provided for in the Lusaka Protocol;
7. *Calls upon* the Government of Angola and the União Nacional para a Independência Total de Angola to adopt without further delay a comprehensive and workable programme

¹⁵⁷ S/1995/646.

¹⁵⁸ S/PV.3562, pp. 5-6.

for the formation of the new armed forces, and to accelerate the exchange of prisoners and the repatriation of mercenaries with a view to reinforcing the freedom of movement of people throughout the country;

8. *Takes note* of the progress noted by the Secretary-General in the establishment of triangular communications between the Angolan parties and the Mission, and requests the Government of Angola and the União Nacional para a Independência Total de Angola to assign urgently liaison officers to the regional headquarters of the Mission;

9. *Urges* the two parties to put an immediate and definitive end to the renewed laying of mines and to reported unauthorized movement of troops;

10. *Requests* the Secretary-General to continue the deployment of infantry units of the Mission and accelerate it as conditions for sustaining and employing troops improve, with the objective of reaching full strength as soon as possible;

11. *Urges* the Government of Angola and the União Nacional para a Independência Total de Angola to provide the Mission with the necessary information and ensure its freedom of movement, including full unimpeded access to all military facilities, to enable it effectively to discharge its mandate;

12. *Requests* the Secretary-General to report on his analysis on the completion of the objectives of the Lusaka Protocol and of the mandate of the Mission, in the light of the alterations in the timetable for its deployment;

13. *Stresses* the need for the dissemination of objective information through Radio UNAVEM and for the Government of Angola to provide all facilities for the prompt functioning of the Radio;

14. *Stresses* the importance it attaches to the disarmament of the civilian population, and urges that it begin without further delay;

15. *Notes with concern* increasing levels of violence perpetrated by unaffiliated groups, and calls upon all parties to seek to control and disarm these threats to the peace process;

16. *Authorizes* the Secretary-General to increase as appropriate the strength of the human rights unit of the Mission;

17. *Commends* Member States, United Nations agencies and non-governmental organizations for their substantial contributions to meet the humanitarian needs of the Angolan people;

18. *Demands* that the Government of Angola and the União Nacional para a Independência Total de Angola take necessary measures to ensure the safe passage of humanitarian supplies throughout the country;

19. *Requests* the Government of Angola to continue providing substantial contributions to the United Nations peacekeeping operations, and calls upon the União Nacional para a Independência Total de Angola to make every effort to

contribute proportionally in order to assist with the United Nations peacekeeping operation in Angola;

20. *Endorses* the Secretary-General's appeal, and encourages donors to respond with generous and timely financial contributions to the humanitarian effort and provision of mine clearance, bridging and road repair equipment and materials and other supplies necessary for setting up the quartering areas;

21. *Endorses also* the Secretary-General's intention to submit a comprehensive report to the Council every two months;

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

Speaking after the vote, the representative of the United States stated that his country had been a firm supporter of the Lusaka accord. Over the past two years, his Government had provided more than \$200 million in humanitarian and emergency assistance in the form of food aid and medical supplies. The United States also wished to help Angola develop its long-term economic potential and reduce its reliance upon emergency assistance. He expressed concern, however, that road conditions, destroyed bridges and mined areas were hampering the deployment of United Nations peacekeepers and were slowing down the peace process. In order to help surmount those obstacles, his country had offered bridging material to UNAVEM III, in addition to the assistance in mine clearance already pledged. In the longer term, United States assistance would also help to clear crop lands to reduce the need for food aid, and would give Angolans the ability to conduct demining operations themselves.¹⁵⁹

The representative of the United Kingdom noted that his Government had played a major part in humanitarian relief in Angola. He stressed that UNITA and the Angolan Government must cooperate fully with international relief efforts. He welcomed the proposal to expand the human rights component of UNAVEM III. The presence of additional human rights observers would help to ensure that basic rights were respected and to underline the common goals of achieving a stable and democratic Angola.¹⁶⁰

The representative of Angola stated that the prospects for peace and for political and economic stability increasingly appeared to be within reach. The steps taken by the international community, following the signing of the Lusaka Protocol, had given a major

¹⁵⁹ *Ibid.*, pp. 10-11.

¹⁶⁰ *Ibid.*, pp. 11-12.

boost to the peace process and helped curtail the initial pessimism. The presence and activities of United Nations "Blue Helmets" had contributed to the climate of détente and the observance in practice of the provisions of the Lusaka Protocol. However, the full discharge of the Mission's mandate would be effective only if it continued to be provided with adequate means and if its activities were extended throughout the country. Despite the important progress that had already been made, some dangerous factors still persisted. The implementation of the Protocol was five months behind schedule, because UNITA's troops had so far not been confined to quarters, and the consequent delay in the final formation of the country's single national army. Other issues that were hindering the implementation of the Lusaka Protocol included isolated military actions, the renewed mining by UNITA of areas which had earlier been cleared, the kidnapping of civilians, and the slow pace of the release of prisoners of war. All those issues had to be resolved urgently to avoid the risk of military confrontation and the relapse into war. In order to help shape the new reality created by the peace prospects and to cement national reconciliation, the Angolan Parliament had recently given its permission for the revision of the Angolan Constitution, in order to accommodate the leader of UNITA in one of the two offices of Vice-President that would be part of the Angolan political system. Moreover, to bring to a conclusion the process of the presidential elections, it had also decided that the party that had received the largest number of votes, the Movimento Popular para a Libertação de Angola (MPLA), would designate a Vice-President, while the other Vice-President would be designated by UNITA, which had received the second highest number of votes. In conclusion, the speaker said that the settlement of the Angolan conflict would make an important contribution to stability and security in southern Africa, and to the exploitation of the region's vast economic potential. Moreover, it would also allow the resources currently devoted to humanitarian assistance to be reallocated for development.¹⁶¹

**Decision of 12 October 1995 (3586th meeting):
statement by the President**

On 4 October 1995, pursuant to resolution 1008 (1995), the Secretary-General submitted to the Council

¹⁶¹ Ibid., pp. 15-18.

a report on UNAVEM III.¹⁶² He reported that President dos Santos and Mr. Savimbi had met in Franceville, Gabon, on 10 August, and in Brussels on 25 September 1995 respectively. During the first meeting, the two leaders had agreed on modalities to continue bilateral discussions on the completion of the formation of the Angolan Armed Forces, including the global incorporation of UNITA troops. In Brussels, they had agreed on consolidating the peace process and the progress achieved thus far.

The Secretary-General further stated that reports of ceasefire violations had shown a steady decline. The situation remained relatively calm, except in the northern region with reports of reinforcement and sporadic shelling by both parties. With regard to the establishment of the quartering areas for UNITA troops, significant progress had been made, although much remained to be done. Demining activities by the Angolan Armed Forces and UNITA had continued. However, UNAVEM continued to investigate allegations of renewed laying of mines. There had been also continuing complaints of human rights violations, particularly by elements of the armed forces and police of both sides. The Joint Commission had decided to inscribe human rights on the agenda of its sessions and to request UNAVEM to report periodically on the human rights situation.

The Secretary-General expressed concern at the slow progress in the quartering process, which was essential for the early implementation of the provisions of the Lusaka Protocol. He called on both parties to finalize promptly the arrangements for the return of the Angolan Armed Forces barracks, the quartering of the rapid reaction police and the disarmament of civilians, and to conclude without delay their discussions on the formation of the new armed forces. Although the meetings, and the continuing dialogue between the Government and UNITA in the framework of the Joint Commission, were gradually generating mutual trust and confidence, the parties should continue to demonstrate their political will by backing up their declarations with concrete actions on the ground. They should refrain, in particular, from troop movements or military activities that might create tension or lead to renewed hostilities. Their follow-up on their declaration on free circulation of persons and goods, as well as the repatriation of mercenaries, would also be

¹⁶² S/1995/842.

specifically important in that context. He also called for increased financial, technical and material assistance from the donor community to help rebuild the Angolan economic infrastructure.

At its 3586th meeting, on 12 October 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁶³

The Security Council welcomes the report of the Secretary-General of 4 October 1995 on the United Nations Angola Verification Mission III pursuant to paragraph 21 of Council resolution 1008 (1995) of 7 August 1995.

The Council has noted the positive developments in Angola since the report of the Secretary-General of 17 July 1995. The Council is encouraged by the meetings in Franceville, Gabon, and Brussels between President dos Santos and Mr. Savimbi which provided the opportunity to discuss the critical issues and reach agreement on consolidation of the peace process. These meetings, particularly the round table in Brussels, provided important reassurance to the international community. The Council welcomes the continued commitment of both parties to the process of dialogue. The Council commends the efforts of the Secretary-General and his Special Representative, of the observer States to the Angolan peace process and of States in the region to help in carrying forward the process.

The Council notes with satisfaction the progress in the implementation of the Lusaka Protocol, including the reduction of ceasefire violations, the disengagement of forces, the enhanced cooperation between the parties and the Mission, the signing of the status-of-forces agreement, the provision of logistic facilities for the Mission and the conclusion of the joint declaration on the free circulation of persons and goods. The Council also welcomes the ongoing deployment of Mission support units and stresses the importance of a timely deployment of the infantry battalions of the Mission. The Council stresses the importance of an independent Mission radio and urges the Government of Angola to provide, without delay, the facilities to allow it to operate.

The Council nonetheless remains concerned at delays in the peace process, in particular in respect of quartering of the União Nacional para a Independência Total de Angola and the rapid reaction police, demining, disarmament, the return of the Angolan Armed Forces to barracks and the formation of the new

armed forces as well as the repatriation of mercenaries. The Council underscores the peril that may result from further delays. The Council is also deeply concerned at allegations of renewed laying of mines and demands that all parties refrain from such actions.

The Council emphasizes that continuing cooperation between the parties is essential if a sustained cessation of hostilities is to take hold. In this regard, the Council calls upon the parties to refrain from troop movements or military activities that might create tension or lead to renewed hostilities.

The Council is concerned about the continuing complaints of human rights violations and endorses the decision of the Joint Commission to inscribe human rights in the agenda of all its regular sessions.

The Council wishes to emphasize that post-peacekeeping elements can make an important contribution to a viable long-term peace. The Council notes the linkage between political and economic well-being and the need to ensure that displaced people and refugees are able to return to their places of origin. The Council reaffirms the Secretary-General's call for a comprehensive coordinated and integrated effort on the part of all relevant international organizations to help to rebuild the Angolan economic infrastructure. The Council requests Member States to continue to support the ongoing humanitarian activities in Angola. It welcomes the commitments made at the Round Table Conference, held at Brussels in September 1995, and urges those that have made pledges to fulfil their commitments as soon as possible.

The Council will continue to monitor closely the situation in Angola and looks forward to future reports of the Secretary-General.

**Decision of 28 November 1995 (3598th
meeting): statement by the President**

At its 3598th meeting, on 28 November 1995, the Security Council resumed consideration of the item on the agenda. After the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Oman) drew the attention of the members of the Council to a letter dated 28 November 1995 from the representative of Angola, addressed to the President of the Security Council, transmitting the text of the Joint Communiqué issued by the Government and UNITA on 13 November 1995 reaffirming their commitment to the peace process.¹⁶⁴ The President then stated that, following consultations among the members of the Council, he had been

¹⁶³ S/PRST/1995/51.

¹⁶⁴ S/1995/991.

authorized to make the following statement on behalf of the Council:¹⁶⁵

The Security Council welcomes the joint communiqué issued by the Government of Angola and the União Nacional para a Independência Total de Angola on 13 November 1995 in which they reaffirmed their commitment to the peace process. The Council is pleased to note that some of the steps necessary to carry out the provisions of the Lusaka Protocol have been taken recently, including the resumption of the military talks in Luanda and the movement of the first combatants of the União Nacional para a Independência Total de Angola to quartering areas on 20 November 1995, the first anniversary of the signing of the Lusaka Protocol. The Council underlines the need for the quartering process to be completed as soon as possible.

The Council, however, notes that despite these positive steps there continue to be ceasefire violations, importation of weapons, restrictions on freedom of movement and the presence of mercenaries. The Council stresses that much remains to be done urgently to implement fully the Lusaka Protocol, including strict observance of the ceasefire, the continuation of the quartering process, the quartering of the rapid reaction police, the return of the Angolan Armed Forces to defensive positions and the resolution of questions regarding the modalities of military integration. The Council calls upon the Government of Angola and the União Nacional para a Independência Total de Angola to continue to cooperate with the United Nations Angola Verification Mission III and to respect fully the status and security of international personnel.

The Council will follow developments in Angola closely and looks forward to receiving the comprehensive report of the Secretary-General on the situation in Angola by 8 December 1995.

**Decision of 21 December 1995 (3614th meeting):
statement by the President**

On 7 December 1995, pursuant to resolution 1008 (1995), the Secretary-General submitted to the Council a report on UNAVEM III.¹⁶⁶ He reported that military talks between the Government and UNITA on the global incorporation of UNITA troops into the Angolan Armed Forces and the completion of the formation of the joint army had been suspended as a result of a shooting incident on 14 October at the residence of the UNITA Chief of staff. On 13 November, however, both parties had issued a joint communiqué in which they had reaffirmed their commitment to the Lusaka Protocol and their willingness to cooperate in furthering the peace process. On 17 November, negotiations on the completion of the formation of the

Angolan Armed Forces had resumed. Those positive developments had been followed by the first movements of UNITA troops into the quartering areas on 20 November.

The Secretary-General noted with satisfaction that quartering had at last begun, but deplored that several important tasks such as the release of prisoners and the resolution of the issue of mercenaries, had hardly yet commenced. It was also unacceptable that violations of the ceasefire and military preparations, including mine-laying, still persisted a full year after the signing of the Lusaka Protocol, and that human rights abuses and restrictions on the free circulation of the population also continued. The unsatisfactory state of affairs was aggravated by recent propaganda attacks and threats against the United Nations. He further noted that, although much had been achieved since the signing of the Lusaka Protocol, many of the factors that had prevented implementation of the earlier peace accords were still much in evidence, such as distrust, continuing military activities, “foot-dragging” over quartering and related activities, obstruction of free movement and the restoration of government administration, as well as lack of respect for United Nations and other international personnel. He therefore urgently appealed to the Government and UNITA to demonstrate through concrete action that they were indeed committed to peace and were ready to correct those negative factors.

At its 3614th meeting, on 21 December 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Angola, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) drew the attention of the members of the Council to a letter dated 21 December 1995 from the representative of Angola, addressed to the President of the Security Council.¹⁶⁷ He then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁶⁸

The Security Council has considered the report of the Secretary-General of 7 December 1995 on the United Nations Angola Verification Mission III, submitted pursuant to paragraph 21 of Council resolution 1008 (1995) of 7 August 1995.

¹⁶⁵ S/PRST/1995/58.

¹⁶⁶ S/1995/1012.

¹⁶⁷ S/1995/1052.

¹⁶⁸ S/PRST/1995/62.

The Council reiterates its concern at the slow progress in implementation of the provisions of the Lusaka Protocol. The Council stresses the importance of full implementation of the political and all other aspects of the peace process. It underlines that several important tasks that were to have been resolved in the early stages of the peace process remain incomplete, including the exchange of detailed military information, the release of all prisoners, the redeployment of those government troops near quartering areas of the União Nacional para a Independência Total de Angola, and the final resolution of the issue of mercenaries. In this respect, the Council welcomes the recent announcement by the Government of Angola that it will terminate the contract and repatriate the personnel of the firm involved and will release all remaining prisoners.

The Council notes that the deployment of Mission troops is nearly complete and that four quartering areas are prepared to receive troops. The Council expresses its disappointment at the slow pace at which the quartering process has proceeded. It calls upon the União Nacional para a Independência Total de Angola and the Government of Angola to fulfil their commitments regarding the expeditious quartering and demobilization of former combatants, the quartering of the rapid reaction police and the return of the Angolan Armed Forces to the nearest barracks.

The Council expresses deep concern at the delays in establishing modalities for the integration of the armed forces, which is vital for the process of national reconciliation. The Council notes with dismay the series of disruptions in the military talks between the parties. It urges the parties to continue the military talks without interruption and to conclude an equitable and practicable agreement without further delay. The Council underlines that such an agreement should give particular attention to the expeditious completion of the demobilization and integration of former combatants. It recognizes that the prompt and complete exchange of military information is vital to the success of these talks and urges the parties to provide the information required by the Lusaka Protocol without further delay.

The Council is gravely concerned by continued violations of the ceasefire and military offensives, in particular events in the north-west. The Council calls upon both parties to refrain from military activities or troop movements which lead to increased tensions and resumed hostilities and to implement without delay the disengagement plan being prepared by the Mission.

The Council deplores the recent threat to the safety of Mission personnel. The Council reminds the parties, in particular the União Nacional para a Independência Total de Angola, that they must take the steps necessary to ensure the safety and security of all Mission and other international personnel.

The Council expresses regret that the Mission radio is not yet operational. The Council calls upon the Government of Angola to facilitate its immediate establishment. It also calls upon both parties to cease the dissemination of hostile propaganda.

The Council is concerned at delays in implementing mine-clearance programmes planned by the United Nations and by Member States, and calls upon the Government of Angola to facilitate issuance of necessary authorizations to relevant personnel. The Council calls upon the Government of Angola and the União Nacional para a Independência Total de Angola to intensify their individual and joint demining efforts. It underlines the fact that the opening of roads within Angola, including the clearance of mines and the restoration of bridges, is vital not only to the peace process and the complete deployment of the Mission, but also to the effective delivery of humanitarian assistance and future peacebuilding efforts. The Council is gravely concerned at the reports of remining in violation of the Lusaka Protocol.

The Council emphasizes that Angolans themselves bear ultimate responsibility for restoring peace and stability in their country. The Council stresses that concrete actions are urgently needed from the parties to put the peace process on an irreversible course. It notes that continued support for the Mission will depend on the extent to which the parties demonstrate their political will to achieve a lasting peace.

The Council notes the important role played by the Special Representative of the Secretary-General and by the three observer States in the promotion of the peace process in Angola and calls upon them to further contribute appropriately to the implementation of the Lusaka Protocol within the agreed time framework and to assist the Mission in the successful fulfilment of its tasks.

The Council requests the Secretary-General to update it on the progress of the Angolan peace process and the deployment and activities of the Mission at least on a monthly basis.

2. The question of South Africa

Decision of 19 February 1993: letter from the President to the Secretary-General

On 22 December 1992, pursuant to resolution 772 (1992) of 17 August 1992, the Secretary-General submitted to the Security Council a report on the

question of South Africa in which he reported on the findings of his Special Envoys to South Africa, on his good offices and on the activities of the United Nations Observer Mission in South Africa (UNOMSA).¹ The

¹ S/25004.

Secretary-General said that, taking into account ongoing developments in the country, and following consultations with the Government of South Africa and the parties, he had appointed two Special Envoys who had carried out separate missions to South Africa from 16 to 27 September; and 22 November to 9 December 1992, respectively,² and had met with high Government officials and leaders of political parties, as well as with representatives of non-governmental organizations and leaders of the international observer teams.³ They had reported to the Secretary-General that although there were fundamental differences yet to be bridged between the South African Government and the African National Congress (ANC), there appeared to be a convergence of positions and a willingness on both sides to negotiate with one another and with others. The regional structure of a new South Africa, and the relationship of the regions to the central government, remained a major preoccupation with all the parties. Agreement on effective multiparty machinery based on the principle of inclusiveness remained an essential first step for a resumption of multiparty negotiations. They had also reported that despite continued violence, there was a wide agreement that without the deployment of international observers in the country the level of violence would be higher.

The Secretary-General reported on his good office efforts to expedite the resumption of multilateral negotiations. He said that all his interlocutors had expressed support for the efforts being made by the United Nations to facilitate a peaceful transition to a democratic society in South Africa and had assured him of their continued cooperation. At a meeting, on 26 September, between President de Klerk and Mr. Mandela, facilitated by the Secretary-General, agreement was reached on key issues relating to the securing of hostels, release of all remaining political prisoners, the prohibition of the carrying and display of dangerous weapons, and on the need for a democratic constituent assembly/constitution-making body and constitutional continuity during the interim transitional period. The Secretary-General also informed the Council that on 27 November 1992, he had received a letter from the Permanent Representative of South Africa containing a statement and accompanying background paper, issued by the President of South

Africa, setting out a proposed timetable for the transitional process in South Africa, which envisaged that a fully representative government of national unity would be in place by the first half of 1994.⁴

The Secretary-General noted that the contribution of the international observer teams had been welcomed by all concerned and had had a salutary effect on the political situation in the country. Some had nevertheless contended that UNOMSA needed to be strengthened while others were of the view that its mandate should be expanded. He therefore informed the Council that, in view of the delicate situation prevailing in South Africa characterized by the rising levels of violence, he intended to reinforce the strength of UNOMSA with an increment of 10 additional observers.

The Secretary-General concluded that, while there had been distinct progress, the Council had to remain actively seized of the situation, as it had undertaken to do, to achieve the goal of the establishment of a democratic, non-racial and united South Africa.

By a letter dated 19 February 1993,⁵ the President of the Security Council informed the Secretary-General that the members of the Council had considered his report of 22 December 1992 and were grateful for the comprehensive and helpful account of events in South Africa contained therein. They noted that the presence of international observers had had a salutary effect on the political situation in the country, and welcomed his decision to reinforce the Mission by 10 additional observers. The members of the Council looked forward to receiving further reports from the Secretary-General on the situation in South Africa and the work of the United Nations there.

**Decision of 12 April 1993 (3197th meeting):
statement by the President**

At the 3197th meeting, on 12 April 1993, the President (Pakistan) stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶

⁴ S/24866.

⁵ S/25315.

⁶ S/25578.

² Messrs. Virendra Dayal and Tom Vraalsen.

³ From the Commonwealth, the European Community and the Organization of African Unity (OAU).

The assassination of Chris Hani, a member of the African National Congress National Executive Committee and Secretary-General of the South African Communist Party, is a deplorable and troubling event. This brutal murder saddens all who are working for peace, democracy and justice in South Africa. Mr. Hani's murder further underscores the urgent need to end violence in the country and to push ahead with the negotiations which will create a united, non-racial and democratic South Africa.

Chris Hani actively supported these negotiations and only last week called for an end to violence so the negotiations could proceed in a climate of peace and stability. In this regard, the Security Council welcomes the announcements by all those who have reaffirmed their commitment to the negotiating process, including the ANC, the South African Communist Party and the Congress of South African Trade Unions. Negotiations leading to non-racial democracy must not be held hostage by the perpetrators of violence.

The Council states its determination to remain supportive of efforts to facilitate this peaceful transition to a non-racial democracy for the benefit of all South Africans.

**Decision of 24 August 1993 (3267th meeting):
statement by the President**

At the 3267th meeting, on 24 August 1993, following the adoption of the agenda, the President (United States) stated that, after consultations among the members of the Council, she had been authorized to make the following statement on behalf of the Council:⁷

The Security Council deplores the recent upsurge in violence and discord in South Africa, especially in the East Rand. This violence — terrible in its human toll — is even more tragic as the country proceeds on the path to a democratic, non-racial and united South Africa and a new, more promising future for all its citizens.

The Council recalls its statement in resolution 765 (1992) of 16 July 1992 that it is the responsibility of the South African authorities to take all necessary measures to stop the violence immediately and protect the life and property of all South Africans. The Council affirms that all parties in South Africa must assist the Government in preventing opponents of democracy from using violence to threaten the country's democratic transition. In this regard, the Council notes the proposal for a national peace force to restore and maintain order in volatile areas. Any such force should be genuinely representative of South African society and its major political bodies. Just as importantly, it must have the confidence, support and cooperation of the people of South Africa. The Council also welcomes efforts by the leaders of the African National Congress and the Inkatha Freedom Party to convince their

⁷ S/26347.

followers to avoid further violence. The Council urges all of South Africa's leaders to work jointly to prevent violence in the election period ahead.

The Council commends the international community, including the Organization of African Unity, the European Community and the Commonwealth, for playing a constructive role in helping to curb the violence in South Africa. The United Nations Peace Monitors, under the able supervision of the Chief of the United Nations Observer Mission in South Africa, have made a difference. People are alive today because of the tireless and courageous efforts of these and other international peace monitors. Yet far too many are dying. The world community must continue to signal firmly that it will not allow the violence to derail South Africa's political transition.

The Council emphasizes the key role of the multiparty negotiating process in securing the transition to a democratic, non-racial and united South Africa. It urges the parties to reaffirm their commitment to the multiparty negotiating process, to redouble their efforts to reach consensus on the transitional arrangements and constitutional issues still outstanding and to proceed to elections as planned in the coming year.

The Council reaffirms its determination to remain supportive of efforts to facilitate the peaceful transition to a non-racial democracy for the benefit of all South Africans. The Council is following developments in South Africa closely and will remain seized of the matter.

**Decision of 23 November 1993 (3318th meeting):
statement by the President**

At its 3318th meeting, on 23 November 1993, the Security Council invited the representative of South Africa, at his request, to participate in the proceedings without the right to vote. The President (Cape Verde) then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁸

The Security Council welcomes the successful completion of the multiparty negotiating process in South Africa and the conclusion of agreements reached therein on an interim constitution and electoral bill. These agreements constitute a historic step forward in establishing a democratic, non-racial and united South Africa.

The Council looks forward to the elections to be held in South Africa in April 1994. It urges all parties in South Africa, including those which did not participate fully in the multiparty talks, to respect agreements reached during the negotiations, to re-commit themselves to democratic principles, to take part in the elections and to resolve outstanding issues by peaceful means only.

⁸ S/26785.

The Council reiterates its determination to continue to support the process of peaceful democratic change in South Africa for the benefit of all South Africans. It commends once again the work being done by the Secretary-General and the United Nations Observer Mission in South Africa in assisting that process. It invites the Secretary-General to accelerate contingency planning for a possible United Nations role in the election process, including coordination with the observer missions of the Organization of African Unity, the European Community and the Commonwealth, to enable expeditious consideration of a request to the United Nations for such assistance. In this connection, the Council urges early establishment of the Transitional Executive Council and the Independent Electoral Commission.

The Council considers that South Africa's transition to democracy must be underpinned by economic and social reconstruction and development, and it calls on the international community to assist in this regard.

Decision of 16 December 1993: letter from the President to the Secretary-General

By a letter dated 13 December 1993 addressed to the President of the Security Council,⁹ the Secretary-General informed the Council that, taking into account the progress achieved in the peace process, including the establishment of the Transitional Executive Council on 7 December 1993, he intended to appoint Mr. Lakhdar Brahimi as his Special Representative for South Africa, with immediate effect, to assist him in the implementation of relevant Council decisions and resolutions concerning that country. The decision was made in accordance with a statement issued on 23 November 1993 by the President of the Security Council, by which the Council invited the Secretary-General "to accelerate contingency planning for a possible United Nations role in the election process" in South Africa.¹⁰

By a letter dated 16 December 1993, the President of the Security Council informed the Secretary-General that his letter of 13 December had been brought to the attention of the members of the Council and that they had agreed with the proposal mentioned therein.¹¹

⁹ S/26883.

¹⁰ See S/26785, above.

¹¹ S/26884.

Decision of 14 January 1994 (3329th meeting): resolution 894 (1994)

On 10 January 1994, the Secretary-General submitted to the Security Council a report on the question of South Africa in which he gave an account of the consultations held by his Special Representative for South Africa and submitted his proposal on an expanded UNOMSA mandate.¹²

The Secretary-General reported that, at its first meeting on 7 December 1993, the Transitional Executive Council had endorsed a resolution adopted the previous day by the Multiparty Negotiating Council, which requested, inter alia, the United Nations to provide a sufficient number of international observers to monitor the electoral process and to coordinate the activities of the international observers provided by the Organization of African Unity (OAU), the European Union and the Commonwealth, as well as those provided by Governments. Accordingly, he had dispatched a survey team to South Africa to assess the needs of the United Nations in carrying out the requests made. In the discussions held by his Special Representative for South Africa with the South African Government and the political parties, both had recognized the positive contributions made by UNOMSA to curb the violence and to the peace process and had called for a strong United Nations presence during the electoral process.

In response to those requests, the Secretary-General proposed that the mandate¹³ and size¹⁴ of UNOMSA be expanded to include the observation of the elections scheduled for 27 April 1994. He noted that, in that new context, UNOMSA would have a significant role not only in assessing the ultimate freedom and fairness of the elections, but in monitoring the electoral process at each stage. He also outlined the operational approach for the expanded United Nations operation.

The Secretary-General also informed the Council on his intention to set up a special Trust Fund to finance the participation of additional observers from Africa and other developing countries and expressed

¹² S/1994/16 and Add.1.

¹³ For further details on the proposed expansion, see S/1994/16, para. 57.

¹⁴ An additional number of 1,278 United Nations observers was proposed.

the hope that some Member States would make voluntary contributions to the Fund.

At its 3329th meeting, on 14 January 1994, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the Council invited the representative of South Africa, at his request, to participate in the proceedings without the right to vote. The Council also extended an invitation under rule 39, at the request of the representatives of Djibouti, Nigeria and Rwanda,¹⁵ to Mr. Kingsley Makhubela, Acting Chief Representative of ANC. The President (Czech Republic) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.¹⁶

The representative of South Africa welcomed the Council's proposal to assist his country to promote the peaceful and transparent constitutional transition to a government of national unity. The main thrust of the expanded UNOMSA mandate, as reflected in the Secretary-General's report, would be to assist in ensuring that the election was free and fair, so that its legitimacy would be placed beyond all doubt. The speaker warned that the electoral process may not be smooth, and attempts may well be made to draw the international observers into local disputes. In that context, the Mission's objectivity and impartiality would be of crucial importance. He assured the Council that the observers would receive the full cooperation of the South African authorities and all those involved in the electoral process, including respect for their safety.¹⁷

Mr. Kingsley Makhubela, observer for ANC, welcomed the Secretary-General's report and hoped that all other parties concerned would adhere to the recommendations contained therein. He expressed the view that the draft resolution would assist his country in its efforts to secure a peaceful transition from apartheid to democracy and the hope that the Council would continue to render effective support to the South African people during the transition.¹⁸

Speaking before the vote, the representative of Djibouti stated that the draft resolution covered most of the requirements for the United Nations to be able to

fulfil the requests of the Transitional Executive Council. His delegation therefore supported the draft resolution. It also supported the Secretary-General's intention to set up a trust fund to assist African and other developing countries wishing to participate as observers.¹⁹

While endorsing the deployment programme outlined in the Secretary-General's report, the representative of Pakistan stressed the importance of deploying United Nations observers well ahead of the general election in South Africa. He pointed out that in the ultimate analysis, the adequacy of the number of observers deployed would depend on how peaceful the run-up to the election and the polling itself were. He also made the point that all the regions of the world should be adequately represented in the United Nations Observer Group.²⁰

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 894 (1994), which reads:

The Security Council,

Reaffirming its resolutions 765 (1992) of 16 July 1992 and 772 (1992) of 17 August 1992,

Having considered the report of the Secretary-General of 10 January 1994 on the question of South Africa,

Welcoming the further progress made in establishing a democratic, non-racial and united South Africa and in particular the establishment of the Transitional Executive Council and the Independent Electoral Commission and the agreement on the Interim Constitution,

Noting that the legal framework of the electoral process in South Africa leading to the elections to be held on 27 April 1994 is defined by the Independent Electoral Commission and the Electoral Acts, the Independent Media Commission Act and the Independent Broadcasting Authority Act,

Commending the positive contribution already made by the United Nations Observer Mission in South Africa to the transitional process in South Africa and to efforts to curb violence,

Commending also the positive contribution of the Organization of African Unity, the Commonwealth and the European Union in this regard,

Reiterating its determination to continue to support the process of peaceful democratic change in South Africa for the benefit of all South Africans,

¹⁵ S/1994/33.

¹⁶ S/1994/28.

¹⁷ S/PV.3329, pp. 4-10.

¹⁸ Ibid., pp. 10-11.

¹⁹ Ibid., pp. 10-16.

²⁰ Ibid., pp. 17-20.

Recalling the statement made by the President of the Security Council on 23 November 1993, in which the Council invited the Secretary-General to accelerate contingency planning for a possible United Nations role in the election process, including coordination with the observer missions of the Organization of African Unity, the Commonwealth and the European Union, to enable expeditious consideration of a request to the United Nations for such assistance,

Taking note of General Assembly resolutions 48/159 A of 20 December 1993 and 48/230 of 23 December 1993, in which the Assembly, *inter alia*, requested the Secretary-General to accelerate planning for a United Nations role in the election process, in consultation with the Security Council and in coordination with the observer missions of the Organization of African Unity, the Commonwealth and the European Union,

Having considered the request of the Transitional Executive Council that the United Nations provide a sufficient number of international observers to monitor the electoral process and to coordinate the activities of the international observers provided by the Organization of African Unity, the Commonwealth and European Union, as well as those provided by Governments, and accepting the need to respond urgently to this request,

1. *Welcomes with appreciation* the report of the Secretary-General of 10 January 1994, and agrees with the proposals contained therein concerning the mandate and size of the United Nations Observer Mission in South Africa, including the proposals for the coordination of the activities of the international observers provided by the Organization of African Unity, the Commonwealth and the European Union, as well as those provided by any other intergovernmental organizations or Governments;

2. *Urges* all parties in South Africa, including those which did not participate fully in the multiparty talks, to respect agreements reached during the negotiations, to adhere to democratic principles and to take part in the elections;

3. *Calls upon* all parties in South Africa to take measures to end the violence and intimidation and thus contribute to the conduct of free and fair elections, and expects that anyone who seeks to disrupt the elections will be held accountable for such actions;

4. *Also calls upon* all parties in South Africa to respect the safety and security of the international observers and to facilitate the carrying out of their mandate;

5. *Welcomes* the intention of the Secretary-General to set up a special trust fund to finance the participation of additional observers from Africa and other developing countries, and urges States to contribute generously to this fund;

6. *Decides* to remain seized of the matter until a democratic, non-racial and united South Africa is established.

Speaking after the vote, the representative of the United States said that the vote marked another step in

the United Nations long history of support for the dismantlement of apartheid and the transition to non-racial democracy in South Africa. His Government welcomed the transformation of the role of the United Nations peace observers to that of election observers and, in that regard, strongly supported the resolution which called for the immediate deployment of United Nations observers to assist in South Africa's electoral process. It also called on all South Africans to cooperate with the efforts of the United Nations and other observers to ensure that the elections were free and fair.²¹

The representative of New Zealand stated that the draft resolution responded to South Africa's need for practical assistance from the United Nations. It was appropriate that the United Nations response would involve both the Council and the General Assembly in giving effect to the request from the Transitional Executive Council. His delegation was pleased that the resolution provided for cooperation between the UNOMSA and the Commonwealth Observer Mission as well as with OAU and the European Union.²²

The representative of Nigeria drew attention to a number of issues which had to be urgently addressed by the international community, namely the issue of violence, the elections themselves and the needs of post-apartheid South Africa. On the first issue, his delegation believed that there was an urgent need for the reorientation and retraining of the existing police force. It recommended a more proactive role by UNOMSA in that regard. On the elections, his delegation observed that the presence of an adequate number of international electoral observers was intended not only to help South Africans in the electoral process but also to help in building confidence in that process. As far as the era of post-apartheid was concerned, his delegation stressed that without massive international assistance, South Africa would not be able to cope with the acute social and economic problems.²³

**Decision of 19 April 1994 (3365th meeting):
statement by the President**

On 14 April 1994, pursuant to resolutions 772 (1992) and 894 (1994) of 17 August 1992 and

²¹ *Ibid.*, pp. 27-30.

²² *Ibid.*, pp. 30-33.

²³ *Ibid.*, pp. 50-56.

14 January 1994, the Secretary-General submitted to the Security Council a further report on the question of South Africa.²⁴ The Secretary-General noted that the past three months had witnessed intensive efforts by concerned political parties and the Government of South Africa to establish the transitional structures agreed to in the multiparty negotiations to help level the political playing field and create conditions for free and fair elections. The Transitional Executive Council and the Government had progressively moved towards a *modus operandi*, where they worked in tandem for the elections. Despite the strenuous efforts that had been made to ensure that all parties took part in the elections scheduled to be held from 26 to 28 April 1994, it would however seem that the Inkatha Freedom Party (IFP) and other parties would not do so. Political violence continued to pose a grave threat to the electoral process.

Reporting on his Special Representative's efforts to enhance the political process, the Secretary-General said that his Special Representative had held consultations with the leaders of the main political parties on the preparations for the elections, the general political situation and the expanded mandate of UNOMSA. The question of security during the elections in general, and safety of observers in particular, had been high on the agenda of all the discussions.

High priority had also been given to the timely and full deployment of the Mission. By 24 March, all the United Nations observers called for in the operational approach had been deployed throughout the country.

Particularly concerned by the opposition to the electoral process by IFP, the Secretary-General urged all parties concerned to eschew violence and to participate peacefully in the political process and respect everyone's right to vote or not to vote.

At its 3365th meeting, on 19 April 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the Council invited the representative of South Africa, at his request, to participate in the proceedings without the right to vote. The President (New Zealand) then stated that, following consultations among the members of the Council, he had been authorized to

²⁴ S/1994/435.

make the following statement on behalf of the Council:²⁵

The Security Council has noted with appreciation the report of the Secretary-General of 14 April 1994 on the question of South Africa, as well as the oral information received from the Secretariat on the latest developments in the electoral process.

The Council welcomes the agreement reached on 19 April 1994 between the Inkatha Freedom Party, the African National Congress and the Government of South Africa, following which the Inkatha Freedom Party has decided to participate in the forthcoming elections in South Africa. It commends all the parties involved for the statesmanship and goodwill which they have displayed in reaching this result.

The Council expresses the hope that this agreement will bring an end to the violence which has scarred South Africa and that it will promote lasting reconciliation among the people of South Africa. It calls upon all parties to contribute to the conduct of free and fair elections in which all South Africans will be able to participate peacefully.

The Council commends the positive contribution by the United Nations Observer Mission in South Africa and the international community to the transitional process in South Africa and reiterates its determination to support the process of peaceful democratic change for the benefit of all South Africans. It calls upon all parties to respect the safety and security of the international election observers and to assist them to carry out their mandate.

The Council looks forward to the successful completion of the electoral process in South Africa and to the establishment of a democratic, non-racial and united South Africa that will take its place in the international community.

**Decision of 25 May 1994 (3379th meeting):
resolution 919 (1994)**

By a letter dated 23 May 1994 addressed to the President of the Security Council,²⁶ the representative of South Africa transmitted to the Council a copy of a letter dated 18 May 1994 from the President of the Republic of South Africa, addressed to the President of the Security Council, in which Mr. Mandela appealed to the Council to revoke all the remaining sanctions enforced against his country at the earliest possible occasion.

At its 3379th meeting, on 25 May 1994, the Security Council included in its agenda the letter dated 23 May 1994 from the representative of South Africa. Following the adoption of the agenda, the Council

²⁵ S/PRST/1994/20.

²⁶ S/1994/606.

invited the representatives of Algeria, Bosnia and Herzegovina, Botswana, the Congo, Egypt, Greece, India, Kenya, Malaysia, Morocco, Senegal, Sierra Leone, South Africa, the United Republic of Tanzania, Tunisia, Zambia and Zimbabwe, at their request, to participate in the proceedings without the right to vote. The Council also extended an invitation, under rule 39, at the request of the representative of Nigeria, to Mr. Abdul Minty, Director of the World Campaign against Military and Nuclear Collaboration with South Africa.²⁷ The President (Nigeria) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.²⁸

The representative of South Africa said that the Council was meeting to close a particular chapter in the history of the relations between South Africa and the nations of the world, as represented by the United Nations. His delegation trusted that at the conclusion of that meeting, the Security Council would terminate the mandatory sanctions imposed against its country. He recalled that the embargo had been imposed under Chapter VII of the Charter at a time when the prevailing system of government in his country, and its actions, constituted a threat to international peace and security. His delegation viewed the decisions that the Council was about to take as an acceptance by the world body that South Africa had become a democratic country which could be counted on to subscribe and adhere to the pursuit of the important goals of international peace and security. His Government was committed to discharging its responsibilities as a Member of the United Nations in the collective effort to secure peace for its people and for the peoples of the world.²⁹

The representative of Egypt, speaking on behalf of OAU, stated that while the dream had come true at the political level, South Africa's struggle had not yet ended. The reconstruction stage was no less important than the struggle against the racist regime. She stressed that solutions had to now be found for its economic and social problems in order to build a better future and to raise the standard of living of the majority of its population which had long suffered under apartheid and called on the international community to help South Africa. Her delegation supported all steps

²⁷ S/1994/618.

²⁸ S/1994/610.

²⁹ S/PV.3379, pp. 2-4.

towards South Africa's recovery of its place within the international community.³⁰

The representative of Greece, speaking on behalf of the European Union, noted its readiness to support the efforts of the new Government of South Africa to accomplish the goal of leading the country to a democratic and non-racial society in which respect for human rights, the rights of minorities, the rule of law, social justice and the elimination of all forms of discrimination would prevail. In that context, he announced that the European Union had decided to lift the last remaining autonomous restrictive measure it had taken since 1985 against South Africa, namely the refusal to cooperate in the military field. Furthermore, the European Union recalled the decision of the General Affairs Council of 19 April 1994, in which it had pledged a package of immediate measures to respond to the immediate needs of the South Africans.³¹

During the course of the debate, most representatives welcomed the establishment of a united, democratic and non-racial Government in South Africa supported the termination of the mandatory arms embargo and other restrictions imposed on that country as timely and appropriate and urged the international community to extend all necessary support to South Africa, as it returned to its rightful place among the community of nations.³²

Speaking before the vote, the representative of China said that the emergence of a united, democratic and non-racial South Africa was bound to have a major impact on peace and stability in the region and the world as a whole. As a permanent member of the Security Council, China had always supported the South African people in their just struggle against apartheid and for racial equality and democratic rights and stood ready to develop friendly relations of cooperation with the new South Africa in all areas, on the basis of the Charter of the United Nations and of the five principles of peaceful coexistence.³³

³⁰ *Ibid.*, pp. 9-10.

³¹ *Ibid.*, pp. 12-13.

³² *Ibid.*, p. 4 (Botswana); p. 5 (Zambia); p. 6 (Zimbabwe); p. 7 (Congo); pp. 7-8 (Sierra Leone); pp. 8-9 (Algeria); pp. 10-11 (Malaysia); pp. 11-12 (United Republic of Tanzania); p. 14 (India); pp. 14-15 (Senegal); pp. 15-16 (Tunisia); and pp. 18-19 (Bosnia and Herzegovina).

³³ *Ibid.*, p. 22.

The representative of the Russian Federation welcomed the Council's prompt and positive response to the appeal made by the President of the Republic of South Africa to abrogate the sanctions against his country. The international community had now to welcome South Africa into the family of nations and help it to participate in the work of the United Nations system.³⁴

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 919 (1994), which reads:

The Security Council,

Recalling its resolutions on the question of South Africa, in particular resolutions 282 (1970) of 23 July 1970, 418 (1977) of 4 November 1977, 421 (1977) of 9 December 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986,

Welcoming the first all-race multiparty election and the establishment of a united, democratic, non-racial Government of South Africa, which was inaugurated on 10 May 1994,

Taking note of the letter dated 18 May 1994 from Mr. Nelson R. Mandela, President of the Republic of South Africa,

Stressing the urgent need to facilitate the process of reintegration of South Africa in the international community, including the United Nations system,

1. *Decides*, acting under Chapter VII of the Charter of the United Nations, to terminate forthwith the mandatory arms embargo and other restrictions related to South Africa imposed by its resolution 418 (1977);

2. *Decides also* to end forthwith all other measures against South Africa contained in resolutions of the Security Council, in particular those referred to in resolutions 282 (1970), 558 (1984) and 591 (1986);

3. *Decides further* to dissolve the Security Council Committee established pursuant to resolution 421 (1977) concerning the question of South Africa, in accordance with rule 28 of the provisional rules of procedure of the Council, effective from the date of the adoption of the present resolution;

4. *Invites* all States to consider reflecting the provisions of the present resolution as appropriate in their legislation.

Speaking after the vote, the representative of the United Kingdom stated that the lifting of the arms embargo represented the formal and symbolic acknowledgment by the Council that apartheid was dead and that South Africa's isolation had come to an

end. The resolution just adopted might be technical in its content, but it represented the culmination of an astonishing political transformation which few had predicted in that timescale. The United Nations could be proud of the role it had played in providing observers for the first multiparty democratic elections in South Africa and in helping to control and mitigate the tide of political violence. The international community had to demonstrate its support and encouragement for the new Government and its policies, not just by lifting any remaining restrictions, but also by helping to encourage investment, providing technical assistance and offering open and liberal trade arrangements. In conclusion, he noted that the resolution also cited the urgent need to facilitate South Africa's reintegration into the international community, including the United Nations system. Citing Article 19 of the Charter, he stated that his Government believed that the question of the arrears owed by South Africa to the United Nations should not prevent it from taking its rightful place in the Organization and from exercising its right to vote. His Government looked forward to the new South Africa resuming its seat in the General Assembly as quickly as possible.³⁵

The representative of France welcomed the recent events in South Africa that had led to the "historic" meeting of the Security Council on Africa Day and the lifting of the sanctions imposed on that country almost 20 years previously. The Council was also showing that it was able to respond to the political evolution of certain situations by putting an end to sanctions when circumstances permitted it. His delegation hoped that South Africa would very quickly recover its place in the family of nations, and more particularly, in Africa, where it had already become the fifty-third member of OAU.³⁶

The representative of the United States stated that the resolution represented a timely recognition of the dramatic changes that had taken place in South Africa, changes that the United Nations had helped to bring about. The resolution was an important step to bring South Africa into the fold of the community of democratic nations. His delegation hoped to see South Africa play a leading role — through OAU and the

³⁵ *Ibid.*, pp. 24-25.

³⁶ *Ibid.*, pp. 25-26.

³⁴ *Ibid.*, pp. 22-23.

United Nations — in promoting peace and stability in its region and its continent.³⁷

**Decision of 27 June 1994 (3393rd meeting):
resolution 930 (1994)**

On 16 June 1994, pursuant to resolutions 772 (1992) and 894 (1994) of 17 August 1992 and 14 January 1994, the Secretary-General submitted to the Security Council his last report on the question of South Africa.³⁸ The report focused on the Mission's electoral mandate and the "breathtaking developments" which had taken place in South Africa during the month of April 1994, culminating in the holding of elections from 26 to 29 April, the proclamation of the official results on 5 May, and the inauguration of the new President of the Republic of South Africa, Mr. Nelson Rolihlala Mandela, on 10 May 1994.

The Secretary-General recalled the public march organized in Johannesburg by IFP which had ended in bloodshed, with over 50 people dead and 250 wounded. Those events had contributed to increasing the tension in some provinces. The constitutional negotiations had been further complicated by King Zwelethini's call on 18 March for the restoration of the Zulu kingdom. At a meeting on 19 April, however, the Government, ANC and IFP reached agreement providing for, inter alia, IFP participation in the elections to be held on 26, 27 and 28 April. The IFP decision to participate in the elections resulted in an immediate and dramatic reduction in violence. On 5 May, the Independent Electoral Commission, after careful consideration of numerous issues raised by various parties relating to alleged or actual irregularities in the polling and voting, pronounced the elections for the National Assembly to have been substantially free and fair.

The Secretary-General noted that, as an exercise in preventive diplomacy, drawing on the strengths of several international organizations to support indigenous efforts towards peace and national reconciliation, the international community's efforts in South Africa since 1992 offered a unique and positive demonstration of the benefits of such cooperation. He intended to invite OAU, the Commonwealth and the European Union, as well as other concerned regional organizations, to work out guidelines for future

cooperation based on the success, as well as the mistakes, of their common experience in South Africa.

At its 3393rd meeting, on 27 June 1994, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the Council invited the representative of South Africa, at his request, to participate in the proceedings without the right to vote. The President (Oman) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations,³⁹ as well as to a letter dated 26 May 1994 from the representative of Greece, addressed to the Secretary-General,⁴⁰ transmitting a declaration by the European Union on South Africa, issued on 6 May 1994.

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 930 (1994), which reads:

The Security Council,

Recalling its resolutions 772 (1992) of 17 August 1992 and 894 (1994) of 14 January 1994,

Noting with great satisfaction the establishment of a united, non-racial and democratic Government of South Africa,

Welcoming General Assembly resolutions 48/13 C and 48/258 A of 23 June 1994,

1. *Welcomes* the final report of the Secretary-General on the United Nations Observer Mission in South Africa;
2. *Commends* the vital role played by the Special Representative of the Secretary-General and the Mission, together with the Organization of African Unity, the Commonwealth and the European Union, in support of the establishment of a united, non-racial and democratic South Africa;
3. *Decides* that, with the successful completion of its mandate, the Mission is terminated forthwith;
4. *Also decides* that it has concluded its consideration of the item entitled "The question of South Africa" and hereby removes this item from the list of matters of which the Council is seized.

The Security Council thus concluded its consideration of the item "The question of South Africa", which, in accordance with paragraph 4 of resolution 930 (1994), was removed from the list of matters of which the Council is seized.

³⁷ Ibid., p. 26.

³⁸ S/1994/717.

³⁹ S/1994/752.

⁴⁰ S/1994/627.

3. The situation concerning Western Sahara

Decision of 2 March 1993 (3179th meeting): resolution 809 (1993)

On 26 January 1993, the Secretary-General submitted to the Security Council a report on the situation concerning Western Sahara in which he gave, *inter alia*, an account of the outcome of various consultations held with the parties.¹

The Secretary-General recalled the basic positions of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) regarding the provisions of the settlement plan, which related to the establishment of the voter lists.² Morocco maintained that all persons having Saharan status had the right to participate in the referendum and that, accordingly, Saharans who for various reasons were omitted by the Spanish authorities in 1974 should be considered on the same basis as those who were counted; hence, Morocco regarded the list of persons counted in 1974 as a point of reference for the establishment of the voter lists. For its part, the Frente Polisario maintained that, in the initial agreement, the two parties had agreed that the 1974 list would be the sole basis for the application of the criteria for voter eligibility and that, accordingly, the Saharans counted in 1974 should constitute the vast majority of persons authorized to participate in the referendum, while Saharans omitted from the census should constitute an exception to that group. The two parties thus had radically opposing points of view, with one attaching primary importance to the list of persons counted in 1974, and the other considering that its importance was relative.

Referring to a series of talks held by his Special Representative with each of the parties from 25 August to 25 September 1992 on the interpretation of the criteria for participation in the referendum, the

Secretary-General stated that the parties' opposing point of view concerning the basic question of the establishment of the voter lists largely accounted for their differences with regard to both the interpretation of the criteria and the equally important question of evidence in support of applications for participation in the referendum. The Frente Polisario had emphasized the special importance of written evidence emanating from the Territory, namely, authentic documents issued by the Spanish authorities in the Territory, while Morocco had stressed the equal importance, in a nomadic and traditional society, of oral testimonies and official documents, regardless of their source. Since the outcome of those talks were not conclusive, the Secretary-General had agreed to the holding of a meeting of tribal chiefs on 30 November and 1 December 1992 in Geneva to advise on questions relating to the means of identifying persons authorized to participate in the referendum. The Secretary-General reported that, because of differences relating to the powers of some participants designated by the Moroccan party, the consultative meeting had to be cancelled, despite the compromise proposals put forward by his Special Representative to the delegations of both parties in Geneva.

The Secretary-General also informed the Council on the referendum on constitutional reform held by the Government of Morocco on 4 September 1992, which resulted in the adoption of a series of proposed amendments to the Moroccan Constitution, one of which introduced the "Region" as a new administrative subdivision. In a public address on 8 September 1992, the King had announced that Western Sahara would form the first such Region and enjoy priority in terms of development. Following the address, municipal elections were held in Morocco and in the Territory of Western Sahara.

The Secretary-General stated that whatever hopes for a compromise that might have existed were frustrated by the inability to hold the planned meeting of tribal chiefs in Geneva. That setback demonstrated starkly the futility of the efforts undertaken by his Special Representative over the past eight months to seek a way out of the existing deadlock. The Secretary-General therefore presented the following options to the Council: (a) continuation and, if possible, intensification of talks between the two parties;

¹ S/25170. Annexed to the report are an interpretation by the parties of the criteria for eligibility to vote and other instructions relating to the tasks of the Identification Commission.

² The implementation plan may be found in the report of the Secretary-General of 18 June 1990 (S/21360). The fourth preambular paragraph of resolution 809 (1993) refers to divergences between the two parties on the interpretation and application of the criteria for voter eligibility set out by the Secretary-General in his report of 19 December 1991.

(b) immediate implementation of the settlement plan on the basis of the instruction for the review of applications for participation in the referendum appearing in the annex to the report of the previous Secretary-General³ — under that option, the implementation would have to proceed without the cooperation of one of the parties; and (c) adopting an alternative approach not based on the settlement plan. Requesting Council guidance by way of a resolution, the Secretary-General said that depending on its decision on how best to proceed, the role and the strength of the United Nations Mission for the Referendum in Western Sahara (MINURSO) would have to be adjusted.

At its 3179th meeting, on 2 March 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁴ The draft resolution was thereupon put to the vote and adopted unanimously as resolution 809 (1993), which reads:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991,

Recalling that in conformity with the settlement plan regarding the question of Western Sahara, as adopted by resolutions 658 (1990) and 690 (1991), it was for the Secretary-General to determine the instructions for the review of the applications for participation in the referendum, and that in its resolution 725 (1991) the Council welcomed the report of the Secretary-General of 19 December 1991,

Having considered the report of the Secretary-General of 26 January 1993 on the situation concerning Western Sahara,

Concerned by the difficulties and delays encountered in the implementation of the settlement plan, and in particular the persistent divergences between the two parties on the interpretation and application of the criteria for voter eligibility set out by the Secretary-General in his report of 19 December 1991,

Determined that the settlement plan be implemented without further delay in order to achieve a just and lasting solution,

³ S/23299, annex.

⁴ S/25340.

Stressing the desirability of ensuring the full cooperation of both parties for the implementation of the settlement plan,

1. *Welcomes* the report of the Secretary-General of 26 January 1993 on the situation concerning Western Sahara;

2. *Invites* the Secretary-General and his Special Representative to intensify their efforts, with the parties, in order to resolve the issues identified in the report, in particular those relating to the interpretation and application of the criteria for voter eligibility;

3. *Invites* the Secretary-General to make the necessary preparations for the organization of the referendum of self-determination of the people of Western Sahara and to consult accordingly with the parties for the purpose of commencing voter registration on a prompt basis, starting with the updated lists of the 1974 census;

4. *Also invites* the Secretary-General to report to the Council as soon as possible and not later than May 1993 on the outcome of his efforts, on the cooperation of the parties and on the prospects and modalities for the holding of the referendum on a free and fair basis with a view that this take place by the end of the current year at the latest, and requests the Secretary-General to include in this report proposals for the necessary adjustments to the present role and strength of the United Nations Mission for the Referendum in Western Sahara;

5. *Urges* the two parties to cooperate fully with the Secretary-General in implementing the settlement plan regarding the question of Western Sahara, which has been accepted by them and approved by the Council in its resolutions 658 (1990) and 690 (1991), and in resolving the issues identified in the report of the Secretary-General, in particular those relating to the interpretation and application of the criteria for voter eligibility;

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

Speaking after the vote, the representative of the Russian Federation stated that his country had consistently supported United Nations efforts to provide for a just solution to the problem of Western Sahara, on the basis of respect for the rights of the people of Western Sahara, including the right to self-determination. His delegation favoured the speedy holding of the referendum, as any delays would not be in keeping with the interests of the peoples of the region and of the world community as a whole, and would create uncertainty about the issue of the continued presence in Western Sahara of United Nations personnel. He also stressed the need to take measures that would lead to mutually acceptable solutions and move the settlement process forward on the basis of appropriate decisions of the Security Council. His delegation believed that the resolution meant a reaffirmation of the support for the Secretary-

General's efforts to organize a referendum on self-determination for the people of Western Sahara, in cooperation with the Organization of African Unity (OAU).⁵

**Decision of 28 May 1993: letter from the
President to the Secretary-General**

On 21 May 1993, pursuant to resolution 809 (1993) of 2 March 1993, the Secretary-General submitted to the Security Council an interim status report on the situation concerning Western Sahara, summarizing his efforts to expedite the implementation of the settlement plan.⁶

The Secretary-General informed the Council of his decision to visit the mission area in the first week of June to make one more effort to seek a compromise solution to resolve outstanding issues, particularly those relating to the interpretation and application of the criteria for voter eligibility. He noted that during discussions held in March and April, both parties had confirmed their desire to proceed promptly with the registration of voters and to cooperate with MINURSO on that task. They had also agreed to the participation of tribal chiefs as well as observers from either side, in the registration process. In the light of those consultations, it had been decided to establish an Identification Commission, commencing with a nucleus of about 10 members.⁷ The Commission would start voter registration in June and would also draw up plans, including resource requirements for expanding the identification process to include all potentially eligible voters, in order to complete preparations for the referendum by the end of the year, if possible.

The Secretary-General expressed the hope that his forthcoming visit to the mission area would underscore that the identification and registration process was not to be seen as an open-ended commitment, and that the settlement plan had to be implemented without further delay.

By a letter dated 28 May 1993,⁸ the President of the Security Council informed the Secretary-General that his interim report had been brought to the attention of the members of the Council. They understood the

reasons for postponing the publication of his report and welcomed his decision to visit the region in the first week of June. The members of the Council also welcomed the establishment of the Identification Commission and hoped that it would complete its work as soon as possible. They looked forward to receiving a further report containing his recommendations concerning the organization of the referendum, as well as possible adjustments of MINURSO, at the earliest possible date after the completion of his visit, in order to respect the time frame set out in the resolution 809 (1993).

**Decision of 4 August 1993: letter from the
President to the Secretary-General**

On 28 July 1993, the Secretary-General submitted to the Security Council a report on the situation concerning Western Sahara.⁹ The report outlined factual developments related to his visit to the mission area, from 31 May to 4 June 1993, and subsequent events.

The Secretary-General recalled that the aim of his visit was to urge the parties to accept a compromise solution with regard to the interpretation and application of the criteria for voter eligibility. To that effect, he had presented to the parties a comprehensive text and had invited them to convey to him as early as possible their views.¹⁰ The Secretary-General noted at subsequent meetings that both sides had reaffirmed their commitment to the implementation of the peace plan in its entirety and their determination to move towards an early referendum. However, while stressing that they did not reject the proposed compromise, they had expressed reservations on certain provisions of the text. The Government of Morocco had reservations on specific provisions concerning tribal links with the Territory, but had since accepted the compromise. For its part, the Frente Polisario, in a favourable change of an earlier position, had conveyed its acceptance of all the criteria for voter eligibility. With regard to the compromise text, reservations were expressed on provisions relating to tribal links with the Territory and to the composition of the tribal chiefs invited to testify. The Secretary-General reported that, shortly after his visit, the parties agreed to hold direct talks from 17 to

⁵ S/PV.3179, pp. 3-4.

⁶ S/25818.

⁷ For the terms of reference of the Identification Commission, see S/26185, annex II.

⁸ S/25861.

⁹ S/26185.

¹⁰ S/26185, annex I.

19 July 1993 at Laayoune in the presence of his Special Representative.

The Secretary-General also indicated that the Identification Commission had begun work on establishing with the authorities of both parties the detailed procedures for identification and registration, starting in the Laayoune and Tindouf areas.

In his conclusions, the Secretary-General pointed out that the intensification of efforts to overcome existing difficulties had contributed to the holding of direct talks between the parties, which, if sustained, would hopefully facilitate the implementation of the settlement plan. The exchange of views had sharpened focus on outstanding issues. Foremost among those was the urgency of the acceptance of the compromise on the interpretation and application of the eligibility criteria. He intended to submit in due course a full report to the Council.

By a letter dated 4 August 1993,¹¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council welcome your report of 28 July 1993 on the situation concerning Western Sahara.

The members of the Council fully support your efforts to make early progress on the preparations for holding the referendum in accordance with resolution 809 (1993) of 2 March 1993. They note that the Identification Commission has now begun preparatory work. They welcome the reaffirmation by the two parties of their commitment to the implementation of the peace plan in its entirety and, in particular, their encouraging responses to your compromise proposal concerning the interpretation and application of the criteria and their determination to work towards an early referendum.

The members of the Council agree that the holding of direct talks between the two parties in Laayoune from 17 to 19 July 1993 is a positive development and share your hope that talks will soon resume.

The members of the Council reiterate their support for your renewed efforts to resolve outstanding issues so that an early referendum may be held, and hope they will soon receive your full report in this regard.

Decision of 6 December 1993: letter from the President to the Secretary-General

On 24 November 1993, pursuant to resolution 809 (1993) of 2 March 1993, the Secretary-General

¹¹ S/26239

submitted to the Security Council a report on the situation concerning Western Sahara.¹² It provided, inter alia, an account of the Secretary-General's further efforts to resolve the issues still hindering the implementation of the settlement plan.

The Secretary-General recalled that the Frente Polisario had substantial reservations on some key provisions of the proposed compromise and had requested amendments to the text, whereas Morocco had rejected any modification of the text.¹³ Both parties had agreed that membership of a Saharan subfraction existing in the Territory was a prerequisite to eligibility under any of the five pertinent criteria. They disagreed, however, over which tribes or tribal units had a "clearly established" connection with, or were "existing" in, the Territory. Morocco was of the view that members of all subfractions of a given Saharan tribe should be considered, *a priori*, for participation in the referendum, including those not represented in the 1974 census. The Frente Polisario, on the other hand, contended that unless the vast majority of the members of a given subfraction had been counted in the 1974 census, that subfraction should not be considered as existing in the Territory, and its members other than those already counted in the census should not be eligible to participate in the referendum. The Secretary-General reported that the Frente Polisario, however, maintained its reservations on his compromise text, as it remained concerned about the possible inclusion of members of some tribal units which it did not consider as existing in the Territory. In view of the persisting difficulties, it would obviously not be possible to meet the expectations and hold the referendum by the end of the year.

The Secretary-General hoped to submit a report to the Council early in 1994, together with a detailed timetable and recommendations for the necessary adjustments to the existing strength of MINURSO, with a view to holding the referendum in mid-1994. He pointed out, however, that any estimated date, as well as the implementation of the settlement plan, depended on the spirit of cooperation and forbearance of both

¹² S/26797.

¹³ S/26185, annex I. The Secretary-General had proposed, as a compromise, that the potential electorate encompass members of all Saharan tribal subfractions, but only those which were represented in the 1974 census, regardless of the number of individuals from those subfractions who were counted in the census.

parties. In the meantime, he proposed maintaining the current military and civilian strength of the Mission.

By a letter dated 6 December 1993,¹⁴ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council welcome your report of 24 November 1993 and fully subscribe to the observations it contains. They also welcome the progress already achieved in narrowing the differences between the two parties.

The members of the Council further agree that your compromise proposal referred to in paragraph 27 of your report is a sound framework for determining potential participation in the referendum for self-determination of the people of Western Sahara as foreseen in the settlement plan. They welcome your determination to move ahead and proceed with voter registration and identification. They reaffirm your role as guarantor of an objective and impartial referendum and expect any difficulties with the compromise to be resolved by early 1994.

While regretting that the timetable suggested in resolution 809 (1993) of 2 March 1993 cannot be maintained, the members of the Council support your goals of presenting a report to the Council early next year and holding the referendum no later than mid-1994. They underline the crucial importance they attach to these goals.

The members of the Council confirm the full confidence they place in you and your Special Representative for a speedy settlement of the situation concerning Western Sahara in conformity with the settlement plan and with relevant resolutions of the Council. They urge both parties to cooperate fully with you and your Special Representative to that end.

**Decision of 29 March 1994 (3355th meeting):
resolution 907 (1994)**

On 10 March 1994, pursuant to resolution 809 (1993) of 2 March 1993, the Secretary-General submitted a report to the Council on the situation concerning Western Sahara.¹⁵

The Secretary-General informed the Council that his Special Representative had visited the mission area from 2 to 13 January 1994 for consultations with the parties and the neighbouring countries on the situation and ways of resolving the remaining difficulties. He had provided assurances to allay the concerns of the Frente Polisario that, on the basis of the compromise, thousands of individuals foreign to the Territory might be included in the electorate. Those assurances were

confirmed and further elaborated in a letter dated 4 February 1994 from the Special Representative to the representative of the Frente Polisario in New York, to follow up the explanatory note on the compromise that he had addressed to the parties on 27 September 1993.

The Secretary-General also informed the Council that the preparatory meeting between the Identification Commission and Moroccan officials, scheduled to be held on 25 October 1993 in Laayoune had been postponed because its date coincided with the expected resumption of direct talks between the two parties in New York. As a result, the timetable the parties had agreed upon had to be adjusted. The identification and registration process was launched on 3 November 1993. The Secretary-General noted, however, that the completion of the identification and final registration of all eligible voters remained uncertain in the absence of agreement by the Frente Polisario to the compromise as a whole.

The Secretary-General stated that he remained confident that his proposals constituted a sound compromise. In order to ensure that the referendum took place without any further delays he proposed the following options: (a) the Council would decide that the United Nations should proceed with the referendum, regardless of the cooperation of either party; the process of identification and registration should be completed by September 1994; (b) the Council would decide that the Identification Commission should continue its work during a prescribed period, for example until 30 June 1994, while the United Nations would continue its efforts to obtain the cooperation of both parties based on the compromise proposal; at the end of the prescribed period, the Council would decide on its next course of action; (c) the Council would conclude, on the basis of the Secretary-General's report,¹⁶ that the cooperation of both parties in the completion of the registration and identification process could not be obtained and would decide either to phase out the whole operation, within a given time frame, or to suspend the registration and identification process, while retaining a reduced United Nations military presence to encourage respect for the ceasefire.

At its 3355th meeting, on 29 March 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the

¹⁴ S/26848.

¹⁵ S/1994/283 and Add.1 and Add.1/Corr.1.

¹⁶ S/1994/283.

agenda, the President (France) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations,¹⁷ and read out a revision to its provisional text.

The draft resolution, as orally revised in its provisional form, was thereupon put to the vote and adopted unanimously as resolution 907 (1994), which reads:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991 and 809 (1993) of 2 March 1993,

Appreciative of the efforts undertaken by the Secretary-General and his Special Representative for Western Sahara to address concerns of both parties and implement the settlement plan regarding the question of Western Sahara, as adopted by the Council in its resolutions 658 (1990) and 690 (1991),

Recalling the reports of the Secretary-General of 21 May, 28 July and 24 November 1993 on the situation concerning Western Sahara,

Recalling the letters dated 28 May, 4 August and 6 December 1993 from the President of the Security Council in response to those reports,

Having considered the report of the Secretary-General of 10 March 1994 and the annexes thereto,

Recalling paragraph 22 of the report of the Secretary-General,

Recalling that, in conformity with the settlement plan, it was for the Secretary-General to determine the instructions for the review of the applications for participation in the referendum,

Urging the two parties to cooperate fully with the Secretary-General in implementing the settlement plan which has been accepted by them,

Committed to reaching a just and lasting solution of the question of Western Sahara,

1. *Welcomes* the report of the Secretary-General of 10 March 1994 on the situation concerning Western Sahara;

2. *Welcomes* the compromise proposal of the Secretary-General concerning the interpretation and application of criteria for voter eligibility as a sound framework for determining eligibility for participation in the referendum for self-determination of the people of Western Sahara, and takes note of the explanatory note of the Special Representative dated 27 September 1993 and the letter dated 4 February 1994 from

the Special Representative, included in the annexes to the report of the Secretary-General of 10 March 1994;

3. *Expresses its deep concern* over continuing difficulties and delays in the work of the Identification Commission;

4. *Agrees* to the course of action, as outlined in option B in paragraph 25 of the report of the Secretary-General of 10 March 1994, that the Identification Commission should complete the analysis of all applications received and proceed with the identification and registration of potential voters by 30 June 1994, on the basis of the compromise proposal of the Secretary-General, the terms of reference of the Identification Commission and the relevant provisions of the settlement plan, and supports the intention of the Secretary-General to continue his efforts to obtain the cooperation of both parties on that basis;

5. *Requests*, in this context, the Secretary-General to report to the Council not later than 15 July 1994 on progress achieved in the work of the Identification Commission, as well as other aspects relevant to the fulfilment of the settlement plan with a view to deciding on further action necessary for fulfilment of the United Nations mission in Western Sahara;

6. *Urges* strict compliance with the timetable for option B as laid out in paragraph 24 (a) of the report of the Secretary-General of 10 March 1994, with a view to holding the referendum by the end of 1994;

7. *Calls* for full cooperation with the Secretary-General, his Special Representative and the Identification Commission in their efforts to implement the settlement plan, which has been accepted by both parties;

8. *Decides*, in the event that the Secretary-General notifies the Council in the report called for in paragraph 5 above that the referendum cannot be held by the end of 1994 and in view of obligations of the parties to cooperate fully with the Secretary-General, to consider the future of the United Nations Mission for the Referendum in Western Sahara, including an examination of options regarding its mandate and continued operations;

9. *Urges* the Secretary-General, in the context of the implementation of paragraph 4 above, to make every effort to maintain the Mission at the strength needed to carry out option B, and also invites him to make proposals for the necessary adjustments to the present role and strengths of the Mission, as part of the report called for in paragraph 5 above;

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

**Decision of 29 July 1994 (3411th meeting):
statement by the President**

On 12 July 1994, pursuant to resolution 907 (1994) of 29 March 1994, the Secretary-General submitted a report to the Security Council on the

¹⁷ S/1994/352.

situation concerning Western Sahara.¹⁸ The Secretary-General reported that the identification process had been launched on 1 June 1994, after the two parties had agreed on two tribal subfractions with which to start, and on the relevant sheikhs to assist the Identification Commission to determine the identity and eligibility of members of those subfractions. The question of the designation of OAU observers,¹⁹ however, could not be resolved in time to enable the Commission to start its work as scheduled. In a letter dated 19 August 1993 addressed to the Secretary-General, the Minister for Foreign Affairs of Morocco had noted that the OAU observers had been designated from among officials of the secretariat of an organization which, in admitting the pseudo "Sahrawi Arab Democratic Republic" (SADR) as a member, had already prejudged the outcome of the referendum. The Minister stated that Morocco would acquiesce in the participation of OAU only if the latter adopted "a rational position with regard to the right of the populations of Western Sahara for self-determination, by at least suspending the participation of the 'pseudo SADR' in the activities of OAU". The Frente Polisario, for its part, accepted the status quo conferred on the OAU observers, and later, stressed that the identification operation could only begin with an OAU presence. The Secretary-General indicated that despite extensive consultations, the problem had not yet been settled. Meanwhile, the Identification Commission had collected a total of over 75,000 completed applications forms, of which 20,000 had already been processed. The Commission intended to set 31 August 1994 as the deadline for the receipt of applications.

The Secretary-General reported further, that assuming that the Identification Commission would soon be able to proceed with the identification and registration of potential voters, and that the Council subsequently decided to hold the referendum, he would recommend in his next report that the transitional period should start on 1 October 1994 and end with the proclamation of the results of the referendum which should take place on 14 February 1995, as proposed in the revised timetable annexed to his report.²⁰ On the

¹⁸ S/1994/819.

¹⁹ Under the settlement plan, the referendum would be organized and conducted by the United Nations, in cooperation with OAU (see S/21360, para. 23).

²⁰ S/1994/819.

basis of the above, he would submit to the Council a final progress report before the end of August 1994.

At its 3411th meeting, on 29 July 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (Pakistan) said that, following consultations, he had been authorized to make the following statement on behalf of the Council:²¹

The Security Council takes note with satisfaction of the report of the Secretary-General of 12 July 1994 on the situation concerning Western Sahara as well as the oral report by the Secretariat on 28 July 1994. It welcomes the progress made to date on the issues outlined in the report of the Secretary-General towards the implementation of the settlement plan in accordance with the relevant resolutions of the Council. It commends, in particular, the work of the Identification Commission and the efforts of the Deputy Special Representative pursuant to resolution 907 (1994) of 29 March 1994.

The Council notes that, in the light of delays in the registration process, the Secretary-General has proposed a revised timetable for the organization of the referendum for self-determination of the people of Western Sahara on 14 February 1995. It looks forward to the next report of the Secretary-General, at the end of August 1994, on the basis of which it hopes to be able to take appropriate decisions on the organization and timing of the referendum. In the meantime, it welcomes the intention of the Identification Commission to set 31 August 1994 as the deadline for receipt of voter application forms.

The Council welcomes the goodwill shown by the parties thus far and urges them to continue to cooperate with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara to ensure the earliest possible implementation of the settlement plan.

**Decision of 15 November 1994 (3457th
meeting): statement by the President**

On 5 November 1994, pursuant to resolution 907 (1994) of 29 March 1994 and the statement by the President of the Security Council of 29 July 1994, the Secretary-General submitted to the Council a report on the situation concerning Western Sahara in which he provided, *inter alia*, an account of further progress made by MINURSO in the identification and registration process.²²

The Secretary-General reported that following extensive consultations with the Chairman of OAU, its Secretary-General and other interested parties, to

²¹ S/PRST/1994/39.

²² S/1994/1257.

overcome the difficulties over the OAU observers, the Chairman of OAU had provided a “unique and indivisible” list of four observers. Because of the unavailability of one newly designated observer and delays in the arrival of his replacement in the Mission area, however, the identification and registration of potential voters did not begin until 28 August 1994. The Secretary-General noted that only some 4,000 potential voters had been identified and interviewed so far, equivalent to less than 2 per cent of the total number of application forms, and the potential scale of the operation had been greatly increased by the last-minute flood of applications. The operation, he said, was logistically far more complex than expected because members of the same tribal subgroups, who had to be identified individually with the assistance of their respective sheikhs, were dispersed in different locations and means of communication were limited. Nor was it possible to predict at that stage the number of appeals that might be lodged or the time required to process them.

The Secretary-General stated that he would report further to the Council on the organization and timing of the referendum after his forthcoming visit to the region. He also intended to dispatch to the field, in the immediate future a technical team to reassess the logistical and other requirements for the possible deployment of MINURSO at full strength. In the meantime, he proposed to maintain the existing military and civilian strength of MINURSO.

At its 3457th meeting, on 15 November 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (United States) said that, following consultations, she had been authorized to make the following statement on behalf of the Council:²³

The Security Council notes the report of the Secretary-General of 5 November 1994. It shares the view of the Secretary-General that the launching of the identification and registration of potential voters on 28 August 1994, in the presence of the observers as agreed, marked a significant step towards the fulfilment of the United Nations mandate on Western Sahara.

The Council calls upon the two parties to maintain their cooperation with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in their efforts to

implement as soon as possible the settlement plan in accordance with the relevant resolutions of the Council.

The Council is, however, concerned about the slow speed of the identification process, in particular the fact that only a very small proportion of the potential voters have been identified and interviewed to date. While recognizing the difficulties involved, including the handling of a large number of last-minute applications, the Council urges the two parties to exert all possible efforts to facilitate the work of the Mission, and urges the earliest possible deployment of the Identification Commission staff already approved by the General Assembly in its resolution 48/250 B of 23 June 1994, in order to accelerate this process.

The Council welcomes the decision of the Secretary-General to visit the region later this month, and hopes that on this occasion he will be able to report significant progress towards implementing the settlement plan and holding the now long-overdue referendum. It looks forward to receiving his report following this visit and following the report of the technical team charged with reassessing the logistic and other requirements for possible deployment of the Mission at full strength. In the light of that report, including information on progress achieved in the work of the Identification Commission as well as other aspects relevant to the fulfilment of the settlement plan, the Council hopes to be able to take appropriate decisions on the organization and timing of the referendum. In doing so it strongly believes that there must be no further undue delay in the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan.

**Decision of 13 January 1995 (3490th meeting):
resolution 973 (1995)**

On 14 December 1994, the Secretary-General submitted a progress report to the Security Council on the situation concerning Western Sahara in which he gave an account of his visit to the Mission area from 25 to 29 November 1994.²⁴

The Secretary-General reported that during his visit to the Mission area, the Frente Polisario had expressed concern about certain developments since the beginning of the identification and registration process that they viewed as impediments to the smooth implementation of the settlement plan and the conduct of a free, fair and impartial referendum. Addressing their main concern, the large number of application forms submitted at the last minute, the Secretary-General had pointed out that the Identification Commission was an independent body whose members would carry out their mandate with impartiality,

²³ S/PRST/1994/67.

²⁴ S/1994/1420 and Add.1.

fairness and integrity. Both parties had reassured him that they remained fully committed to the settlement plan and had pledged continued support for the activities of MINURSO.

The Secretary-General recalled that he had informed the Council of his intention to send a technical team to MINURSO to reassess the logistic and other requirements for the possible full deployment of the Mission at full strength. He reported that the team had visited MINURSO from 10 to 14 November and found that, given the work still to be completed in the identification of potential voters, it was premature to make final arrangements for the deployment of MINURSO at full strength. The team had agreed that the Mission should focus on finding means to speed up the identification and registration, and strongly supported the idea of expanding the Identification Commission.

The Secretary-General noted that, despite the difficulties and delays experienced over the past few months, the political will still existed to move the process forward. He also noted that, given the large number of applications received, the only way to complete identification and registration in a reasonable time would be through a major reinforcement of personnel and other resources. MINURSO had developed in that regard a plan for the establishment of additional centres and identification and registration teams. He expressed the hope that, by 31 March, progress achieved in the identification and registration process would reach such a level as to enable him to recommend 1 June 1995 as the date for the start of the transitional period. By mid-August, the reduction of Moroccan forces in the Territory would be completed, and all laws or measures that could obstruct the conduct of a free and fair referendum suspended. By that time, he expected, based on the assumption that the Council would approve the proposed expansion of MINURSO, the identification and registration process would be completed and the final list of voters published. The repatriation programme should be completed by the end of September and the referendum could then take place in October 1995.

At its 3490th meeting, on 13 January 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Argentina) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior

consultations.²⁵ The draft resolution was thereupon put to the vote and adopted unanimously as resolution 973 (1995), which reads:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993 and 907 (1994) of 29 March 1994,

Recalling the statements by the President of the Security Council of 29 July and 15 November 1994,

Having considered the report of the Secretary-General of 14 December 1994,

Welcoming the efforts of the Secretary-General during his visit to the region from 25 to 29 November 1994,

Committed to reaching a just and lasting solution of the question of Western Sahara,

Urging the two parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara to ensure prompt and full implementation of the settlement plan,

Noting the Secretary-General's judgement that the only way to complete identification and registration in a reasonable time is through a major reinforcement of personnel and other resources,

Concerned that the implementation of the settlement plan has been delayed and that, in the circumstances, the mandate of the Mission, like the other United Nations operations, should be subject to periodic consideration by the Council,

1. *Welcomes* the report of the Secretary-General of 14 December 1994 on the situation concerning Western Sahara;

2. *Reiterates its commitment* to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties;

3. *Calls upon* the two parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in their efforts to implement the settlement plan in accordance with the relevant Security Council resolutions and within the timescale outlined in paragraphs 21 and 22 of the report of the Secretary-General;

4. *Welcomes* the fact that voter identification has begun and is continuing, albeit at a slow pace, and commends the Mission for the progress achieved thus far;

5. *Approves* the expansion of the Mission as proposed in paragraphs 17 to 19 of the report of the Secretary-General, and expresses the hope that every effort will be made to deploy

²⁵ S/1995/24.

the observers necessary to complete the identification process in a timely fashion in accordance with the settlement plan;

6. *Requests* the Secretary-General to report by 31 March 1995 to confirm the arrangements with regard to the logistic, personnel and other resources required for the deployment of the Mission at full strength, on his final plans for implementing all elements of the settlement plan and on the responses of the parties to his proposals in order to fulfil the United Nations Mission in Western Sahara;

7. *Encourages* the Secretary-General to continue to make all possible efforts in order to create a propitious atmosphere conducive to a speedy and effective implementation of the settlement plan;

8. *Expects* to be able, on the basis of the report requested in paragraph 6 above, to confirm 1 June 1995 as the date for the start of the transitional period, with a view to holding the referendum in October 1995 and to bringing the Mission to a successful conclusion shortly thereafter, in accordance with the settlement plan;

9. *Decides* that the mandate of the Mission should continue to 31 May 1995;

10. *Also decides* to consider the possible extension of the mandate of the Mission after 31 May 1995 on the basis of a further report from the Secretary-General and in the light of progress achieved towards the holding of the referendum and the implementation of the settlement plan;

11. *Requests* the Secretary-General to keep the Security Council fully informed of further developments in the implementation of the settlement plan during this period;

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

**Decision of 12 April 1995 (3516th meeting):
statement by the President**

On 30 March 1995, pursuant to resolution 973 (1995) of 13 January 1995, the Secretary-General submitted to the Security Council a report on the situation concerning Western Sahara, covering developments since his last report.²⁶

The Secretary-General reported that, besides monitoring and verifying the ceasefire, the identification of potential voters remained the core activity of the Mission. Although progress had been slow, over 21,000 persons had been identified so far in a process which, less than a year ago, very few believed would ever start. He pointed out that, from the start, the single greatest obstacle to identification had been the issue of tribal leaders (sheikhs). The settlement plan had given the sheikhs the responsibility

for identifying applicants as being the persons they claim to be and as belonging to a particular tribal group (subfraction). They were also to provide oral testimony relevant to the eligibility criteria. Most sheikhs, however, elected in 1973, were already of mature years at the time and many had since died or become incapacitated. There were, in consequence, a large number of subfractions, one third of the total, without a recognized tribal leader on at least one side. Since it had been agreed that identification could take place only when two tribal leaders, one from each side, were present to testify, it followed that work had to be suspended when one side or the other experienced difficulties in making its sheikh available. Moreover, the insistence by both sides on strict reciprocity meant that whenever identification could not take place at a centre on one side, work was automatically suspended at a centre on the other side. His Deputy Special Representative, in an effort to solve the issue, had first proposed to the parties that the process start with those subfractions where there was a surviving and competent sheikh on each side. He had then offered a formula to deal with other cases. In that regard, the parties had expressed divergent views. The Secretary-General noted, however, that a measure of convergence had begun to emerge on the basis of a proposal set out by his Deputy Special Representative.

The Secretary-General further indicated that there would soon be four centres on each side with 16 identification teams assigned to them. It was realistic to expect that approximately 20,000 applicants could be processed per month at the centres. He stressed that progress in identification would depend mostly on the collaboration of both parties, and therefore urged them to abandon any insistence on strict reciprocity in the number of centres and on the linkage of centres on each. Nor should limits be imposed on the numbers to be identified on any given day. If they would cooperate in resolving the remaining issues, the transitional period could begin in August 1995 and the referendum could be held in January 1996.

In conclusion, the Secretary-General recommended that there should be no lessening of the Council's support for MINURSO at this stage.

At its 3516th meeting, on 12 April 1995, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (Czech Republic) said that, following consultations, he had been authorized to

²⁶ S/1995/240 and Add.1.

make the following statement on behalf of the Council:²⁷

The Security Council notes the report of the Secretary-General of 30 March 1995. It welcomes progress achieved so far in the identification and registration process, in particular the acceleration in the rate of identification, and emphasizes the need to continue that acceleration. It endorses the Secretary-General's goal of achieving a rate of identification of at least 25,000 per month. However, the Council regrets that progress was not sufficient to enable the Secretary-General to recommend 1 June 1995 as the date for the commencement of the transitional period.

The Council also notes with concern the delays resulting from the failure to ensure the continuous presence at the identification centres of the necessary subfraction representatives. It welcomes the agreement on a method for choosing alternative subfraction representatives when necessary and it expresses the hope that this will contribute to further acceleration of the process with a view to holding the referendum in January 1996. The Council supports the Secretary-General's call upon both parties to cooperate fully with the Identification Commission in the performance of its work, in particular by abandoning their insistence on strict reciprocity in the number of centres and on the linkage of a centre on one side with a specific centre on the other.

The Council expresses its concern about the slow progress on the other aspects which are relevant to the fulfilment of the settlement plan and must be implemented before the referendum can take place. It calls upon both parties to cooperate fully with the Secretary-General, with his Deputy Special Representative and with the United Nations Mission for the Referendum in Western Sahara and to coordinate such cooperation to ensure prompt and full implementation of all aspects of the settlement plan.

The Council hopes to see continuous and rapid progress by the time of the next report of the Secretary-General in May 1995, which would enable it to consider favourably the possible extension of the mandate of the Mission.

**Decision of 26 May 1995 (3540th meeting):
resolution 995 (1995)**

On 19 May 1995, pursuant to resolution 973 (1995) of 13 January 1995 and the statement by the President of the Security Council of 12 April 1995, the Secretary-General submitted a report to the Council on the situation concerning Western Sahara.²⁸

The Secretary-General reported that despite increased operational capabilities, the rate of identification had been uneven and the operation had

been interrupted periodically by difficulties relating to the timely availability of tribal leaders (sheikhs) and party representatives, as well as weather conditions and logistics. Identification had resumed on 2 May 1995, at all eight centres, with some 35,000 persons identified as of 15 May. That was far below the figure that MINURSO would be technically capable of achieving if the full cooperation of the parties was invariably forthcoming.

The Secretary-General stated that given the means and the opportunity, MINURSO could address the technical difficulties as they developed, but it could not force the parties to continue with the process if they had chosen not to do so. He pointed out that the parties should not limit the number of persons to be identified to any maximum on any given day, nor should they interrupt the process at a centre on one side if it was technically not possible to proceed with identification in a centre on the other side. He called upon the parties to work with MINURSO in a spirit of genuine cooperation towards making sufficient progress in identification and registration to permit the referendum to be held in early 1996.

In that context, the Secretary-General outlined some benchmarks for assessing progress on certain aspects of the settlement plan, including the final text of the code of conduct, the release of political prisoners, the confinement of Polisario troops and arrangements for the reduction of Moroccan troops in the Territory, in conformity with the settlement plan.²⁹ By the end of September, he would assess the progress achieved and make recommendations accordingly. In the meantime, he recommended the extension of the MINURSO mandate for a four-month period.

At its 3540th meeting, on 26 May 1995, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.³⁰ The draft resolution was thereupon put to the vote and adopted unanimously as resolution 995 (1995), which reads:

²⁹ *Ibid.*, para. 28.

³⁰ S/1995/426.

²⁷ S/PRST/1995/17.

²⁸ S/1995/404.

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994 and 973 (1995) of 13 January 1995,

Recalling the statement by the President of the Security Council of 12 April 1995,

Taking note of the report of the Secretary-General of 19 May 1995,

1. *Reiterates its commitment* to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties;

2. *Commends* the progress in identifying potential voters since the beginning of the year;

3. *Expresses concern*, however, that certain practices identified in the report of the Secretary-General are hampering further progress towards the implementation of the settlement plan, and underlines the need for the parties to heed the Secretary-General's call upon them to work with the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation;

4. *Decides*, in this context, and with a view to accelerating the implementation of the settlement plan, to send a mission of the Security Council to the region;

5. *Decides also*, therefore, to extend at this stage the present mandate of the Mission until 30 June 1995;

6. *Decides further* to consider the further extension of the mandate of the Mission beyond 30 June 1995 in the light of the report of the Secretary-General of 19 May 1995 and the report of the Security Council mission referred to in paragraph 4 above;

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

Decision of 30 May 1995: note by the President of the Security Council

On 30 May 1995, the President of the Security Council issued the following note:³¹

1. The President of the Security Council wishes to refer to resolution 995 (1995) adopted by the Security Council at its 3540th meeting, held on 26 May 1995, in connection with the situation concerning Western Sahara.

³¹ S/1995/431.

2. In paragraph 4 of the resolution, the Security Council decided, with a view to accelerating the implementation of the settlement plan, to send a mission of the Council to the region.

3. Following consultations, the members of the Council have agreed that the mission will depart from New York on 3 June 1995, for a duration of approximately six days, and that it will be composed of the following six members of the Council: Argentina, Botswana, France, Honduras, Oman and United States of America.

4. The members of the Council also agreed that the mission's terms of reference would be as follows:

(a) To impress upon the parties the necessity of cooperating fully with the United Nations Mission for the Referendum in Western Sahara in the implementation of all aspects of the settlement plan and to underline the fact that any further delay would put the whole future of the Mission at risk;

(b) To assess progress and identify problems in the identification process, bearing in mind the deadline for the referendum of January 1996;

(c) To identify problems in other areas relevant to the fulfilment of the settlement plan (including the reduction of Moroccan troops, the confinement of troops of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro, the release of political prisoners and detainees, the exchange of prisoners of war and the return of refugees).

Decision of 30 June 1995 (3550th meeting): resolution 1002 (1995)

By a letter dated 20 June 1995 addressed to the President of the Council, the members of the Security Council mission to Western Sahara on 3 to 9 June 1995 transmitted their report to the Council.³² The mission had left on 3 June for Morocco, Algeria, Mauritania, Tindouf and Laayoune where it had held meetings with the parties and observers. The mission reported that in its discussion with the two parties, it had noted that there was continuing suspicion and lack of trust. As a result, in the course of identification, technical problems that could have been easily resolved had become politicized and blown out of proportion, with

³² S/1995/498.

each party blaming the other for the lack of progress. While the mission tried to elicit their commitment to abandon their insistence on reciprocity in the number and operation of identification centres on each side, each party insisted that its performance be conditional on the performance of the other. The mission therefore felt that there was a real risk that the identification process might be extended beyond the time previously envisaged and the referendum might not be held in January 1996. It therefore strongly recommended that both parties abandon their insistence on reciprocity on each side and refrain from blaming their lack of cooperation on the other side. The mission also recommended expediting the review process of the identification case files, while ensuring their full confidentiality; and speeding up the compiling of preliminary voter eligibility lists. It urged that the highest possible number of identifications per day be permitted to take place. It called on the Government of Morocco to conduct preliminary vetting of the 100,000 applicants not then residing in the Territory and recommended commencing without delay the identification of applicants living in Mauritania.

The mission further recommended that the Security Council should receive biweekly progress reports on the identification operation and be informed immediately of any interruption or slow-down in the process.

In conclusion, noting that one of the main successes of MINURSO had been the establishment and maintenance of the ceasefire, the mission reported that it had been warned that in the event of the Mission's withdrawal, the risk of a return to some form of hostilities would increase.

At its 3550th meeting, on 30 June 1995, the Security Council included in its agenda the report of the Security Council mission to Western Sahara. Following the adoption of the agenda, the President (Germany) drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Botswana, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the United Kingdom and the United States.³³ He also drew their attention to the letters from the representatives of Morocco and Honduras, respectively.³⁴ In his letter dated 29 June 1995, addressed to the President of the

Security Council, the representative of Honduras requested that, on an exceptional basis, the letter contained in the annex, which had been transmitted to the members of the Council by the President on 23 June 1995, be issued as a document of the Council. In that letter, the President of the Saharan Arab Democratic Republic had informed the Council of the decision of the Frente Polisario to suspend its participation in the identification process and to withdraw its observers. The decision was taken in protest against the sentencing by a Moroccan military court, on 21 June 1995, of eight Saharan civilians to prison terms of 15 to 20 years for having participated in a demonstration in Laayoune on 11 May 1995 and against the announcement by Moroccan authorities to the Security Council mission of their intention to have 100,000 Moroccan settlers take part in the voter-identification operation.

In his letter dated 27 June 1995, addressed to the President of the Security Council, the representative of Morocco transmitted the copy of a letter of 26 June from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco, addressed to the President of the Security Council, concerning Polisario's decision to suspend its participation in the identification operation. He stated, *inter alia*, that Morocco could not accept an indefinite postponement of the referendum and called upon the Council to "take all necessary steps to ensure the resumption of the process with a view to holding the referendum on schedule". He also informed the Council that Morocco had transmitted to MINURSO the diskette containing the names of applicants residing outside the Territory and that it was cooperating fully with the Mission to ensure their identification as quickly as possible.

The draft resolution was put to the vote and adopted unanimously as resolution 1002 (1995), which reads:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995 and 995 (1995) of 26 May 1995,

Recalling the report of the Secretary-General of 19 May 1995,

Welcoming the work of the mission of the Security Council undertaken from 3 to 9 June 1995 under the terms of

³³ S/1995/523

³⁴ S/1995/514 and S/1995/524.

reference set out in the note by the President of the Security Council of 30 May 1995,

Having considered the report of the mission of the Security Council of 21 June 1995,

Committed to reaching a just and lasting solution of the question of Western Sahara,

Concerned that the parties' continuing suspicion and lack of trust have contributed to delays in the implementation of the settlement plan,

Noting that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

Taking note of the letter dated 23 June 1995 from the Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro to the President of the Security Council,

Taking note also of the letter dated 26 June 1995 from the Prime Minister and Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco to the President of the Security Council,

Urging the parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara to ensure prompt and full implementation of the settlement plan,

Noting that, in his report of 19 May 1995, the Secretary-General has outlined benchmarks for assessing progress on certain aspects of the settlement plan, including the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro and arrangements for the reduction of Moroccan troops in the territory in conformity with the settlement plan,

Noting also that the mission of the Council has provided recommendations for moving forward on the identification process and other aspects of the settlement plan, and stressing the need for the identification process to be carried out in accordance with the relevant provisions set out in the plan, in particular in paragraphs 72 and 73 thereof, as well as in the relevant resolutions of the Council,

1. *Welcomes* the report of the Secretary-General of 19 May 1995 on the situation concerning Western Sahara and the report of 21 June 1995 of the mission of the Security Council to Western Sahara;

2. *Reiterates its commitment* to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

3. *Expresses its concern* that, given the complexity of the tasks to be performed and the continuing interruptions caused by the two parties, implementation of the settlement plan has been further delayed;

4. *Calls upon* the two parties to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant Council resolutions;

5. *Stresses* the need for the parties to refrain from any actions that hinder the implementation of the settlement plan, calls upon them to reconsider recent relevant decisions with a view to establishing confidence, and, in this regard, requests the Secretary-General to make every effort to persuade the two parties to resume their participation in the implementation of the settlement plan;

6. *Endorses* the Secretary-General's benchmarks described in paragraph 38 of his report of 19 May 1995;

7. *Endorses also* the recommendations of the mission of the Council, in paragraphs 41 to 53 of its report of 21 June 1995, concerning the identification process and other aspects of the settlement plan;

8. *Requests* the Secretary-General to report by 10 September 1995 on the progress achieved in accordance with paragraphs 5 and 6 above;

9. *Expects* to be able, on the basis of the report requested in paragraph 8 above, to confirm 15 November 1995 as the start of the transitional period, to allow the referendum to take place early in 1996;

10. *Decides* to extend the mandate of the Mission until 30 September 1995 as recommended by the Secretary-General in his report of 19 May 1995;

11. *Decides also* to consider the possible extension of the mandate of the Mission after 30 September 1995 on the basis of the report of the Secretary-General requested in paragraph 8 above and in the light of progress achieved in accordance with paragraphs 5 and 6 above towards the holding of the referendum and the implementation of the settlement plan;

12. *Requests* the Secretary-General, in addition to the reports called for in paragraph 48 of the report of the Security Council mission, to keep the Council fully informed of further developments in the implementation of the settlement plan during this period, in particular of any significant delays in the pace of the identification process or other developments that would call into question the Secretary-General's ability to set the start of the transitional period on 15 November 1995;

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

Decision of 22 September 1995 (3582nd meeting): resolution 1017 (1995)

On 8 September 1995, pursuant to resolution 1002 (1995) of 30 June 1995, the Secretary-General

submitted a report to the Security Council on the situation concerning Western Sahara.³⁵

The Secretary-General reported that the identification operation had recommenced in late July, after the details concerning its resumption had been clarified. A total of over 53,000 persons had been identified since the process began, representing over 40 per cent of persons residing in the Territory and over 51 per cent of those living in the refugee camps near Tindouf. The core problem in the identification process continued to relate to certain tribal groupings. In that regard, there were major differences of perception between both parties. Despite calls to abandon insistence on strict reciprocity, the principle of reciprocity continued to be applied when problems arose with regard to contentious issues on the opposite side, thus interrupting the progress also at another centre.

The Secretary-General noted that progress in the past three months had been disappointing. The benchmarks that he had proposed had largely not yet been achieved both parties had maintained their respective positions concerning the confinement of the Frente Polisario troops, and they had both objected to the terms of the proposed code of conduct. Despite repeated calls on the parties by the Security Council and by himself to permit the process to advance more rapidly, both sides were reluctant to compromise on any issue which they believed could weaken their own position.

The Secretary-General pointed out that although the Council had already warned that the process could not continue indefinitely, premature withdrawal of MINURSO would have very grave and far-reaching implications for the parties and for the whole subregion, and therefore had to be avoided, if possible. He therefore recommended that the mandate of MINURSO be extended until 31 January 1996, but added that, should the conditions necessary for the start of the transitional period not be in place by that date, he would present the Council with alternative options, including the possibility of withdrawal.

At its 3582nd meeting, on 22 September 1995, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the President (Italy) drew the attention of the

³⁵ S/1995/779.

members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.³⁶

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 1017 (1995), which reads:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995 and 1002 (1995) of 30 June 1995,

Reaffirming in particular its resolutions 725 (1991) and 907 (1994) relating to the criteria for voter eligibility and the compromise proposal of the Secretary-General on their interpretation,

Having considered the report of the Secretary-General of 8 September 1995, and noting further the fact that only two out of the eight identification centres are currently functioning,

Committed to reaching a just and lasting solution to the question of Western Sahara,

Reiterating the fact that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

Expressing the hope for a rapid resolution of the problems causing delays in the completion of the identification process,

Expressing its regret that the outcome of the preliminary vetting by the Government of Morocco of the 100,000 applicants not residing in the territory is contributing to the inability of the United Nations Mission for the Referendum in Western Sahara to maintain its timetable for completing the identification process,

Expressing its regret also that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro is refusing to participate in the identification, even within the territory, of three groups within the disputed tribal groupings, thus delaying completion of the identification process,

Taking note of paragraph 49 of the report of the Secretary-General of 8 September 1995,

Stressing the need for progress to be made on all other aspects of the settlement plan,

Reaffirming its endorsement in its resolution 1002 (1995) of the recommendations of the mission of the Security Council concerning the identification process and other aspects of the settlement plan as described in paragraphs 41 to 53 of the report of the mission of 21 June 1995,

³⁶ S/1995/816.

1. *Reiterates its commitment* to the holding, without further delay, of a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties referred to above;

2. *Expresses its disappointment* that, since the adoption of resolution 1002 (1995), the parties have made insufficient progress towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro and the arrangements for the reduction of Moroccan troops in the territory;

3. *Calls upon* the two parties to work henceforth with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant resolutions, to abandon their insistence on strict reciprocity in the operation of the identification centres and to cease all other procrastinating actions which could further delay the holding of the referendum;

4. *Requests* the Secretary-General, in close consultation with the parties, to produce specific and detailed proposals to resolve the problems hindering the completion of the identification process in the framework of the relevant Security Council resolutions, in particular resolution 907 (1994) relating to the compromise proposal of the Secretary-General and resolution 1002 (1995) relating to the recommendations of the Security Council mission, and to report on the outcome of his efforts in this regard by 15 November 1995;

5. *Decides* to review the arrangements for the completion of the identification process on the basis of the report requested in paragraph 4 above and to consider at that time any further measures which might need to be taken to ensure the prompt completion of that process and of all the other aspects relevant to the fulfilment of the settlement plan;

6. *Decides* to extend the mandate of the Mission until 31 January 1996 as recommended by the Secretary-General in his report of 8 September 1995, and takes note of his intention, if, before then, he considers that the conditions necessary for the start of the transitional period are not in place, to present the Security Council with alternative options for consideration, including the possibility of the withdrawal of the Mission;

7. *Requests* the Secretary-General to report by 15 January 1996 on progress achieved towards the implementation of the settlement plan and to state in that report whether or not the transitional period will be able to begin by 31 May 1996;

8. *Stresses* the need to accelerate the implementation of the settlement plan, and urges the Secretary-General to examine ways of reducing the operational costs of the Mission;

9. *Stresses also* that the existing mechanism for the financing of the Mission remains unchanged, supports the

invitation to Member States, by the General Assembly in its resolution 49/247 of 7 August 1995, to make voluntary contributions to the Mission, and requests the Secretary-General, without prejudice to existing procedures, to consider the establishment of a trust fund to receive such voluntary contributions for certain specific purposes to be designated by the Secretary-General;

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

Decision of 6 November 1995: letter from the President to the Secretary-General

In a letter dated 27 October 1995 addressed to the President of the Security Council, the Secretary-General informed the Council of decisions taken to accelerate the identification process.³⁷ Until that point, procedures had required that identification take place only in the presence of a representative from both parties, a sheikh nominated by each party, and an OAU observer. In many cases identification had been suspended, or had not started, due to the absence of one or more of those persons. The decisions described in the letter were intended to simplify certain aspects of the identification procedures.

In a letter dated 6 November 1995,³⁸ the President of the Security Council informed the Secretary-General that the members of the Council fully supported his efforts to accelerate the identification process and implement the settlement plan. They also requested him to continue his contacts with the parties and to report to the Council by 15 November. The members of the Council urged both parties to cooperate fully with MINURSO in order to overcome the identification delays.

Decision of 19 December 1995 (3610th meeting): resolution 1033 (1995)

On 24 November 1995, pursuant to resolution 1017 (1995) of 22 September 1995, the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara.³⁹

The Secretary-General recalled that the basic obstacle to continuing and completing the identification process related to certain tribal groups and to persons not residing in the Territory, in whose identification the Frente Polisario did not agree to

³⁷ S/1995/924.

³⁸ S/1995/925.

³⁹ S/1995/986.

participate. The operation had also been hindered by the inability or unwillingness of the parties to make a sheikh or alternate available at a given time and place. As a result, identification had been slow and had virtually come to a halt in the last few weeks. To overcome the difficulty, the Secretary-General had made some proposals to which the parties objected. Under his proposal, in cases when no sheikh or alternate was available on both sides, identification would be based on documentary evidence. Morocco wanted to limit the role of documentary evidence and give privilege to that of oral testimony. The Frente Polisario, on the other hand, considered that the new approach would allow for the introduction of applicants who had no ties with Western Sahara. The Secretary-General had, however, concluded that the new approach was the only way the process could be carried forward. Should it fail to proceed with the necessary speed, it was his intention to present the Council with alternative options, including the possibility of the withdrawal of MINURSO.

At its 3610th meeting, on 19 December 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁴⁰ He also drew their attention to two other documents.⁴¹

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1033 (1995), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Recalling the letter of the Secretary-General of 27 October 1995 and the reply of the President of the Security Council of 6 November 1995,

⁴⁰ S/1995/1013.

⁴¹ Letter dated 28 November 1995 from the representatives of Argentina and the United States (S/1995/989) and letter dated 6 December 1995 from the representative of Algeria (S/1995/1011), both addressed to the President of the Security Council.

Recalling the reports of the Secretary-General of 18 June 1990, 19 April 1991, 19 December 1991 and 28 July 1993,

Having considered the report of the Secretary-General of 24 November 1995,

Noting the response of the Government of Morocco to the proposal of the Secretary-General described in paragraph 10 of his report,

Noting also the response of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro to the proposal of the Secretary-General, described in paragraph 11 of his report,

Noting further other communications received by the Council on this subject,

Stressing that the Identification Commission will be able to carry out its work only if both parties place their trust in its judgement and integrity,

Stressing also the need for progress to be made on all other aspects of the settlement plan,

Committed to reaching a just and lasting solution to the question of Western Sahara,

Reiterating the fact that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. *Reiterates its commitment* to the holding, without further delay, of a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties mentioned above;

2. *Welcomes* the report of the Secretary-General of 24 November 1995 as a useful framework for his ongoing efforts aimed at accelerating and completing the identification process;

3. *Welcomes also* the decision of the Secretary-General to intensify his consultations with the two parties in order to obtain their agreement to a plan to resolve differences hindering the timely completion of the identification process;

4. *Requests* the Secretary-General to report to the Council on the results of those consultations on an urgent basis and, in the event those consultations fail to reach agreement, to provide the Council with options for its consideration, including a programme for the orderly withdrawal of the United Nations Mission for the Referendum in Western Sahara;

5. *Calls upon* the two parties to work with the Secretary-General and the Mission in a spirit of genuine cooperation to implement all the other aspects of the settlement plan, in accordance with the relevant resolutions;

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

4. The situation in Liberia

Decision of 26 March 1993 (3187th meeting): resolution 813 (1993)

On 12 March 1993, pursuant to resolution 788 (1992), the Secretary-General submitted to the Council a report on the question of Liberia.¹ The report included an update on events in Liberia and a summary of the activities and findings of the Special Representative for Liberia, who had visited the region from 29 November to 22 December 1992 and from 10 January to 2 February 1993.

The report traced the origins of the three-year civil war in Liberia to the breakdown of law and order and civil authority which had accompanied the overthrow in 1990 of the regime headed by President Samuel Doe. The de facto division of the country, as a result of the civil war, into two administrations, with separate economic zones and two different domestic currencies with widely varying rates of exchange, had further aggravated an already difficult situation. At the time of the report, the country remained partitioned, with the Interim Government of National Unity administering Monrovia and its environs, the National Patriotic Front of Liberia (NPFL) in control of 10 counties, and the United Liberation Movement of Liberia for Democracy (ULIMO) in control of two counties. War-related casualties among civilians and armed combatants were estimated to be as high as 150,000, with the overwhelming majority being civilians. The number of Liberian refugees located in neighbouring countries was estimated to be 600,000 to 700,000.

The Secretary-General reported that the discussions held by his Special Representative with the parties concerned, including the Executive Secretary and States members of the Economic Community of West African States (ECOWAS), had indicated that there was a general consensus that the United Nations should assume a larger role in the search for peace in Liberia. One proposal, which had the support of all the parties as well as ECOWAS, was that the Secretary-General should convene a meeting of the President of the Interim Government and the warring factions, at which they would conclude and sign an agreement reaffirming their commitment to implement the Yamoussoukro IV Accord. The Secretary-General

stated in that regard that, while he was ready to extend whatever assistance he could, it would be more appropriate if ECOWAS were to consider the situation in Liberia, preferably at summit level, to bring about the desired reconfirmation of the commitment of the parties to the Yamoussoukro IV Accord. He had asked his Special Representative to return to the region to discuss the proposed meeting with ECOWAS and with others concerned. Liberia represented a good example of systematic cooperation between the United Nations and a regional organization, as envisaged in Chapter VIII of the Charter. ECOWAS had been involved diplomatically and militarily since the beginning of the conflict, while the Security Council had supported its initiatives and endeavours. The Secretary-General expressed the belief that it would be the wish of the Council to continue to expand, as appropriate, the cooperative relationship between the United Nations and the concerned regional body. If requested, he would be willing to send a few experts who would extend technical assistance to ECOWAS in monitoring the economic sanctions.² He also suggested that the Council might consider enlarging the scope of mandatory sanctions under Chapter VII of the Charter.

At its 3187th meeting, on 26 March 1993, the Security Council included in its agenda the report of the Secretary-General on the question of Liberia. Following the adoption of the agenda, the Council invited the representative of Liberia to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,³ and read out a revision that had been made to the draft.⁴

Speaking before the vote, the representative of Cape Verde stated that, taking into account the level of mistrust among the various parties, his delegation was

² Comprehensive economic sanctions were imposed by ECOWAS Heads of State and Government meeting in Dakar from 17 to 29 July 1992, against the territory controlled by NPFL. The Security Council, by its resolution 788 (1992) of 19 November 1992, supplemented ECOWAS action by imposing an arms embargo.

³ S/25469.

⁴ See S/PV.3187.

¹ S/25402.

of the view that ways and means had to be sought to promote the necessary confidence among the parties to the conflict and to bring them back to the negotiating table. In particular, he felt that the time had come for a meaningful involvement by the United Nations, in close cooperation with ECOWAS, in restoring peace and stability in Liberia. In that regard, the draft resolution addressed the possibility of sending United Nations observers to Liberia in the context of a cessation of hostilities, which would be followed by the immediate encampment, disarmament and demobilization of the parties to the conflict. His delegation also supported the provision of the draft resolution requesting the Secretary-General to consider the possibility of convening a meeting of the President of the Interim Government of National Unity and the warring factions, within the framework of the Yamoussoukro IV Accord. Such a meeting would help to create an environment that would favour a renewed commitment by the parties to the conflict to the implementation of the Yamoussoukro Accords, in particular of its provisions concerning encampment and disarmament of their forces.⁵

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 813 (1993), which reads:

The Security Council,

Having considered the report of the Secretary-General of 12 March 1993,

Recalling its resolution 788 (1992) of 19 November 1992,

Also recalling the statements by the President of the Council on its behalf on 22 January 1991 and 7 May 1992,

Reaffirming its belief that the Yamoussoukro IV Accord of 30 October 1991 offers the best possible framework for a peaceful resolution of the Liberian conflict by creating the necessary climate and conditions for free and fair elections in Liberia,

Deploring that parties to the conflict in Liberia have not respected or implemented the various accords to date, especially the Yamoussoukro IV Accord,

Noting that the continuing breach of earlier accords hinders the creation of a climate and conditions conducive to the holding of free and fair elections in accordance with the Yamoussoukro IV Accord,

Recognizing the need for increased humanitarian assistance,

Welcoming the continued commitment of the Economic Community of West African States to and the efforts towards a peaceful resolution of the Liberian conflict,

Also welcoming the endorsement and support by the Organization of African Unity of these efforts,

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

Determining that the deterioration of the situation in Liberia constitutes a threat to international peace and security, particularly in this region of West Africa,

1. *Approves* the report of the Secretary-General;
2. *Commends* the Economic Community of West African States for its efforts to restore peace, security and stability in Liberia;
3. *Commends* the Organization of African Unity for its efforts in support of the peace process in Liberia;
4. *Reaffirms its belief* that the Yamoussoukro IV Accord of 30 October 1991 offers the best possible framework for a peaceful resolution of the Liberian conflict by creating the necessary conditions for free and fair elections in Liberia, and encourages the Economic Community of West African States to continue its efforts to assist in the peaceful implementation of that Accord;
5. *Condemns* the violation by any party to the conflict of the ceasefire established on 28 November 1990;
6. *Also condemns* the continuing armed attacks against the peacekeeping forces of the Economic Community of West African States in Liberia by one of the parties to the conflict;
7. *Reiterates its call upon* all parties to respect and implement the ceasefire and the various accords of the peace process, including the Yamoussoukro IV Accord and the final communiqué of the informal consultative group meeting of the Economic Community of West African States Committee of Five on Liberia, issued at Geneva on 7 April 1992, to which they themselves have agreed;
8. *Welcomes* the appointment by the Secretary-General of Mr. Trevor Gordon-Somers as his Special Representative for Liberia;
9. *Calls upon* all States strictly to abide by and comply with the general and complete embargo on all deliveries of weapons and military equipment to Liberia imposed by the Security Council in its resolution 788 (1992) under Chapter VII of the Charter of the United Nations;
10. *Demands* that all parties fully cooperate with the Secretary-General and the Economic Community of West African States with a view to ensuring the full and prompt implementation of the Yamoussoukro IV Accord;

⁵ *Ibid.*, pp. 3-7.

11. *Declares its readiness* to consider appropriate measures in support of the Economic Community of West African States if any party is unwilling to cooperate in implementation of the provisions of the Yamoussoukro accords, in particular the encampment and disarmament provisions;

12. *Reiterates its call* on Member States to exercise self-restraint in their relations with all parties to the Liberian conflict, in particular to refrain from providing any military assistance to any of the parties and also to refrain from taking any action that would be inimical to the peace process;

13. *Reaffirms* that the embargo imposed by resolution 788 (1992) shall not apply to weapons, military equipment and military assistance destined for the sole use of the peacekeeping forces of the Economic Community of West African States in Liberia;

14. *Commends* the efforts of Member States, the United Nations system and humanitarian organizations in providing humanitarian assistance to the victims of the conflict in Liberia, and in this regard reaffirms its support for increased humanitarian assistance;

15. *Demands* that the parties concerned refrain from any action that will impede or obstruct the delivery of humanitarian assistance and calls upon them to ensure the safety of all personnel involved in international humanitarian assistance;

16. *Reiterates its call upon* all parties to the conflict and all others concerned to respect strictly the provisions of international humanitarian law;

17. *Requests* the Secretary-General, in consultation with the Economic Community of West African States, to consider the possibility of convening a meeting of the President of the Interim Government of National Unity of Liberia and the warring factions, after thorough and detailed groundwork, to restate their commitment to the implementation of the Yamoussoukro IV Accord within an agreed timetable;

18. *Also requests* the Secretary-General to discuss with the Economic Community of West African States and the parties concerned the contribution which the United Nations could make in support of the implementation of the Yamoussoukro IV Accord, including the deployment of United Nations observers;

19. *Further requests* the Secretary-General to submit a report to the Security Council on the implementation of the present resolution as soon as possible;

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

Speaking after the vote, the representative of Brazil expressed the firm belief of his delegation in the desirability and usefulness of maintaining a close dialogue and cooperation between the United Nations and appropriate regional organizations in the settlement of disputes, in accordance with Chapter VIII of the Charter. Brazil supported the idea of strengthening the cooperative relationship established between the United

Nations and ECOWAS, with a view to assisting that regional body in its endeavours with regard to Liberia, as put forward by the Secretary-General in his report, while stressing that the ultimate responsibility rested with the Liberian people themselves.⁶

The representative of the United States stated that the resolution just adopted further strengthened the relationship between the United Nations and ECOWAS, which had taken the laudable initiative to address a regional conflict. As the United Nations strove to meet the demands placed upon it by a contentious world in a time of shrinking resources, such cooperation would be vital and there would be an increasing need to look to regional actors for guidance and support. If the ECOWAS initiative in Liberia were to fail, the ultimate cost to the region and to the international community would be great. The continued application of sanctions could help bring about a cessation of hostilities, and the Secretary-General's offer, to provide technical assistance to the ECOWAS Ceasefire Monitoring Group (ECOMOG) in monitoring sanctions, should be accepted. The United Nations could serve as a valuable catalyst to help the ECOWAS peacekeeping effort succeed. The suggestion in the Secretary-General's report for a limited number of United Nations observers to take up positions alongside ECOMOG merited serious consideration. Such observers could provide an important guarantee that the disarmament process would be conducted fairly and in a manner that offered advantage to none of the warring factions. They would also provide assurance that the political process leading to free and fair elections would take place in strict accordance with international norms.⁷

The representative of Liberia described as "practical and prudent" the Secretary-General's observations that the United Nations should continue to play a role supportive of the efforts of ECOWAS. He contended that United Nations support for the subregional initiative would enable all Liberians, working with ECOWAS, to restore peace, security and stability to their country. He also pledged the continuing support of the Interim Government for, and full cooperation with, ECOWAS and the United Nations in their manifold endeavours to assist the people of Liberia.⁸

⁶ *Ibid.*, pp. 8-9.

⁷ *Ibid.*, pp. 9-12.

⁸ *Ibid.*, p. 13.

**Decision of 9 June 1993 (3233rd meeting):
statement by the President**

At its 3233rd meeting, on 9 June 1993, the Security Council resumed its consideration of the situation in Liberia. Following the adoption of the agenda, the President (Spain) stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁹

The Security Council is shocked and saddened by the senseless killing of innocent civilians which occurred near Harbel, Liberia, on the morning of 6 June 1993. It strongly condemns this massacre of innocent displaced persons, including women and children, which comes at a time when the Special Representative of the Secretary-General, Mr. Trevor Gordon-Somers, is working diligently, in furtherance of the efforts of the Economic Community of West African States, on the basis of the Yamoussoukro IV Accord, to arrange a meeting of the warring factions in order to bring the three-year civil war to a peaceful end.

The Council urges all parties to the conflict to respect the rights of the civilian population and take all necessary measures to secure their safety.

The Council requests the Secretary-General to commence immediately a thorough and full investigation of the massacre, including any allegations as to the perpetrators, whoever they may be, and to report to it as soon as possible. It warns that those found responsible for such serious violations of international humanitarian law will be held accountable for such crimes and demands that the leaders of any faction responsible for such acts effectively control their forces and take decisive steps to ensure that such deplorable tragedies do not happen again.

The Council remains firmly supportive of the efforts of the Economic Community of West African States and the Secretary-General to bring peace to Liberia. It urges all Liberian factions and regional leaders to give their full cooperation to current efforts by the Special Representative of the Secretary-General to assist in the implementation of the Yamoussoukro IV Accord calling, inter alia, for a ceasefire, the encampment of forces, disarmament and democratic elections.

**Decision of 10 August 1993 (3263rd meeting):
resolution 856 (1993)**

On 2 August 1993, pursuant to resolution 813 (1993), the Secretary-General submitted to the Council a further report on Liberia.¹⁰ The Secretary-General described the negotiations that had led to the

Cotonou Agreement of 25 July 1993 and outlined the proposed role of the United Nations in the implementation of that Agreement.¹¹

The Secretary-General noted that the two most difficult issues in the negotiations had been the composition and structure of the transitional government and the procedures for the encampment, disarmament and demobilization of ex-combatants during the transition. The Cotonou Agreement itself provided that a ceasefire and the cessation of hostilities would take effect seven days from the date on which it was signed, that is on 1 August 1993. The Agreement also provided that ECOMOG would supervise and carry out the implementation of the Agreement, while the United Nations would undertake monitoring and verification. In order to ensure against any violation of the ceasefire between 1 August and the arrival of the additional ECOMOG troops and the main body of United Nations observers, the parties had agreed to establish a Joint Ceasefire Monitoring Committee, comprising representatives of the three Liberian parties, ECOMOG and the United Nations. The United Nations had also undertaken to consider dispatching 30 military observers to Liberia to participate in the work of the Joint Ceasefire Monitoring Committee.

On the political side, the parties had agreed that there should be a single Liberian National Transitional Government and that general and presidential elections would take place within seven months from the signing of the Agreement. The United Nations was ready to assist a reconstituted Electoral Commission in the organization and conduct of free and fair elections. On the humanitarian side, the Cotonou Agreement requested that all efforts be made to deliver humanitarian assistance throughout Liberia, using the most direct routes and with inspection to ensure compliance with the sanctions and embargo provisions of the Agreement. The United Nations, and in particular the Office of the United Nations High Commissioner for Refugees, was requested to carry out all necessary planning and mobilization to facilitate the speedy return of refugees and their reintegration into their communities.

The Secretary-General noted that the future role of the United Nations, while continuing to be supportive, would be crucial to the effective implementation of the Liberian Peace Agreement. It

⁹ S/25918.

¹⁰ S/26200.

¹¹ S/26272, annex.

was his intention to commence planning for the dispatch to Liberia of the advance team of 30 United Nations military observers and to send a technical team to Liberia to draw up plans for the establishment of a United Nations observer mission. ECOWAS had also requested that the United Nations establish a trust fund to enable African countries to send reinforcements to ECOMOG and to provide assistance to countries already participating in ECOMOG. The rapid expansion of humanitarian assistance activities throughout Liberia would also be essential in establishing conditions conducive to the successful implementation of the Cotonou Peace Agreement. A consolidated inter agency appeal would soon be issued, outlining the estimated requirements for Liberia. The Secretary-General expressed the hope that the international community would respond promptly and generously to the needs identified.

At its 3263rd meeting, on 10 August 1993, the Security Council included in its agenda the further report of the Secretary-General of 4 August 1993 on the question of Liberia. Following the adoption of the agenda, the Council invited the representatives of Benin, Egypt, Liberia and Nigeria to participate in the discussion without the right to vote. The President (United States) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.¹² She also drew the attention of the Council members to a letter dated 4 August 1993 from the Secretary-General addressed to the President of the Security Council,¹³ in which the Secretary-General reported that he had appointed a Panel of Inquiry to undertake a comprehensive investigation into the massacre of civilians that had occurred near Harbel, Liberia, on 6 June 1993, and to a letter dated 6 August 1993 from the Chargé d'affaires a.i. of Benin addressed to the Secretary-General,¹⁴ transmitting the text of the Cotonou Agreement.

The representative of Liberia informed the Council that, since the signing of the Cotonou Agreement, all of the parties were acting in a most constructive manner. The guns were silent and the ceasefire fully observed. There was cause for optimism. He stated that the adoption of the draft resolution would prove a significant milestone on the

road to peace. The establishment of a United Nations Observer Mission in Liberia, as envisaged by the Peace Agreement, would constitute an important confidence-building measure in the effort to end the war. The speaker observed that a crucial concern was whether the United Nations would find it possible to help Liberians to have the Transitional Government installed within the following 30 days, concomitant, as required by the Agreement, with the beginning of a process of comprehensive disarmament of combatants. He referred to the ECOWAS request for funds to enable reinforcement of ECOMOG and stated that additional troops, together with United Nations observers, were urgently needed for the commencement of the disarmament process. He appealed to the Council to give timely consideration to the request from ECOWAS, so that those countries that were willing to commit their troops could secure the funding necessary to facilitate their deployment.¹⁵

The representative of Benin stressed that the role of the United Nations had been decisive in introducing a climate of confidence between the parties, without which there would have been no Cotonou Agreement. The Agreement opened the way to implementing the various important provisions of the Yamoussoukro IV Peace Accord, namely: respect for the ceasefire; the regrouping, disarming and demobilization of troops; and the holding of general and presidential elections. The implementation of the Agreement would encourage the expediting and distribution of humanitarian assistance to the Liberian population, and the return of the displaced peoples, in order to strengthen the social bases for political settlement. He welcomed the provisions in the draft resolution relating to the creation of the United Nations Observer Mission in Liberia and the involvement of the United Nations in monitoring the ceasefire. On behalf of the President of ECOWAS, he assured the Council that ECOWAS would cooperate fully with the United Nations in the fulfilment of its mission in Liberia. The civil war in Liberia had hampered the integration programme — especially economic — of ECOWAS. The restoration of peace, security and stability in Liberia was one of its priorities.¹⁶

Speaking before the vote, the representative of Djibouti expressed the support of his delegation for the

¹² S/26259.

¹³ S/26265.

¹⁴ S/26272.

¹⁵ S/PV.3263, pp. 3-7.

¹⁶ *Ibid.*, pp. 7-10.

dispatch team of 30 military observers called for in the draft resolution, noting that it signalled the inception of formal United Nations involvement in the resolution of the Liberian conflict. The presence of the United Nations in Liberia would serve to give all the parties the assurance of the interest of the international community in the conflict and its willingness to become involved in seeking a fair and equitable resolution. The Cotonou Agreement was framed as a cooperative exercise by ECOWAS, ECOMOG and the United Nations, mirroring the complementary role each had played until then under the lead of ECOWAS. It would serve as a “shining example” of the regional and international division of labour in the maintenance of international peace and security.¹⁷

The representative of Morocco described the conclusion of the Cotonou Agreement as a good example of sound cooperation between the United Nations and regional organizations, as advocated in Chapter VIII of the Charter of the Organization. He also expressed support for the Secretary-General’s decision to create a special trust fund for Liberia to furnish assistance to countries of the subregion that had made sacrifices, as well as to other African countries that might be able to supply reinforcements to ECOMOG.¹⁸

The representative of China described the Cotonou Agreement as a major contribution to the restoration of peace and stability in Liberia and in the subregion of western Africa. The achievement of a genuine and lasting peace in Liberia depended, however, on the parties to the conflict cooperating with the United Nations and ECOWAS, adopting practical and effective measures to fulfil their commitments and strictly observing the Agreement and relevant Security Council resolutions. That would ensure a successful general election, thereby creating conditions for an early national reconciliation. He also expressed the hope that the Secretary-General would send the advance group of 30 military observers as soon as possible in order to facilitate the efforts of ECOWAS to achieve a political settlement.¹⁹

The draft resolution was then put to the vote and was adopted unanimously as resolution 856 (1993), which reads:

¹⁷ *Ibid.*, pp. 13-16.

¹⁸ *Ibid.*, pp. 16-18.

¹⁹ *Ibid.*, pp. 22-23.

The Security Council,

Recalling its resolution 813 (1993) of 26 March 1993,

Welcoming the signing under the auspices of the Economic Community of West African States, on 25 July 1993, at Cotonou, Benin, of a Peace Agreement between the Interim Government of National Unity of Liberia, the National Patriotic Front of Liberia and the United Liberation Movement of Liberia for Democracy,

Considering that the signing of the Peace Agreement constitutes a major achievement and an important contribution to the restoration of peace and security in Liberia and in this region of West Africa, and creates the opportunity to bring an end to the conflict,

Taking note of the further report of the Secretary-General of 2 August 1993,

1. *Welcomes* the decision of the Secretary-General to send a technical team to Liberia to gather and evaluate information relevant to the proposed establishment of a United Nations Observer Mission in Liberia;

2. *Approves* the dispatch to Liberia as soon as possible of an advance team of thirty military observers to participate in the work of the Joint Ceasefire Monitoring Committee, including in particular to monitor, investigate and report ceasefire violations in conjunction with the said Committee, the mandate of said team to expire within three months;

3. *Looks forward* to the report of the Secretary-General on the proposed establishment of the United Nations Observer Mission in Liberia, including in particular a detailed estimate of the cost and scope of this operation, a time frame for its implementation, the projected conclusion of this operation, how to ensure coordination between the Mission and the peacekeeping forces of the Economic Community of West African States and their respective roles and responsibilities;

4. *Calls upon* all parties to the conflict to respect and implement the ceasefire provided for in the Peace Agreement signed at Cotonou on 25 July 1993 and to cooperate fully with the advance mission and ensure the safety of all United Nations personnel and all other peacekeeping and humanitarian personnel within Liberia;

5. *Urges* the conclusion at the earliest possible stage of a status of mission agreement;

6. *Commends* the Economic Community of West African States for its efforts to restore peace, security and stability in Liberia;

7. *Commends also* the Organization of African Unity for its efforts in support of the peace process in Liberia;

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

Speaking after the vote, the representative of the United Kingdom described the Cotonou Agreement as

an excellent example of cooperation between the United Nations, the Organization of African Unity (OAU) and ECOWAS. It was vital, however, that the ceasefire should hold, and his delegation supported the dispatch of an advance group of 30 military observers for the Ceasefire Committee. In order for the process to move further forward and proceed to elections and a new government, ECOMOG would have a crucial role in maintaining internal security. The United Kingdom strongly supported the efforts that had been made by ECOMOG in difficult circumstances. The proposals that had been put forward at Cotonou, to widen the circle of contributors and to supplement ECOMOG with United Nations observers, represented a valuable opportunity to build confidence.²⁰

The representative of France welcomed the fact that it was one of the first times that the United Nations, in the spirit of Chapter VIII of the Charter, had undertaken a peacekeeping operation in cooperation with a regional organization. His Government would watch carefully the way in which the operation was conducted, and, in particular, the coordination between the United Nations Observer Mission in Liberia and the ECOWAS forces contributing to the operation. For that first experiment it was important that the competences and prerogatives of the two organizations were strictly respected, with it being understood that the United Nations must maintain its “precedence”. That clearly defined sharing of responsibilities should also apply to the area of funding, where confusion should be avoided. United Nations activities should be funded through mandatory contributions, whereas ECOMOG activities should be financed through the special trust fund, contributions to which would be voluntary.²¹

The representative of the Russian Federation stated that his delegation had consistently advocated a solution to the Liberian problem on a regional basis. It was therefore significant that the Cotonou Agreement had been achieved under the aegis of a regional organization, ECOWAS. A positive precedent had thus been established for seeking ways to solve military conflicts and crises on the African continent, within the framework of African efforts. The Russian Federation had voted in favour of the resolution just adopted as it was aimed at promoting a settlement to the conflict and

at effectively ensuring compliance by the parties with the conditions for a ceasefire. His delegation was prepared to support the activities of African States aimed at finding ways to settle military conflicts and crisis situations on the continent within the context of regional efforts.²²

The President, speaking in her capacity as the representative of the United States, stated that her Government welcomed the Council’s decision to dispatch an advance team of monitors to Liberia to participate in the monitoring of the ceasefire. It noted that the ceasefire had taken effect on 1 August, and she accordingly urged that the advance team be sent as quickly as possible to reinforce the ceasefire and increase the confidence of the Liberian parties in the international monitoring effort. The speaker referred to the deteriorating humanitarian situation in the interior of the country and urged the United Nations to find on an urgent basis some mechanism to allow cross-border relief shipments from Côte d’Ivoire and Guinea to resume, until such time as the full observer contingent referred to in the Agreement might arrive. As the prospective United Nations mission would work closely with peacekeeping forces of ECOMOG, the United States noted that the ECOWAS States would require outside assistance to deploy additional peacekeeping forces. The United States encouraged the Secretary-General to consider setting up a trust fund to facilitate the collection of international contributions to the ECOWAS/ECOMOG peacekeeping effort. She also stated that while the support for the United Nations and the international community was crucial for implementing the Agreement, only the Liberian parties themselves could make it work and effect a transition to democracy.²³

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

By a letter dated 27 August 1993,²⁴ the President informed the Secretary-General that the Council would support the establishment by the United Nations of a voluntary trust fund for Liberia to finance the implementation of the Agreement, including the deployment of ECOWAS peacekeeping troops, demobilization of combatants, elections and humanitarian assistance, as called for by ECOWAS at

²⁰ Ibid., pp. 26-28.

²¹ Ibid., pp. 28-29.

²² Ibid., pp. 31-32.

²³ Ibid., pp. 36-37.

²⁴ S/26376.

its summit meeting held in Cotonou from 22 to 24 July 1993.

**Decision of 22 September 1993 (3281st meeting):
resolution 866 (1993)**

On 9 and 17 September 1993, pursuant to resolution 856 (1993), the Secretary-General submitted to the Council a report on Liberia in which he outlined a plan for the establishment and deployment of the proposed United Nations Observer Mission in Liberia (UNOMIL).²⁵

The Secretary-General informed the Council that the planning mission dispatched to Liberia to gather data relevant to the proposed establishment of UNOMIL, had visited the country from 6 to 13 August 1993. The mission had met with the three parties to the Cotonou Agreement and had reported their strong commitment to its implementation. As UNOMIL would be the first instance where the United Nations would undertake a major peacekeeping operation in cooperation with another organization, the planning mission had paid attention in its discussions to the respective roles of, and relationship between, UNOMIL and ECOMOG in implementing the Agreement. Since the foreseen role of UNOMIL would be to monitor and verify the implementation of the Agreement, its concept of operation must be parallel to that of ECOMOG. UNOMIL and ECOMOG were to have separate chains of command. UNOMIL would be under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council, and ECOMOG would operate under the auspices of ECOWAS. The missions were to consult on decisions affecting them both.

The Secretary-General outlined detailed proposals relating to the structure and concept of operations for the proposed mission.²⁶ It would be composed of military and civilian components, including an electoral component. It should comprise an estimated 303 military observers. As far as ECOMOG was concerned, 4,000 additional troops would be necessary to fulfil the requirements of the Peace Agreement. The Secretary-General, in that regard, informed the Council, that, in response to a letter from the President of the Security Council of

27 August 1993,²⁷ strongly endorsing the establishment of a voluntary trust fund, he had taken the necessary steps to set up the trust fund in order to finance ECOMOG operations. The fund would also cover demobilization and elections.

Under the Cotonou Agreement, elections were to take place seven months after the signing of the Agreement, in February/March 1994. Several factors might undermine that target, however, including the fact that representatives of the Electoral Commission had not yet been nominated, the difficulty of incorporating into the electoral rolls refugees and internally displaced persons, and the need to ensure that demobilization was completed before the elections were held. While the peace process was already behind schedule, the establishment of the Transitional Government was crucial to reinforcing national reconciliation. The Secretary-General therefore urged ECOMOG to move quickly in commencing the disarmament process, with monitoring provided by the advance team of UNOMIL, even before full deployment of the expanded ECOMOG and UNOMIL. He also expected the Liberian parties to cooperate fully with ECOMOG and UNOMIL and to work together in a spirit of national reconciliation. Only under those conditions would it be possible to hold the elections on schedule.

The Secretary-General noted that the role foreseen for the United Nations in the implementation of the Cotonou Agreement was predicated on the assumption that the ECOMOG force would be in a position to perform the wide-ranging tasks entrusted to it by the Liberian parties. Should the additional troops not be deployed or should some ECOMOG troops be withdrawn prematurely, the successful implementation of the Agreement would be in jeopardy. In such an event, the Secretary-General would bring the situation to the attention of the Security Council and might recommend the withdrawal of UNOMIL.

The Secretary-General stated that the fundamental prerequisite for the establishment and maintenance of lasting peace and stability in Liberia was that the leaders and people of Liberia adhere to and implement faithfully the Cotonou Agreement. He also stated that the United Nations must supplement the efforts of the Liberian people to establish peace. He therefore recommended that the Security Council

²⁵ S/26422 and Add.1 and Add.1/Corr.1.

²⁶ For further details relating to the structure of UNOMIL, see chapter V.

²⁷ S/26376.

approve the establishment and deployment of UNOMIL.

At its 3281st meeting, on 22 September 1993, the Security Council included in its agenda the report of the Secretary-General of 9 and 17 September 1993. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (Venezuela) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,²⁸ and read out revisions that had been made to the draft resolution.²⁹

The representative of Liberia noted that since the signing of the Cotonou Agreement there had been no significant violations of the terms of that Agreement. Most of the political components of the Agreement, including the selection of a five-member transitional Council of State, had been implemented, and Liberians were optimistic that peace was finally at hand, but the situation in Liberia was still unsettled. The crucial military components of the Cotonou Agreement, were yet to be implemented. As long as the combatants remained armed, the situation in the country would continue to be unpredictable. His delegation therefore welcomed the Secretary-General's proposal that the disarmament process be undertaken as soon as possible. It would allow the installation of the transitional Government which, according to the Cotonou Agreement, was to be seated concomitantly with the commencement of the disarmament process. He further observed that the deployment of some members of the advance team of UNOMIL pursuant to resolution 856 (1993) had served as an important confidence-building measure. It was therefore most important that the remaining members of UNOMIL be deployed as soon as possible. The disarmament of the combatants would also be greatly enhanced by the deployment of additional troops to augment ECOMOG. The funding for those additional troops would depend, inter alia, on voluntary contributions to the Trust Fund by Member States. His delegation echoed the request already made by the Secretary-General for Member States to make generous contributions to the Trust Fund. The continued provision of humanitarian assistance also would complement the efforts of the

Liberian people to achieve a peaceful resolution of the Liberian conflict. The speaker concluded by stating that, by adopting the draft resolution, the Council would be acting in accordance with its mandate under Chapter VIII of the Charter of the United Nations. Additionally, by endorsing the draft resolution, the Council would be taking a bold step in undertaking peacekeeping, peacemaking and peace-monitoring in concert with the subregional organization that had initiated the process. By exerting its best efforts to ensure that UNOMIL was successful, the Council could provide a model for future cooperation between the United Nations and other subregional organizations.³⁰

The representative of Djibouti stated that the creation of UNOMIL established an important precedent for the United Nations — that of a peacemaking mission set up after one was already in place through another organization. Consequently, the issues of coordination, command and responsibilities were significant and would require careful monitoring and assessment. The supportive but independent role of the United Nations needed to be safeguarded, particularly where hostilities might resume and peacemaking action would be required against one of the parties. His delegation therefore supported the draft resolution.³¹

The draft resolution was then put to the vote, as orally revised in its provisional form, and was adopted unanimously as resolution 866 (1993), which reads:

The Security Council,

Recalling its resolutions 813 (1993) of 26 March 1993 and 856 (1993) of 10 August 1993,

Having considered the report of the Secretary-General of 9 and 17 September 1993 on the proposed establishment of the United Nations Observer Mission in Liberia,

Noting that the Peace Agreement signed by the three Liberian parties at Cotonou, Benin, on 25 July 1993 calls on the United Nations and the Military Observer Group of the Economic Community of West African States to assist in the implementation of the Agreement,

Emphasizing, as noted in the report of the Secretary-General of 2 August 1993, that the Peace Agreement assigns the Military Observer Group the primary responsibility of supervising the implementation of the military provisions of the

²⁸ S/26477.

²⁹ See S/PV.3281.

³⁰ *Ibid.*, pp. 6-10.

³¹ *Ibid.*, pp. 11-12.

Agreement and envisages that the United Nations role shall be to monitor and verify this process,

Noting that this would be the first peacekeeping mission undertaken by the United Nations in cooperation with a peacekeeping mission already set up by another organization, in this case the Economic Community of West African States,

Recognizing that United Nations involvement would contribute significantly to the effective implementation of the Peace Agreement and would serve to underline the international community's commitment to conflict resolution in Liberia,

Commending the Economic Community of West African States for its continuing efforts to restore peace, security and stability in Liberia,

Commending also the efforts of the Organization of African Unity in support of the peace process in Liberia,

Stressing the importance of full cooperation and close coordination between the United Nations Observer Mission in Liberia and the Military Observer Group in the implementation of their respective mandates,

Taking note of the deployment of an advance team of United Nations military observers to Liberia as authorized under resolution 856 (1993),

Welcoming the establishment of the Joint Ceasefire Monitoring Committee composed of the three Liberian parties, the Military Observer Group and the United Nations,

Welcoming also the formation in Cotonou on 27 August 1993 of the five-member Council of State representing all three Liberian parties which, in accordance with the Peace Agreement, shall be installed concomitantly with the commencement of the disarmament process and shall be responsible for the day-to-day operation of the transitional government,

Noting that the Peace Agreement calls for legislative and presidential elections to take place approximately seven months after the signing of the Peace Agreement,

1. *Welcomes* the report of the Secretary-General of 9 and 17 September 1993 on the proposed establishment of the United Nations Observer Mission in Liberia;

2. *Decides* to establish the United Nations Observer Mission in Liberia under its authority and under the direction of the Secretary-General through his Special Representative for a period of seven months, subject to the proviso that it will continue beyond 16 December 1993 only upon a review by the Council based on a report from the Secretary-General on whether or not substantive progress has been made towards the implementation of the Peace Agreement signed at Cotonou on 25 July 1993 and other measures aimed at establishing a lasting peace;

3. *Also decides* that the Mission shall comprise military observers as well as medical, engineering, communications, transportation and electoral components, in the numbers indicated in the report of the Secretary-General,

together with minimal staff necessary to support it, and shall have the following mandate:

(a) To receive and investigate all reports on alleged incidents of violations of the ceasefire agreement and, if the violation cannot be corrected, to report its findings to the Violation Committee established pursuant to the Peace Agreement, and to the Secretary-General;

(b) To monitor compliance with other elements of the Peace Agreement, including at points on Liberia's borders with Sierra Leone and other neighbouring countries, and to verify its impartial application, and in particular to assist in the monitoring of compliance with the embargo on delivery of arms and military equipment to Liberia and the cantonment, disarmament and demobilization of combatants;

(c) To observe and verify the election process, including the legislative and presidential elections to be held in accordance with the provisions of the Peace Agreement;

(d) To assist, as appropriate, in the coordination of humanitarian assistance activities in the field in conjunction with the existing United Nations humanitarian relief operation;

(e) To develop a plan and assess financial requirements for the demobilization of combatants;

(f) To report on any major violations of international humanitarian law to the Secretary-General;

(g) To train the Military Observer Group engineers in mine clearance and, in cooperation with the Group, coordinate the identification of mines and assist in the clearance of mines and unexploded bombs;

(h) Without participation in enforcement operations, to coordinate with the Military Observer Group in the discharge of the Group's separate responsibilities both formally, through the Violation Committee, and informally;

4. *Welcomes* the intention of the Secretary-General to conclude with the Chairman of the Economic Community of West African States an agreement defining, before deployment of the Mission, the roles and responsibilities of the Mission and the Community in the implementation of the Peace Agreement, in accordance with the concept of operations outlined in chapter IV of the report of the Secretary-General, and requests the Secretary-General to keep the Council informed on the progress and outcome of the negotiations leading thereto;

5. *Encourages* African States to provide the additional troops requested from them by the Economic Community of West African States for the Military Observer Group;

6. *Welcomes also* the steps taken by the Secretary-General to establish a Trust Fund for Liberia, which would facilitate the sending of reinforcements by African States to the Military Observer Group, assist in supporting troops of participating Group countries and also assist in mine-clearing, humanitarian and development activities, as well as the electoral

process, and calls on Member States to support the peace process in Liberia by contributing to the Trust Fund;

7. *Urges* the Liberian parties to commence the encampment, disarmament and demobilization process without delay;

8. *Welcomes* the decision to establish the transitional government and urges also the Liberian parties to begin the exercise of that government's responsibilities concomitantly with the process described in paragraph 7 above and consistent with the Peace Agreement;

9. *Calls on* the transitional government to conclude expeditiously, and no later than sixty days after its installation, a status of mission agreement with the United Nations to facilitate the full deployment of the Mission;

10. *Urges* the Liberian parties to finalize the composition of the Elections Commission so that it can promptly undertake the necessary preparations for legislative and presidential elections by March 1994, at the latest, in accordance with the timetable foreseen in the Peace Agreement;

11. *Calls on* the Liberian parties to cooperate fully in the safe delivery of humanitarian assistance to all parts of the country by the most direct routes, in accordance with the Peace Agreement;

12. *Welcomes* the stated commitment of the Military Observer Group to ensure the safety of observers and civilian staff of the United Nations Observer Mission in Liberia and urges the Liberian parties to take all necessary measures to ensure the security and safety of Mission personnel, as well as of the personnel involved in relief operations, and strictly to abide by applicable rules of international humanitarian law;

13. *Requests* the Secretary-General to submit progress reports to the Council on the implementation of the present resolution by 16 December 1993 and by 16 February 1994;

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

Speaking after the vote, the representative of the United States observed that the role of ECOMOG would be pivotal. His delegation trusted that adequate and appropriate coordination between all levels of command of ECOMOG and UNOMIL would enable both groups to operate in the complementary manner foreseen by the Council and the parties to the Agreement. The precedent of side-by-side operations by the United Nations and a regional group might have reverberations in other conflict areas, which could perhaps be tackled in a similar manner if it were to work well in Liberia.³²

The representative of France stated that the resolution just adopted attested to the resolve of the

³² Ibid., p. 13.

international community to implement a peace agreement in a strife-torn nation and created a United Nations force that was called upon, pursuant to Chapter VIII of the Charter, to work in close cooperation with the regional organization. That represented one of the first instances of a joint peacekeeping operation and could serve as a precedent if it were to succeed. UNOMIL would fully play its role of monitoring and verifying the implementation of the Cotonou Agreement, while the primary responsibility for actually implementing the Agreement would fall to ECOMOG.³³

The representative of the United Kingdom noted that the conflict had had a destabilizing effect on the countries of the subregion as a whole, and particularly on Sierra Leone. His delegation welcomed the fact that, under the resolution just adopted, UNOMIL would have a monitoring function on Liberia's borders with its neighbours, and in particular with Sierra Leone. He also noted that UNOMIL would represent the first example of a United Nations peacekeeping mission in cooperation with the mission already established by a regional organization. ECOMOG and UNOMIL's roles would be separate but complementary. He emphasized that close coordination and the fullest cooperation between the two bodies would be vital to the success of the enterprise.³⁴

Decision of 16 December 1993: letter from the President to the Secretary-General

On 13 December 1993, pursuant to resolution 866 (1993), the Secretary-General submitted to the Council a report on UNOMIL in which he described the progress made in the implementation of the Peace Agreement.³⁵ The parties to the Cotonou Agreement had met in Cotonou from 3 to 5 November 1993 and had agreed on the distribution of the majority of cabinet posts of the Transitional Government, as well as on the composition of the Elections Commission, on the Speaker of the Legislature and the members of the Supreme Court. The Secretary-General indicated that his Special Representative had been consulting regularly with the parties to the Agreement, particularly in regard to the commencement of disarmament of the Liberian parties and the deployment of the expanded ECOMOG troops. There

³³ Ibid., pp. 14-15.

³⁴ Ibid., pp. 16-17.

³⁵ S/26868.

was every indication that disarmament would begin shortly. He pointed out that the most important factor holding up the implementation of the Peace Agreement had been the delay in the deployment of the expanded ECOMOG troops. In spite of those delays, there had been no major violations of the ceasefire. The Secretary-General expected to be able to provide more precise information on the timetable for elections, which the transitional government should be able to hold during the first half of 1994. In conclusion, he recommended to the Council that UNOMIL should continue to implement the mandate entrusted to it by resolution 866 (1993).

By a letter dated 16 December 1993,³⁶ the President informed the Secretary-General as follows:

The members of the Council have taken note of your report of 13 December 1993 on the United Nations Observer Mission in Liberia, on the basis of which they have completed the review provided for in paragraph 2 of resolution 866 (1993) of 22 September 1993.

The members of the Council take this opportunity to inform you, that, in spite of the unavoidable delays to date, they share your expectation that disarmament of combatants will begin presently, the transitional government will soon be installed and the elections in Liberia will be held in the first half of 1994. They look forward to your recommendations on these aspects of the peace process in the report which the Council has requested by 16 February 1994, or earlier, if you consider that the situation warrants.

The members of the Council also reaffirm the importance they attach to the United Nations Trust Fund for Liberia. They welcome the contributions made to date and urge Member States to support the peace process in Liberia by contributing generously to the Trust Fund.

**Decision of 18 January 1994: letter from the
President to the Secretary-General**

By a letter dated 18 January 1994,³⁷ the President informed the Secretary-General as follows:

The members of the Security Council wish to thank you for making it possible for your Special Representative, Mr. Trevor Gordon-Somers, to brief the Council on 14 January 1994 on the most recent developments in Liberia.

In this regard, they welcome the fact that the deployment of additional troops of the Economic Community of West African States Monitoring Group is now well under way. They are also pleased to learn that the deployment of United Nations

Observer Mission in Liberia is almost complete. There should be no further delay in implementation of the Cotonou Agreement.

The members of the Council note that, pursuant to resolution 866 (1993) of 22 September 1993, a report is expected by 16 February 1994. They are concerned that the transitional government has still not been installed, disarmament has not yet commenced, that the implementation of the Cotonou Agreement is thus being delayed, and that efforts to deliver humanitarian assistance to all parts of the country have met with difficulties. The continued support of the international community for the efforts of the Mission will depend on the full and prompt implementation by the parties of the Cotonou Agreement, including installation of the transitional government, disarmament and the unimpeded delivery of humanitarian assistance.

As noted in the letter dated 16 December 1993 addressed to you by the President of the Security Council, the members of the Council share your expectation that the elections due to take place under the terms of the Cotonou Agreement should take place during the first half of this year. In this connection they express the hope that, by the time you submit your report, the progress achieved by the Liberian parties in the implementation of the peace process will enable you to recommend a precise timetable for the holding of the elections in Liberia.

**Decision of 25 February 1994 (3339th meeting):
statement by the President**

On 14 and 23 February 1994, pursuant to resolution 866 (1993), the Secretary-General submitted to the Council his second progress report on UNOMIL,³⁸ which described the progress achieved in the implementation of the Cotonou Agreement.

The Secretary-General reported that, at a meeting held at Monrovia on 15 February 1994 and facilitated by his Special Representative, the parties to the Cotonou Agreement had reached agreement on most of the outstanding issues impeding the commencement of disarmament and the installation of the Transitional Government. In the final communiqué of the meeting,³⁹ the parties had reiterated their commitment to the Cotonou Agreement. They had agreed to provide ECOMOG and UNOMIL, within 48 hours, with the information required for the preparation of schedules for disarmament. They had also agreed that free and fair elections would be held on 7 September 1994, and that on 7 March 1994 disarmament would commence and the Transitional Government would be installed. However, it had not been possible at that meeting to

³⁶ S/26886.

³⁷ S/1994/51.

³⁸ S/1994/168 and Add.1

³⁹ S/1994/187, annex.

resolve the question of the remaining Cabinet posts in the Transitional Government. The Secretary-General warned that if that issue was not resolved expeditiously, it could delay the commencement of disarmament and the installation of the Transitional Government. He again urged the Liberian parties to demonstrate maximum flexibility and spare no effort to arrive at an acceptable accommodation. The Secretary-General undertook to keep the Security Council informed of any further developments in that matter.

Another positive development was that one of the new armed groups to emerge in Liberia had indicated its willingness to hand over territory under its control to ECOMOG and UNOMIL. The Secretary-General noted, however, that conflict between new armed groups continued and that the influx of displaced persons was increasing. Humanitarian assistance had also been severely disrupted in some areas.

The Secretary-General further reported that ECOMOG was facing major financial difficulties and he urged Member States to assist the peace process in Liberia by providing financial assistance through the Trust Fund for Liberia to help ECOMOG to meet the costs of stipends for the additional troops and logistic support for the existing troops. He reiterated that UNOMIL's ability to carry out the mandate entrusted to it by the Security Council depended on the capacity of ECOMOG to discharge its responsibilities in accordance with the Agreement.

At its 3339th meeting, on 25 February 1994, the Security Council included in its agenda the second progress report of the Secretary-General on UNOMIL. Following the adoption of the agenda, the Council invited the representatives of Benin and Liberia, at their request, to participate in the discussion without the right to vote. The President (Djibouti) drew the attention of the Council's members to a letter dated 16 February 1994 from the representative of Liberia,⁴⁰ transmitting the final communiqué of the meeting held on 15 February 1994 by the parties to the Cotonou Agreement. He then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴¹

⁴⁰ S/1994/187.

⁴¹ S/PRST/1994/9.

The Security Council takes note of the report of the Secretary-General of 14 February 1994 on the situation in Liberia.

The Council welcomes the agreement reached at Monrovia contained in the communiqué of 15 February 1994, in which the parties once again reaffirmed their commitment to the Cotonou Agreement as the basis for a lasting political settlement to the Liberian conflict. The Council calls upon the parties to uphold strictly the timetable outlined in that communiqué: the commencement of disarmament and the installation of a transitional government on 7 March 1994, and the holding of free and fair general elections on 7 September 1994. The Council urges the parties to resolve quickly their differences on the disposition of the four remaining Cabinet posts.

The Council, however, wishes to express its concern about the recent upsurge in violence in Liberia and the related disruption of humanitarian relief shipments, to which the rise of new military groups and problems of military indiscipline among the existing factions have contributed. It deplores the consequent loss of life, destruction of property and the increased number of people that have since been displaced. The Council calls upon all Liberian parties to adhere strictly to the ceasefire agreement and to cooperate fully with the international relief efforts in order to put an end to the obstacles periodically impeding the delivery of humanitarian aid.

The Council is gravely concerned at the delays in implementing the commitments entered into by the parties under the Cotonou Agreement, in particular the commencement of disarmament and the installation of the transitional Government.

The Council reminds the parties that they themselves bear ultimate responsibility for the successful implementation of the Cotonou Agreement. The Liberian parties should bear in mind that the support of the international community and of the Council will not continue in the absence of tangible progress towards full and prompt implementation of the Agreement, in particular the revised timetable. These delays jeopardize both the viability of the Agreement itself and the ability of the United Nations Observer Mission in Liberia to fulfil its mandate.

The Council looks forward to the proposed meeting of Ministers for Foreign Affairs of States members of the Economic Community of West African States in March and to continued progress on the ground. The Council underlines the importance of adhering to the timetable and will review the situation again in March 1994 to evaluate what progress has been made.

The Council underlines the importance of disarmament to the successful implementation of the Cotonou Agreement and, in this context, notes the central role in the disarmament process given to the Economic Community of West African States Monitoring Group under the Agreement.

The Council, therefore, takes note of the Secretary-General's observation that the Monitoring Group's forces face considerable financial and logistical difficulties and strongly supports his call upon Member States to assist the peace process

by providing the necessary financial and logistical resources to the Monitoring Group to enable it to meet its obligations under the Cotonou Agreement. The Council supports the Secretary-General's appeal to all Member States which have not already done so to contribute generously to the United Nations Trust Fund for Liberia. The Council concurs with the Secretary-General that the ability of the Mission to carry out its mandate depends on the capacity of the Monitoring Group to discharge its responsibilities.

The Council commends the Economic Community of West African States and the Organization of African Unity for their continued efforts to restore peace, security and stability in Liberia. The Council notes with appreciation that the Monitoring Group's force has now been expanded pursuant to resolution 866 (1993) of 22 September 1993 and commends all countries which have contributed troops and resources to the Monitoring Group since its inception in 1990.

The Council commends also the efforts of Member States and humanitarian organizations in providing humanitarian assistance to the victims of the Liberian civil war. The anticipated reunification of the country by 7 March 1994 and the ensuing repatriation of Liberian refugees will accelerate the demand for additional humanitarian relief, and in this regard the Council urgently appeals to Member States and humanitarian organizations to increase their assistance to Liberia.

The Council reaffirms its appreciation for the tireless efforts of the Secretary-General and his Special Representative towards the establishment of a lasting peace in Liberia.

**Decision of 21 April 1994 (3366th meeting):
resolution 911 (1994)**

On 18 April 1994, pursuant to resolution 866 (1993), the Secretary-General submitted to the Council his third progress report on UNOMIL,⁴² in which he reported on the progress made in the implementation of the Cotonou Agreement .

The Secretary-General reported that the Liberian parties had successfully completed a number of important steps in the implementation of the Cotonou Agreement. On 7 March 1994 the Council of State and the executive arm of the Transitional Government had been installed and the disarmament process had begun. On 11 March the Transitional Legislative Assembly had been inducted, while on 14 March the Supreme Court of Liberia had opened for the March term. Furthermore, 7 September 1994 had been set as the date for the holding of elections.

Notwithstanding those positive achievements, however, a number of obstacles remained. The parties

⁴² S/1994/463.

were yet to resolve the issue of the distribution of the four remaining Cabinet posts in the Transitional Government. Military conflicts involving various parties persisted. In that regard, the Secretary-General urged the Liberian parties to cooperate with one another to overcome the remaining impediments to the full installation of the Transitional Government. He also called on them to respect the terms of the Cotonou Agreement by ensuring that their combatants laid down their arms.

In relation to the holding of elections, the Elections Commission had intensified its preparations. One major problem had arisen, which was that if, as planned, the elections were to be based on single-member constituencies, then it would be necessary for refugees and internally displaced persons to have returned to their constituencies of residence before the end of the registration period. The registration period itself should be completed well before the election date in order to ensure broad participation in the electoral process. The Secretary-General urged the Liberian authorities to consider organizing the elections on the basis of a single national constituency with proportional representation. He offered to send a team of international experts to Liberia to consult with the Liberian National Transitional Government and the Elections Commission on how that could be done.

The Secretary-General recommended that the Security Council extend the mandate of UNOMIL for a further period of six months, which would include the period of the elections scheduled for September 1994. Provision should also be made for the liquidation phase of the Mission, which would end by 31 December. However, if the impasse over the remaining four posts in the Transitional Government was not resolved within two weeks and there was no further progress in the peace process, he would request the Council to review UNOMIL's mandate.

At its 3366th meeting, on 21 April 1994, the Security Council included in its agenda the report of the Secretary-General of 18 April 1994. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (New Zealand) drew the attention of the Council to the text of a draft resolution,⁴³ which had been prepared in the course of the Council's prior

⁴³ S/1994/474.

consultations and read out revisions that had been made to the draft resolution.⁴⁴

The representative of Liberia informed the Council that the Transitional Council of State had nominated the Ministers of Justice, Finance and Defence and that the only remaining portfolio, that of Minister of Foreign Affairs, would be filled shortly. The filling of the four remaining ministerial portfolios would facilitate the full operation of the Government. His delegation shared the concerns of the Secretary-General regarding the delay in the disarmament of combatants due to the continuation of armed hostilities in the country. The Transitional Council of State had appealed to the parties concerned to discontinue the fighting and allow the peaceful resolution of the conflict, in keeping with the terms of the Cotonou Agreement. What the Liberian people had accomplished respecting the political components of the Cotonou Agreement could be effectively implemented when its military component, the disarmament of the combatants, had been executed. While pointing out that the disarmament of the combatants was the responsibility of ECOMOG, the speaker stated that the Liberian National Transitional Government was encouraging dialogue among the parties in order to accelerate the disarmament process. Addressing the elections, he noted that the recommendation of the Secretary-General, concerning the need for changes in the constitutional requirements of the electoral procedure, was receiving the consideration of the Transitional Council of State. He further observed that the Elections Commission required financial assistance for all the elections, and that financial and technical assistance would also be required for the demobilization and reintegration of ex-combatants and for the reconstruction and rehabilitation of Liberia. His delegation therefore joined the Secretary-General's appeal to Member States to contribute to the Trust Fund and to provide increased humanitarian assistance to the country.⁴⁵

Speaking before the vote, the representative of Nigeria stated that in the view of his delegation, the draft resolution represented a satisfactory effort to move the Liberian peace process forward. First, by deciding to extend UNOMIL's mandate for six months, the draft resolution underscored continued international

and United Nations support for the Liberian peace process. Nevertheless, by making specific provisions for a review of the Liberian situation by 18 May, it underlined the need for the parties to take concrete steps to move the peace process forward as a basis for continued United Nations support. Second, the draft resolution urged the Liberian parties to cease all hostilities everywhere in Liberia and to cooperate fully with ECOMOG in completing the disarmament process. That was of crucial importance for the restoration of confidence between the parties, the early return and settlement of refugees, the functioning of the Transitional Government, and the prospects of holding the elections by the date scheduled. Finally, the draft resolution recognized the necessity for additional contributions to the Liberian Trust Fund, increased assistance to ECOMOG to enable it to cope satisfactorily with the tasks assigned to it under the Cotonou Agreement, and support for humanitarian and development activities in Liberia.⁴⁶

The draft resolution was then put to the vote, as orally revised in its provisional form, and was adopted unanimously as resolution 911 (1994), which reads:

The Security Council,

Recalling its resolutions 813 (1993) of 26 March 1993, 856 (1993) of 10 August 1993 and 866 (1993) of 22 September 1993,

Having considered the reports of the Secretary-General of 13 December 1993, 14 February 1994 and 18 April 1994 on the activities of the United Nations Observer Mission in Liberia,

Welcoming the progress made towards establishing the Liberian National Transitional Government, but concerned about subsequent delays in implementing the Cotonou Agreement,

Expressing its concern over renewed fighting between the Liberian parties and the negative impact that this fighting has had on the disarmament process, the effort to provide humanitarian relief, and the plight of displaced persons,

Commending the positive role of the Economic Community of West African States in its efforts to help to restore peace, security and stability in Liberia, and urging it to continue its efforts with the aim of assisting the Liberian parties to complete the process of political settlement in the country,

Recognizing, as noted in the report of the Secretary-General of 2 August 1993, that the Cotonou Agreement assigns the Economic Community of West African States Monitoring Group to assist in the implementation of the Agreement,

⁴⁴ See S/PV.3366.

⁴⁵ *Ibid.*, pp. 2-3.

⁴⁶ *Ibid.*, pp. 4-5.

Commending those African States which have contributed troops to the Monitoring Group, and those Member States which have contributed to the United Nations Trust Fund for Liberia or have provided other assistance in support of the troops,

Welcoming the close cooperation between the Mission and the Monitoring Group, and stressing the importance of continued full cooperation and coordination between them in the implementation of their respective tasks,

Noting that the revised timetable of the Cotonou Agreement established on 15 February 1994 at Monrovia calls for legislative and presidential elections to take place by 7 September 1994,

1. *Welcomes* the report of the Secretary-General of 18 April 1994 and the progress the parties have made towards the implementation of the Cotonou Agreement and other measures aimed at establishing a lasting peace;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 22 October 1994, on the understanding that the Security Council will, by 18 May 1994, review the situation in Liberia, including the role played by the Mission in that country, based on a report by the Secretary-General on whether or not the Council of State of the Liberian National Transitional Government has been fully installed and on whether there has been substantial progress in disarmament and in implementing the peace process;

3. *Also decides* to review again the situation in Liberia, including the role played by the Mission, on or before 30 June 1994, on the basis of a report of the Secretary-General, such review to include consideration of whether sufficient progress has been made in implementing the revised timetable of the Cotonou Agreement to warrant continued involvement of the Mission, in particular the effective operation of the Liberian National Transitional Government, progress in carrying out disarmament and demobilization and preparations for the holding of elections on 7 September 1994;

4. *Notes* that, if it considers, during either of the above reviews, that progress has been insufficient, it may request the Secretary-General to prepare options regarding the mandate and continued operations of the Mission;

5. *Urges* all Liberian parties to cease hostilities immediately and to cooperate with the forces of the Economic Community of West African States Monitoring Group to complete the disarmament process expeditiously;

6. *Calls upon* the Liberian parties as an urgent priority to complete installation, within the time frame established in paragraph 2 above, of the Liberian National Transitional Government, especially the seating of the full Cabinet and the national assembly, so that a unified civil administration of the country can be established and other appropriate arrangements completed so that national elections may be held as scheduled on 7 September 1994;

7. *Calls again upon* the Liberian parties to cooperate fully in the safe delivery of humanitarian assistance to all parts of the country by the most direct routes, in accordance with the Cotonou Agreement;

8. *Welcomes* the ongoing efforts of the Monitoring Group in furthering the peace process in Liberia and its commitment to ensuring the safety of Mission observers and civilian staff, and urges the Liberian parties to continue to take all necessary measures to ensure the security and safety of Mission personnel, as well as of the personnel involved in relief operations, and strictly to abide by applicable rules of international humanitarian law;

9. *Encourages* Member States to provide support for the peace process in Liberia by contributing to the Trust Fund or by providing other assistance to facilitate the sending of reinforcements by African States to the Monitoring Group, to assist in supporting troops of countries participating in the Group and also to assist in humanitarian and development activities, as well as in the electoral process;

10. *Commends* the efforts made by Member States and humanitarian organizations to provide emergency humanitarian assistance;

11. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to promote and facilitate dialogue among all parties concerned;

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

Speaking after the vote, the representative of the United States observed that the resolution just adopted provided for two reviews in the following months, one to check on whether the parties had resolved their differences over several key Cabinet posts and the other to check on overall progress. His delegation expected the Liberians to have passed certain goalposts by 30 June: first, the Liberian National Transitional Government should be fully installed and operating effectively in Monrovia and beyond; second, additional disarmament and demobilization camps should have been established and approximately 30 per cent of the combatants should have been disarmed; third, the Elections Commission should be actively planning for the 7 September elections, including setting up a timetable for the registration of voters, filing candidates and other vital preparatory activities; and fourth, the ceasefire should be holding. The attainment of those goals was essential for the continued presence of UNOMIL. If the parties could not pass those goalposts, the United States would be prepared to seek

consideration of whether the Mission ought to be curtailed or terminated.⁴⁷

**Decision of 23 May 1994 (3378th meeting):
statement by the President**

On 18 May 1994, pursuant to resolution 911 (1994), the Secretary-General submitted to the Council his fourth progress report on UNOMIL,⁴⁸ in which he provided an update on progress in the implementation of the peace process. He reported that the issue of the four remaining Cabinet posts in the Transitional Government had been resolved, removing a major impediment to the full seating and functioning of the Transitional Government. The Liberian National Transitional Government Cabinet had held its first meeting, on 13 May 1994, at which it had issued a statement that, *inter alia*, called on leaders of all warring factions and armed combatants to surrender unconditionally all their arms and declared that the Liberian National Transitional Government was thenceforth the government authority throughout the territory of Liberia. That had enabled the parties to bring to an effective end all factional claims to the territory.

The Secretary-General noted that during the period of negotiations between the parties on the distribution of the remaining posts, the pace of disarmament had slowed considerably. With the installation of the Transitional Government, the parties had recommitted themselves to the complete implementation of the Cotonou Agreement, including disarmament. It was therefore expected that the pace of disarmament would quicken. The Secretary-General again called on the Liberian parties to respect the timetable for disarmament and to ensure that their combatants laid down their arms. He also reported on the mediation efforts by ECOMOG and UNOMIL to resolve disputes among and within parties, which had resulted in the outbreak of fighting.

The Secretary-General informed the Council that the team of international experts referred to in his previous report would arrive in Liberia on 22 May to consult with the Transitional Government and the Liberian Elections Commission on how the United Nations could best assist in the holding of the elections.

The Secretary-General noted that the efforts of the parties in Liberia were finally yielding some positive results, but he observed that much remained to be accomplished, especially in the areas of disarmament and demobilization. He called on Member States to support the Transitional Government in the discharge of its responsibilities under the Cotonou Agreement and stated that he had instructed his Special Representative to advise him on concrete measures that Member States might take in that regard.

At its 3378th meeting, on 23 May 1994, the Security Council included in its agenda the report of the Secretary-General of 18 May 1994. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (Nigeria) drew the attention of the Council's members to a letter dated 18 May from the representative of Liberia addressed to the Secretary-General.⁴⁹ He then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵⁰

The Security Council welcomes the report of the Secretary-General of 18 May 1994 on the situation in Liberia).

In this connection, the Council notes with satisfaction the full installation of the Council of State of the Liberian National Transitional Government, as well as indications that the Transitional Government has begun to assume its responsibilities and functions throughout the country.

The Council commends the United Nations Observer Mission in Liberia and the Economic Community of West African States Monitoring Group for their contributions to the demobilization and disarmament efforts in Liberia, a critical requirement of the Cotonou Agreement.

The Council notes with concern, however, the continued fighting among and within factions. Political differences and renewed violence among and within certain factions have caused the disarmament process to come to a virtual halt. The ongoing hostilities make it very difficult for the Mission to accomplish critical elements of its mandate and prevent the peacekeeping troops of the Monitoring Group from carrying out their functions regarding disarmament and demobilization, a situation which directly threatens the ability of the parties to maintain the timetable outlined in the Cotonou Agreement and the communiqué of 15 February 1994.

In the light of these developments, the Council calls upon the parties to resolve their differences within the forum of the

⁴⁷ *Ibid.*, p. 5.

⁴⁸ S/1994/588.

⁴⁹ S/1994/594.

⁵⁰ S/PRST/1994/25.

Transitional Government and the Cotonou Agreement, to end any hostilities and to accelerate the pace of disarmament with the aim of bringing it to a successful conclusion, all of which are crucial to creating suitable conditions for elections. The Council wishes to remind the parties of the importance it attaches to the holding of those elections on 7 September 1994.

The Council reaffirms its intention to review the situation in Liberia again on or before 30 June 1994, including the role played by the Mission, such review to include consideration of whether sufficient progress has been made in implementing the revised timetable of the Cotonou Agreement to warrant continued involvement of the Mission, in particular the effective operation of the Liberian National Transitional Government, progress in carrying out disarmament and demobilization, and preparations for the holding of elections on 7 September 1994. In accordance with the terms of its resolution 911 (1994) of 21 April 1994, the Council requests the Secretary-General to prepare by 30 June 1994 options regarding the future implementation of the mandate of the Mission and its continued operations.

The Council reminds the parties that the ultimate responsibility for the success of the peace process in Liberia rests with them and with the Liberian people. It urges them to respect fully the terms of the Cotonou Agreement and reaffirms its expectation that the parties will continue to make every effort to achieve a lasting peace in Liberia.

**Decision of 23 May 1994: letter from the
President to the Secretary-General**

By a letter dated 23 May 1994,⁵¹ the President of the Council informed the Secretary-General that the members of the Council had taken note of his report of 18 May 1994 on UNOMIL,⁵² on the basis of which they had completed the review provided for in paragraph 2 of resolution 911 (1994). They reaffirmed their intention to review the situation in Liberia again, including the role played by the Mission, on or before 30 June 1994, in accordance with paragraph 3 of resolution 911 (1994).

**Decision of 13 July 1994 (3404th meeting):
statement by the President**

On 24 June 1994, pursuant to resolution 911 (1994), the Secretary-General submitted to the Council his fifth progress report on UNOMIL.⁵³ The Secretary-General noted that beyond the difficulties the Transitional Government was experiencing in filling the vacant posts, the continuing fighting within and

between parties constituted the most serious obstacle in the way of the peace process. The parties' mistrust of one another had extended to ECOMOG, making its role as a peacekeeper increasingly complex. Soldiers of ECOMOG contingents had been abducted. Under those circumstances and despite the efforts of ECOMOG and UNOMIL, the parties had refused to engage actively in the disarmament of their combatants or to give up control of territory. As a result, the Transitional Government had found it difficult to exert authority throughout the entire country, further impeding the advancement of the peace progress. The continuing hostilities had also led to new population displacements.

Another serious concern was the failure of the international community to provide financial support for those Governments which had contributed to ECOMOG. The Secretary-General had urged them not to withdraw their troops and had endeavoured to obtain additional financial support. He therefore urged the international community to contribute to the Trust Fund for Liberia.

The Secretary-General further noted that the civil conflict in Liberia had been characterized by major abuses of human rights, such as the use of children in combat, and mental and physical abuses. His Special Representative had been holding discussions on those issues with Liberian human rights organizations. A joint plan of action had been developed and consideration was being given to the establishment of a national committee on human rights.

The Secretary-General continued to believe that UNOMIL's mandate was relevant to the circumstances in Liberia, and that the Mission's efforts were critical to the implementation of the Cotonou Agreement and to assisting the Transitional Government and the Liberian people to achieve national reconciliation. It was imperative that the Liberian parties extend greater cooperation to ECOMOG and UNOMIL in order to move the peace process forward and achieve the objectives outlined in the Cotonou Agreement, including the holding of national elections. The Secretary-General suggested that the Security Council might consider the possibility of laying down specific monthly targets to be met by the Liberian parties, particularly with respect to disarmament and the demobilization of combatants. His Special Representative would then be ready to advise the Liberian parties on how targets set by the Security

⁵¹ S/1994/604.

⁵² S/1994/760.

⁵³ S/1994/760.

Council could be met. He warned that, should the Liberian parties fail to maintain their commitment to the peace process, he would have no alternative but to recommend to the Security Council that the involvement of the United Nations in Liberia be reconsidered.

At its 3404th meeting, on 13 July 1994, the Security Council included in its agenda the report of the Secretary-General of 24 June 1994. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (Pakistan) then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵⁴

The Security Council welcomes the report of the Secretary-General of 24 June 1994 on Liberia. On the basis of this report, as well as the oral briefing provided by the Special Representative of the Secretary-General for Liberia, the Council has carried out a review of the situation in Liberia, including the role played by the United Nations Observer Mission in Liberia as called for in its resolution 911 (1994) of 21 April 1994.

In this context, the Council notes that, since the interim review in May 1994, there has been limited progress in the peace process and that the Liberian National Transitional Government has been unable to extend its authority effectively outside the Monrovia area. The Council notes further with concern that preparations for national elections have been hampered by the continued fighting and the consequent virtual halt of the disarmament process. It underscores the fact that, until the disarmament process is substantially accomplished, the holding of free and fair elections will not be possible. It reiterates, nevertheless, the need to make urgent preparations to enable the timely holding of free and fair elections. To this end, a substantial acceleration of the disarmament process is essential. It notes that continued delay may have an adverse effect on international participation in the Liberian peace process.

The Council therefore calls upon the Transitional Government, in cooperation with the Economic Community of West African States and the Organization of African Unity, with the support of the Special Representative of the Secretary-General and the United Nations Observer Mission in Liberia as necessary, to convene a meeting of the Liberian factions concerned to address the problems affecting disarmament. The Council considers that the objectives of such a meeting should be to agree on a realistic plan to resume disarmament and to set a target date for its completion. The Council calls upon the Transitional Government to convene the meeting as soon as possible, at the latest by 31 July 1994. The Council stresses the

importance it places on the Liberian factions concerned attending such a meeting.

The Council further calls upon all factions in Liberia to demonstrate the resolve and commitment necessary to achieve national reconciliation.

The Council expresses its concern about the increase in military activities being carried out in violation of the general ceasefire and the consequent large-scale displacement of persons and atrocities which have been committed throughout the country. The Council condemns all those who initiate fighting and who violate international humanitarian law.

The Council strongly deplores attacks on and the abduction and harassment of United Nations and Economic Community of West African States Monitoring Group personnel in Liberia, as well as looting of United Nations and Monitoring Group property. It demands that such hostile acts cease forthwith.

The Council urges the Liberian parties to take all necessary measures to ensure the security and safety of Mission and Monitoring Group personnel, as well as of the personnel involved in relief operations, and strictly to abide by the applicable rules of international humanitarian law. It demands that all factions in Liberia extend full cooperation to organizations engaged in the delivery of humanitarian assistance.

The Council commends the positive role of the Economic Community of West African States in its continued efforts to facilitate peace and security in Liberia, including through the provision of Monitoring Group troops. It welcomes the continued close cooperation between the Monitoring Group and the Mission.

The Council also commends other African States that have provided troops to the Monitoring Group and those Member States which have contributed to the United Nations Trust Fund for Liberia established pursuant to paragraph 6 of resolution 866 (1993) of 22 September 1993, or provided other assistance in support of the troops. However, the Council expresses its concern that sufficient financial and other support for the Monitoring Group troops has not yet been forthcoming despite the importance of their continued presence in the Liberian peace process. The Council calls upon all Member States urgently to consider providing financial or material support either through the Trust Fund or on a bilateral basis to enable the Monitoring Group to fulfil its responsibilities in accordance with the Cotonou Agreement.

The Council commends the Secretary-General for the priority given to reporting on violations of international humanitarian law and other atrocities and encourages continued attention to these aspects of the situation in Liberia.

The Council requests the Secretary-General to ensure that all information on ceasefire and arms embargo violations obtained by the Mission, in pursuit of its mandate, is made

⁵⁴ S/PRST/1994/33.

promptly available to the Security Council and publicized more widely as appropriate.

The Council expresses concern at problems encountered by the Transitional Government in extending its authority outside the Monrovia area, and requests the Secretary-General to explore, in consultation with the Economic Community of West African States, whether there are any steps which might be taken to facilitate the efforts of the Transitional Government in this regard.

The Council urges the Economic Community of West African States to continue its efforts to help the Liberian parties to make substantial progress towards a political settlement in the country.

The Council requests the Secretary-General to report on the situation in Liberia by 2 September 1994 and to consider in that report whether the meeting on disarmament has resulted in a realistic plan for disarmament and whether implementation of such a plan has begun. The report should also provide options for the size and mandate of the Mission that reflect the outcome of the meeting and the progress in implementing the disarmament plan.

The Council will remain actively seized of the matter.

Decision of 13 September 1994 (3424th meeting): statement by the President

At its 3424th meeting, on 13 September 1994, the Security Council resumed its consideration of the situation in Liberia. After the adoption of the agenda, the President (Spain) stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵⁵

The Security Council strongly condemns the detention and mistreatment of forty-three unarmed military observers of the United Nations Observer Mission in Liberia and six staff members of non-governmental organizations, in flagrant violation of international humanitarian law as well as of the Cotonou Agreement. It demands that those responsible release immediately the detained personnel and return their property and that of the Mission and humanitarian organizations. It urges all parties strictly to observe the Agreement and to ensure the safety, security and freedom of movement of the Mission, other United Nations personnel and those of humanitarian organizations.

The Council requests the Economic Community of West African States to ensure that its Monitoring Group continues to extend protection to the extent possible to Mission personnel, in accordance with the exchange of letters of 7 October 1993 between the Secretary-General and the Chairman of the Economic Community of West African States defining the

respective roles and responsibilities of the two missions in Liberia. It calls upon the international community to assist the Economic Community of West African States with the necessary resources to enable the Monitoring Group to fulfil its mandate effectively throughout Liberia.

The Council is following closely the situation in Liberia and in this connection welcomes the ongoing efforts, in particular those of the President of Ghana as Chairman of the Economic Community of West African States, to secure the release of the detained personnel.

**Decision of 21 October 1994 (3442nd meeting):
resolution 950 (1994)**

On 14 October 1994, pursuant to resolution 911 (1994), the Secretary-General submitted to the Council his seventh progress report on UNOMIL in which he gave an account of his Special Envoy's mission to Liberia and described recent political developments in the country.⁵⁶

The Secretary-General recalled that in his previous report⁵⁷ he had indicated his increasing concern about the recent evolution of the situation and the absence of progress in the peace process in Liberia. He had also informed the Council that he had decided to send to Liberia a fact-finding mission headed by his Special Envoy. The mission had visited Liberia from 16 to 26 August and had made the following recommendations: (a) that the United Nations and ECOWAS should consult on the latter's future strategy for ECOMOG, and on the role of UNOMIL in relation to that strategy; (b) that the political support of the international community for the regional peacekeeping efforts undertaken by ECOWAS in Liberia should have been accompanied by the substantial financial support which ECOMOG needed to be able to carry out its responsibilities effectively; (c) given the security situation in Liberia and the fact that ECOMOG could not provide the necessary protection for UNOMIL unarmed military observers, UNOMIL should be reduced to about one third of its authorized strength of 368; (d) with regard to internal Liberian security, the issue of a national army should be addressed and donor Governments should provide technical assistance and other resources necessary for the formation of a new army.

The Secretary-General reported that several significant events had taken place shortly after the

⁵⁵ S/PRST/1994/53.

⁵⁶ S/1994/1167.

⁵⁷ S/1994/1006.

Special Envoy had left Liberia. First, the Chairman of ECOWAS had convened a meeting at Akosombo, Ghana, to review the continuing delays in the implementation of the Cotonou Agreement. The meeting had culminated in the signing, on 12 September 1994, of the Akosombo Agreement,⁵⁸ a supplementary agreement to the Cotonou Agreement. Second, the Liberian National Conference, convened from 24 August to 3 October 1994, had adopted a set of resolutions concerning the peace process. Third, a dissident group within the Armed Forces of Liberia had attempted to stage a coup against the Transitional Government on 15 September. The attempted coup had been successfully foiled by ECOMOG.

The Secretary-General noted that the political, military and humanitarian developments of the past month had left Liberia in a desperate state. It was obvious that the peace process had stalled. At the ECOWAS summit, held at Abuja on 5 and 6 August, President Rawlings of Ghana had indicated that if there was no progress by the end of the year, he would be obliged to consider withdrawing the Ghanaian contingent from ECOMOG. Other countries had also indicated that they might withdraw. The Secretary-General pointed out that a withdrawal or significant downsizing of ECOMOG would have serious consequences both for Liberia and for the subregion. He had decided to dispatch a high-level mission to consult the Chairman of ECOWAS about the respective roles and responsibilities of ECOMOG and UNOMIL in Liberia, taking recent developments into account. That review would seek to determine how best the international community could continue to assist Liberia in bringing about a cessation of hostilities. He therefore recommended that the Security Council extend the mandate of UNOMIL for a period of two months to allow the high-level mission time to conduct its work and present its conclusions. After consideration of its findings, he would be in a position to make the appropriate recommendations to the Council on the future role of UNOMIL in Liberia.

At its 3442nd meeting, on 21 October 1994, the Security Council included in its agenda the report of the Secretary-General of 14 October 1994. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The

⁵⁸ See S/1994/1167.

President (United Kingdom) drew the attention of the Council to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁵⁹ He also drew the attention of the Council's members to a letter dated 14 October 1994 from the representative of Ghana addressed to the President of the Security Council,⁶⁰ transmitting the text of the Akosombo Agreement of 12 September.⁶¹

The representative of Liberia stated that the Security Council had the responsibility to prevent threats to international peace and security. He pointed out that the Liberian conflict had long ceased to be an internal matter. It had heightened the possibility of creating instability in the West African subregion and it had had repercussions beyond that region. The presence in Liberia of UNOMIL was therefore indispensable to the peaceful resolution of the conflict. He expressed the view that the "laudable" and "pioneering" efforts of the United Nations in collaborating with a subregional organization in conflict resolution must not be allowed to fail because of a lack of resolve by the international community. His delegation joined the Secretary-General and the Security Council in the appeal for increased financial assistance to the Trust Fund for Liberia. It also appealed for assistance to address the urgent humanitarian needs that had arisen as a result of the recent escalation of fighting in Liberia.⁶²

Speaking before the vote, the representative of Nigeria queried whether the international community would remain "lukewarm" towards ECOMOG or whether it would support the regional effort to head off a crisis capable of threatening peace and security, which the Charter of the United Nations committed it to try to prevent. At that point in the evolution of the peace process, the Liberia factions, who alone bore full responsibility for its continuing lack of progress, should realize the futility of further intransigence and the necessity to opt for dialogue and peace. His delegation would, however, vote in favour of the draft resolution for the following reasons. First, the draft resolution would extend UNOMIL's mandate for a three-month period, showing that the international community was prepared to continue to assist Liberians until peace was achieved. Nigeria hoped that

⁵⁹ S/1994/1187.

⁶⁰ S/1994/1174.

⁶¹ *Ibid.*, annex.

⁶² S/PV.3442, pp. 2-3.

that commitment on the part of the international community would find concrete expression in new financial and logistical support for ECOMOG. Second, the draft resolution reiterated the call for the full application of the arms embargo on the Liberian warring parties. Nigeria felt that the continued violation of the embargo had been largely responsible for fuelling the crisis. Third, the draft resolution reiterated calls to all Liberian factions to cease hostilities immediately and to agree to a new timetable for disengagement, disarmament and demobilization. Fourth, the draft resolution called upon Member States to contribute to the Trust Fund for Liberia. Several States, including Nigeria, that were contributing troops to ECOMOG, had served notice that without new financial assistance they would seriously consider withdrawing their troops. Nigeria sincerely hoped that the international community would act to prevent such an eventuality, which would likely have tragic consequences for peace in Liberia and even throughout the subregion. His delegation had reservations, however, concerning the reduction in the strength of UNOMIL and the setting of new conditions for future augmentation of the UNOMIL presence. Nigeria felt that it would have been wiser to allow the Secretary-General to use his discretion to continue to deploy UNOMIL personnel as and when appropriate.⁶³

The draft resolution was then put to the vote and was adopted unanimously as resolution 950 (1994), which reads:

The Security Council,

Recalling its resolutions 788 (1992) of 19 November 1992, 813 (1993) of 26 March 1993, 856 (1993) of 10 August 1993, 866 (1993) of 22 September 1993 and 911 (1994) of 21 April 1994,

Having considered the reports of the Secretary-General of 18 May, 24 June, 26 August and 14 October 1994 on the United Nations Observer Mission in Liberia,

Commending the positive role of the Economic Community of West African States in its continuing efforts to restore peace, security and stability in Liberia,

Commending also the initiative taken by the President of Ghana, in his capacity as current Chairman of the Economic Community of West African States, to reactivate the peace process and find a durable solution to the conflict,

Noting the recommendations of the Liberian National Conference, and stressing the importance it attaches to

⁶³ *Ibid.*, pp. 3-4.

strengthening the authority of the Liberian National Transitional Government in administering the country,

Commending those African States which have contributed troops to the Economic Community of West African States Monitoring Group and those Member States which have contributed to the United Nations Trust Fund for Liberia or have provided other assistance in support of the Monitoring Group,

Also commending the Monitoring Group for its role in quelling an attempted coup d'état against the Transitional Government in Monrovia,

Deeply concerned at the breakdown in the ceasefire, the severe deterioration in the security situation and the impact this is having on the civilian population of Liberia, particularly in rural areas, as well as on the ability of humanitarian agencies to provide emergency relief,

Expressing grave concern at the level of factional and ethnic warfare now prevailing in much of Liberia,

Stressing the importance it attaches to the achievement of an effective ceasefire as a necessary pre-condition for progress in the peace process and the holding of national elections,

1. *Welcomes* the report of the Secretary-General of 14 October 1994 and his intention to send a high-level mission to consult with States members of the Economic Community of West African States on how the international community can best continue to assist the peace process in Liberia;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 13 January 1995;

3. *Recognizes* that circumstances on the ground warranted the Secretary-General's decision to reduce the strength of the Mission, and considers that any decision to return it to the authorized level will depend on consideration by the Security Council of a further report from the Secretary-General reflecting a real improvement in the situation on the ground, in particular the security situation;

4. *Calls upon* all factions in Liberia to cease hostilities immediately and to agree to a timetable for disengagement of forces, disarmament and demobilization;

5. *Also calls upon* the Liberian National Transitional Government and all Liberians to seek political accommodation and national reconciliation and to work with the Chairman of the Economic Community of West African States and with the Special Representative of the Secretary-General to achieve a durable settlement;

6. *Calls once again upon* all States strictly to abide by and comply with the general and complete embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) under Chapter VII of the Charter of the United Nations;

7. *Condemns* the widespread killings of civilians and other violations of international humanitarian law by the factions in Liberia and the detention and maltreatment of

Mission observers, Economic Community of West African States Monitoring Group soldiers, humanitarian relief workers and other international personnel, and demands that all the factions strictly abide by applicable rules of international humanitarian law;

8. *Demands* that all factions in Liberia strictly respect the status of Monitoring Group and Mission personnel, and those of other international organizations and humanitarian relief agencies working in Liberia, refrain from any acts of violence, abuse or intimidation against them and return forthwith equipment seized from them;

9. *Urges* Member States to provide support for the peace process in Liberia through the United Nations Trust Fund for Liberia, in order to enable the Monitoring Group to fulfil its mandate;

10. *Commends* the efforts of Member States and humanitarian organizations to provide emergency humanitarian assistance, including to Liberian refugees in neighbouring countries, and calls upon all factions in Liberia to cooperate fully in creating the conditions necessary for the delivery of humanitarian assistance to all in need in Liberia;

11. *Requests* the Secretary-General to report to the Security Council well in advance of the end of the current mandate period with recommendations as to the future role of the Mission, in the light of developments in the peace process and in the situation on the ground and the recommendations of his high-level mission;

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

Speaking after the vote, the representative of Brazil referred to paragraph 3 of the resolution and stated that the decision to reduce the strength of UNOMIL fell entirely within the purview of the Secretary-General's responsibilities. That "temporary measure", as it had been described in the Secretary-General's report, was adopted in view of the lack of security in some parts of Liberia. It was the Secretary-General's prerogative to take decisions on force strength, provided that they did not violate the authorized level determined by the Security Council. Since the resolution just adopted did not provide for a change in the force level or concept of operations of UNOMIL, a decision by the Secretary-General to re-establish the number of UNOMIL military observers should not require specific authorization from the Council. It was Brazil's view that the Council should be consistent. It was undeniable that circumstances sometimes required changes or adaptations of mandates in the light of new realities. In this particular case, however, where UNOMIL had not been altered, there should not be a change in the mandate or concept

of the Mission, with the imposition of "non-existent" conditionalities.⁶⁴

The representative of the United States stated that UNOMIL was sent in to observe a ceasefire, but the firing had not ceased. Instead, UNOMIL observers had been abused and humiliated by the warlords whose country they had come to protect. Humanitarian relief workers had come to help, yet they had been harassed and treated inhumanely. The Secretary-General had been right to pull out two thirds of the UNOMIL observers. They should not go back until there was a real ceasefire, assumption of authority by a transitional Government and a commitment to disarmament by all the factions. In the view of the United States, given the precarious situation in Liberia, they should not go back until the Security Council decided to send them back.⁶⁵

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution because it believed it sent a clear signal to the Liberian factions that the stagnation of the peace process was unacceptable. It also showed that the Security Council intended to take developments in the situation into account and to adjust its activities accordingly if the contending factions did not take rapid and effective steps towards a peaceful settlement. The Russian Federation also regarded it as highly important that the resolution just adopted called upon all States strictly to abide by and comply with the general and complete embargo on all deliveries of weapons and military equipment to Liberia.⁶⁶

**Decision of 13 January 1995 (3489th meeting):
resolution 972 (1995)**

On 6 January 1995, pursuant to resolution 950 (1994), the Secretary-General submitted to the Council his eighth progress report on UNOMIL.⁶⁷ The report contained the findings of a high-level mission to ECOWAS member States and described the consultations held among the parties during the reporting period.

The Secretary-General reported on the findings of the high-level mission, which had been sent to Ghana, Côte d'Ivoire, Nigeria, Liberia, Guinea and Sierra Leone to discuss with States members of ECOWAS the

⁶⁴ *Ibid.*, pp. 5-6.

⁶⁵ *Ibid.*, p. 6.

⁶⁶ *Ibid.*, p. 7.

⁶⁷ S/1995/9.

deterioration of the situation in Liberia. The mission had concluded that, notwithstanding the tireless efforts of the Chairman of ECOWAS, the Liberian political and factional leaders were not yet committed to a sustainable peace in their country. Accordingly, it had made the following recommendations: (a) the Liberian political and factional leaders must be brought to understand that, in the absence of political accommodation and reconciliation, continued support from the international community would not be forthcoming; (b) ECOWAS member States, particularly the six directly involved with Liberia, should urgently organize an extraordinary meeting of Heads of State to resolve their differences and harmonize their policies on Liberia; (c) if the above could not be accomplished, ECOWAS should be encouraged to consider strengthening ECOMOG and restructuring it in order to achieve a better balance of troops, including contributions from other African countries; (d) international support, including financial support, logistics and equipment, should be sought to enable ECOMOG to carry out its mandate, particularly with respect to deployment, encampment and disarmament. A planning and logistics team from the Department of Peacekeeping Operations could visit Liberia to offer ECOMOG technical assistance in preparing the necessary proposals; and (e) the future of UNOMIL should depend on the successful implementation of the above steps. Meanwhile, UNOMIL's mandate should be extended for a limited period of three months from 13 January 1995.

The Secretary-General recalled that he had informed the Security Council that the Akosombo Agreement had been a source of significant controversy among those Liberian parties and interest groups which had not taken part in the negotiations. The Chairman of ECOWAS had dispatched delegations to Liberia and to several ECOWAS member States to seek a compromise. Negotiations had taken place in Accra, which had led to the presentation by Ghana of a compromise proposal. The Secretary-General noted that, although agreement had been reached in several areas, the parties had failed to reconcile their differences over the composition of the Council of State and the process of selecting its members. On 21 December 1994, having resolved their key differences, the parties were able to sign an agreement in Accra, which clarified and expanded the Akosombo Agreement. It stipulated that a ceasefire would come into effect by midnight on 28 December 1994. In

addition, a new five-member Council of State would be installed within 14 days. The signatories to the Accra Agreement further agreed to facilitate the establishment of safe havens and buffer zones throughout Liberia.

The Secretary-General further reported that the military situation in Liberia had remained unstable. Hostilities had spread to over 80 per cent of the country, causing massive population displacement. The inability of ECOMOG to deploy troops along the borders, in accordance with the Cotonou Agreement, had been a factor in the continuous breach of the arms embargo. ECOMOG was deployed in less than 15 per cent of the country, while factions were continuing to acquire arms across the borders and from sources within Liberia. The Secretary-General expressed concern that that situation would have serious consequences for stability in the subregion. He called on the States members of ECOWAS to adhere strictly to the arms embargo and to renew their commitment to the principles of collective security in ensuring that the Liberian crisis was brought to an end.

The Secretary-General also recommended that the Security Council extend UNOMIL's mandate for a period of three months. During that period, his Special Representative would conduct an in-depth assessment of the role the United Nations military observers in Liberia could play in support of the peace process, and would make recommendations on adjustments in the strength of UNOMIL which might be required on the assumption that the Liberian leaders had provided the necessary evidence of their commitment to peace and their readiness to implement all the provisions of the Accra Agreement.

At its 3489th meeting, on 13 January 1995, the Security Council included in its agenda the report of the Secretary-General of 6 January 1995. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (Argentina) then drew the attention of the Council's members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁶⁸ He also drew the attention of the Council to a letter dated 5 January 1995 from the representative of Ghana addressed to the President of

⁶⁸ S/1995/22.

the Security Council,⁶⁹ transmitting the text of an acceptance and accession agreement, signed by the leaders of the Liberian parties who had not signed the Akosombo Agreement, and an agreement on the clarification of the Akosombo Agreement.

The representative of Liberia stated that, while it was disappointing that talks in Accra among the faction leaders, which should have culminated in the establishment of a new Council of State, appeared to have ended in a stalemate, his delegation was hopeful that that was only a temporary setback. While his delegation recognized that it was up to Liberians to end the war and that the international community, particularly Member States of ECOWAS, had expended large resources on peacekeeping and peacemaking in Liberia, their continuing engagement in Liberia was needed. Even though his delegation welcomed the Secretary-General's recommendations for the extension of the new mandate of UNOMIL, it would have preferred a longer extension in view of UNOMIL's direct responsibilities in the implementation of the agreed schedule for the ceasefire and the disarmament and demobilization of the combatants, as well as in the holding of democratic elections on 14 November. The report of the Secretary-General had emphasized the urgent need for full compliance with the Council's arms embargo on Liberia. As long as arms were being provided to the factions, that would continue to result in the use of force. His delegation welcomed the request of the Secretary-General that an ECOWAS summit be convened to address those and other concerns. The Security Council needed to take appropriate steps, however, to ensure compliance with its own embargo. His delegation joined the Secretary-General's appeal for increased contributions to the Trust Fund and welcomed the Council's appeal for increased humanitarian assistance as set forth in the draft resolution.⁷⁰

Speaking before the vote, the representative of Nigeria stated that his delegation would have favoured an extension of UNOMIL's mandate for a six-month period, to allow sufficient time for the initial and critical stage of the military aspects of the Accra Agreement to commence and be observed before the Secretary-General presented his report to the Council. Because of the proposed three-month duration of the

mandate, such a report by the Secretary-General would, of necessity, be tentative and could give the wrong impression of the prospects for implementing the relevant aspects of the Agreement. He also contended that the international community had a responsibility to continue to assist the process in Liberia, as it represented a classic example of cooperation between the United Nations and a regional organization in peacemaking and peacekeeping. Otherwise, the burden on ECOWAS countries, which was already a matter of great concern to most Governments of the subregion, would become even more unbearable. His delegation looked forward to the Secretary-General's forthcoming report on the assistance needed by ECOWAS member States in order to maintain their troops in ECOMOG. Another important element in the draft resolution related to the continuing flow of weapons into Liberia in violation of the arms embargo imposed by resolution 788 (1992). That proliferation of weapons not only complicated the prospects for disarmament but also compounded the problems of security and jeopardized the safety of ECOMOG and UNOMIL personnel in the country. It was important that all Member States abide by and comply with the embargo on deliveries of weapons and military equipment to Liberia.⁷¹

Referring to the length of the extension of UNOMIL's mandate, the representative of Italy stated that, on the one hand, three months was long enough to allow verification of whether or not the Liberian factions were complying with the Accra Agreement. On the other hand, the extension was short enough to issue a clear warning to the parties that the time had come for them to demonstrate their willingness to ensure peace in their country. The draft resolution also called for tightening the application of the arms embargo. A clear message should go out to the countries concerned that no peace would be reached until the arms flow across Liberian borders was interrupted.⁷²

The draft resolution was then put to the vote and was adopted unanimously as resolution 972 (1995), which reads:

The Security Council,

Recalling its resolutions 788 (1992) of 19 November 1992, 813 (1993) of 26 March 1993, 856 (1993) of

⁶⁹ S/1995/7.

⁷⁰ S/PV.3489, pp. 2-3.

⁷¹ *Ibid.*, pp. 4-5.

⁷² *Ibid.*, p. 5.

10 August 1993, 866 (1993) of 22 September 1993, 911 (1994) of 21 April 1994 and 950 (1994) of 21 October 1994,

Having considered the reports of the Secretary-General of 18 May 1994, 24 June 1994, 26 August 1994, 14 October 1994 and 6 January 1995 on the United Nations Observer Mission in Liberia,

Viewing with appreciation the diplomatic achievement of the current Chairman of the Economic Community of West African States, Mr. Jerry Rawlings, President of Ghana, in bringing together the faction leaders of Liberia to sign the Accra Agreement on 21 December 1994, which builds upon the Yamoussoukro, Cotonou and Akosombo agreements and includes a timetable for the implementation of its provisions,

Commending once again the efforts of the Economic Community of West African States, which has played a crucial role in the search for a peaceful solution to the Liberian conflict,

Commending also those African States which have contributed troops to the Economic Community of West African States Monitoring Group and those Member States which have provided assistance in support of the peace negotiations and the peacekeeping forces, including contributions to the United Nations Trust Fund for Liberia,

Expressing the hope that a summit of the States members of the Economic Community of West African States will be convened at the earliest possible date to harmonize their policies on Liberia and promote implementation of the Accra Agreement, including tightening the application of the arms embargo,

Taking note with concern that there has been a continuing inflow of arms in Liberia in violation of the existing arms embargo, which has further destabilized the situation in Liberia,

Deeply concerned that the humanitarian situation in Liberia has worsened owing to the lack of security in the country and the resulting inability of national and international relief organizations to function effectively,

Calling upon the Liberian leaders and factions to demonstrate their commitment to the peace process by maintaining the ceasefire, which came into effect on 28 December 1994, recommitting themselves to the disarmament process and implementing without delay all provisions of the Accra Agreement,

1. *Welcomes* the report of the Secretary-General of 6 January 1995;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 13 April 1995;

3. *Expresses deep concern* at the failure of the Liberian parties so far to reach agreement, at the recent talks in Accra, on the composition of the Council of State as stipulated in the Accra Agreement, and calls upon them to work together to implement the Agreement by upholding the ceasefire, resuming disarmament and demobilization of combatants and implementing the other relevant aspects of the Agreement in

accordance with the timetable, including the prompt installation of the New Council of State;

4. *Requests* that the Secretary-General base any decision to return the Mission and its civilian staff to the level authorized under resolution 866 (1993) on the existence of an effective ceasefire and on the ability of the Mission to carry out its mandate;

5. *Also requests* that the Secretary-General report to the Security Council on or before 1 March 1995 on the situation in Liberia and on the role of the Mission and of the Economic Community of West African States Monitoring Group, including on the needs of States members of the Economic Community of West African States to maintain their troops in the Monitoring Group;

6. *Reminds* all Member States of their obligation strictly to abide by and comply with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992);

7. *Demands once more* that all factions in Liberia strictly respect the status of personnel of the Monitoring Group and the Mission and those of organizations and personnel delivering humanitarian assistance throughout Liberia, and further demands that those factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

8. *Urges* Member States to provide support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia and by providing financial, logistical and other assistance in support of the troops participating in the Monitoring Group in order to enable the Monitoring Group to deploy fully and to carry out its mandate, particularly with respect to encampment and disarmament of the Liberian factions;

9. *Requests*, in this regard, the Secretary-General to continue his efforts to obtain financial and logistical resources from Member States;

10. *Commends* the efforts made by Member States and humanitarian organizations to provide emergency humanitarian assistance and especially the efforts of neighbouring countries to assist Liberian refugees;

11. *Commends also* the ongoing efforts of the Economic Community of West African States to further the Liberian peace process, and the commitment of the Monitoring Group to ensure the safety of military observers and civilian staff of the Mission;

12. *Welcomes* the tireless efforts by the Secretary-General and his Special Representative to promote the cause of peace in Liberia;

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

Speaking after the vote, the representative of France stated that his delegation had voted in favour of

the resolution just adopted to enable the parties to provide concrete proof of their good will and spirit of responsibility. The Government of France urged the Liberian factions to respect the ceasefire concluded on 28 December and called for strict implementation of the arms embargo. His Government supported the Secretary-General's recommendation for the holding of a summit of the Heads of State of the region to harmonize their policies towards Liberia and promote the implementation of the Accra Agreement. The continuation of the conflict in Liberia was a threat to stability in the region. The humanitarian situation, which had left the population in extreme distress, was of deep concern to France, which called upon the parties to respect their commitments and to ensure that military commanders allow assistance to reach its destination.⁷³

The representative of the United Kingdom stated that his delegation welcomed the signing of the Accra Agreement as a positive step towards the solution of the Liberian conflict. In the light of that development and, in particular, the implementation of a ceasefire, the United Nations should maintain its involvement in the peace process in Liberia. It was for that reason that his delegation had voted in favour of the resolution. One of the important issues covered in the resolution just adopted was that of reminding all Member States of their obligation strictly to abide by, and comply with, the arms embargo. The damaging effect of the brutal conflict in Liberia, not only on the people of that country but also on Liberia's neighbours, was a matter of growing concern to his delegation. The conflict was being sustained by arms traffic across and within Liberia's borders, which could only increase the risk of regional destabilization.⁷⁴

The representative of the United States stated that his delegation was pleased to support the extension of UNOMIL's mandate for another three months. UNOMIL, in conjunction with ECOMOG, had a critical role to play. If the peace agreement was implemented and the ceasefire was maintained, UNOMIL should be returned to the level authorized by resolution 866 (1993). The United States strongly supported humanitarian efforts to alleviate the suffering of the hundreds of thousands of persons displaced by the conflict. He urged all members of the

international community to help further the peace process in Liberia and to support international and regional efforts to aid implementation of the Accra Agreement, and he hoped that other Member States of the United Nations would contribute generously to the Trust Fund for Liberia, because it was a tangible expression of support for the Liberian people's desire for peace.⁷⁵

The representative of the Russian Federation stated that the resolution just adopted provided for the optimum period for which, in existing conditions, the mandate of UNOMIL could be extended. It sent the Liberian parties a clear signal that they must strictly implement all the provisions of the peace agreement. His delegation considered appropriate the linkage of the establishment of the former level of UNOMIL personnel with the existence of a stable ceasefire. Russia had always considered that the active participation of African countries in the achievement of a settlement in Liberia was important for that country's return to the path of peaceful, democratic development. For that reason, his delegation viewed as most important the provisions in the resolution for strengthening the potential of ECOMOG, including through the help of the international community, and the provisions on convening a summit of the leaders of ECOWAS States with a view to harmonizing their policies on Liberia and promoting the implementation of the Accra Agreement through, among other things, tightening the embargo on the supply of arms to Liberia.⁷⁶

The representative of Rwanda stated that his delegation deplored a widespread attitude in the Security Council vis-à-vis the resolution of African conflicts. In 1994, the withdrawal of troops had, in some cases, led to massacres. In the case of another African country, the decision by the United Nations to disengage its forces had not been the best solution for the people of that country who were victims of warlords. In the case of Liberia, the decision to extend the presence of UNOMIL's peace forces by three months had not been taken for the good of the population but was, instead, a solution based on a strategy of threatening the parties to the conflicts. The search for solutions to conflicts like the one in Liberia should not be limited to a three-month period. Only a

⁷³ Ibid., pp. 6-7.

⁷⁴ Ibid., p. 7.

⁷⁵ Ibid., pp. 8-9.

⁷⁶ Ibid., p. 9.

process, a slow path, could lead to consensus by all parties concerned. That was evidenced by the fact that in other regions of the world the Council had acted differently. As a gesture of solidarity and cooperation his delegation had voted in favour of the extension of UNOMIL's mandate until 13 April 1995.⁷⁷

**Decision of 13 April 1995 (3517th meeting):
resolution 985 (1995)**

On 10 April 1995, pursuant to resolution 972 (1995), the Secretary-General submitted to the Council his tenth progress report on UNOMIL.⁷⁸ The Secretary-General recalled that, under the Accra Agreement, a new Council of State should have been installed by 11 January 1995. As noted in his report of 24 February,⁷⁹ the parties had met in Accra, in January, under the auspices of ECOWAS, to decide on the membership of the Council. They were, however, unable to agree on that issue. The Secretary-General noted in that regard that the installation of the Council of State was an essential step in the implementation of the Accra agreement. Since, the parties had failed both to agree on the membership of the Council and to undertake the preparatory work necessary for the implementation of the agreement's other provisions. The Secretary-General also recalled that the Security Council had, in its resolution 972 (1995), expressed the hope that the States members of ECOWAS would convene a summit with a view to harmonizing their policies on Liberia, including tightening the application of the arms embargo. He indicated, in that regard, that he had exchanged views with the Chairman of ECOWAS and that they had agreed that the summit might be held in Abuja. The Nigerian Head of State had welcomed the proposal. The Chairman of ECOWAS was consulting with the other ECOWAS members to prepare the summit and to achieve a consensus on its agenda. The Secretary-General observed that it was essential that the proposed ECOWAS summit on Liberia be convened as soon as possible. It would, it was hoped, re-start the peace process and achieve concrete results by harmonizing the policies of ECOWAS member States and installing the Council of State. He urged the member States

⁷⁷ *Ibid.*, pp. 9-10.

⁷⁸ S/1995/279.

⁷⁹ S/1995/158. The report also provided for a number of options regarding the role of UNOMIL.

concerned to hold the summit in the near future and to do all they could to ensure it was a success.

The Secretary-General reported that military activities had intensified throughout the country and the overall situation had further deteriorated. The civilian population continued to suffer and the factions' military activities had impeded the delivery of essential relief items to most areas of the country.

The Secretary-General recalled the options he had proposed to the Council in his previous report and acknowledged that it could be argued that the continuing political impasse made it necessary for the Council to address those options at that time. He contended, however, that the proposed ECOWAS summit offered a possibility that the peace process might shortly be re-launched. He was therefore of the opinion that it would be premature to withdraw UNOMIL. He recommended that the Council extend the mandate of UNOMIL until 30 June 1995. It was his intention, given that the security situation was preventing UNOMIL from carrying out its mandate, to reduce its military strength by about 20 observers. As soon as the situation improved, the military component of UNOMIL would be strengthened as necessary.

At its 3517th meeting, on 13 April 1995, the Security Council included in its agenda the report of the Secretary-General of 10 April 1995. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the Council to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁸⁰

Speaking before the vote, the representative of Nigeria stated that the draft resolution was right in extending the mandate of UNOMIL until 30 June 1995. It was also appropriate to call on all Liberian parties once again to implement the Akosombo and Accra Agreements, by re-establishing an effective ceasefire and installing the Council of State. Violations of the arms embargo imposed under resolution 788 (1992) had not helped the collective efforts to promote peace in Liberia. Therefore his delegation endorsed paragraph 4 of the draft resolution, which aimed to tighten the arms embargo and which established a

⁸⁰ S/1995/291.

Committee of the Security Council to monitor compliance with the arms embargo regime.⁸¹

The draft resolution was then put to the vote and was adopted unanimously as resolution 985 (1995), which reads:

The Security Council,

Recalling its resolutions 813 (1993) of 26 March 1993, 856 (1993) of 10 August 1993, 866 (1993) of 22 September 1993, 911 (1994) of 21 April 1994, 950 (1994) of 21 October 1994 and 972 (1995) of 13 January 1995,

Recalling also its resolution 788 (1992) of 19 November 1992, in which it decided, under Chapter VII of the Charter of the United Nations, that all States should, for the purpose of establishing peace and stability in Liberia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Liberia until the Security Council decided otherwise, and in which it decided also that the embargo should not apply to weapons and military equipment destined for the sole use of the peacekeeping forces of the Economic Community of West African States in Liberia, subject to any review that may be required in conformity with the report of the Secretary-General,

Having considered the reports of the Secretary-General of 24 February and 10 April 1995 on the United Nations Observer Mission in Liberia,

Deeply concerned that the ceasefire in Liberia has broken down, precluding the full deployment of the Mission and preventing it from carrying out its mandate fully,

Noting with deep concern that in violation of resolution 788 (1992) arms continue to be imported into Liberia, exacerbating the conflict,

Welcoming the decision of the Economic Community of West African States to hold a summit of Heads of State in May 1995,

1. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 30 June 1995;

2. *Urges* all Liberian parties to implement the Akosombo Agreement and the Accra Agreement by re-establishing an effective ceasefire, promptly installing the Council of State and taking concrete steps towards the implementation of the other provisions of the agreements;

3. *Encourages* the States members of the Economic Community of West African States to promote implementation of the Akosombo and Accra Agreements and to continue to do all in their power to facilitate a political settlement in Liberia;

4. *Urges* all States, and in particular all neighbouring States, to comply fully with the embargo on all deliveries of weapons and military equipment to Liberia imposed by

resolution 788 (1992), and, to that end, decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 8 of resolution 788 (1992);

(b) To consider any information brought to its attention by States concerning violations of the embargo, and, in that context, to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 8 of resolution 788 (1992) and provide information on a regular basis to the Secretary-General for general distribution to Member States;

5. *Expresses its appreciation* to the Chairman of the Economic Community of West African States for his initiative in organizing a regional summit on Liberia and to the Government of Nigeria for agreeing to host it, and urges all parties to participate;

6. *Demands once more* that all factions in Liberia strictly respect the status of personnel of the Economic Community of West African States Monitoring Group and the Mission, and of organizations and personnel delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

7. *Requests* the Secretary-General to report to the Security Council by 15 June 1995 on the situation in Liberia, including whether there is an effective ceasefire and whether the Mission can carry out its mandate, and on the status of contributions of financial and logistical resources from the international community in support of the troops participating in the Monitoring Group, and notes that the Council will consider the future of the Mission in the light of the report of the Secretary-General;

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

Speaking after the vote, the representative of the United States expressed her delegation's belief that UNOMIL had a key role to play in monitoring implementation of the peace process and protecting civilians. Unfortunately, it had been unable thus far to carry out its mandate because of the continuing hostilities. The United States supported the limited extension of the UNOMIL mandate, in the hope that the ECOWAS summit would give real impetus to peace. She warned, however, that technical roll-overs

⁸¹ S/PV.3517, pp. 3-4.

were not a solution and that the patience of the international community was not endless.⁸²

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution just adopted because it gave the Liberian parties a clear signal that the international community was prepared to continue to render assistance in settling the conflict, while also containing a warning that the future extension of UNOMIL would hinge on how far the Liberians succeeded in making progress towards re-establishing the peace process. That was one of the last real chances for a peace settlement to the crisis and that it must not be missed. The Russian Federation hoped that the ECOWAS summit would play an important and constructive role in resolving the conflict. The decision to establish a Security Council Committee to monitor compliance with the embargo imposed under resolution 788 (1992) would help normalize the situation not only in Liberia, but in the region as a whole. The Russian Federation urgently called on all States, especially Liberia's neighbours, to help improve the effectiveness of the arms embargo and to cooperate fully with the Committee.⁸³

The representative of Liberia stated that, until all forms of support to them were curtailed, the factions would not honour the agreements to which they were signatories. His delegation therefore welcomed the proposed ECOWAS summit and it was also grateful to the Security Council for the resolution just adopted, which contained elements that would help to ensure that the arms embargo was respected. The ECOWAS summit would offer the last, best hope for the Liberian parties to reach political accommodation and fully implement the terms of the previous agreements, including a ceasefire and installation of the Council of State. If the parties failed to avail themselves of that opportunity, the goodwill and support of the international community would be eroded. While Liberians realized that the Organization, indeed Member States, could not continue to utilize scarce resources to assist parties which were unwilling to resolve their differences peacefully, it should be borne in mind that the majority of Liberians desired to live in peace: it was the armed factions which continued to hold the people hostage. His delegation strongly believed that, in the post-cold-war era, the

Organization should consider bold and imaginative measures to address problems resulting from internal conflicts in Member States. The Liberian people could only appeal to the international community not to leave them before there was a resolution to the conflict.⁸⁴

**Decision of 30 June 1995 (3549th meeting):
resolution 1001 (1995)**

On 10 June 1995, pursuant to resolution 985 (1995), the Secretary-General submitted to the Council his eleventh progress report on UNOMIL.⁸⁵ The Secretary-General indicated that fighting between the factions had continued, and they had continued to block access routes into inhabited areas, resulting in the disruption of the delivery of relief supplies and the unnecessary suffering of civilians. Several towns had changed hands and there had been reports of human rights abuses as combatants moved into or out of a particular area.

The Secretary-General reported that the Summit of ECOWAS had been held at Abuja, from 17 to 20 May 1995. While the Liberian parties had not reached a final agreement on the composition of the Council of State, a substantial measure of agreement had emerged on nearly all of the outstanding issues. The ECOWAS leaders had requested the leaders of the Liberian parties to conduct the necessary consultations towards a definitive solution. They had noted that, if and when agreement was secured, it would be imperative that the United Nations fully supported the implementation of the peace process, not only by bringing UNOMIL back to full strength, but also by securing resources both for ECOMOG and for rebuilding the country. They had also expressed their concern over the continued flow of arms into Liberia, in violation of the arms embargo and had reminded ECOWAS member States, as well as the international community at large, of their obligation to abide strictly by the arms embargo established by ECOWAS and the Security Council. They had also called on Member States to bring all violations of the embargo to the attention of the sanctions committee established by the Security Council under resolution 985 (1995). In addition, they had requested ECOMOG and UNOMIL to improve the existing monitoring mechanisms and had appealed to the international community to provide

⁸² Ibid., p. 5.

⁸³ Ibid., p. 6.

⁸⁴ Ibid., pp. 6-7.

⁸⁵ S/1995/473.

logistical support to ECOWAS, in order to facilitate the effective patrolling of Liberia's borders and stem the flow of arms into that country.⁸⁶

In view of those developments, the Secretary-General recommended that the Council extend UNOMIL's mandate for three months, until 30 September 1995. The Secretary-General hoped that, during that three-month period, the parties would reach an agreement on the outstanding issues and that they would demonstrate, through concrete steps, the political will necessary to bring the crisis to an end. Those steps would include: the installation and functioning of the Council of State; a comprehensive ceasefire; the disengagement of forces; and an agreed schedule for the implementation of the other aspects of the peace process, in particular disarmament. In the event that, at the end of that three-month period, the political stalemate continued and the necessary steps had not been implemented, UNOMIL would, subject to the consent of the Security Council, be terminated on 30 September 1995 and converted into a good offices mission. The Secretary-General would consult with ECOWAS on the modalities of the good offices role of the United Nations and would make recommendations to the Council in that regard.

If, on the other hand, there was significant progress over the following three months, the Secretary-General would recommend that the Council consider restoring UNOMIL to its full strength. UNOMIL's role in Liberia and its relationship with ECOMOG would then have to be adjusted, to enable the two operations to function more effectively. Over the next three months, he would consult with ECOWAS, with a view to enhancing cooperation between UNOMIL and ECOMOG and defining a joint concept of operations, and he would submit the necessary recommendations to the Council before 30 September 1995.

At its 3549th meeting, on 30 June 1995, the Security Council included in its agenda the report of the Secretary-General of 10 June 1995. Following the adoption of the agenda, the Council invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President (Germany) then drew the attention of the Council to the text of a draft resolution that had been

prepared in the course of the Council's prior consultations.⁸⁷

The representative of Liberia stated that the Secretary-General's proposal for an extension of the mandate was justified in view of several positive developments, such as the substantial measure of agreement among the Liberian factions, the visit of the leader of the National Patriotic Front of Liberia to Nigeria, the assumption by the Liberian National Transitional Government of administrative control of two additional political subdivisions of the country, and steps taken to remove landmines in fulfilment of one of the important requirements of the disarmament process. However, his delegation was aware that the slow progress in the peace process had resulted in a high cost to the international community, particularly to the Member States of ECOWAS. It believed, nevertheless, that the persistent demands of the international community, that the factional leaders end the war, had facilitated the progress achieved in the peace process. Without the pressure and the active support of the United Nations, the Liberian conflict would long ago have degenerated into a state of anarchy. His delegation would urge the reconsideration of any action by the United Nations which would suggest an abandonment of Liberia, as that would only embolden the warring factions to accelerate the use of arms and terror to achieve their political ends.⁸⁸

Speaking before the vote, the representative of Nigeria stated that his delegation was proud that ECOMOG represented a first-case initiative by a subregional organization within the ambit of regional arrangements in crisis management and conflict resolution in respect of a situation that threatened not only the survival of the country but also regional and international peace and security. The creation of ECOMOG had given practical expression to the cooperation envisaged in Chapter VIII of the Charter of the United Nations between regional organizations and the United Nations in the maintenance of international peace and security. In relation to the draft resolution, the Nigerian delegation had hoped for a renewal of UNOMIL's mandate of at least three months, as had been recommended by the Secretary-General in his report. In its view, such a time frame was the minimum required for the Liberian parties to deliver fully on the

⁸⁶ For the communiqué issued by the ECOWAS Heads of State and Government, see S/1995/473, annex I.

⁸⁷ S/1995/521.

⁸⁸ S/PV.3549, pp. 2-3.

new commitments they had undertaken in Abuja, as well as to enable the consultations that were taking place in the subregion to bear fruit. Any undue shortening of the period would send a negative message to the factions in Liberia and could result in a full-scale resumption of warfare. There was also a need to assist ECOMOG with logistics and financial resources so that it could deliver on its commitments. Without a viable ECOMOG, UNOMIL's role and effectiveness in Liberia would be seriously constrained.⁸⁹

The representative of Botswana stated that the intractability of the situation in Liberia was discouraging, but that it would be wrong for the Council to give up trying to find a solution to it. The United Nations was a source of hope for the Liberian people, and the presence of UNOMIL assured them that the international community was actively engaged in the search for solutions to their tragedy. The contribution of UNOMIL to the peace process far outweighed its numerical strength. He also noted that ECOWAS had contributed to a new experience in the responsibilities of regional organizations in the maintenance of peace and security under Chapter VIII of the Charter. The efforts of ECOWAS provided important lessons for future peacekeeping operations and deserved the full support of the Security Council and the international community as a whole. He further observed that the States in the subregion had a pivotal role to play in the monitoring and stemming of the flow of arms to Liberia. Botswana welcomed their commitment to report violations of the arms embargo to the United Nations sanctions committee.⁹⁰

The representative of China observed that ECOWAS had made tremendous efforts and sacrifices in the search for a settlement of the Liberian question, including sending peacekeeping forces to Liberia in accordance with Chapter VIII of the Charter. The repeated setbacks in the Liberian peace process had proved once again, however, that peace could not be achieved by military means. China had always maintained that the Security Council should attach the same importance to the settlement of conflicts in Africa as it did to conflicts on other continents, that it should support the reasonable demands of the African countries and peoples, and that it should refrain from

applying double standards when it came to peacekeeping operations in Africa.⁹¹

The draft resolution was then put to the vote and adopted unanimously as resolution 1001 (1995), which reads:

The Security Council,

Recalling its resolutions 788 (1992) of 19 November 1992, 813 (1993) of 26 March 1993, 856 (1993) of 10 August 1993, 866 (1993) of 22 September 1993, 911 (1994) of 21 April 1994, 950 (1994) of 21 October 1994, 972 (1995) of 13 January 1995, and 985 (1995) of 13 April 1995,

Having considered the report of the Secretary-General of 10 June 1995 on the United Nations Observer Mission in Liberia,

Emphasizing that the people of Liberia bear the ultimate responsibility for achieving peace and national reconciliation,

Commending the positive role of the Economic Community of West African States in its continuing efforts to restore peace, security and stability in Liberia,

Welcoming the recent summit meeting of Heads of State and Government of the Committee of Nine on Liberia of the Economic Community of West African States, in Abuja, Nigeria, from 17 to 20 May 1995,

Noting that a further concerted and harmonized effort by all concerned, including the States members of the Economic Community of West African States, would be helpful to advance the peace process,

Concerned that the Liberian parties have so far failed to install the Council of State, re-establish an effective ceasefire and take concrete steps towards the implementation of the other provisions of the Accra Agreement,

Deeply concerned also at the continuing inter-factional and intra-factional fighting in parts of Liberia, which has further worsened the plight of the civilian population, particularly in rural areas, as well as affected the ability of humanitarian agencies to provide relief,

Calling upon the Liberian factions, especially the combatants, to respect the human rights of the civilian population and to respect international humanitarian law,

Expressing great concern over the continued flow of arms into Liberia in violation of Security Council resolution 788 (1992),

Commending those African States which have contributed troops to the Economic Community of West African States Monitoring Group and those Member States which have provided assistance in support of the peace negotiations and the

⁸⁹ Ibid., pp. 3-5.

⁹⁰ Ibid., pp. 6-7.

⁹¹ Ibid., p. 7.

peacekeeping forces, including contributions to the United Nations Trust Fund for Liberia,

1. *Welcomes* the report of the Secretary-General of 10 June 1995;

2. *Stresses* that continued international community support for the peace process in Liberia, including the continued presence of the United Nations Observer Mission in Liberia, is contingent on immediate actions by the Liberian parties to resolve their differences peacefully and achieve national reconciliation;

3. *Decides* to extend the mandate of the Mission until 15 September 1995;

4. *Urges* that the Liberian parties use this period to make serious and substantial progress towards the implementation of the Akosombo Agreement and the Accra Agreement and specifically to accomplish the following steps:

(a) Installation of the Council of State;

(b) Re-establishment of a comprehensive and effective ceasefire;

(c) Disengagement of all forces;

(d) Creation of an agreed timetable and schedule for the implementation of all other aspects of the agreements, in particular the disarmament process;

5. *Declares its intention*, after consideration of the report of the Secretary-General, not to renew the mandate of the Mission on 15 September 1995, unless the steps in paragraph 4 above are complied with by that date;

6. *Declares its readiness*, if significant progress in the peace process in Liberia regarding the steps in paragraph 4 above is achieved by 15 September 1995, to consider restoring the Mission to its full strength with appropriate adjustment of its mandate and the relationship with the Economic Community of West African States Monitoring Group to enable these two operations to carry out their respective functions more effectively, as well as to consider other aspects of post-conflict peacebuilding in Liberia;

7. *Urges* the Ministers of the Committee of Nine on Liberia of the Economic Community of West African States, as authorized by their heads of State and Government at the Abuja Summit of 17 to 20 May 1995, to reconvene a meeting of the Liberian parties and political leaders as soon as possible in order to resolve finally the outstanding issues of political settlement;

8. *Urges* Member States in the meantime to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia and by providing financial, logistical and other assistance in support of the troops participating in the Monitoring Group in order to enable it to deploy fully and to carry out its mandate, particularly with respect to encampment and disarmament of the Liberian factions;

9. *Requests* the Secretary-General, in this regard, to continue his efforts to obtain financial and logistical resources from Member States, and urges those States that have pledged assistance to fulfil their commitments;

10. *Reminds* all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Security Council Committee established pursuant to resolution 985 (1995);

11. *Reaffirms* the continued necessity for the Monitoring Group and the Mission to cooperate in fulfilling their respective mandates, and, to this end, urges the Monitoring Group to enhance its cooperation with the Mission at all levels to enable the Mission to discharge its mandate;

12. *Urges* the Monitoring Group in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Monitoring Group in the implementation of the Cotonou Agreement, to take necessary action to provide security for observers and civilian staff of the Mission;

13. *Demands once more* that all factions in Liberia strictly respect the status of personnel of the Monitoring Group and the Mission, as well as of organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

14. *Commends* the efforts made by Member States and humanitarian organizations in providing emergency humanitarian assistance and especially those of neighbouring countries in assisting Liberian refugees;

15. *Urges* the Organization of African Unity to continue its collaboration with the Economic Community of West African States in promoting the cause of peace in Liberia;

16. *Expresses its appreciation* to the Secretary-General and his Special Representative for their tireless efforts to bring peace and reconciliation to Liberia;

17. *Requests* the Secretary-General to continue, as described in his report, to review the level of personnel of the Mission, to adapt the practical implementation of the mandate and to report as appropriate;

18. *Also requests* the Secretary-General to report to the Security Council before 15 September 1995 on the situation in Liberia;

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

Speaking after the vote, the representative of the United States stated that her Government supported the extension of UNOMIL's mandate, despite its deep disappointment over the lack of progress of the Mission. She stressed, however, that unless by

15 September there was a real ceasefire, the installation and assumption of real authority by a new Council of State, a serious commitment by all the factions to disarmament and disengagement and a specific schedule for the rest of the peace process, UNOMIL would end.⁹² The latter view was echoed by the representatives of France and the Russian Federation.⁹³

The representatives of Italy and Germany shared the view of the Secretary-General that in the event conditions in Liberia would not permit UNOMIL to fulfil its mandate,⁹⁴ it would have to be turned into a good-offices mission.

Decision of 15 September 1995 (3577th meeting): resolution 1014 (1995)

On 9 September 1995, pursuant to resolution 1001 (1995), the Secretary-General submitted to the Council his twelfth progress report on UNOMIL.⁹⁵ The Secretary-General reported that there had been some positive developments on the political front and the prospects for peace were perhaps better than they had been at any time since the outbreak of the civil war. The Chairman of ECOWAS had convened a meeting of the factions at Abuja, from 16 to 19 August, which had culminated in the signing of the "Abuja Agreement". The Abuja Agreement amended and supplemented the Cotonou and Akosombo accords, as subsequently clarified by the Accra agreements. It provided for, and resulted in, inter alia, the establishment of a ceasefire on 26 August and the installation of a new Council of State on 1 September. According to reports the Secretary-General had received, the new transitional government was enjoying the full support of all the key political leaders in Liberia. It was also reported that the parties had begun the process of disengaging their forces. In addition, over the past few months, the ECOWAS States had effectively harmonized their policies towards Liberia. Their representatives had met with the leaders of the factions on numerous occasions to facilitate a final agreement, and a new spirit of cooperation seemed to have emerged between the Liberian parties and ECOWAS.

⁹² Ibid., pp. 9-10.

⁹³ Ibid., pp. 10-11.

⁹⁴ Ibid., pp. 12 and 14.

⁹⁵ S/1995/781.

The Secretary-General noted that, while the success of the peace process in Liberia was primarily dependent upon the goodwill of the Liberian parties, there were several critical elements in the process, which required the full involvement and support of the international community. Among them were the demobilization and reintegration of combatants into civilian life and the provision of technical and logistical assistance to the national police.

The Secretary-General intended to consult the Chairman of ECOWAS on the possibility of holding a pledging conference for Liberia to raise resources needed by ECOMOG and for other needs critical to the advancement of the peace process in Liberia. He also planned to dispatch a mission to Liberia to assess the requirements in the evolving implementation of the Abuja Agreement. It was also his intention to deploy 42 additional military observers to UNOMIL to enable it to carry out its responsibilities in monitoring the ceasefire and the disengagement of forces. At the same time, UNOMIL would continue to work with ECOMOG on the adoption of a joint concept of operations, which would be presented to the Security Council for its consideration. He recommended that the Council consider extending the mandate of UNOMIL until 31 January 1996. During that period, in accordance with the Abuja Agreement, the parties should make every effort to complete the disengagement, assembly, disarmament and demobilization of their forces. Should they, at any time, fail to fulfil their commitments under the agreement, the Secretary-General would not hesitate to invite the Security Council to reconsider UNOMIL's involvement in the process.

At its 3577th meeting, on 15 September 1995, the Security Council included in its agenda the report of the Secretary-General of 13 September 1995. Following the adoption of the agenda, the Council invited the representatives of Ghana and Liberia, at their request, to participate in the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁹⁶ and read out a revision that had been made to the draft resolution.⁹⁷ He also drew their attention to a letter dated 25 August 1995

⁹⁶ S/1995/790.

⁹⁷ See S/PV. 3577.

from the representative of Nigeria addressed to the President of the Security Council,⁹⁸ transmitting the text of the Abuja Agreement, and to a letter dated 30 August from the representative of Ghana addressed to the President of the Security Council,⁹⁹ transmitting the text of a letter dated 28 August 1995 from the Minister for Foreign Affairs of Ghana addressed to the Secretary-General, also attaching the text of the Abuja Agreement.

The representative of Ghana stated that, after many false starts and failures, the Liberian civil war was finally being brought to an end. The States of the West African subregion, themselves in dire economic straits, had borne an enormous burden in trying to contain the Liberian civil war. Nigeria and Ghana especially had felt compelled to make great sacrifices to resolve the Liberian situation and they were now exhausted. The United Nations needed to assume its rightful duty in marshalling the financial and material resources needed to turn the hope of a permanent peace and ordered civil life in Liberia into reality. The international community should shoulder its responsibility towards Liberia. It was crucial that the Security Council extend the mandate of UNOMIL, but beyond that was the Council's added duty to give support for any measures proposed by the Secretary-General to obtain the necessary resources for the tasks ahead. Those tasks included the augmentation of the troop strength of ECOMOG in a significant way to enable the force to fulfil its mandate to deploy throughout Liberia; to seal all the Liberian borders in order to ensure that no arms or ammunition were brought into Liberia; to encamp and disarm combatants of all factions; to establish roadblocks to check the movement of arms and assist in directing refugees and internally displaced persons; and to carry out confidence patrols to create an atmosphere conducive to the holding of free and fair elections. Those engaged in the situation in Liberia were on the verge of achieving a great victory for the international community and realizing the hope embodied in the Charter. Ghana appealed to the members of the Security Council to meet their responsibility.¹⁰⁰

The representative of Liberia observed that the Abuja Agreement was being implemented and offered better prospects than before for a final peaceful

resolution of the Liberian crisis. He recalled that in resolution 1001 (1995) the Council had set a number of conditions for the extension of UNOMIL's mandate. Since then, the Council of State had been installed, the Cabinet had been appointed and was governing the country, and the ceasefire was generally holding. Against that background, Liberians were more hopeful than ever before that there would be a lasting peace. The Government was devising strategies to launch the revival of the economy, and was endeavouring to meet the food and health needs of the population, to reopen schools in areas that were now accessible and under its control, and to restore electric power, potable water and other social amenities to the capital. Discussions were also being held on the key issue of the reintegration of former combatants into civil society. All of those efforts could only be pursued, however, in an atmosphere of sustained peace and security. The Government was therefore working with ECOMOG and UNOMIL to implement, in a timely manner, the crucial elements of disarmament and demobilization of combatants, as stipulated in all the relevant Agreements. His delegation joined in the appeal that ECOMOG be provided with additional resources and other logistical support in order to execute its mandate. For five years ECOWAS had borne a substantial burden to maintain its presence in Liberia. In keeping with Article 52 of Chapter VIII of the Charter of the United Nations, which encouraged regional arrangements in the maintenance of international peace and security, the Security Council, through the creation and dispatch of UNOMIL, had complemented the efforts of ECOWAS. UNOMIL's involvement in the peace process had inspired confidence among Liberians that the international community was supportive of their desire to restore peace and normality in Liberia. It was the hope of the Government and people of Liberia that the United Nations would provide even more financial support to ECOMOG. When a democratically elected government was inaugurated in Liberia, the cooperation between ECOWAS and the United Nations would indeed be recorded in the annals of the Organization as a unique success story, the lessons of which could be applied to other conflicts in other parts of the world.¹⁰¹

Speaking before the vote, the representative of Nigeria stated that a breakthrough had occurred in the search for peace in Liberia following the successful

⁹⁸ S/1995/742.

⁹⁹ S/1995/756.

¹⁰⁰ S/PV.3577, pp. 3-4.

¹⁰¹ *Ibid.*, pp. 4-5.

conclusion of the Abuja Agreement. Nonetheless, his delegation realized that the real test of the new commitment to peace would lie in the readiness of the Liberian parties to implement the key aspects of the Agreement, particularly disengagement, encampment and disarmament, as provided for in the revised schedule. The ECOWAS leaders had played their part and the Liberian parties had done what the Security Council had asked of them. They were waiting to see what the international community, particularly the Security Council, was prepared to do in assisting the Liberian parties to implement all their Agreements and to support ECOMOG. The Secretary-General had rightly observed that, while the success of the peace process in Liberia was primarily dependent on the goodwill of the Liberian parties, there were several critical elements in the process that required the full involvement of the international community. They included disarmament and demobilization, the reintegration into civilian life of an estimated 50,000 to 60,000 combatants, and assistance to ECOMOG. More needed to be done to support ECOMOG. His delegation hoped that the proposal of the Secretary-General to organize a pledging conference for Liberia to raise the resources needed by ECOMOG would soon get off the ground and it appealed to the international community to respond generously. His delegation was happy to go along with the recommendation of the Secretary-General for a renewal of the UNOMIL mandate until 31 January 1996, but would have wished, however, for a commitment from the Council to a restoration of UNOMIL to its full strength as a firm expression of political support and of the support of the Council to the Liberian peace process. Nigeria looked forward to the recommendations of the Secretary-General relating to a new concept of operations for UNOMIL, including its relationship with ECOMOG.¹⁰²

The representative of China stated that his delegation was of the view that the peace process in Liberia had proved that only when the parties concerned demonstrate good will for a political settlement could there be a momentum for peace. In conflicts in certain regions, particularly those between various parties within a country, peace could not be brought about by mandatory means or imposed from outside. His delegation was also of the view that the active participation of the international community, particularly regional organizations, in the mediation

and peacekeeping activities had also facilitated the peace process in Liberia.¹⁰³

The draft resolution was then put to the vote, as orally revised in its provisional form, and was adopted unanimously as resolution 1014 (1995), which reads:

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1001 (1995) of 30 June 1995,

Having considered the report of the Secretary-General of 9 September 1995 on the United Nations Observer Mission in Liberia,

Welcoming the recent Abuja Agreement signed by the Liberian parties on 19 August 1995, which amends and supplements the Cotonou Agreement and the Akosombo Agreement as subsequently clarified by the Accra Agreement,

Welcoming also the installation of a new Council of State, the re establishment of a comprehensive and effective ceasefire, the beginning of the disengagement of forces and the agreement on a new timetable and schedule for the implementation of all other aspects of the Agreement,

Commending the positive role of the Economic Community of West African States in its continuing efforts to restore peace, security and stability in Liberia,

Commending in particular the efforts of the Governments of Nigeria and Ghana as host and Chairman respectively of the Abuja meeting, which have significantly contributed to the conclusion of the Abuja Agreement by the Liberian parties,

Noting that with these positive developments the Liberian parties have made appreciable progress towards the peaceful resolution of the conflict,

Emphasizing the need for all the Liberian parties to respect and implement fully all the agreements and commitments they have entered into, in particular with regard to maintenance of the ceasefire, disarmament and demobilization of combatants and national reconciliation,

Emphasizing once again that the people of Liberia bear the ultimate responsibility for achieving peace and national reconciliation,

Expressing its appreciation to those African States that have contributed and are contributing troops to the Economic Community of West African States Monitoring Group,

Commending those Member States which have provided assistance in support of the peace process, including contributions to the United Nations Trust Fund for Liberia,

Noting that, with the signing of the Abuja Agreement, additional resources in terms of troops, equipment and logistic

¹⁰² Ibid., pp. 6-7.

¹⁰³ Ibid., pp. 9-10.

support would be required by the Monitoring Group if it is to be able to deploy throughout the country to oversee the implementation of the various aspects of the Agreement, in particular the disarmament and demobilization process,

1. *Welcomes* the report of the Secretary-General of 9 September 1995;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 31 January 1996;

3. *Welcomes* the intention of the Secretary-General to increase immediately by forty-two the number of military observers to monitor the ceasefire and the disengagement of forces, and considers that any increase beyond that should be based on progress on the ground in implementing the peace agreement;

4. *Welcomes also* the intention of the Secretary-General to submit by the end of October 1995, for the Council's consideration, recommendations concerning the new concept of operations of the Mission which should address, inter alia, measures to enhance the relationship between the Mission and the Economic Community of West African States Monitoring Group, aspects of disarmament and demobilization and the resources which the Mission will require to carry out its tasks effectively; and expresses its intention to review and respond to the recommendations of the Secretary-General in an expeditious manner;

5. *Urges* Member States to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia, and in this regard calls upon those States which have pledged assistance to fulfil their commitments;

6. *Also urges* all Member States to provide financial, logistical and other assistance in support of the Monitoring Group to enable it to carry out its mandate, particularly with respect to encampment and disarmament of the Liberian factions;

7. *Requests* the Secretary-General in this regard to continue his efforts to obtain financial and logistical resources from Member States, and welcomes his intention to organize, in consultation with the Chairman of the Economic Community of West African States, the holding of a pledging conference for Liberia as soon as possible to raise the resources needed by the Monitoring Group and for other needs critical to the advancement of the peace process in Liberia;

8. *Welcomes* the intention of the Secretary-General to dispatch a mission to Liberia to consult with the Liberian leaders and other interested parties on the requirements in the evolving implementation of the Abuja Agreement, and looks forward to his report on the mission's results and recommendations;

9. *Encourages* Member States, in particular African countries, to consider providing troops to the expanded Monitoring Group;

10. *Stresses* that continued support by the international community for the peace process in Liberia, including the continued participation of the Mission, is contingent on the continued commitment by the Liberian parties to resolve their differences peacefully and to achieve national reconciliation;

11. *Reminds* all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992 and to bring all instances of violations of the arms embargo before the Security Council Committee established pursuant to resolution 985 (1995);

12. *Calls upon* the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Monitoring Group in the implementation of the Cotonou Agreement, to take necessary action to provide security for the observers and civilian staff of the Mission;

13. *Demands once more* that all factions in Liberia strictly respect the status of personnel of the Monitoring Group and the Mission, as well as of organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

14. *Commends* the efforts made by Member States, including those of neighbouring countries, and humanitarian organizations in providing emergency humanitarian assistance to Liberian refugees, and calls upon them to increase the efforts already made to handle the voluntary and rapid return of refugees in their countries and other aspects of humanitarian assistance;

15. *Encourages* the Organization of African Unity to continue its post-conflict peacebuilding collaboration with the Economic Community of West African States in promoting the cause of peace in Liberia;

16. *Expresses its appreciation* to the Secretary-General, his Special Representative and all Mission personnel for their tireless efforts to bring peace and reconciliation to Liberia;

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

Speaking after the vote, the representative of the United States stated that the adoption of the resolution just voted upon, renewing the mandate of UNOMIL, signalled the Council's recognition that the warring factions in Liberia had taken the important steps necessary to put their peace process back on track. Without that development, the United States could not have endorsed further support of UNOMIL at that time. She warned, however, that there was still a long way to go. Her delegation urged the Liberian Transitional Government to build on the steps already taken so that the peace would be lasting. The arms embargo declared

by the Security Council must be strictly enforced. The Liberian factions and people must keep in mind, as the resolution reiterated, that continuing international support, including the participation of UNOMIL, would be contingent on their demonstrating through actions their commitment to resolve their differences peacefully. Above all, the ceasefire needed to be observed strictly by all sides. She also observed that Liberia would need the continued assistance of the international community to re-establish the social and institutional fabric of its society. She stated that the resolution not only supported the Secretary-General's immediate recommendations, but also laid down the groundwork for further changes and improvements in UNOMIL and its relationship with ECOMOG. Her delegation looked forward to the report of the Secretary-General at the end of October and was of the view that it would be premature to make further changes, particularly in the number of United Nations observers, until the Council had had the opportunity to review those recommendations.¹⁰⁴

The representative of France supported an increase in the numbers of UNOMIL observers, in order to monitor respect for the commitments undertaken by the Liberian factions at Abuja. His delegation also awaited with interest the report that the Secretary-General was to submit to the Council on the new concept of UNOMIL's operations, especially in the context of enhancing the relationship between UNOMIL and ECOMOG. The involvement of the United Nations also related to humanitarian aspects and it should extend to the economic sphere. The implementation of the Peace Agreement should be accompanied by a greater involvement of international financial institutions, whose assistance could be decisive in the implementation of troop demobilization, on which the restoration of peace depended.¹⁰⁵

The representative of the United Kingdom welcomed the decision to increase immediately the number of observers in UNOMIL. His delegation hoped that they would be deployed as soon as possible and looked forward to the Secretary-General's presentation of a new concept of operations for UNOMIL. Improved and effective cooperation between UNOMIL and ECOMOG would be the key to the success of both missions. He also stated that while the

primary responsibility for the reconstruction of their country lay with the Liberian people, the international community would have an important role to play.¹⁰⁶

The representative of Rwanda stated that his delegation was convinced that the United Nations and the Security Council in particular, were not able to put an end to conflict in the region without the participation of regional and subregional African organizations. That was the reason why cooperation between the Security Council and the Secretariat and African regional organizations must be recommended. He also stated that one could not speak of peace in Liberia without talking about development. The demobilization of some tens of thousands of combatants, including children, required an enormous economic effort in order to involve those active forces in the economy and ensure schooling for children. Such demobilization should be funded by the international community, so as to avoid the new recruitment of demobilized individuals. Rwanda also called for financial support for ECOMOG, so that it might maintain peace throughout the country and ensure respect for the Abuja Agreement and the proper functioning of the new Council of State.¹⁰⁷

**Decision of 10 November 1995 (3592nd
meeting): resolution 1020 (1995)**

On 23 and 30 October 1995, pursuant to resolution 1014 (1995), the Secretary-General submitted to the Council his thirteenth progress report on UNOMIL.¹⁰⁸ The Secretary-General reported that, from 19 to 30 September, the technical team had travelled to Liberia to meet the Liberian parties, and on 1 and 2 October it had had consultations with ECOWAS at Accra. The Transitional Government had recognized that it was its responsibility to ensure the effective implementation of the Abuja Agreement, including the disarming and demobilization of combatants. It had also expressed the desire to work closely with ECOWAS, UNOMIL and the international community in the implementation of the Agreement. In accordance with the Peace Agreements, ECOWAS would continue to play the lead role in the peace process in Liberia, while ECOMOG would retain the primary responsibility for assisting the Transitional Government in the implementation of the military

¹⁰⁴ Ibid., p. 12.

¹⁰⁵ Ibid., pp. 13-14.

¹⁰⁶ Ibid., pp. 15-16.

¹⁰⁷ Ibid., pp. 16-17.

¹⁰⁸ S/1995/881 and Add.1.

provisions of the agreements. With regard to UNOMIL, the Secretary-General recommended that it should continue to have the mandate of observing and monitoring the implementation of the Peace Agreements, with some adjustments.¹⁰⁹ He also made recommendations relating to the new concept of operations for UNOMIL.¹¹⁰ The new concept of operations would require 160 military observers. ECOMOG had estimated that it would require an additional 4,731 troops to carry out its concept of operations. The Secretary-General recalled that he had pointed out that the mission would be able to discharge its mandate only if ECOMOG had adequate resources to carry out its own responsibilities. He therefore intended to convene a conference on assistance to Liberia in New York, on 27 October.

In his conclusions, the Secretary-General expressed concerns about recent reports of ceasefire violations and the delays that such incidents had created in the disengagement process. He urged the Transitional Government to take the necessary action to avoid further incidents and to maintain the momentum of the peace process.

At its 3592nd meeting, on 10 November 1995, the Security Council included in its agenda the thirteenth progress report of the Secretary-General on UNOMIL. Following the adoption of the agenda, the Council invited the representative of Liberia, at this request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.¹¹¹

The representative of Liberia stated that, for the first time since the commencement of the Liberian conflict in 1989, the faction leaders had taken on the responsibility of administering the affairs of Government by serving as members of the Council of State. The new leadership had publicly pledged its total commitment to the peace process and had declared it to be irreversible. While deeds and not words would

ultimately determine the outcome, his delegation believed in the sincerity of the Liberian leaders. His delegation also firmly believed that the support of the international community was indispensable. It endorsed the report of the Secretary-General, which reaffirmed the urgent need for international support to assist ECOMOG fully to achieve its mandate, to provide humanitarian assistance, to aid in the repatriation and resettlement of refugees, to facilitate the demobilization and reintegration of combatants into civil society, and to assist law enforcement, the judiciary and the electoral process. His delegation also endorsed the Secretary-General's recommendations on a new concept of operations for UNOMIL and was of the view that the implementation of the new mandate would ensure more effective coordination between UNOMIL and ECOMOG.¹¹²

Speaking before the vote, the representative of Nigeria stated that, while the main responsibility for the implementation of the Peace Agreement rested with the Liberian parties, the critical phase of disarmament and demobilization required the assistance and support of ECOMOG, UNOMIL and all the leaders of the region. In that regard, Nigeria had decided to increase its contingent in ECOMOG and had disbursed additional funds for the procurement of vital equipment for ECOMOG. Nevertheless, the regional efforts should be supplemented by those of the international community to provide ECOMOG with the logistical support, assistance in transportation, communications equipment and fuel that would enable it to discharge its functions effectively. His delegation supported the proposed adjustments to the mandate and concept of operations of UNOMIL, as they would enhance the ability of UNOMIL effectively to complement ECOMOG in the peace process.¹¹³

The representative of Botswana stated that ECOMOG had a vital role to play in the implementation of the ceasefire and the disarmament and demobilization of combatants. Referring to operative paragraph 7 of the draft resolution, he stated that the time had come for the international community to assume its responsibilities in the restoration of peace in Liberia. He also concurred with the Secretary-General that the demobilization and reintegration of combatants were essential to the success of the peace

¹⁰⁹ These recommendations were outlined in paragraph 23 of the report. They were subsequently endorsed and reproduced in paragraph 2 of resolution 1020 (1995).

¹¹⁰ These recommendations were outlined in paragraphs 24 to 34 of the report. They were subsequently welcomed, but not reproduced, in paragraph 4 of resolution 1020 (1995).

¹¹¹ S/1995/923.

¹¹² S/PV.3592, pp. 2-3.

¹¹³ *Ibid.*, pp. 3-4.

process. The United Nations had the responsibility to ensure that the gains that had been made were not reversed by the lack of resources for demobilization. Botswana fully supported the provision of resources for the demobilization under the assessed budget, as the demobilization was too important to be left to voluntary contributions, which might not be disbursed in a timely manner. Subparagraphs (a) to (g) of operative paragraph 2 of the resolution clearly outlined the adjusted mandate of UNOMIL. The successful implementation of the mandate would depend to a large extent on the cooperation of the Liberian parties with ECOMOG and UNOMIL.¹¹⁴

The representative of the United Kingdom expressed the support of his delegation for the Secretary-General's recommendations for an adjustment of the mandate of UNOMIL. He referred to the commitments that his Government had made at the Conference on Assistance to Liberia and urged others to provide assistance to ECOMOG to enable it to carry out its mandate. Without the necessary resources, ECOMOG would not be able to carry out the tasks assigned to it under the Abuja Agreement.¹¹⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 1020 (1995), which reads:

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolutions 866 (1993) of 22 September 1993 and 1014 (1995) of 15 September 1995,

Having considered the report of the Secretary-General of 23 October 1995 on the United Nations Observer Mission in Liberia,

Commending the positive role of the Economic Community of West African States in its continuing efforts to restore peace, security and stability in Liberia,

Stressing the importance of full cooperation and close coordination between the Mission and the Economic Community of West African States Monitoring Group in the implementation of their respective mandates,

Noting the appreciable progress the Liberian parties have recently made towards the peaceful resolution of the conflict, including the re establishment of a ceasefire, installation of the new Council of State and an agreement on a timetable for the implementation of the peace process from ceasefire to election,

Noting also that the Liberian parties appear more determined than ever before to take tangible steps towards the restoration of peace and stability in their country,

Expressing its concern about the incidence of ceasefire violations and delays in the process of disengagement of forces,

Expressing its appreciation to those African States which have contributed and are contributing troops to the Monitoring Group,

Commending those Member States which have provided assistance in support of the peace process, including contributions to the United Nations Trust Fund for Liberia,

1. *Welcomes* the report of the Secretary-General of 23 October 1995;

2. *Decides* to adjust the mandate of the United Nations Observer Mission in Liberia to be defined as follows:

(a) To exercise its good offices to support the efforts of the Economic Community of West African States and the Liberian National Transitional Government to implement the peace agreements and to cooperate with them for this purpose;

(b) To investigate all allegations of violations of the ceasefire reported to the Ceasefire Violations Committee, to recommend measures to prevent the recurrence of such violations and to report to the Secretary-General accordingly;

(c) To monitor compliance with the other military provisions of the peace agreements, including disengagement of forces, and disarmament and observance of the arms embargo and to verify their impartial application;

(d) To assist, as appropriate, in the maintenance of assembly sites agreed upon by the Economic Community of West African States Monitoring Group, the Transitional Government and the factions and in the implementation of a programme for demobilization of combatants, in cooperation with the Transitional Government, donor agencies and non-governmental organizations;

(e) To support, as appropriate, humanitarian assistance activities;

(f) To investigate and report to the Secretary-General on violations of human rights and to assist local human rights groups, as appropriate, in raising voluntary contributions for training and logistic support;

(g) To observe and verify the election process, in consultation with the Organization of African Unity and the Economic Community of West African States, including the legislative and presidential elections to be held in accordance with provisions of the peace agreements;

3. *Decides* that the number of military observers should be a maximum of one hundred and sixty;

4. *Welcomes*, in this context, the recommendations contained in the report of the Secretary-General concerning the new concept of operations for the Mission;

¹¹⁴ Ibid., pp. 4-5.

¹¹⁵ Ibid., pp. 9-10.

5. *Calls upon* all the Liberian parties to respect and implement fully and expeditiously all the agreements and commitments they have entered into, in particular with regard to the maintenance of the ceasefire, disarmament and demobilization of combatants, and national reconciliation, taking into account the fact that the restoration of peace and democracy in Liberia is primarily the responsibility of those parties which signed the Abuja Agreement on 19 August 1995;

6. *Urges* Member States to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia, and in this regard encourages States that have pledged assistance to fulfil their commitments;

7. *Urges also* all Member States to provide financial, logistical and other assistance in support of the Monitoring Group to enable it to carry out its mandate, particularly with respect to assembly and disarmament of the Liberian factions;

8. *Welcomes* the commitments made at the Conference on Assistance to Liberia, held in New York on 27 October 1995;

9. *Reiterates* that continued support by the international community for the peace process in Liberia is contingent on the continued commitment by the Liberian parties to achieve national reconciliation in line with the peace process;

10. *Urges* the Transitional Government to take the necessary action to avoid further incidents of ceasefire violations and maintain the momentum of the peace process;

11. *Reminds* all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Security Council Committee established pursuant to resolution 985 (1995);

12. *Calls upon* the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Monitoring Group in the implementation of the Cotonou Agreement and the new concept of operations, to take necessary action to provide security for observers and civilian staff of the Mission;

13. *Stresses* the need for close contacts and enhanced coordination between the Mission and the Monitoring Group in their operational activities at all levels;

14. *Demands once more* that all factions in Liberia strictly respect the status of personnel of the Monitoring Group and the Mission, as well as of organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

15. *Stresses* the need for improved coordination in carrying out the repatriation of refugees and the resettlement of internally displaced persons;

16. *Stresses also* the importance of respect for human rights in Liberia as well as the necessity to rehabilitate promptly the penitentiary system in this country;

17. *Requests* the Secretary-General to submit by 15 December 1995 a progress report on the situation in Liberia including the implementation of the adjusted mandate of the Mission, as well as its new concept of operations;

18. *Expresses its appreciation* to the Secretary-General, his Special Representative and all Mission personnel for their tireless efforts to bring peace and reconciliation to Liberia;

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

Speaking after the vote, the representative of France stated that, in order to ensure the success of the peace process, several conditions must be met. First, peace could return only if the Liberian factions fully abided by their Abuja commitments. Second, it was necessary for the United Nations to continue, along with ECOMOG, to support the completion of the peace process. The French delegation had voted in favour of the resolution because it clarified the division of tasks between UNOMIL and ECOMOG, with a view to enhancing the effectiveness of the personnel on the ground. Finally, the international community must continue to support those working for peace in Liberia. The convening of the Conference on Assistance to Liberia had been a major initiative. The French delegation hoped that States, international organizations and international financial organizations would demonstrate generosity and responsibility in order to enable Liberia and the entire African region to return to stability and the path of progress.¹¹⁶

The representative of the Russian Federation stated that the resolution just adopted and the recent Conference on Assistance to Liberia were a clear confirmation of the international community's readiness to support, not only in words but in deeds, the efforts of the Liberian parties, States members of ECOWAS, and OAU to put an end to the war in Liberia. Of particular importance was the factor of confidence-building among the participants in the peace process. His delegation deemed important the provision of the resolution that stressed the need for close contacts and enhanced coordination between UNOMIL and ECOMOG in their operational activities at all levels. Such action would foster the success of the peace process in Liberia. The positive experience gained through practical cooperation between the

¹¹⁶ Ibid., p. 11.

United Nations and the regional organization in the maintenance of international peace and security would also prove useful for other peacemaking operations.¹¹⁷

The representative of the United States observed that, under the new concept of operations, UNOMIL would have a major role in the management of, and financial responsibility for, the demobilization process. The demobilization of tens of thousands of Liberian combatants was critical to the peace process. The United States believed that international humanitarian agencies and non-governmental organizations should be brought into the peace process as soon as possible — not only to ease the burden on UNOMIL, but also to ensure that the entire process, from disarmament through demobilization to reintegration into society, was carried out in an efficient, speedy and coordinated manner. The United States, along with many other countries, was working hard to mobilize resources for logistical support of ECOMOG's deployment, which was a precondition for UNOMIL's own deployment and the actual start of the disarmament and demobilization process. But the Liberian National Transitional Government, the Liberian factions and ECOMOG needed to do the maximum with the resources they already had to keep the process moving. If ECOMOG did not deploy in

December, many combatants and civilians would lose faith in the peace process.¹¹⁸

The representative of Rwanda stated that his country wished to reiterate again its appeal to the Security Council and the Secretariat to resolve African problems only through Africa's own institutions, for the effect would be greater and would cost less. In the light of the African continent's economic situation, regional and subregional organizations needed only material and moral support in order to better carry out the tasks that States had assigned them. He contended that one could not ensure peace and stability in Somalia, Rwanda and Liberia without ensuring economic development, which was why his delegation was inviting the Security Council to take a different approach. He suggested that a "Marshall Plan" for Somalia, Rwanda and Liberia was not only possible and feasible, but it was necessary and indispensable in order to help those countries get back on their feet. Neglecting Africa might have adverse consequences, not only for African countries, but also for neighbouring continents.¹¹⁹

¹¹⁸ Ibid., pp. 12-13.

¹¹⁹ Ibid., pp. 14-15.

¹¹⁷ Ibid., pp. 11-12.

5. The situation concerning Rwanda

Initial proceedings

Decision of 12 March 1993 (3183rd meeting): resolution 812 (1993)

By a letter dated 28 February 1993 addressed to the President of the Security Council,¹ the representative of Rwanda requested him to circulate as a document of the Council his letter dated 22 February 1993 in which he informed the Council of the resumption on 8 February 1993 of hostilities in the northern part of the country by the Rwandese Patriotic Front (RPF), and requested the deployment of a team of United Nations military observers on both sides of the frontier between Rwanda and Uganda. Such a team might ensure that no military assistance reached Rwandese territory from Uganda.

By a letter dated 22 February 1993 addressed to the President of the Council,² the representative of Uganda stated that his Government viewed the resumption of hostilities between the Rwandese Government Army and RPF as a flagrant violation of the Arusha ceasefire agreement signed by both parties and sought the assistance of the Council to authorize a United Nations observer/monitor force of appropriate size to be stationed on the border with Rwanda on the Uganda side in order to forestall any spread of the conflict into Uganda.

¹ S/25355.

² S/25356.

By a letter dated 4 March 1993 addressed to the President of the Council,³ the representative of Rwanda, describing the deterioration of the situation in his country as a threat to peace and security in the region, requested an immediate meeting of the Council to consider ways of ensuring the cessation of the fighting, the observance of the ceasefire agreement signed at Arusha,⁴ and the implementation of the declarations⁵ issued, respectively, by RPF and the Government of Rwanda on 21 and 22 February 1993 with a view to restoring the ceasefire and thereby enabling the search for a negotiated political solution to the crisis. His Government considered that an international force to maintain the ceasefire could supervise the zone between the positions occupied by RPF and those occupied by the Rwandese armed forces prior to the violation of the ceasefire. The representative of France made a similar request by a letter of the same day addressed to the President of the Council.⁶

At its 3183rd meeting, held on 12 March 1993 in response to the requests from the representatives of Rwanda and France, the Council included the two letters dated 4 March 1993 from those representatives in its agenda. Following the adoption of the agenda, the Council invited the representative of Rwanda, at his request, to participate in the discussion, without the right to vote. In addition to the two letters dated 22 and 28 February 1993, the President (New Zealand) drew the attention of the members of the Council to a note verbale dated 8 March 1993⁷ and a letter dated 10 March 1993⁸ addressed to the Secretary-General from the representatives of Rwanda and Senegal, respectively. The President also drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁹

The representative of Rwanda stated that, since 1 October 1990, his country had been the victim of a particularly atrocious war that jeopardized peace and security in the Great Lakes region, despite the efforts for peace made by his Government, with the assistance

of the States of the subregion and the Organization of African Unity (OAU). While the negotiation process in Arusha between his Government and RPF had held hopes for peace, the resumption of hostilities at the beginning of February should be deplored. Many civilians were still being killed and mutilated and 1 million persons had been displaced. The Government of Rwanda proposed to relocate the war refugees in a neutral demilitarized zone. If responsibility for the comprehensive care of those refugees rested with the Government, the same could not be said for guaranteeing their safety, because of lack of human and material means. For that reason, it was a humanitarian imperative for Rwanda to be provided with a multi-purpose international force which would assure the safety of the refugees while also guaranteeing that the ceasefire was kept. He concluded by stating that the hope of Rwanda, whose fate and future were in the hands of the Secretary-General and the members of the Council, lay in the draft resolution before the Council.¹⁰

Speaking before the vote, the representative of Morocco expressed concern at the resumption of hostilities in Rwanda and the humanitarian situation prevailing in that country. He welcomed the swiftness with which the Secretary-General had dispatched a goodwill mission to the region and expressed support for the ongoing negotiation process between the parties, including the agreement reached in Dar-es-Salaam on the modalities of a ceasefire, which came into force on 9 March 1993, and the fate of displaced persons. He noted that the draft resolution took account of efforts made at the regional level and responded to the provisions of Chapter VI of the Charter.¹¹

The draft resolution was then put to the vote and adopted unanimously as resolution 812 (1993), which reads:

The Security Council,

Taking note of the request contained in the letter dated 4 March 1993 addressed to the President of the Security Council by the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations,

Also taking note of the letters dated 22 February 1993 from the Permanent Representative of Rwanda and the Permanent Representative of Uganda to the United Nations

³ S/25363.

⁴ Ibid., annex I.

⁵ Ibid., annexes II and III.

⁶ S/25371.

⁷ S/25385.

⁸ S/25401.

⁹ S/25400.

¹⁰ S/PV.3183, pp. 3-7.

¹¹ Ibid., pp. 8-10; a similar statement was made by the representative of Djibouti (S/PV.3183, pp. 11-12).

addressed to the President of the Security Council in which the Governments of both those countries called for the deployment of United Nations observers along their common border,

Gravely concerned by the fighting in Rwanda and its consequences regarding international peace and security,

Alarmed by the humanitarian consequences of the latest resumption of the fighting in Rwanda, in particular the increasing number of refugees and displaced persons, and by the threats to the civilian populations,

Stressing the need for a negotiated political solution, in the framework of the agreements signed by the parties in Arusha, United Republic of Tanzania, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity, to promote such a solution,

Taking note of the statements made by the Government of Rwanda and the Rwandese Patriotic Front by which the Rwandese armed forces would remain in their current positions, the army of the Rwandese Patriotic Front would pull back to the positions it occupied before 7 February 1993 and the buffer zone between the forces would be considered as a neutral demilitarized zone used to monitor the implementation of the ceasefire by an international force,

Welcoming with satisfaction the joint communiqué issued at Dar-es-Salaam, United Republic of Tanzania, on 7 March 1993 by the Government of Rwanda and the Rwandese Patriotic Front, concerning in particular the modalities of the ceasefire to take effect on 9 March 1993 and the situation of displaced persons,

Welcoming also with satisfaction the decision of the Secretary-General to send a goodwill mission to the region, and having heard a first oral report on the mission,

Determined that the United Nations, in consultation with the Organization of African Unity and in support of its ongoing efforts, should consider how a United Nations contribution might assist the process towards a political settlement in Rwanda, in particular by preventing the resumption of fighting and by monitoring the ceasefire,

1. *Calls upon* the Government of Rwanda and the Rwandese Patriotic Front to respect the ceasefire which took effect on 9 March 1993, to allow the delivery of humanitarian supplies and the return of displaced persons, to fulfil the obligations they have accepted in the agreements they have signed and to implement the commitments they have undertaken in their above-mentioned statements and joint communiqué;

2. *Invites* the Secretary-General to examine in consultation with the Organization of African Unity the contribution that the United Nations could bring to strengthen the peace process in Rwanda, in support of the efforts of the Organization of African Unity, in particular through the possible establishment, under the aegis of the Organization of African Unity and the United Nations, of an international force

entrusted, *inter alia*, with humanitarian assistance and the protection of the civilian population and support of the Organization of African Unity force for the monitoring of the ceasefire, and to report to the Council most urgently on the matter;

3. *Also invites* the Secretary-General to examine the request by Rwanda and Uganda for the deployment of observers along the border between these two countries;

4. *Expresses its readiness* to examine without delay the recommendations that the Secretary-General might submit in this regard;

5. *Requests* the Secretary-General to coordinate closely his efforts with those of the Organization of African Unity;

6. *Calls upon* the Government of Rwanda and the Rwandese Patriotic Front to cooperate fully with the efforts of the United Nations and the Organization of African Unity;

7. *Urges* the Government of Rwanda and the Rwandese Patriotic Front to resume the negotiations on 15 March 1993 as agreed, in order to resolve the pending questions with a view to signing a peace agreement at the beginning of April 1993 at the latest;

8. *Urges* both parties strictly to respect the rules of international humanitarian law;

9. *Urges* all States to refrain from any action that could increase the tension in Rwanda and jeopardize respect for the ceasefire;

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

After the vote, the representative of France stated that the situation in Rwanda seriously compromised that country's chances to quickly regain the path of peace and democracy and was gravely threatening the political stability of the region. The situation could cause a very serious humanitarian crisis, as shown by the number of refugees and displaced persons, which could in turn affect the neighbouring countries. The French Government felt that resolute action had to be taken to reach an effective and lasting cessation of hostilities, to promote the intensification of humanitarian assistance, and to enable the peace efforts to continue. It fully supported the process begun in Arusha, under the auspices of OAU, by the Government of Rwanda and RPF, and would continue to participate in that process as an observer. He emphasized, however, that progress depended above all on the cooperation of the Rwandese parties. At the same time, efforts by the Rwandese to settle the conflict should be actively supported by the United Nations. It was in that spirit that the Government of

France had supported Rwanda's request to convene a meeting of the Council. He noted further that, by inviting the Secretary-General to examine urgently in consultation with OAU the contribution that the United Nations could bring to strengthening the peace process, resolution 812 (1993) was fully consistent with the approach of supporting the efforts of regional organizations that had guided the Council in several other cases. The Government of France welcomed the particular reference to the possibility of a United Nations contribution in the fields of protection of the civilian population and respect for the ceasefire — if necessary, by the establishment of an international force. Those were the two areas for priority intervention which should be stressed in order effectively to support the efforts to achieve a political settlement and to alleviate the suffering of the civilian population. The deployment of United Nations observers at the border between Rwanda and Uganda, as requested by those two countries, could contribute to creating a more peaceful climate in the region. France awaited the recommendations of the Secretary-General in that regard. The representative stressed the urgency of ensuring that the combined energies of all concerned — the United Nations, the regional organizations and those of States and non-governmental organizations — be brought to bear to restore stability to Rwanda.¹²

The representative of Brazil stated that it was incumbent on the United Nations to examine, in close consultation with OAU, how best the United Nations could support such efforts with a view to strengthening the peace process in Rwanda, in particular through the possible establishment of an international force under the aegis of OAU and the United Nations, in accordance with the agreement reached by the parties. He stressed that the responsibility for the achievement of a satisfactory political settlement rested upon the parties themselves. However, OAU and the countries in the region had an important role in facilitating and furthering the attainment of that goal. Citing Article 52 (3) of the Charter, he said that close cooperation between the United Nations and OAU in the case of Rwanda, with due cognizance and respect for their respective roles, constituted a good example of the constructive relationship that should exist between the universal organization of the United Nations and regional organizations for the promotion

¹² S/PV.3183, pp. 13-15.

of peace. The terms of resolution 812 (1993) should be read in that light by all parties concerned.¹³

Decision of 13 April 1993: letter from the President to the Secretary-General

By a letter dated 8 April 1993 addressed to the President of the Council,¹⁴ the Secretary-General, recalling resolution 812 (1993) by which the Council had welcomed the goodwill mission to Rwanda and had asked him to examine the requests of Rwanda and Uganda for the deployment of observers, reported that the mission had visited Rwanda and Uganda and was observing the peace talks in Arusha. There were disturbing reports that the Arusha discussions were at an impasse, and as a result, there were fears that fighting might resume. In those circumstances he had decided to strengthen the goodwill mission by the addition of three military advisers. He had also asked the goodwill mission to report promptly so that he could advise the Council further accordingly.

In a letter dated 13 April 1993,¹⁵ the President of the Council informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 8 April 1993 concerning the situation in Rwanda has been brought to the attention of the members of the Security Council. They welcome your decision to strengthen the goodwill mission by the addition of three military advisers. They also note the urgency of the security situation in Rwanda and look forward to a prompt report.

Decision of 22 June 1993 (3244th meeting): resolution 846 (1993)

On 20 May 1993, pursuant to resolution 812 (1993), the Secretary-General submitted to the Council an interim report on Rwanda.¹⁶ The Secretary-General reported that talks between the Government of Rwanda and RPF had resumed in Arusha on 16 March 1993, under the auspices of the United Republic of Tanzania, acting as facilitator. Negotiations focused on military issues, refugees and displaced persons, outstanding political matters, and the establishment of an international neutral force for the implementation of the proposed peace agreement. He also reported on the findings of a technical mission that had visited Uganda

¹³ *Ibid.*, pp. 16-17.

¹⁴ S/25561.

¹⁵ S/25592.

¹⁶ S/25810 and Add.1.

and Rwanda, respectively, from 2 to 5 April and on 6 April 1993 to, inter alia, gather and evaluate all information relevant to the possible deployment of United Nations military observers on the Rwanda/Uganda border. The mission had concluded that it would be possible to deploy United Nations military observers to monitor the Uganda/Rwanda border and verify that no military assistance was being provided across the border between the two countries. RPF, which controlled about four fifths of the border, was opposed to the deployment of observers on the Rwanda side of the border, but did not object to the presence of United Nations military observers on the Ugandan side, as long as the purpose of that presence was to verify that no military assistance reached its forces through Uganda. In addition, RPF had expressed the view that similar monitoring activities regarding the provision of military assistance to the Government of Rwanda should also be considered. The Secretary-General therefore recommended that the Council authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, for an initial period of up to six months. An advance party would be deployed within 15 days of the adoption of the resolution. The Secretary-General further informed Council members that in order to support the ongoing peacekeeping efforts of OAU in Rwanda, he had decided to put two military experts at the disposal of that organization to assist it in determining the needs and concept of an expanded neutral military observer group in Rwanda.

At its 3244th meeting, on 22 June 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Rwanda, at his request, to participate in the discussion, without the right to vote. The President (Spain) drew the attention of the members of the Council to several documents¹⁷ and to a draft resolution prepared in the course of the Council's prior consultations.¹⁸

¹⁷ Letter dated 2 April 1993 from the representative of France to the Secretary-General (S/25536); letter dated 18 May 1993 from the representative of Uganda to the President of the Council (S/25797); letter dated 14 June 1993 from the representative of Rwanda to the President of the Council (S/25951).

¹⁸ S/25981.

The draft resolution was then put to the vote and adopted unanimously as resolution 846 (1993), which reads:

The Security Council,

Reaffirming its resolution 812 (1993) of 12 March 1993,

Taking note of the interim report of the Secretary-General of 20 May and 2 June 1993,

Also taking note of the requests of the Governments of Rwanda and Uganda for the deployment of United Nations observers along the common border of their countries as a temporary confidence-building measure,

Emphasizing the need to prevent the resumption of fighting, which could have adverse consequences on the situation in Rwanda and on international peace and security,

Emphasizing also the need for a negotiated political solution, in the framework of the agreements to be signed by the parties in Arusha, United Republic of Tanzania, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity and the Government of the United Republic of Tanzania to promote such a solution,

Taking note of the joint request to the Secretary-General by the Government of Rwanda and the Rwandese Patriotic Front concerning the establishment of a neutral international force in Rwanda,

Stressing the importance of the ongoing negotiations in Arusha between the Government of Rwanda and the Rwandese Patriotic Front, and expressing its readiness to consider assistance to the Organization of African Unity in the implementation of the agreements as soon as they are signed,

1. *Welcomes with appreciation* the report of the Secretary-General;

2. *Decides* to establish the United Nations Observer Mission Uganda-Rwanda to be deployed on the Ugandan side of the border for an initial period of six months, as set out in the report of the Secretary-General, and subject to review every six months;

3. *Decides* that the Mission shall monitor the Uganda-Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use;

4. *Requests* the Secretary-General to conclude with the Government of Uganda, before the full deployment of the Observer Mission, a status-of-mission agreement including the safety, cooperation and support the Government of Uganda will provide to the Mission;

5. *Approves* the dispatching of an advance party within fifteen days of the adoption of the present resolution, or as soon as possible after the conclusion of the status-of-mission agreement, and the full deployment within thirty days of the arrival of the advance party;

6. *Urges* the Government of Rwanda and the Rwandese Patriotic Front strictly to respect the rules of international humanitarian law;

7. *Also urges* the Government of Rwanda and the Rwandese Patriotic Front to refrain from any action that could contribute to tension;

8. *Welcomes* the decision of the Secretary-General to support the peace efforts of the Organization of African Unity by putting two military experts at its disposal with a view to assisting the Neutral Military Observer Group, in particular through logistic expertise to help expedite deployment of the enlarged Group to Rwanda;

9. *Further urges* the Government of Rwanda and the Rwandese Patriotic Front to conclude quickly a comprehensive peace agreement;

10. *Requests* the Secretary-General to report to the Security Council on the results of the Arusha peace talks;

11. *Also requests* the Secretary-General to report to the Council on the contribution the United Nations could make to assist the Organization of African Unity in the implementation of the above-mentioned agreement and to begin contingency planning in the event that the Council decides such a contribution is needed;

12. *Further requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within sixty days of the deployment of the Observer Mission;

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

After the vote, the representative of France stated that the Council's decision sent the parties a clear signal regarding the international community's commitment and determination that the conflict should be resolved by non-military means. His Government welcomed the forthcoming signing of the Arusha agreements by the Government of Rwanda and RPF, noting that those agreements were reached under the auspices of OAU and the Government of the United Republic of Tanzania. It further thought it important to consider in due course the contribution the international community might make to the implementation of the agreements. In that connection, the presence of the United Nations Observer Mission Uganda-Rwanda (UNOMUR), which was a first confidence-building measure aimed at easing tension, could create a favourable climate and enhance the

implementation of the overall peace agreements. France believed that the United Nations intervention, requested by both parties, was a precondition for the success of a lasting settlement of the conflict in Rwanda. Moreover, it was in keeping with the Secretary-General's approach of support for the efforts of regional organizations.¹⁹

Decision of 10 September 1993 (3273rd meeting): statement by the President

At its 3273rd meeting, on 10 September 1993, the Council resumed its consideration of the item. The President (Venezuela) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:²⁰

The Security Council welcomes the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front concluded on 4 August 1993 at Arusha, United Republic of Tanzania. The Council is aware of the hopes the Rwandese parties entertain that the international community will lend its assistance in the implementation of the agreement. It has also taken note of the importance they attach to 10 September 1993, the date that is to mark the establishment of transitional institutions.

The Council welcomes in this regard the decision taken by the Secretary-General to send a reconnaissance mission to Rwanda. It hopes to have the report of the Secretary-General based on the recommendations of the mission in the next few days so that it can consider the contribution the United Nations could make to facilitate the implementation of the Arusha Peace Agreement.

The Council urges the Government of Rwanda and the Rwandese Patriotic Front to continue to honour the Arusha agreement in accordance with their commitments. It further urges them to continue to cooperate with the Neutral Military Observer Group, whose mandate the Secretary-General of the Organization of African Unity has decided to extend on an interim basis.

Decision of 5 October 1993 (3288th meeting): resolution 872 (1993)

On 24 September 1993, pursuant to resolution 846 (1993), the Secretary-General submitted to the Council a report on Rwanda concerning the contribution the United Nations could make towards the implementation of the Arusha peace agreement

¹⁹ S/PV.3244, pp. 4-5.

²⁰ S/26425.

signed on 4 August 1993.²¹ The peace agreement called for a United Nations peacekeeping operation entrusted with the following tasks to assist in ensuring the security of Kigali; to monitor the ceasefire, including demobilization and the establishment of a demilitarized zone and the security situation during the transitional period; to assist with mine-clearance; investigate, at the request of the parties, or on its own, alleged non-compliance with any of the provisions relating to the agreement; and to provide security for the repatriation of Rwandese refugees and displaced persons. The Secretary-General reported that a reconnaissance mission had visited Rwanda, the United Republic of Tanzania and Ethiopia from 19 August to 3 September 1993 to examine the functions that such a force could perform and to assess the resources needed to carry them out.²² On the basis of the recommendations of the mission, the report set out the concept of operations, proposed structure and deployment schedule of the new operation.

The Secretary-General noted that both sides seemed determined to achieve a durable peace through disarmament, demobilization and national reconciliation. There was serious concern, however, that an inordinate delay in establishing the transitional Government may endanger the peace process. He therefore considered that the United Nations should respond positively to the appeal of the parties for assistance in the implementation of the peace agreement, especially since the mandate of the OAU Neutral Military Observer Group (NMOG II) would terminate by 31 October 1993, and recommended that the Council authorize the establishment of a United Nations Assistance Mission for Rwanda (UNAMIR), with the mandate to contribute to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional Government. The operation would incorporate NMOG II, and would integrate the UNOMUR chain of command. Its military personnel would be deployed progressively and would conduct the operation in four phases.²³ The immediate deployment of an advance party would underscore the determination of the United Nations for the rapid build-up of the military presence needed in Kigali and of the logistic base for the deployment of the force. The subsequent introduction of observers and

formed units would enable the force to contribute to the implementation of the disengagement, demobilization and integration phase, while providing an adequate level of security and a credible United Nations presence. Finally, the reduction of the military and civilian police components should ensure that the operation was carried out in a cost-effective manner while contributing to the maintenance of the stability required for the period culminating with the elections.

At its 3288th meeting, on 5 October 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Rwanda, at his request, to participate in the discussion, without the right to vote. The President (Brazil) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁴

Speaking as head of a joint delegation representing the Government of Rwanda and RPF, the representative of Rwanda stated that the dynamic created by the Arusha peace agreement had put an end to the war and had provided the parties with the appropriate framework for setting up transitional institutions designed to consolidate political pluralism and the ongoing democratic process in Rwanda. He informed the Council that the Secretary-General's report was acceptable to both parties and asked the Council to approve the report and follow up the recommendations contained therein with the urgency they deserved. Rwanda viewed the United Nations mission for Rwanda as a valuable tool for implementing the peace agreement for the two belligerent parties. The mission would serve as an arbiter and facilitator as they progressed towards consolidating peace and achieving national reconciliation and democratization throughout the country. He assured the Council that the Government of Rwanda and RPF would do all in their power to abide strictly by the peace agreement and see to it that the United Nations assistance mission would not encounter any problems. He emphasized that the mission should be in place as soon as possible and requested that the deadlines set forth in the Secretary-General's report for its deployment be advanced. Everything must be done to ensure that the two armies were immediately disengaged and a joint national army

²¹ S/26488 and Add.1.

²² See S/26350.

²³ S/26488, paras. 40-43.

²⁴ S/26519.

established. He noted further that nearly 1 million people displaced by war awaited the deployment of the United Nations mission so that they might return home safely. By re-establishing conditions of security, the United Nations mission would further the recovery of Rwanda's economy and would establish confidence in the countries in the subregion, fostering the re-establishment of the regional economic aid programmes dislocated by war.²⁵

Speaking before the vote, the representative of Cape Verde stated that the proper and rapid implementation of the consensus draft resolution before the Council was a *sine qua non* for the United Nations assistance mission for Rwanda to carry out its work successfully. That decisive contribution of the United Nations to the resolution of the conflict in Rwanda was, at the same time — and especially in the eyes of small countries — an assurance that the United Nations was the main instrument at the service of the peoples in questions relating to the promotion and preservation of international peace and security. Noting the importance of international humanitarian assistance to Rwanda, he expressed the hope that the political will of the international community would be speedily translated into concrete acts of support for national reconstruction. He also praised the decisive role played by OAU and the United Republic of Tanzania, as facilitator, in the process leading to the settlement of the conflict in Rwanda. The action of OAU showed the correctness of the Secretary-General's proposals in his report "An agenda for peace", dealing with the role of organizations and regional arrangements in the realm of conflict resolution in concert with the United Nations. He encouraged OAU to pursue its efforts, to avail itself of the help of the entire international community and to arm itself with more mechanisms and necessary means to prevent and resolve conflicts in Africa.²⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 872 (1993), which reads:

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Reaffirming also its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

²⁵ S/PV.3288, pp. 3-12.

²⁶ *Ibid.*, pp. 13-15.

Having considered the report of the Secretary-General of 24 and 29 September 1993,

Welcoming the signing, on 4 August 1993, of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (including its Protocols) at Arusha, United Republic of Tanzania, and urging the parties to continue to comply fully with it,

Taking note of the conclusion of the Secretary-General that in order to enable the United Nations to carry out its mandate successfully and effectively, the full cooperation of the parties with one another and with the Organization is required,

Stressing the urgency of the deployment of an international neutral force in Rwanda, as underlined both by the Government of the Republic of Rwanda and by the Rwandese Patriotic Front and as reaffirmed by their joint delegation to the Headquarters of the United Nations in New York,

Paying tribute to the role played by the Organization of African Unity and by the Government of the United Republic of Tanzania in the conclusion of the Arusha Peace Agreement,

Resolved that the United Nations should, at the request of the parties and under peaceful conditions with the full cooperation of all the parties, make its full contribution to the implementation of the Arusha Peace Agreement,

1. *Welcomes* the report of the Secretary-General;
2. *Decides* to establish a peacekeeping operation entitled "United Nations Assistance Mission for Rwanda" for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council on the basis of a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front;
3. *Also decides* that, drawing from the Secretary-General's recommendations, the Mission shall have the following mandate:
 - (a) To contribute to the security of the city of Kigali, inter alia, within a weapons-secure area established by the parties in and around the city;
 - (b) To monitor observance of the ceasefire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures;
 - (c) To monitor the security situation during the final period of the transitional Government's mandate, leading up to the elections;
 - (d) To assist with mine clearance, primarily through training programmes;
 - (e) To investigate at the request of the parties, or on its own initiative, instances of alleged non-compliance with the

provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;

(f) To monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;

(g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;

(h) To investigate and report on incidents regarding the activities of the gendarmerie and police;

4. *Approves* the proposal of the Secretary-General that the United Nations Observer Mission Uganda-Rwanda established by resolution 846 (1993) should be integrated within the Assistance Mission;

5. *Welcomes* the efforts and the cooperation of the Organization of African Unity in helping to implement the Arusha Peace Agreement, in particular the integration of the Neutral Military Observer Group within the Assistance Mission;

6. *Also approves* the proposal of the Secretary-General that the deployment and withdrawal of the Assistance Mission should be carried out in stages, and notes in this connection that the mandate of the Assistance Mission, if extended, is expected to terminate following national elections and the installation of a new Government in Rwanda, events which are scheduled to occur by October 1995, but no later than December 1995;

7. *Authorizes* the Secretary-General in this context to deploy in the shortest possible time, the first contingent, at the level specified in the report of the Secretary-General, to Kigali for an initial period of six months, which, when fully in place, will permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Arusha Peace Agreement;

8. *Invites* the Secretary-General, in the context of the report referred to in paragraph 2 above, also to report on the progress of the Assistance Mission following its initial deployment, and resolves to review as appropriate, on the basis of that report and as part of the review referred to in paragraph 2 above, the requirement for further deployments in the scale and composition recommended by the Secretary-General in his report;

9. *Also invites* the Secretary-General to consider ways of reducing the total maximum strength of the Assistance Mission, in particular through phased deployment without thereby affecting its capacity to carry out its mandate, and requests the Secretary-General, in planning and executing the phased deployment, to seek economies and to report regularly on what is achieved in this regard;

10. *Welcomes* the intention of the Secretary-General to appoint a special representative to lead the Assistance Mission in the field and exercise authority over all its elements;

11. *Urges* the parties to implement the Arusha Peace Agreement in good faith;

12. *Requests* the Secretary-General to conclude expeditiously an agreement on the status of the Mission, and all personnel engaged in the operation in Rwanda, to come into force as near as possible to the outset of the operation and no later than thirty days after the adoption of the present resolution;

13. *Demands* that the parties take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

14. *Urges* Member States, the specialized agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance to the Rwandese population and of the democratization process in Rwanda;

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

After the vote, the representative of France stated that, in acting promptly, the Council had made it possible to establish an element essential to the full implementation of the Arusha peace agreement. UNAMIR would make it possible to set in motion the peace process by installing provisional institutions which would be able, in turn, to launch the process of economic reconstruction and organize the repatriation of many refugees and displaced persons. The Secretary-General was authorized to deploy a contingent in Kigali as soon as possible, followed by the dispatching of other elements to be put gradually in place. In establishing that operation, the Council did not intend to wait passively for the peace process to conclude. The Council had clearly indicated that the United Nations did not intend to stay in Rwanda indefinitely. UNAMIR had, in fact, been set up with a specific deadline and the Council would soon consider a report reviewing the implementation of the Arusha peace agreement, on which might hinge the successive deployments that were foreseen. He concluded by stating that the all too rare example set by the Government of Rwanda and RPF of the coming together of two parties long opposed must lead the Council to recognize that that was a special case of United Nations intervention.²⁷

The representative of the United Kingdom regarded the Arusha peace agreement as a good example of the way in which a regional organization could contribute to conflict resolution. In a sense, an African solution was found to an African problem. The

²⁷ *Ibid.*, pp. 19-20.

United Kingdom encouraged regional organizations, and in particular OAU, to build on that experience. It was important that OAU should remain engaged in the implementation of the settlement. While ultimately it was for the Rwandese themselves to bring about a solution and ensure the return of refugees and the resettlement of displaced persons, it was right that the international community should help them in that task. His Government attached importance to the early integration of UNOMUR into the force being set up in Rwanda, but regarded that as being without any prejudice to the continuing validity of the different mandates of those two forces, the mandate of UNOMUR being set out in resolution 846 (1993) and not changed in any way by resolution 872 (1993). He concluded by stressing that, as recent events elsewhere had demonstrated, the United Nations could not impose peace where there was no willingness to sustain compromise. It was essential, therefore, that the parties continue to cooperate fully and stick firmly to the timetable that they had set for themselves for national reconciliation and elections.²⁸

The representative of the United States said that the adoption by the Council of resolution 872 (1993) was a crucial prerequisite which allowed both parties to build on the trust they had created. The deployment of the force would advance the goals of peaceful conflict resolution and democratization, and allow the return of hundreds of those who had fled their homes. His Government was deeply concerned about the increasing burden — both in terms of manpower and financial resources — which the United Nations was being asked to shoulder. For that reason, it was pleased to note that resolution 872 (1993) had a tightly focused mandate. The Council's continued support would depend in large measure on the demonstration of substantive progress towards the implementation of the peace agreement and the establishment of transitional institutions in advance of national elections. His Government would continue to monitor and work to reduce costs and personnel levels throughout that peacekeeping operation.²⁹

According to the representative of the Russian Federation, the signing of the Arusha peace agreement demonstrated the ability of the regional machinery of OAU to unravel the intricate knots of conflict on the

African continent by political methods. Russia had consistently advocated the pooling of United Nations efforts and those of regional organizations in the resolution of conflicts. In that connection, the experience of effective interaction between the United Nations and OAU in the Rwanda settlement could also be utilized in other areas of the world which required determined intervention by the international community. Russia was also prepared, together with the international community, to support United Nations efforts and efforts of regional organizations aimed at seeking peaceful ways to resolve military conflicts and crises.³⁰

Other speakers welcomed the signing of the Arusha peace agreement and the political willingness demonstrated by the parties to restore stability to their country. They noted with appreciation the role played, among others, by OAU and the Government of the United Republic of Tanzania, as facilitator, towards the achievement of a political settlement. They expressed support for the establishment of UNAMIR as requested by the parties and recommended by the Secretary-General. They called upon the parties to abide by their undertakings with a view to implementing the peace agreement.³¹

Decision of 20 December 1993 (3324th meeting): resolution 891 (1993)

On 15 December 1993, pursuant to resolution 846 (1993), the Secretary-General submitted to the Council his second report on UNOMUR.³² The Secretary-General reported that UNOMUR activities had been effective both as a deterrent and as interdiction. As a result, clandestine cross-border traffic had decreased appreciably. The civilian and military authorities in the mission area had generally shown cooperation, despite some isolated attempts to curtail the freedom of movement of UNOMUR. Regarding the proposal that UNOMUR be integrated within UNAMIR, he recalled that Uganda had expressed some concern. Following consultations with the Government of Uganda, the Under-Secretary-General for Peacekeeping Operations had confirmed to the representative of Uganda by a

²⁸ Ibid., pp. 21-22.

²⁹ Ibid., pp. 22-23.

³⁰ Ibid., p. 26.

³¹ Ibid., pp. 10-12 (Morocco); pp. 15-19 (Djibouti); pp. 23-24 (China); pp. 24-26 (Pakistan); and pp. 27-29 (Brazil).

³² S/26878. A first report (S/26618) was submitted on 22 October 1993.

letter dated 22 October 1993 that the proposed integration would be purely administrative in nature and that it would in no way affect the mandate of UNOMUR as set out in resolution 846 (1993). Assurances were also provided that the UNOMUR status-of-mission agreement, concluded on 16 August 1993, remained valid and would continue to govern relations between Uganda and the United Nations on that matter. The Secretary-General believed that UNOMUR had been a factor of stability in the area and that it was playing a useful role as a confidence-building mechanism. It was his understanding that his view was shared by the Governments of Uganda and Rwanda. He therefore recommended to the Council that the mandate of UNOMUR be extended for a period of six months, as envisaged in resolution 846 (1993).

At its 3324th meeting, on 20 December 1993, the Security Council included the above report in its agenda. Following the adoption of the agenda, the Council invited the representatives of Rwanda and Uganda, at their request, to participate in the discussion without the right to vote. The President (China) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.³³

The draft resolution was then put to the vote and adopted unanimously as resolution 891 (1993), which reads:

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Recalling its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda,

Having examined the report of the Secretary-General of 15 December 1993 on the United Nations Observer Mission Uganda-Rwanda,

Welcoming the substantial results obtained by the deployment of the Observer Mission,

Endorsing the Secretary-General's view, shared by the Governments of Uganda and Rwanda, that the Observer Mission has been a factor of stability in the area and that it is playing a useful role as a confidence-building mechanism,

1. *Welcomes with satisfaction* the report of the Secretary-General;

2. *Decides* to extend the mandate of the United Nations Observer Mission Uganda-Rwanda for a period of six months, as envisaged in resolution 846 (1993);

3. *Notes* that the integration of the Observer Mission within the United Nations Assistance Mission for Rwanda is purely administrative in nature and that it will in no way affect the mandate of the Observer Mission as set out in resolution 846 (1993);

4. *Expresses its appreciation* to the Government of Uganda for its cooperation and support of the Observer Mission;

5. *Urges* the civilian and military authorities in the mission area to continue to have a cooperative attitude;

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

After the vote, the representative of France noted the indications in the Secretary-General's report that UNOMUR had achieved tangible results on the ground: it had succeeded in monitoring the Rwanda-Uganda border and had enjoyed the full cooperation of the Ugandan authorities in carrying out its mandate. Hence, UNOMUR had been a factor of stability in the region and had played a useful part in restoring the confidence that was necessary for the implementation of the Arusha peace agreement. The Mission's success warranted the renewal of its mandate for a further six months. It also justified UNOMUR's continuing to exercise its own legal autonomy, in line with the wishes of the Ugandan authorities, who had signed a status-of-mission agreement with the United Nations.³⁴

**Decisions of 6 January 1994 (3326th meeting):
letter from the President and resolution
893 (1994)**

On 30 December 1993, pursuant to resolution 872 (1993), the Secretary-General submitted to the Council a report on UNAMIR.³⁵ The Secretary-General reported that following a series of violent incidents in November and December 1993, which had caused the death of some 40 persons, his Special Representative had undertaken several initiatives in order to help defuse the tension prevalent in the country and to get the signatories to the Arusha peace agreement to renew their commitment to implementing the peace plan. Those initiatives included the convening, on 10 December 1993, at Kinyihira, of a meeting between the Government of Rwanda and RPF, at which the parties issued a joint declaration whereby they

³⁴ S/PV.3324, p. 4.

³⁵ S/26927.

³³ S/26888.

reaffirmed their commitment to do their utmost in order to achieve the goals of peace and national reconciliation set by the Arusha peace agreement and agreed to set up a broad-based transitional government before 31 December 1993.

The Secretary-General noted that the initial deployment of UNAMIR had proceeded largely on schedule. Although the logistic support capabilities of UNAMIR were still inadequate, there was, on the ground, a minimum viable force which could respond to the most pressing needs in Kigali. However, the situation in the demilitarized zone and in the north-west of the country remained unstable and the situation in which Burundi had developed following the coup d'état had created a new source of tension on the southern border. The deployment of the personnel required for the second phase of the operation should therefore be undertaken on an urgent basis. He therefore recommended that the Council agree that UNAMIR should continue to implement the mandate entrusted to it under resolution 872 (1993) and stated that he intended to proceed with the implementation plan outlined in his report of 24 September 1993, including the early deployment of the second battalion in the demilitarized zone.³⁶ As far as the reduction of the total maximum strength of UNAMIR was concerned, he would continue to seek economies through the phased deployment and withdrawal of UNAMIR personnel. He was convinced, however, that, under the circumstances, a reduction in the projected resource levels would negatively affect the performance and credibility of UNAMIR in the discharge of its mandate and could also jeopardize the peace process in Rwanda.

In a letter dated 6 January 1994,³⁷ the President of the Council informed the Secretary-General of the following:

The members of the Security Council have taken note of your report of 30 December 1993 on the United Nations Assistance Mission for Rwanda, on the basis of which they have completed the review provided for in paragraph 2 of resolution 872 (1993) of 5 October 1993.

At its 3326th meeting, on 6 January 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the

attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations³⁸ and read out a revision to be made to the draft text in its provisional form.

Speaking before the vote, the representative of Rwanda stated that the Council's consideration of the Secretary-General's recommendations could generate fresh momentum and provide additional guarantees of the success of the peace process in Rwanda. The nature of the important functions given to UNAMIR under resolution 872 (1993) showed that the success of the peace process depended completely on the carrying out of UNAMIR's mission. The ceasefire and the deployment in Kigali of the RPF security battalion would make it possible, after the ongoing consultations, to put in place a transitional National Assembly and a broader-based transitional Government. To establish lasting peace, the security of the population must be ensured, especially in the demilitarized zone. Rwanda therefore welcomed the Council's decision to deploy a second battalion, to be based in the demilitarized zone. The additional deployments were especially necessary and urgent since the situation in the demilitarized zone and in the north-west of the country remained precarious. The operation would also make it possible to limit the consequences of the horrific events in Burundi, which had led to an influx of refugees. The speaker felt that UNAMIR must be given logistic support and that it was necessary to continue activities related to providing emergency assistance and guaranteeing the return of displaced persons to their homes.³⁹

The representative of Nigeria noted with satisfaction that the situation in Rwanda had, on the whole, stabilized, to the extent that it was possible for a President to be sworn in. Nigeria concurred with the specific request of the Secretary-General that an additional battalion should be deployed, on an urgent basis, to secure the demilitarized zone and protect the large population living there. He confirmed the decision of his Government to send personnel to augment UNAMIR. Nigeria hoped that with increased international assistance and support for existing efforts and actions in Rwanda it would soon be possible for a transitional Government to be established there so that the tasks of reconciliation, reconstruction and

³⁶ *Ibid.*, para. 30.

³⁷ S/1994/14.

³⁸ S/1994/11.

³⁹ S/PV.3326, pp. 4-6.

development could begin in earnest. Increased international assistance for Rwanda was necessary not only to boost the military and logistic capacities of UNAMIR, but also to provide humanitarian support for the population adversely affected by the internal conflict and to alleviate the refugee problem and the attendant dislocation of population and economies in Rwanda.⁴⁰

The draft resolution, as orally revised, was then put to the vote and adopted unanimously as resolution 893 (1994), which reads:

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda,

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Having examined the report of the Secretary-General of 30 December 1993, in the context of the review called for in its resolution 872 (1993), as well as his previous report of 24 September 1993,

Welcoming the conclusion, on 5 November 1993, of an agreement on the status of the Mission and its personnel in Rwanda,

Taking note of the progress described in the report of the Secretary-General of 30 December 1993 in implementing the Arusha Peace Agreement,

Welcoming further the valuable contribution made to peace in Rwanda by the Mission,

Noting with concern the incidents of violence in Rwanda and the consequences for Rwanda of the situation in Burundi, and urging all concerned to reaffirm their commitment to peace,

Welcoming also the joint statement made by the parties at Kinyihira, Rwanda, on 10 December 1993 concerning the implementation of the Arusha Peace Agreement and, in particular, the prompt establishment of a broad-based transitional Government,

1. *Reaffirms its approval* of the proposal of the Secretary-General concerning the deployment of the United Nations Assistance Mission for Rwanda as outlined in his report of 24 September 1993, including the early deployment of the second battalion to the demilitarized zone as indicated in paragraph 30 of his report of 30 December 1993;

2. *Strongly urges* the parties to cooperate fully in furthering the peace process, to comply fully with the Arusha Peace Agreement on which the schedule contained in the report of the Secretary-General of 24 September 1993 is based, and in

particular to establish a broad-based transitional Government at the earliest opportunity in accordance with the Agreement;

3. *Stresses* that continued support for the Mission will depend upon the full and prompt implementation by the parties of the Arusha Peace Agreement;

4. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to help promote and enhance dialogue among all the parties concerned;

5. *Commends* the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and urges others to provide such assistance;

6. *Commends* in particular the efforts of the Organization of African Unity, its member States and agencies in providing diplomatic, political, humanitarian and other support for the implementation of resolution 872 (1993);

7. *Reiterates its request* to the Secretary-General to continue to monitor the size and cost of the Mission to seek economies;

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

After the vote, the representative of France noted that the positive developments in Rwanda reported by the Secretary-General were made possible by the prompt deployment of an initial contingent in Kigali, whose presence had allowed RPF to establish itself in the capital. That brought nearer an agreement that would make it possible for transitional institutions to be established. The main objective of the deployment of a second battalion was to bring security to the populations of the regions where violence had occurred. He stressed that the continuation of the United Nations action in Rwanda depended directly on the efforts by the parties to restore peace definitely to Rwanda.⁴¹

The representative of Brazil noted that in the first 90 days following the Council's adoption of resolution 872 (1993), there had been sufficient compliance with the provisions of the Arusha peace agreement allowing enough substantive progress to be achieved towards its implementation, thus warranting the extension of UNAMIR beyond its initial period. The early deployment of a second battalion in the demilitarised zone should take place promptly so as not to jeopardize UNAMIR's mandate in assuring the unimpeded continuation of the peace process in Rwanda. Brazil recognized that the full and continued cooperation of all parties concerned was an essential prerequisite for a

⁴⁰ Ibid., pp. 6-10.

⁴¹ Ibid., pp. 10-11.

successful implementation of the Arusha peace agreement. In that connection, the Council should not lose sight of the importance of the prompt establishment of a broad-based transitional Government in Rwanda as a key element of the agreement.⁴²

The President, speaking in his capacity as the representative of the Czech Republic, noted that the developments in Burundi jeopardized the national process of political and social reconciliation in Rwanda and threatened to convulse the region at large. He noted further that the prerequisites for extension of UNAMIR's mandate beyond the initial 90-day period had not all been met. Nonetheless, the establishment of a transitional government would have been a sign of definite progress, but the parties had continued to show goodwill and cooperation and the ceasefire had been generally respected.⁴³

**Decision of 17 February 1994 (3337th meeting):
statement by the President**

At its 3337th meeting, on 17 February 1994, the Security Council resumed its consideration of the item. The President (Djibouti) stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴⁴

The Security Council, which welcomed the conclusion of the Arusha Peace Agreement and the political will demonstrated by the Rwandese parties in implementing it, remains deeply concerned by the delays in establishing the broad-based transitional Government which is one of the key points in the Agreement. The absence of such a Government is an impediment to progress under the Agreement and the functioning of institutions of the State. Furthermore, it is having adverse effects on the humanitarian situation in the country, the deterioration of which is of profound concern to the international community. The speedy installation of a broad-based transitional Government would facilitate the provision of more effective assistance to the populations in need.

The Council, taking note of the fact that the President of Rwanda has been sworn in as the interim head of State, encourages him, in the context of that responsibility, to continue his efforts for the speedy installation of the other transitional institutions, in conformity with the Arusha Peace Agreement.

The Council calls on all the parties concerned to overcome their differences and cooperate fully with the Special

Representative of the Secretary-General of the United Nations and the Organization of African Unity in order to advance the process of national reconciliation. It strongly urges the establishment, without delay, of the provisional institutions provided for in the Arusha Peace Agreement.

The Council is also deeply concerned at the deterioration in the security situation, particularly in Kigali. In this connection, it reminds the parties of their obligation to respect the weapon-free zone established in and around the city.

The Council calls the attention of the parties to the consequences for them of non-compliance with that provision of the Arusha Peace Agreement. It notes that the United Nations Assistance Mission for Rwanda will be assured of consistent support only if the parties implement the Agreement fully and rapidly.

**Decision of 5 April 1994 (3358th meeting):
resolution 909 (1994)**

On 30 March 1994, pursuant to resolution 872 (1993), the Secretary-General submitted to the Council his second progress report on UNAMIR.⁴⁵ The Secretary-General reported that despite the fact that the parties had agreed, at Kinihira, on 10 December 1993, to set up the broad-based transitional Government and the Transitional National Assembly before 31 December 1993, those steps had not yet been taken due to the inability of the parties concerned to agree on the relevant modalities. Of the new institutions envisaged, thus far, only the Presidency, which was officially installed on 5 January, had thus far been put in place. The prolonged delay in putting the transitional institutions in place had not only prevented UNAMIR from carrying out its tasks in accordance with the approved implementation schedule, but had also posed a threat to the peace process. The failure to establish the broad-based transitional Government and the Transitional National Assembly constituted a serious impediment to the implementation of the peace agreement and to the smooth functioning of State institutions. The Secretary-General and his Special Representative had stressed to the Rwandese political leaders that, without the early establishment of the Government and the Transitional National Assembly, it would be difficult to affirm that sufficient progress had been made in the implementation of the peace agreement to warrant the continued support of the international community.

⁴² Ibid., pp. 12-14.

⁴³ Ibid., pp. 15-16.

⁴⁴ S/PRST/1994/8.

⁴⁵ S/1994/360.

The Secretary-General further reported that despite the increased tension and insecurity engendered by the political impasse, the ceasefire generally appeared to hold and UNAMIR continued to play a stabilizing role. Regarding the civilian police component, he noted that it had been able to deploy and operate only in Kigali. An additional 45 civilian police monitors would be required for deployment in the country's provinces.⁴⁶

In his conclusions, the Secretary-General noted that progress made thus far in the negotiations suggested that a compromise could be reached on the transitional institutions. He therefore recommended that the Council decide to extend the mandate of UNAMIR for a period of six months. However, in the event that the transitional institutions were not installed within the next two months and if, by that time, sufficient progress in the implementation of the next phase of the peace agreement had not also been achieved, the Council should then review the situation, including the role of the United Nations.

At its 3358th meeting, on 5 April 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁷

Speaking in explanation of vote, before the vote, the representative of Rwanda observed that an evaluation of the peace process in Rwanda showed that there had been some progress in implementing the Arusha Peace Agreement, although there had been difficulties which had delayed the establishment of some transitional institutions. The progress included, at the political level, the establishment of the presidency on 5 January 1994. With regard to the establishment of the other institutions, the only remaining problem concerned the participation in the National Assembly by one party. The parties had only to overcome that one problem as soon as possible, with the support of the international community and the Security Council, in particular, before proceeding to the establishment of the transitional institutions. In parallel, the parties had also made progress at the military level, with the support of UNAMIR. It was also noteworthy that the difficulties in establishing the transitional institutions

had not affected the ceasefire, which demonstrated the parties' unwavering commitment to the peace process. The speaker further stated that extending UNAMIR's mandate would help to support the stabilizing role it played in Rwanda. The renewal of UNAMIR's mandate would also contribute to international peace and security because of the role the Mission continued to play in efforts to deal with the results of the situation caused by events since 21 October 1993 in Burundi. That situation came on top of the general problem of insecurity, which must be resolved in order to make the process of peace and democratisation under way in Rwanda sturdy and lasting. Increasing the size of UNAMIR's civilian police contingent would respond to that need. With reference to the draft resolution before the Council, the speaker said that the people of Rwanda were aware that, given the review of the situation in Rwanda that was scheduled to take place within the next six weeks, the parties must respond without delay to that strong message from the Council and make progress by establishing the transitional institutions and by taking the necessary steps for phase II of the Secretary-General's plan to come into effect.⁴⁸

The representative of Nigeria noted that the Secretary-General's report contained both positive and negative elements. First, UNAMIR had continued to assist the implementation of the Arusha peace agreement and a President had been sworn in on schedule. Secondly, following the signing of the Peace Agreement, the ceasefire had generally been respected, a fact which attested to the commitment of the parties to the peace process as set out in the Agreement. Thirdly, the success achieved in the deployment area and the presence of UNAMIR military personnel in parts of the country had helped to stabilize the situation and foster a climate conducive to peace negotiations. On the other hand, it was regrettable that efforts to establish a broad-based transitional Government and the Transitional National Assembly had not yet yielded the desired result, due to the inability of the parties to agree on the relevant modalities. It was vital that the political deadlock that had stalled fulfilment of the four-phase plan not be allowed to continue. His delegation believed that, while efforts to bring all the parties on board the peace train might continue, the collective will of the people of Rwanda must not be held hostage to the whims and caprices of one party.

⁴⁶ Ibid., para. 38.

⁴⁷ S/1994/391.

⁴⁸ S/PV.3358, pp. 2-3.

His delegation believed that the draft resolution that the Council was about to adopt would make a significant contribution to moving the political process forward by extending the mandate of UNAMIR, by agreeing to strengthen the civilian police contingent, and by encouraging an increased provision of humanitarian and other assistance.⁴⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 909 (1994), which reads:

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda, as well as its resolution 893 (1994) of 6 January 1994,

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling also the statement by the President of the Council of 17 February 1994,

Having considered the report of the Secretary-General of 30 March 1994,

Welcoming the valuable contribution to peace being made in Rwanda by the Mission,

Expressing its deep concern at the delay in the establishment of the broad based transitional Government and the Transitional National Assembly,

Emphasizing that the Security Council, in its resolution 893 (1994), authorized the deployment of a second battalion to the demilitarized zone as recommended by the Secretary-General in his report of 30 December 1993, and that the international community has thus done its part in ensuring that conditions exist for implementing the Arusha Peace Agreement,

Considering that the fact that the transitional institutions have not been established constitutes a major obstacle to the implementation of the Arusha Peace Agreement,

Concerned at the deterioration in security in the country, particularly in Kigali,

Concerned also at the deterioration of the humanitarian and health situation,

1. *Welcomes* the report of the Secretary-General of 30 March 1994;

2. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda until 29 July 1994, on the understanding that the Security Council will, within the next six weeks, review the situation in Rwanda, including the role played in that country by the United Nations, if the Secretary-

General informs it in a report that the transitional institutions provided for under the Arusha Peace Agreement have not been established and that insufficient progress has been made for the implementation of phase 2 of the Secretary-General's plan contained in his report of 24 September 1993;

3. *Regrets* the delay in the implementation of the Arusha Peace Agreement, and urges the parties to resolve their latest differences without delay with a view to the immediate establishment of those transitional institutions still required for the continuation of the process, and particularly the implementation of phase 2;

4. *Welcomes* the fact that, despite the difficulties encountered in implementing the Arusha Peace Agreement, the ceasefire has been respected, and commends in this respect the essential contribution made by the Mission;

5. *Recalls*, nevertheless, that continued support for the Mission, including the provision of an additional forty-five civilian police monitors as described in paragraph 38 of the report of the Secretary-General of 30 March 1994, will depend upon full and prompt implementation by the parties of the Arusha Peace Agreement;

6. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to help promote and facilitate dialogue between all parties concerned;

7. *Commends* the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and again urges others to provide such assistance;

8. *Commends* in particular the efforts of the Organization of African Unity and its agencies, as well as those of the Tanzanian facilitator, in providing diplomatic, political, humanitarian and other support for the implementation of the relevant resolutions of the Council;

9. *Reiterates its request* to the Secretary-General to continue to monitor the size and cost of the Mission to seek economies;

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

After the vote, the representative of France stated that the Rwandese parties had continuously reaffirmed that they were deeply committed to implementing the Arusha peace agreement, as demonstrated by the fact that the ceasefire had been generally observed. For that reason, it was essential for the United Nations to continue to support the process. Noting that the only difficulty remaining in the establishment of the transitional institutions was the participation of one political party in the Transitional National Assembly and, further, that the President of Rwanda had committed himself to establishing the transitional institutions as soon as that obstacle was overcome, the

⁴⁹ Ibid., pp. 3-5.

French Government saw no reason why that could not be done within the six-week period provided for in resolution 909 (1994). He warned that if no progress was noted during that time, the Council might proceed to a reassessment of the Organization's commitment to Rwanda. Since UNAMIR would enjoy continued support only if the parties wholly and promptly implemented the peace agreement, they should understand that henceforth they were under an obligation to produce results.⁵⁰

The representative of the United States strongly supported the Council's decision to limit the extension of UNAMIR's mandate and to review within six weeks the progress made by the parties towards implementing the Arusha peace agreement and the role of the United Nations, including UNAMIR's future. While UNAMIR had played a key role in keeping the peace in Rwanda under difficult circumstances, the continuing political impasse had made its mission much more difficult, and had contributed to the deteriorating security situation in Rwanda. The Arusha accords were justifiably hailed as an historic achievement in regional conflict resolution. They provided the blueprint for transition to full democracy and national reconciliation and must be fully and expeditiously implemented in their entirety. The United States called on all sides to redouble their efforts and act in the national interest to put the transitional government in place as soon as possible.⁵¹

**Decision of 7 April 1994 (3361st meeting):
statement by the President**

At its 3361st meeting, on 7 April 1994, the Security Council resumed its consideration of the item. The President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵²

The Security Council is deeply disturbed by the tragic incident that resulted in the deaths of the Presidents of Burundi and Rwanda on 6 April 1994 and the ensuing violence. The Council expresses regret at the incident. It invites the Secretary-General to collect all available information with all means at his disposal and report to the Council as soon as possible.

The Council is following with great concern the situation as described by the Secretariat in its oral report. There has been considerable loss of lives, including the deaths of government

leaders, many civilians and at least ten Belgian peacekeepers, as well as the reported kidnapping of others. The Council strongly condemns these horrific attacks and their perpetrators, who must be held responsible.

The Council strongly condemns all these acts of violence and in particular these attacks against United Nations personnel, and urges the Rwandese security forces and military and paramilitary units to put an end to these attacks and to cooperate fully with the United Nations Assistance Mission for Rwanda in the implementation of its mandate. It further demands that all measures be taken to provide security throughout the country and particularly in Kigali and the demilitarized zone. Furthermore, the Council expresses its extreme concern at the implications for United Nations personnel and requests the Secretary-General to report on and take measures necessary to ensure their safety and security. The Council also demands that free access to the airport be restored in order to allow those who wish to enter or leave the country to do so.

The Council appeals to all Rwandese and to all parties and factions to desist from any further acts or threats of violence and to maintain the positions they held before the incident. It urges respect for the safety and security of the civilian population and of the foreign communities living in Rwanda, as well as of Mission and other United Nations personnel.

The Council earlier this week renewed the mandate of the United Nations operation in Rwanda for a further four months, with a six week review provision on the understanding that progress would be made in establishing all the transitional institutions provided for under the Arusha Peace Agreement. It reaffirms its commitment to the Agreement and urges all parties to implement it fully and in particular to respect the ceasefire.

The Council will remain seized of the matter.

**Decision of 21 April 1994 (3368th meeting):
resolution 912 (1994)**

On 20 April 1994, the Secretary-General submitted to the Council a special report on UNAMIR.⁵³ He reported that following the plane crash at Kigali airport on 6 April 1994, which caused the deaths of, among others, the Presidents of Rwanda and Burundi, widespread killings had taken place. Authority had collapsed, the provisional Government disintegrated and some of its members had been killed. The Prime Minister and other members of the Government of Rwanda, as well as 10 members of the Belgian contingent serving with UNAMIR, had been brutally murdered by unruly members of the Presidential Guard. In addition, fighting had resumed between Government troops and RPF and the efforts of

⁵⁰ Ibid., pp. 5-6.

⁵¹ Ibid., p. 6.

⁵² S/PRST/1994/16.

⁵³ S/1994/470.

UNAMIR to bring about a ceasefire had so far been fruitless.

The Secretary-General stated that it had become impossible for UNAMIR to continue the tasks under its mandate. In that critical situation, he proposed three options: (a) an immediate and massive reinforcement of UNAMIR and a change in its mandate so that it would be equipped and authorized to coerce the opposing forces into a ceasefire, and to attempt to restore law and order. Several thousand additional troops would be required and UNAMIR might have to be given enforcement powers under Chapter VII of the Charter; (b) a small group headed by the Force Commander would remain in Kigali to act as intermediary between the two parties in an attempt to bring them to an agreement on a ceasefire, that effort being maintained for a period of up to two weeks or longer, should the Council so prefer. The team would require the support of an infantry company to provide security, as well as a number of military observers to monitor the situation, the total being estimated at about 270; and (c) a complete withdrawal of UNAMIR, an option which the Secretary-General did not favour.⁵⁴ With regard to the first option, the Secretary-General indicated that Rwanda and Uganda had urged that UNAMIR be reinforced and retained in Rwanda.

At its 3368th meeting, on 21 April 1994, the Council included the special report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to several documents.⁵⁵ He also drew their attention to a draft resolution prepared in the course of the Council's prior consultations.⁵⁶

Speaking before the vote, the representative of Nigeria noted that while the Secretary-General's report

constituted the basis for the draft resolution before the Council, none of the three options presented in the report completely met the satisfaction of his Government. The first option was, in the circumstances, not feasible, considering that a massive United Nations force could not be raised immediately. It was not certain, either, that enforcement process and action would really meet the security and political challenges posed by the situation in Rwanda. Option three would seriously, if not irretrievably, undermine the credibility of the Council as the organ charged with the responsibility for maintaining international peace and security. The second option seemed, therefore, a reasonable one, which his delegation would be able to support, although reluctantly. In the view of his delegation, the issue was moral, transcended politics, and went to the heart of the credibility of the United Nations. He concluded by calling upon the parties to cease all hostilities and agree to a ceasefire immediately, and to cooperate fully with the ongoing efforts of the United Nations and OAU to resolve the conflict.⁵⁷

The representative of Oman said that, while appreciating the position that called for the continuation of UNAMIR's mandate, his delegation believed that it would be most appropriate to reduce the presence of UNAMIR to a minimum. However, a United Nations political presence must be preserved in allowing the Special Representative of the Secretary-General in Rwanda to carry on with his intermediary efforts. His country supported that alternative because the Rwandese parties were still hesitant to put Kigali airport under the control of UNAMIR.⁵⁸

The representative of Djibouti stated that although the warning signals were clearly evident, and in fact repeatedly taken note of, it was regrettable that the peace process leading to the establishment of the agreed transitional institutions called for in the Arusha agreement had never been completed. The situation in Rwanda was one in which the United Nations was perhaps the only entity capable of preserving some order and saving lives, while bringing about a halt to the fighting so that negotiations leading to a return to the Arusha agreement principles could be initiated. He further stated that of the three options offered by the Secretary-General, option three was both inhuman and

⁵⁴ *Ibid.*, paras. 15-18.

⁵⁵ Letters dated 12 April 1994 from the representative of Cameroon (S/1994/420), 13 April 1994 from the representative of Rwanda (S/1994/428), 13 and 15 April 1994 from the representative of Belgium (S/1994/430 and S/1994/446), 14 April 1994 from the Executive Secretary of OAU (S/1994/440) and 21 April 1994 from the representatives of Uganda and Bangladesh (S/1994/479 and S/1994/481), all addressed to the President of the Security Council; and letter dated 13 April 1994 from the representative of Greece to the Secretary-General (S/1994/442).

⁵⁶ S/1994/488.

⁵⁷ S/PV.3368, pp. 2-3.

⁵⁸ *Ibid.*, pp. 3-4.

unacceptable and would undermine all the good the United Nations had done and stood in a position to do. His delegation would argue for an intermediate position, between the Secretary-General's options one and two. It saw not so much the need to coerce the combatants into a ceasefire and force law and order as the need to maintain minimum safety for innocent civilians and to offer some protection, while pushing for a return to negotiations. The United Nations should certainly be able to provide, with the acceptance of both parties, safety and refuge for innocent civilians. By agreement, neither party would attack safe areas, under threat of being charged with international human rights violations. Additionally, by agreement, United Nations Headquarters should be considered secure or diplomatic areas which neither party could violate. Given those factors, his delegation supported option two as probably the most workable one. Although that option would perhaps not permit the United Nations to undertake those tasks which it could and should undertake, and, through its reduced presence and visibility, might indirectly contribute to prolonging the violence, it was nevertheless preferable to a total withdrawal.⁵⁹

The representative of Rwanda stated that the assassination of the Head of State of Rwanda had led to acts of violence causing thousands of deaths, including that of United Nations personnel. The tragedy reached its climax with the resumption of hostilities, armed attacks and a wave of massacres, launched by RPF. Hence, the interim Government set itself the objective of restoring order and security, and of pursuing contacts with RPF, to ensure the putting into place without delay of enlarged transitional institutions, within the framework of the Arusha peace agreement. Success in that field depended on the cessation of hostilities and the international community's support in coming to the aid of the suffering people. Beyond the legitimate concern over the evacuation of foreign nationals, the international community did not seem to have acted in an appropriate manner to reply to the appeal of the people of Rwanda. That question had been examined from the point of view of the ways and means of withdrawing UNAMIR, without giving appropriate weight to the concern that, in view of the security situation prevailing in Rwanda, UNAMIR's numbers should be increased to enable it to contribute to the re-establishment of the ceasefire and to assist in

the establishment of security conditions that could bring an end to the violence. The option chosen by the Council to reduce the number of troops in UNAMIR to approximately 200 was not a proper response to the crisis, as no measures were envisaged to help those exposed to all kinds of peril as a result of the hostilities. He further stated that his delegation's vote on the draft resolution would indicate the hope of the people of Rwanda that the Council would realize that it had a duty to act resolutely to maintain peace in Rwanda and to guarantee stability in the region. It would also indicate that Rwanda associated itself with the Council's appeal for an immediate cessation of hostilities and the violence. To that end, the Council should persuade RPF to agree to a comprehensive ceasefire, it being understood that it was futile to think that the crisis in Rwanda could be settled by military means. Moreover, Rwanda hoped that the Council's request that all countries avoid any action that might exacerbate the situation in Rwanda would be respected. In that regard, he emphasized the important role UNOMUR must play on the Rwanda Uganda border as an indispensable factor for regional stability.⁶⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 912 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993, by which it established the United Nations Assistance Mission for Rwanda,

Recalling its resolution 909 (1994) of 5 April 1994, by which it extended the mandate of the Mission until 29 July 1994 with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front,

Recalling also its presidential statement of 7 April 1994 in which, inter alia, it reaffirmed its commitment to the Arusha Peace Agreement and urged all parties to implement it fully,

Having considered the report of the Secretary-General of 20 April 1994,

Stressing that the Arusha Peace Agreement remains central to the peace process in Rwanda,

⁵⁹ Ibid., pp. 4-5.

⁶⁰ Ibid., pp. 5-6.

Expressing deep regret at the failure of the parties to implement fully the provisions of the Arusha Peace Agreement, particularly those provisions relating to the ceasefire,

Recognizing the initiatives made by the late Presidents of Rwanda and Burundi towards resolving the problems in their countries through peaceful means and in collaboration with regional leaders,

Shocked at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994,

Appalled at the ensuing large-scale violence in Rwanda, which has resulted in the death of thousands of innocent civilians, including women and children, the displacement of a significant number of the Rwandese population, including those who sought refuge with the Mission, and the significant increase in refugees to neighbouring countries,

Deeply concerned by continuing fighting, looting, banditry and the breakdown of law and order, particularly in Kigali,

Stressing the need for all countries to avoid any action that might exacerbate the situation in Rwanda,

Expressing its deep concern for the safety and security of the Mission and other United Nations personnel, and personnel of non-governmental organizations who are assisting in implementing the peace process and in distributing humanitarian relief,

1. *Takes note* of the report of the Secretary-General of 20 April 1994;

2. *Expresses regret* at the tragic incident in which the Presidents of Rwanda and Burundi lost their lives, and reiterates its invitation to the Secretary-General to report to the Council as requested in its presidential statement of 7 April 1994;

3. *Expresses regret also* at the ensuing violence which has claimed the lives of the Prime Minister, Cabinet Ministers, government officials and thousands of other civilians;

4. *Condemns* the ongoing violence in Rwanda, particularly in Kigali, which endangers the lives and safety of the civilian population;

5. *Strongly condemns* the attacks against the United Nations Assistance Mission for Rwanda and other United Nations personnel leading to the deaths of and injury to several Mission personnel, and calls upon all concerned to put an end to these acts of violence and to respect fully international humanitarian law;

6. *Demands* an immediate cessation of hostilities between the forces of the Government of Rwanda and the Rwandese Patriotic Front and an end to the mindless violence and carnage engulfing Rwanda;

7. *Commends* the active role of the Special Representative of the Secretary-General and of the Force Commander of the Mission to bring about a ceasefire and to

mediate between the parties in order to bring about the earliest resolution of the Rwandese crisis;

8. *Decides*, in the light of the current situation in Rwanda, to adjust the mandate of the Mission as follows:

(a) To act as an intermediary between the parties in an attempt to secure their agreement to a ceasefire;

(b) To assist in the resumption of humanitarian relief operations to the extent feasible;

(c) To monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with the Mission;

and authorizes a force level as set out in paragraphs 15 to 18 of the report of the Secretary-General of 20 April 1994 for that purpose;

9. *Decides* to keep the situation in Rwanda under constant review, and states its readiness to consider promptly any recommendations which the Secretary-General may make concerning the force level and mandate of the Mission in the light of developments;

10. *Reiterates* the crucial importance of the full implementation of the Arusha Peace Agreement to the settlement of the Rwandese conflict, and invites the Organization of African Unity to continue to cooperate fully with the United Nations in this regard;

11. *Commends* the efforts made by the leaders of the region at finding a solution to the crisis in Rwanda, and calls on the leaders of the region, especially the facilitator of the Arusha peace process, to persevere and intensify their efforts, in cooperation with the Organization of African Unity and the United Nations;

12. *Reaffirms* that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandese conflict and serves as the basis for peace, national unity and reconciliation in the country, and calls upon the parties to renew their commitment to the Agreement;

13. *Also calls upon* the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all in need throughout Rwanda, and in this regard appeals to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda;

14. *Affirms its commitment* to preserving the unity and territorial integrity of Rwanda;

15. *Invites* the Secretary-General to continue to monitor the events in Rwanda and to report fully to the Council on the evolving situation not later than fifteen days after the adoption of the present resolution;

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

Speaking after the vote, the representative of France emphasized that no military solution was acceptable or possible, and that the Arusha peace agreement remained the only legitimate framework for seeking a political solution to the problem in Rwanda. He noted that the United Nations had given the parties several days to conclude a ceasefire, which would have allowed UNAMIR to carry out the mandate given to it by resolution 872 (1993). Unfortunately, there was still no ceasefire, and the Council was therefore compelled to reconsider the conditions for UNAMIR's presence, reducing it to a minimal level. He expressed the hope that the parties would come to their senses and realize that the United Nations could neither take their place nor impose peace on them.⁶¹

**Decision of 30 April 1994 (3371st meeting):
statement by the President**

At its 3371st meeting, on 30 April 1994, the Security Council resumed its consideration of the item. The President (New Zealand) drew the attention of the members of the Council to a letter dated 27 April 1994 addressed to the President of the Council from the representative of the United Republic of Tanzania.⁶² He stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶³

The Security Council is appalled at continuing reports of the slaughter of innocent civilians in Kigali and other parts of Rwanda and reported preparations for further massacres. It endorses the concern expressed by the Central Organ for Conflict Prevention, Management and Resolution of the Organization of Africa that the massacres and wanton killings have continued unabated in a systematic manner in Rwanda. It recalls that such killings have already been condemned by the Council in its resolution 912 (1994) of 21 April 1994.

Attacks on defenceless civilians have occurred throughout the country, especially in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda. The Council demands that the interim Government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control. It calls on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such attacks are prosecuted and punished.

⁶¹ *Ibid.*, p. 7.

⁶² S/1994/508.

⁶³ S/PRST/1994/21.

The Council condemns all these breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible. In this context, the Council recalls that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law.

The Council reiterates the demand in its resolution 912 (1994) for an immediate ceasefire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front. It commends the efforts by the Special Representative of the Secretary-General and the Force Commander of the United Nations Assistance Mission for Rwanda to mediate such an outcome, and requests them to continue their efforts in liaison with countries of the region and the Organization of African Unity. It also commends the courage and determination of Mission personnel in affording protection to civilians who sought refuge with the Mission.

The Council welcomes the efforts that have been made by countries of the region, with the assistance of the Organization of African Unity, to bring about an end to the fighting and the killings in Rwanda. It also commends the efforts of States, United Nations agencies and non-governmental organizations to provide emergency humanitarian assistance to the suffering people of Rwanda.

The Council is deeply concerned at the situation of the many thousands of refugees and displaced persons who have been forced to flee the fighting and killings in Rwanda.

The Council calls on all States to assist the Office of the United Nations High Commissioner for Refugees and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States. The Council calls on States bordering Rwanda, working with the Organization of African Unity, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

The Council calls on all Rwandese parties to guarantee the protection of displaced persons and refugees in Rwanda and refugees outside Rwanda and to ensure safe passage for humanitarian assistance.

The Council underlines the urgent need for coordinated international action to help bring peace to Rwanda and to alleviate the suffering of the Rwandese people. It requests the Secretary-General, in consultation with the Secretary-General of the Organization of African Unity and countries of the region, to take appropriate measures to ensure that international efforts to assist the situation in Rwanda are carried out in an effective and coordinated manner, and to ensure that all relevant parties are kept fully informed.

The Council emphasizes the importance of the Kigali airport for the provision of international relief efforts to Rwanda, as well as for the requirements of the Mission. It calls

on the parties to allow the airport to be kept open at all times for such purposes.

The Council stresses the importance of ensuring that the situation in Rwanda does not affect adversely the security and stability of neighbouring countries.

The Council warns that the situation in Rwanda would be further seriously aggravated if either of the parties were to have access to additional arms. It appeals to all States to refrain from providing arms or any military assistance to the parties to the conflict. It states its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

The Council reaffirms its commitment to preserving the unity and territorial integrity of Rwanda. It reiterates its conviction that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandese conflict and serves as the basis for peace, national unity and reconciliation in the country. It calls again on the parties to renew their commitment to the Agreement.

The Council requests the Secretary-General:

(a) In consultation with the Secretary-General of the Organization of African Unity, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons;

(b) To work with the Office of the United Nations High Commissioner for Refugees, the Organization of African Unity and countries of the region to take such preventive diplomatic steps as may be necessary to prevent the spread of violence and atrocities to neighbouring countries;

(c) To explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons;

(d) To consult the Office of the United Nations High Commissioner for Refugees on measures to provide humanitarian assistance to those displaced persons congregated along the borders with the United Republic of Tanzania, Uganda, Zaire and Burundi;

(e) To bring to its attention any information that he may receive concerning arms flows into Rwanda, and to consult the countries of the region and the Organization of African Unity about the practical implementation of an arms embargo on Rwanda;

(f) To make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

The Council states its intention to consider urgently the letter of the Secretary-General dated 29 April 1994 and further recommendations that the Secretary-General may provide.

Decision of 6 May 1994: letter from the President to the Secretary-General

By a letter dated 29 April 1994 addressed to the President of the Council,⁶⁴ the Secretary-General noted a further deterioration of the situation in Kigali and other parts of Rwanda. UNAMIR had reported that there was evidence of preparations for further massacres of civilians in the city and that massacres continued on a large scale in the countryside, especially in the south. Those developments raised serious questions about the viability of the revised mandate which the Council had given to UNAMIR by resolution 912 (1994). Clearly, that mandate did not give UNAMIR the power to take effective action to halt the continuing massacres. According to some estimates, as many as 200,000 people might have died during the past three weeks. That humanitarian catastrophe demanded urgent action by the international community. In those circumstances, the Secretary-General urged the Security Council to re-examine its decisions of 21 April 1994 (resolution 912 (1994)) and to consider again what action, including forceful action, it could take, or could authorize Member States to take, in order to restore law and order and end the massacres.

By a letter dated 3 May 1994 addressed to the President of the Council,⁶⁵ the Secretary-General, referring to the presidential statement of 30 April 1994, reported that he had consulted with the Secretary-General and the Chairman in Office of OAU and with leaders of a number of several African countries to consider in what way they could assist in the restoration of law and order in Rwanda and, in particular, whether they could contribute troops to a regional effort to that end. Based on their responses, he would submit recommendations to the Council on how the United Nations could help the efforts of the countries in the region.

In a letter dated 6 May 1994,⁶⁶ the President (Nigeria) informed the Secretary-General as follows:

The members of the Security Council have considered your two letters of 29 April and 3 May 1994 on the situation in Rwanda.

The members of the Council commend you, your Special Representative, the Force Commander and the personnel of the

⁶⁴ S/1994/518.

⁶⁵ S/1994/530.

⁶⁶ S/1994/546.

United Nations Assistance Mission for Rwanda for the exemplary manner in which you have all continued to carry out your respective tasks, under very difficult circumstances.

The members of the Council have agreed that, in view of the unabated hostilities and killings, urgent and effective means of action be considered. In order to do so, they have asked me to request you to provide in the first instance indicative contingency planning with regard to the delivery of humanitarian assistance as well as support to the displaced persons in Rwanda.

The Council may, at a later stage and as the situation develops, request from you a further indication as to what would be required in terms of logistics and financial implications of an expanded United Nations or international presence in Rwanda and/or neighbouring countries capable of assisting the parties in Rwanda, monitoring a ceasefire and contributing to the resumption of the peace process under the Arusha Peace Agreement.

The members of the Council do not expect at this stage any firm or definitive recommendations from your Office, since, as we understand, consultations with regard to future United Nations courses of action are ongoing.

**Decision of 17 May 1994 (3377th meeting):
resolution 918 (1994)**

On 13 May 1994, pursuant to the letter of 6 May 1994 from the President of the Council, the Secretary-General submitted to the Council a report on the situation in Rwanda.⁶⁷ The Secretary-General reported that the situation in Rwanda remained unstable and insecure, with widespread violence and continuing combat between the Rwandese Government Forces and RPF. An estimated 2 million persons had been displaced and a major humanitarian crisis had developed.

Referring to the letter of 6 May 1994 by which the President of the Council had stated that urgent and effective means of action must be considered, the Secretary-General proposed that UNAMIR's mandate be expanded as follows: the new UNAMIR would provide security assistance to humanitarian organizations for the distribution of relief supplies, and would establish access to sites where displaced and other affected persons were concentrated, and could assure their protection; it would also monitor border crossing points as well as the deployment of the parties in conflict, in order to assure the effective conduct of its operations. A minimum viable force of approximately 5,500 troops would be required to carry

out the expanded mandate. Moreover, the deployment of the expanded UNAMIR would be conducted in three phases.

The Secretary-General observed that the solution to the crisis in Rwanda must be found through the implementation of the Arusha agreement. For that to be achieved, the parties must agree to a ceasefire. His Special Representative and the Force Commander would continue to give the highest priority to that objective. In addition, the Council could issue a call to the parties to accept the designation of Kigali airport as a neutral zone under the exclusive control of the United Nations. Meanwhile, there was an urgent requirement for the United Nations to increase its efforts to address the desperate humanitarian crisis created by the conflict. Protected sites should be established close to Rwanda's borders and assistance should be provided to persons in need in the interior of Rwanda. The Secretary-General recommended that the Council approve the phased expansion of UNAMIR for a period of six months, on the understanding that it would be reviewed by the Council as necessary and, in particular, following an agreement on a ceasefire. He reiterated that in order for UNAMIR II to attain its objective, there could be no delay in its deployment.

At its 3377th meeting, on 17 May 1994, the Council included the report of the Secretary-General in its agenda. The President drew the attention of the members of the Council to several documents.⁶⁸ He also drew their attention to a draft resolution submitted by the Czech Republic, France, the Russian Federation, Spain, the United Kingdom and the United States,⁶⁹ and read out revisions to be made to the draft text in its provisional form. The President then stated that a separate vote on section B of the draft resolution had been requested. In the absence of any objection, he would first put section B of the draft resolution to the vote and thereafter put the rest of the draft resolution to the vote.

Speaking before the vote, the representative of Rwanda stated that peace required a candid dialogue

⁶⁷ S/1994/565.

⁶⁸ Letters dated 2 May 1994 from the Chargé d'affaires a.i. of the United Republic of Tanzania (S/1994/527), 9 May 1994 from the representatives of Uganda and the United States (S/1994/552), 10 May 1994 from the Chargé d'affaires a.i. of Uganda (S/1994/553) and 12 May 1994 from the representative of Burkina Faso (S/1994/562), all addressed to the President of the Security Council.

⁶⁹ S/1994/571.

between the Government of Rwanda and RPF, which implied that military hostilities and inter-ethnic violence must first cease. The international community — especially the Security Council — must shoulder its responsibilities by compelling RPF to enter into dialogue with the Government so as to bring about an immediate ceasefire. The Government, for its part, was willing to conclude a ceasefire agreement with RPF immediately. Such an agreement, guaranteed by the international community, and especially the United Nations, should make it possible for the two armies to resume the positions they held before 6 April 1994. The Government of Rwanda believed that the only way of ensuring respect for a ceasefire was the establishment in Rwanda of an international buffer force made up of troops from truly neutral countries and excluding Rwanda's neighbours. Nonetheless it welcomed the consensus achieved on certain points relating to UNAMIR's expansion to allow it to contribute to the security and protection of the civilian population and the delivery of humanitarian assistance. The Rwandese Government was convinced that the ceasefire would not be respected nor the Rwandese conflict resolved until Uganda ended its aggression against Rwanda and stopped supplying war materiel and troops to RPF. The Security Council should ensure that that occurred. In that connection, the Government had conveyed to the Council documents clearly showing Uganda's involvement in the Rwandese conflict. To prevent that country from destabilizing Rwanda and other countries of the region, it was urgent that an arms embargo be imposed upon it. He stated that it was upon Uganda that a military embargo should be imposed, not upon Rwanda; and that it was not the victim who should be punished but the aggressor. The embargo against Rwanda would be tantamount to direct support for Ugandan aggression. He further noted that an embargo against Rwanda would violate the Charter, which enshrined the principle of self-defence. He concluded by reaffirming that the Government of Rwanda remained committed and determined to resume dialogue with RPF on the basis of the Arusha Peace Agreement.⁷⁰

The representative of Oman stated that the most urgent measure was to extend all forms of humanitarian assistance to the displaced people and refugees and to all those in need in Rwanda. He stressed the importance of coordinating those efforts

⁷⁰ S/PV.3377, pp. 2-6.

with OAU and the necessity of ensuring full cooperation from both parties to the conflict in establishing Kigali airport as a neutral zone and keeping it open at all times for humanitarian relief. Despite its hesitation to involve peacekeeping forces in internal disputes, and in view of the desirability of seeing a more successful UNAMIR, Oman supported its expansion and the amendment to its mandate. Furthermore, while believing that the arms embargo would not bring the satisfactory results expected of it, his delegation fully supported that endeavour and considered it an important step in the right direction to contain the conflict and to halt its proliferation to other areas.⁷¹

The representative of Pakistan noted that the situation into which the contributing countries would be sending their troops was highly dangerous. It was therefore essential not only that UNAMIR be adequately equipped in terms of armaments, but also that it be given clear-cut rules of engagement under which its troops could effectively defend themselves or those they were required to protect. Pakistan hoped that the restriction placed on the supply of arms and ammunition to Rwanda would be scrupulously observed. The speaker further cautioned that the pressure to withdraw UNAMIR could mount once again if the Rwandese parties failed to bring the hostilities and killings to an end within a reasonable period.⁷²

The representative of Djibouti stated that there was a universal recognition that in some significant way the international community must become directly involved in Rwanda. The approach of letting events run their course while diplomatic attempts were intensified, had proved fruitless. The Rwandese catastrophe clearly constituted a serious threat to peace and security in the region, which must be addressed. He noted that the Secretary-General correctly recommended a revision of the mandate of UNAMIR and an upward adjustment in its composition. The draft resolution, however, only partially addressed that requirement, with the hope that the whole spectrum of deployment would have been taken care of shortly after the next report of the Secretary-General. Meanwhile, the job of the United Nations would be to remove the innocent from harm's way and protect them during that process, while

⁷¹ *Ibid.*, pp. 6-7.

⁷² *Ibid.*, pp. 7-8.

responding forcefully only to direct attacks upon itself or the relief efforts. The mandate would not authorize the use of force to stop ethnic massacres and bloodshed. His delegation found that difficult to accept. He noted further that the heaviest burden must be assumed by the countries of Africa, which was possible with the cooperation and assistance of other Member States on an urgent basis. It was indeed a sad reflection on the state of collective security if that capability did not exist and could not be expeditiously mobilized. His delegation further supported the call on Member States to restrict the sale of arms and related material to any of the parties. Although his delegation would have liked to have seen a stronger mandate for UNAMIR, time was crucial. Should the Secretary-General find that the measures called for were insufficient, it might be possible in the near future to upgrade UNAMIR's mandate to include more authority to halt the fighting.⁷³

The representative of China stated that the Council's agreement to expand the mandate of UNAMIR and increase the number of its personnel based on humanitarian considerations was a reflection of the international community's good will and its sincere desire to create conditions for the early restoration of peace and security in Rwanda. His delegation held the view that, first of all, the parties should cease hostilities and agree to an effective and lasting ceasefire. Secondly, the Arusha Peace Agreement was the framework and bridge agreed by the two Rwandese sides for the peaceful settlement of the conflict in Rwanda. Thirdly, the two sides should closely cooperate with the Special Representative of the Secretary-General, with UNAMIR and with the international community's peace endeavour. At the same time, they should adopt every possible measure to ensure the safety of United Nations personnel and of those engaged in humanitarian relief activities. Fourthly, in the course of settling the crisis in Rwanda, attention should continue to be given to the role of OAU and the countries neighbouring Rwanda.⁷⁴

The representative of the Russian Federation shared the view of the Secretary-General that the carnage in Rwanda was a humanitarian catastrophe of unprecedented scope. Hence, the Council was correct to focus its attention on resolving that urgent aspect of

the problem of Rwanda. His delegation was of the view that a most important factor for ensuring the success of the expanded United Nations operation was the unconditional cooperation of both parties. It proceeded from the premise that the central element of the planned operation was the establishment of secure humanitarian areas, primarily in Rwanda's border areas, for the protection of refugees and displaced persons and of members of the civilian population under threat. In that connection, he noted that the report of the Secretary-General referred to the provision of assistance to those requiring it in the interior of the country — not instead of, but in addition to, the establishment of those secure humanitarian areas. The concept of those secure humanitarian areas would undoubtedly make it easier to establish them fairly quickly and would not require such a large United Nations force. His delegation also viewed as particularly important the draft resolution's provision with respect to the imposition of an arms embargo on Rwanda, which was critical in the absence of a ceasefire, and for whose effective implementation of which neighbouring African States would bear special responsibility. In the light of the urgent humanitarian nature of the United Nations operation, he stressed that it must be carried out quickly and efficiently, warning that if the conditions necessary for continuing the peacekeeping operation did not come about in Rwanda during that time, and if there was no progress towards a political settlement, the Council would have to give serious thought to what further action it should take. Finally, his delegation was convinced of the need for close coordination between the efforts of the Secretary-General and those of the OAU and Rwanda's neighbours — which had far from exhausted the opportunities to bring influence to bear on the Rwandese parties with a view to a swift settlement of the conflict.⁷⁵

Section B of the draft resolution was put to the vote and was adopted by 14 votes in favour to 1 against (Rwanda). The rest of the draft resolution was then put to the vote and adopted unanimously. The draft resolution, as orally revised in its provisional form, was adopted as resolution 918 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October

⁷³ *Ibid.*, p. 8.

⁷⁴ *Ibid.*, 9.

⁷⁵ *Ibid.*, pp. 9-10.

1993 by which it established the United Nations Assistance Mission for Rwanda, its resolution 909 (1994) of 5 April 1994 by which it extended the mandate of the Mission until 29 July 1994, and its resolution 912 (1994) of 21 April 1994 by which it adjusted the mandate of the Mission,

Recalling the statements made by the President of the Security Council on 7 April and 30 April 1994,

Having considered the report of the Secretary-General of 13 May 1994,

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Strongly condemning the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

Stressing the importance of the Arusha Peace Agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation,

Commending the efforts of the Organization of African Unity and its organs, as well as the efforts of the Tanzanian facilitator, in providing diplomatic, political and humanitarian support for the implementation of the relevant resolutions of the Council,

Deeply concerned that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the internal displacement of a significant percentage of the Rwandese population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

Expressing once again its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Strongly urging all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

Recalling also its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Recalling further that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

Underlining the urgent need for coordinated international action to alleviate the suffering of the Rwandese people and to help restore peace in Rwanda, and in this connection welcoming cooperation between the United Nations and the Organization of African Unity as well as with countries of the region, especially the facilitator of the Arusha peace process,

Desiring in this context to expand the mandate of the Mission for humanitarian purposes, and stressing the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Recognizing that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

Deeply disturbed by the magnitude of the human suffering caused by the conflict, and concerned that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

A

1. *Demands* that all parties to the conflict immediately cease hostilities, agree to a ceasefire, and bring an end to the mindless violence and carnage engulfing Rwanda;

2. *Welcomes* the report of the Secretary-General of 13 May 1994;

3. *Decides* to expand the mandate of the United Nations Assistance Mission for Rwanda under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. *Recognizes* that the Mission may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. *Authorizes* in this context an expansion of the Mission's force level up to 5,500 troops;

6. *Requests* the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the military observers of the Mission currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. *Also requests* the Secretary-General to report as soon as possible on the next phase of the Mission's deployment including, inter alia, on the cooperation of the parties, progress

towards a ceasefire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. *Encourages* the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of the Organization of African Unity, to obtain from Member States the necessary personnel to enable the deployment of the expanded Mission to proceed urgently;

9. *Invites* Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the expanded force level of the Mission and its support in the field;

10. *Strongly urges* all parties in Rwanda to cooperate fully with the Mission in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and further calls upon them to treat the Kigali airport as a neutral zone under the control of the Mission;

11. *Demands* that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peacekeeping work;

12. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

B

Determining that the situation in Rwanda constitutes a threat to peace and security in the region,

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

13. *Decides* that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. *Also decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that

context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. *Calls upon* all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of the present resolution;

16. *Decides* that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to the United Nations Assistance Mission for Rwanda and the United Nations Observer Mission Uganda-Rwanda;

17. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

C

18. *Requests* the Secretary-General to submit a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. *Invites* the Secretary-General and his Special Representative, in coordination with the Organization of African Unity and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement;

20. *Decides* to keep the situation in Rwanda under constant review, and requests the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of the present resolution and again in good time before the expiration of the current mandate of the Assistance Mission;

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

After the vote, the representative of France stated that the Council had been compelled to reduce the size of UNAMIR, which thereby had been prevented from fulfilling its mandate. His delegation had taken that decision reluctantly and underscored at that time that it was a temporary measure. By voting in favour of resolution 918 (1994) which decided to expand UNAMIR up to 5,500 troops, his delegation was expressing its will to help the Rwandese people to find peace and security. He noted that while the objective of that resolution was first of all humanitarian, the longer term objective of the United Nations was political. The United Nations was determined to contribute, in due

course, to the resumption of the peace process within the framework of the Arusha Peace Agreement, which remained the only way to resolve the crisis in Rwanda.⁷⁶

The representative of New Zealand said that, although his delegation voted in favour of resolution 918 (1994), it was disappointed that the resolution only approved a very modest first phase of the expanded United Nations presence which was essential in Rwanda. New Zealand agreed that there needed to be a detailed, hands on process of interaction between the Council and the Secretariat to update and fine-tune the operational concept as planning was finalized in the period prior to deployment. In that connection, he would like to see institutional arrangements within the Council for a more hands-on approach to all of the complex operations supervised by the Council.⁷⁷

The representative of the United Kingdom stated that there was no easy international response to the tragedy which had occurred in Rwanda. The United Nations could not impose an end to the bloodshed, but neither could it stand idly by. It was right that new tasks should be added to UNAMIR's mandate to help the civilian population. The priority must be to ensure the early deployment of the troops needed for those tasks. While the focus of that expanded United Nations operation would rightly be humanitarian, the Council must not lose sight of the need to achieve a ceasefire between the parties and to get the peace process back on track. In that regard, the Arusha Agreement remained the only viable basis for national reconciliation in Rwanda. In the meantime, the parties could not escape their responsibility for events in the areas which they controlled.⁷⁸

The representative of the United States noted that the Council had struggled to formulate a response to the humanitarian disaster in Rwanda that was both appropriate and effective. To ensure the success of the United Nations in Rwanda, the United States wanted to bring the ends and means of the Council's resolutions into balance. The speaker expected the next report of the Secretary-General on Rwanda to closely examine the following factors: a well defined concept of operations; availability of resources; consent of the parties; progress towards a ceasefire; and the duration

of the mandate. He further stated that whatever efforts the United Nations might undertake, the true key to the problems in Rwanda was in the hands of the Rwandese people, which meant that the killing — by all parties — must stop. Furthermore, the parties must consent to unimpeded United Nations operations providing humanitarian assistance to and protection for displaced persons, and refugees. In that regard, it was critical that all parties respect absolutely the inviolability of United Nations personnel and peacekeepers. If the parties could meet those simple but vital requirements for an effective United Nations peacekeeping operation, then the international community would be willing and able to help.⁷⁹

The representative of the Czech Republic stated that although the situation in Rwanda was being described as a humanitarian crisis, it was his delegation's view that the proper description was genocide.⁸⁰

Speaking in his capacity as representative of Nigeria, the President stated that, while OAU and the neighbouring countries had an important role to play in efforts to halt the violence and restore peace in Rwanda, the United Nations had an even more critical role in galvanizing international assistance for that country. Nigeria believed that the credibility of the United Nations was not particularly well served if, in moments of crisis, it prevaricated and took positions which, in hindsight, were mistaken. Nigeria saw the tasks facing the international community in Rwanda as three fold: humanitarian, security and political, all of which were closely interconnected. He noted further that, in contrast to the drastic reduction of UNAMIR undertaken by resolution 912 (1994), resolution 918 (1994) authorized the deployment of the UNAMIR force level up to 5,500 troops. While the primary focus of the expanded UNAMIR was humanitarian, it was important that the Council address the wider political purpose of the United Nations involvement in Rwanda by helping to obtain a ceasefire and to promote the peace process. He further stated that although his country had voted in favour of the resolution, it had reservations on two aspects. First, it was not entirely satisfied with the manner in which African issues that came before the Council tended generally to be treated. Secondly, it was unhappy with the import of operative

⁷⁶ *Ibid.*, p. 11.

⁷⁷ *Ibid.*, pp. 11-12.

⁷⁸ *Ibid.*, p. 12.

⁷⁹ *Ibid.*, pp. 12-13.

⁸⁰ *Ibid.*, pp. 15-16.

paragraph 7 of resolution 918 (1994), which seemed to imply that the second phase of UNAMIR's deployment would be dependent on a number of conditionalities, including a further decision or action by the Council. Nigeria's own expectation was that the second phase of UNAMIR's deployment would achieve the force level of 5,500 troops, or as close to that as possible and necessary, as called for by the Secretary-General in his report.⁸¹

**Decision of 8 June 1994 (3388th meeting):
resolution 925 (1994)**

On 31 May 1994, pursuant to resolution 918 (1994), the Secretary-General submitted to the Council a report on the situation in Rwanda.⁸² The Secretary-General informed the Council that a United Nations special mission had visited Rwanda from 22 to 27 May 1994 for the purpose of moving the parties towards a ceasefire, getting their views and intentions on the implementation of resolution 918 (1994), and reviewing the modalities of the concept of operations proposed by the Secretary-General for an expanded UNAMIR. The mission had reported that an estimated 250,000 to 500,000 had been killed and tens of thousands more had been maimed or wounded. According to information received by the mission, the killers included members of the Rwandan government forces, particularly the Presidential Guard and the youth militia. The mission had found that the RPF zone was virtually empty and that in the Rwandan government forces-controlled zones there were increasing numbers of displaced persons. That exodus was due in part to alarming radio broadcasts from Rwandan government force zones, which also broadcast incitements to eliminate RPF supporters. RPF declared that the aim of its military offensive was to rescue those persons in danger of their lives in the Rwandan government forces zone and to seize those responsible for the massacres. It insisted that a condition for a ceasefire was the commitment of the Rwandan government forces to halt the killings. The mission was able, however, to obtain the agreement of the two sides to initiate talks for the establishment of a ceasefire. The conclusion of the mission was that the concept of operations would require some adjustments. The implementation of phase 1 of the operation clearly remained urgent and must be commenced without

further delay, even before a ceasefire was effected. Because of the projected delay in deploying the troops and equipment for phase 1, phase 2 should be initiated immediately, in close synchronization with phase 1. The need to deploy the two battalions envisaged for phase 3 would depend on the establishment of a ceasefire.

The Secretary-General further noted that there could be little doubt that the human calamity that had engulfed Rwanda constituted genocide, since there had been large-scale killings of communities and families belonging to a particular ethnic group. The continuing hostilities impeded a full investigation of those massacres and, regrettably, procedures in the United Nations did not lend themselves to immediate action in such circumstances. However, the United Nations High Commissioner for Human Rights had visited Rwanda and had presented his report to the Commission on Human Rights, which had designated Mr. René Degni Segui as Special Rapporteur for Rwanda. The Secretary-General stressed that both parties must immediately cease all the violence, there being strong evidence that the overwhelming responsibility lay with the "interim Government" and the Rwandan government forces, which must immediately take effective measures to halt such killings in the zones under their control. Only when the killings were halted, when a ceasefire was effective, and when humanitarian relief was provided, could the underlying political issues be addressed through negotiations. At that stage, it would be essential that OAU and all interested Governments exert their influence upon both sides to demonstrate their commitment to compromise. It was also essential that the arms embargo imposed by resolution 918 (1994) be respected, and that no armaments reach either party across any of Rwanda's borders. In that context, he intended to review the role of UNOMUR, which monitored only the border with Uganda, to assess whether it would be advantageous to integrate its resources into UNAMIR to strengthen the latter. On the basis of the above, the Secretary-General recommended that the Council authorize the expanded mandate for UNAMIR for an initial period of six months, with the anticipation that at least another six month renewal would be required. He intended to establish a special trust fund to support effective rehabilitation programmes in Rwanda, and appealed to all Governments to contribute to it.

⁸¹ *Ibid.*, pp. 16-18.

⁸² S/1994/640.

At its 3388th meeting, on 8 June 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Oman) drew the attention of the members of the Council to several documents.⁸³ He also drew their attention to a draft resolution prepared in the course of the Council's prior consultations.⁸⁴

Speaking before the vote, the representative of Djibouti observed that, against the backdrop of international indecisiveness, the objectives and intent of the warring sides remained the same, and the fighting continued. If anything, the calls for a ceasefire in the draft resolution before the Council were weaker than those in the previous one, a fact which could not fail to capture the attention of the parties. What was required was a firm and unequivocal demand by the Council to the parties that fighting must be stopped forthwith, coupled with measures which clearly showed the Council's determination to back up that demand. The international community could not continue to push the issues of security and peace into the background of human rights headlines. The reason for that tragic human rights situation was precisely that the fighting had been allowed to continue. Simply creating more safe areas to protect the victims had become a diversion. He noted that one lesson to be learned from Rwanda was that the United Nations must have a force not defined by national politics, a standing multinational force at the disposal of the Security Council.⁸⁵

The representative of the Czech Republic stated that his delegation was troubled that it had taken so long for the Secretary-General to describe the events in Rwanda as genocide in his reports, on which the Council so heavily based its work so heavily. It was equally confused that even before the outbreak of the holocaust on 6 April, UNAMIR and its representatives had been aware of inflammatory broadcasts on the local radio, of suspicious movements of armed groups and of an inflow of arms into Rwanda. His delegation

felt that if such facts had been forcefully communicated to the Council as soon as the Secretariat became aware of them, the Council might have been a step ahead. With reference to the Secretary-General's plans to review the reactive capacity of the entire United Nations system, his delegation would propose that providing timely and unvarnished information might be of some help. Such information would help galvanize, rather than paralyse, the international community. He further recalled that resolution 918 (1994) requested the Secretary-General to present a report on investigations of serious violations of international humanitarian law. He suggested that the Special Rapporteur for Human Rights might be requested to report to the Council directly, and that a fact-finding mission be established by the Council.⁸⁶

According to the representative of Brazil, UNAMIR should seek to commence its tasks expeditiously and should be appropriately staffed and equipped to meet its threefold mandate, which was to contribute to providing security and protection for displaced persons, refugees and civilians at risk, to provide security and support for the distribution of relief supplies and for humanitarian operations, and to develop all efforts to mediate and broker negotiations between the warring parties, so that an immediate ceasefire could be reached and the peace process could be resumed. The parties in Rwanda must achieve a ceasefire urgently. His delegation was pleased that the Council again put to use the non-binding criteria for the review of mandates of peacekeeping operations, set out in the presidential statement of 3 May 1994.⁸⁷ In order that these criteria should become the much-needed yardstick for peacekeeping operations, they ought to be implemented consistently, and with sufficient flexibility so as to accommodate unforeseen situations and ensure the effective discharge of the mandate of these operations. He concluded by noting that the draft resolution was an essential step towards the measures the United Nations could adopt even before a ceasefire was achieved.⁸⁸

According to the representative of Nigeria, the draft resolution before the Council, and resolution 918 (1994) which preceded it, had enabled the United Nations to redeem itself and effectively resume its role of contributing to the security and protection of

⁸³ Letters dated 17 May 1994 from the Chargé d'affaires a.i. of Uganda (S/1994/585), 16 May 1994 from the representative of Rwanda (S/1994/586) and 27 May 1994 from the representative of Uganda (S/1994/648), all addressed to the President of the Security Council; and letter dated 23 May 1994 from the representative of Israel to the Secretary-General (S/1994/608).

⁸⁴ S/1994/684.

⁸⁵ S/PV.3388, pp. 2-3.

⁸⁶ *Ibid.*, pp. 3-4.

⁸⁷ S/PRST/1994/22.

⁸⁸ S/PV.3388, pp. 4-5.

displaced persons, refugees and civilians at risk in Rwanda. His delegation would support the draft resolution out of recognition that it was better late than never. The draft resolution, which was essentially oriented towards the provision of humanitarian assistance in Rwanda, equally anticipated international participation in the political process in that country, which was desirable. He stressed that the Rwandan problem remained an international problem and must be addressed internationally. In that endeavour, the United Nations, OAU and the neighbouring States must act in concert and not in competition.⁸⁹

The representative of the Russian Federation stated that his delegation acknowledged that the highly complex and rapidly changing situation in Rwanda dictated the need for a different approach, in particular, of flexible contingency planning. However, in the opinion of his delegation, the complexity of the situation in Rwanda increased the need for tighter control by the Council over the conduct of the operation in order to be able to quickly react and resolve problems that inevitably would arise during the course of its implementation. It deemed justified the provision that UNAMIR would not be used as a buffer force between the parties to the conflict, and supported the demand of the Council that both parties abide by their assurances to cooperate with UNAMIR. His delegation was convinced of the need for further close coordination between the efforts of the Secretary-General and OAU and with the neighbours of Rwanda, which were far from having exhausted their capacity for exerting pressure on the Rwandese parties to resolve the conflict and restore the peace process.⁹⁰

The representative of the United Kingdom noted that the humanitarian mandate and the decision to deploy 5,500 additional troops was a worthy and practical response to the situation, which tried to take account of the bitter lessons the United Nations had to learn in Somalia without, at the same time, being deterred from meeting the necessary obligations under the Charter. The concept of operations proposed by the Secretary-General seemed to be the right one, the key being to ensure flexibility and to allow the Force Commander to adapt to a changing situation on the ground. He added that, in his Government's view, it was of the greatest importance that all neighbouring

Governments and all Council members do their best to ensure strict compliance with the arms embargo.⁹¹

The representative of Spain stated that the time had come to prepare for the establishment of an international commission of experts to examine and analyse all available information about the grave violations of international humanitarian law committed in Rwanda, in order to meet the concern expressed by the Secretary-General in his report. Such an initiative would be carried out separately from the important work initiated by the Commission on Human Rights with the appointment of a Special Rapporteur for Rwanda.⁹²

The draft resolution was then put to the vote and adopted unanimously as resolution 925 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994 and 918 (1994) of 17 May 1994, which set out the mandate of the United Nations Assistance Mission for Rwanda,

Having considered the report of the Secretary-General of 31 May 1994,

Bearing in mind the statement made by the President of the Security Council on 3 May 1994,

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Noting with concern that, to date, the parties have not ceased hostilities, agreed to a ceasefire, or brought an end to the violence and carnage affecting civilians,

Noting with the gravest concern the reports indicating that acts of genocide have occurred in Rwanda, and recalling in this context that genocide constitutes a crime punishable under international law,

Reiterating its strong condemnation of the ongoing violence in Rwanda and, in particular, the systematic killing of thousands of civilians,

Expressing its outrage that the perpetrators of these killings have been able to operate and continue operating within Rwanda with impunity,

Noting that the Mission is not to have the role of a buffer force between the two parties,

Noting also that the expanded military component of the Mission will continue only as long as and to the extent that it is needed to contribute to the security and protection of displaced

⁸⁹ Ibid., p. 5.

⁹⁰ Ibid., pp. 6-7.

⁹¹ Ibid., pp. 7-8.

⁹² Ibid., pp. 8-9.

persons, refugees and civilians at risk in Rwanda and to provide security, as required, to humanitarian relief operations,

Underscoring the fact that the internal displacement of some 1.5 million Rwandese facing starvation and disease and the massive exodus of refugees to neighbouring countries constitute a humanitarian crisis of enormous proportions,

Reiterating the importance of the Arusha Peace Agreement as the basis for the peaceful resolution of the conflict in Rwanda,

Commending the countries which have provided humanitarian assistance to Rwandese refugees, as well as emergency aid to alleviate the sufferings of the Rwandese people, and those countries which have contributed troops and logistical support to the Mission, and reiterating the urgent need for coordinated international action in this respect,

Welcoming the cooperation between the United Nations and the Organization of African Unity and the contributions of the countries of the region, especially that of the facilitator of the Arusha peace process, and encouraging them to continue their efforts,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights,

Noting the appointment of a Special Rapporteur for Rwanda, pursuant to Commission on Human Rights resolution S-3/1 of 25 May 1994,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

1. *Welcomes* the report of the Secretary-General of 31 May 1994;

2. *Endorses* the proposals of the Secretary-General contained in that report for the deployment of the expanded United Nations Assistance Mission for Rwanda, in particular:

(a) The immediate initiation of the deployment of the two additional battalions in phase 2 in close synchronization with phase 1;

(b) The continuation of urgent preparations for the deployment of the two battalions envisaged for phase 3;

(c) Flexible implementation of all three phases to ensure effective use of available resources to accomplish the tasks listed in paragraphs 4 (a) and (b) below;

3. *Decides* to extend the mandate of the Mission, expiring on 29 July 1994, until 9 December 1994;

4. *Reaffirms* that the Mission, in addition to continuing to act as an intermediary between the parties in an attempt to secure their agreement to a ceasefire, will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

5. *Recognizes* that the Mission may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

6. *Demands* that all parties to the conflict cease hostilities, agree to a ceasefire and immediately take steps to bring an end to systematic killings in areas under their control;

7. *Welcomes* the assurances of both parties to cooperate with the Mission in carrying out its mandate, recognizes that such cooperation will be essential to the effective implementation of the mandate, and demands that both parties adhere to those assurances;

8. *Demands further* that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred;

9. *Urges* Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional Mission forces;

10. *Requests* the Secretary-General to ensure that the Mission extends the close cooperation it has with the Department of Humanitarian Affairs of the Secretariat and the United Nations Rwanda Emergency Office also to the Special Rapporteur for Rwanda appointed by the Commission on Human Rights;

11. *Demands* that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peacekeeping work;

12. *Emphasizes* the necessity that, *inter alia*:

(a) All appropriate steps be taken to ensure the security and safety of the operation and personnel engaged in the operation;

(b) The security and safety arrangements undertaken extend to all persons engaged in the operation;

13. *Commends* the efforts of States, United Nations agencies, international organizations and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

14. *Welcomes* the intention of the Secretary-General to establish a special trust fund for Rwanda and invites the international community to contribute generously to it;

15. *Commends* the tireless efforts of the Force Commander of the Mission to prevent more innocent lives from being lost and to bring about a ceasefire between the parties;

16. *Commends also* the efforts of the Secretary-General and his Special Representative to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement, invites them, in coordination with the Organization of African Unity and countries in the region, to continue their efforts, and demands that the parties undertake serious efforts to bring about political reconciliation;

17. *Decides* to keep the situation in Rwanda and the role played by the Mission under constant review, and to that end requests the Secretary-General to report to the Council as appropriate, and in any case no later than 9 August and 9 October 1994, on progress made by the Mission in the discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards a ceasefire and political reconciliation;

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

After the vote, the representative of New Zealand, referring to resolution 918 (1994), said that at the time of its adoption, his delegation had been very disappointed that the resolution had approved only a tentative first phase of the expanded United Nations presence in Rwanda. New Zealand believed that the tentativeness displayed by the Council had sent a very confused signal, both to potential troop-contributing countries and others, about the Council's commitment to the idea of an expanded UNAMIR. Turning to resolution 925 (1994), he welcomed the fact that it ended the doubt about the determination of the Council to do what was necessary for Rwanda. Resolution 925 (1994) gave effect to the Council's wish that UNAMIR should deploy as soon as possible to provide security for Rwandans at risk and for essential humanitarian operations. Furthermore, it was very important that the resolution also stated clearly the Council's grave concern at the genocide that had taken place in Rwanda. There was no doubt that genocide had occurred, and it was significant that at last the Council had formally recognized that. New Zealand also welcomed the recognition given in the resolution to the importance of close cooperation between UNAMIR and the United Nations High Commissioner for Human Rights and the newly appointed United Nations Special Rapporteur for Rwanda. Reconstruction of Rwandan society on the basis of respect for human rights would be an important task for the future, and the United Nations must be equipped to support the people of Rwanda in that effort.⁹³

⁹³ *Ibid.*, p. 10.

The representative of France stressed that, while the priority objective was a humanitarian one, only a political solution could restore lasting peace and stability to Rwanda. The United Nations must play its part in implementing the peace process, which must fall within the framework of the Arusha Peace Agreement. He further stated that it was intolerable that massacres in Rwanda and what could only be described as genocide should continue. Those responsible must be brought to justice and human rights must be respected.⁹⁴

The representative of China recalled that the Charter contained explicit provisions on the mandates of the Security Council, the General Assembly and other United Nations organs. Those bodies should earnestly carry out the respective mandates entrusted to them by the Charter. The Council should therefore refrain from involvement in activities that went beyond its mandate. It was China's consistent position that the Council should work in line with the purposes and principles of the Charter and with the relevant mandates. China was not in favour of wilfully linking the work of the Council with that of other organs. Therefore, it wished to express its reservations on the resolution's elements relating to the human rights Rapporteur.⁹⁵

The representative of the United States stated that it had been necessary to define the mandate of UNAMIR as precisely as possible, keeping in mind the factors enumerated in the Council's presidential statement of 3 May 1994, and staying within the limits of available resources. He noted that, although the parties had begun ceasefire negotiations, in the meantime, there was no ceasefire in effect and no comprehensive agreement among the parties or with the United Nations. In those circumstances, the activities described in the Secretary-General's report might be considered to involve enforcement actions. It was important that troop contributors be made fully aware of the military mission and the anticipated environment. Furthermore, UNAMIR's military units must be provided with the equipment and rules of engagement to execute successfully the assigned mission to defend themselves and to provide basic protection for threatened persons and security for the delivery of humanitarian relief. The Council, to that

⁹⁴ *Ibid.*, p. 11.

⁹⁵ *Ibid.*, p. 12.

end, had included in the resolution a reaffirmation that UNAMIR might be required to take action in self-defence. He also stated that the Council had a responsibility, when sending troops into unpredictable situations, to ensure that those troops would not be wilfully mistreated. To that effect, his delegation firmly supported paragraph 12 of resolution 925 (1994). Taking that idea even further, it believed it was unacceptable for any UNAMIR or other United Nations personnel to be detained, under any circumstances, while performing their duties in Rwanda, or to be denied any of the protections equivalent to those contained in the Geneva Convention Relative to the Treatment of Prisoners of War.⁹⁶

The representative of Rwanda, while commending the adoption of resolution 925 (1994), stated that it was regrettable that since the outbreak of the tragic events on 6 April 1994, the reaction of the international community had not matched the magnitude of the tragedy in Rwanda. He noted that, after almost a month, the first phase of the deployment of UNAMIR had not even begun. Therefore, Rwanda welcomed the Secretary-General's proposals contained in the report for the expanded UNAMIR. It also agreed with the Secretary-General that the first task was to organize humanitarian relief operations. Rwanda associated itself with the message conveyed by the Council when it demanded the cessation of hostilities, the conclusion of a ceasefire and the immediate halt of the massacres, which it strongly condemned. He further stated that any solution to the crisis in Rwanda must be based on a political settlement, for which the Arusha Peace Agreement constituted the framework. It was up to the international community to implement resolution 925 (1994).⁹⁷

**Decision of 20 June 1994 (3391st meeting):
resolution 928 (1994)**

On 16 June 1994, pursuant to resolution 891 (1993), the Secretary-General submitted to the Council his second progress report on UNOMUR.⁹⁸ The Secretary-General reported that, in general, UNOMUR's activities in pursuance of its mandate had been effective. It had continued to be a factor of stability and had been particularly critical in recent

months, as UNAMIR had sought to defuse tensions resulting from the resumption of hostilities in Rwanda. While there appeared to be little rationale for monitoring one of Rwanda's borders and not the others, the issue of arms flows was one of the major areas of concern in the ceasefire talks. As UNOMUR's activities allowed UNAMIR to address, at least to some degree, the issue of outside interference in the Rwandese civil war, the Secretary-General believed that UNOMUR should continue its monitoring activities until an effective ceasefire had been established. He therefore recommended that UNOMUR's mandate be renewed for a period of three months. During that period, the number of military observers would be reduced by phases, adjusting to operational requirements. UNOMUR would be closed down by 21 September 1994.

At its 3391st meeting, on 20 June 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a letter dated 8 June 1994 from the representative of Rwanda addressed to the President of the Council,⁹⁹ transmitting a note verbale dated 1 June 1994 by which the Government of Rwanda reiterated its request that the numerical strength and the logistical means of UNOMUR be increased. It also reiterated its position concerning the embargo imposed against Rwanda and noted the urgent need for an embargo against the other party to the conflict, arguing that Rwanda must be able to exercise its right of self-defence under Article 51 of the Charter. The President also drew their attention to a draft resolution prepared in the course of the Council's prior consultations¹⁰⁰ and read out a revision to the draft text in its provisional form.¹⁰¹

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 928 (1994), which reads:

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for

⁹⁶ Ibid., pp. 12-13.

⁹⁷ Ibid., pp. 13-14.

⁹⁸ S/1994/715.

⁹⁹ S/1994/691.

¹⁰⁰ S/1994/723.

¹⁰¹ S/PV.3391, p. 2.

Rwanda, as well as its resolutions 893 (1994) of 6 January 1994, 909 (1994) of 5 April 1994, 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994,

Having examined the report of the Secretary-General of 16 June 1994 on the United Nations Observer Mission Uganda-Rwanda,

Welcoming the extension, as of 14 May 1994, of the observation and monitoring activities of the Observer Mission to the entire Uganda/Rwanda border,

Stressing the need for the observance and strict monitoring of the general and complete embargo of all deliveries of weapons and military equipment to Rwanda, as described in paragraph 13 of its resolution 918 (1994),

Considering that the issue of arms flows is one of the major areas of concern in the ceasefire talks currently being held between the Rwandan parties under the auspices of the Assistance Mission,

1. *Welcomes* the report of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Observer Mission Uganda-Rwanda for a final period of three months until 21 September 1994, and agrees that during this period the number of military observers should be reduced by phases;
3. *Requests* the Secretary-General to report to the Council on the termination of the Observer Mission before the completion of its mandate;
4. *Expresses its appreciation* to the Government of Uganda for the cooperation and support it has extended to the Observer Mission;
5. *Stresses* the importance of continued cooperation between the Ugandan authorities and the Observer Mission;
6. *Decides* to remain actively seized of the matter.

**Decision of 22 June 1994 (3392nd meeting):
resolution 929 (1994)**

By a letter dated 19 June 1994 addressed to the President of the Council,¹⁰² the Secretary-General stated that because of the failure of Member States to promptly provide the resources necessary for the implementation of its expanded mandate, UNAMIR might not be in a position, for about three months, to fully undertake the tasks entrusted to it. Meanwhile, the situation in Rwanda had continued to deteriorate and the killing of innocent civilians had not been stopped. Furthermore, the parties had not yet come to an agreement for a ceasefire in the talks under UNAMIR auspices, nor had they respected the

ceasefire to which they had agreed at a recent OAU summit in Tunis. In those circumstances, the Secretary-General suggested that the Council might wish to consider the offer of the Government of France to undertake, subject to the Council's authorization, a French-commanded multinational operation under Chapter VII of the Charter, to assure the security and protection of displaced persons and civilians at risk in Rwanda. Should the Council authorize such an operation, it would be necessary to request the Governments concerned to commit themselves to maintaining their troops in Rwanda until UNAMIR was brought up to the necessary strength to take over from the multinational force and the latter had created conditions in which a peacekeeping force operating under Chapter VI of the Charter would have the capacity to carry out its mandate. That would imply that the multinational force should remain deployed for a minimum period of three months. The activities of the multinational force and UNAMIR would be closely coordinated by the respective Force Commanders.

By a letter dated 21 June 1994 addressed to the President of the Council,¹⁰³ the representative of France requested that a formal meeting of the Council be convened immediately following the informal consultations scheduled for 22 June 1994, in order to put to the vote a draft resolution on the situation in Rwanda.

At its 3392nd meeting, on 22 June 1994 in response to the request from the representative of France, the Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Oman) drew the attention of the members of the Council to a draft resolution submitted by the representative of France.¹⁰⁴ He also drew their attention to a letter dated 20 June 1994 from the representative of France addressed to the Secretary-General.¹⁰⁵

Speaking before the vote, the representative of the Russian Federation stated that his country supported the draft resolution before the Council, which welcomed the proposal of a number of Member States to send contingents to Rwanda. In the view of the Russian Federation, the Council had been forced to take that decision, which was imperative in the

¹⁰² S/1994/728.

¹⁰³ S/1994/738.

¹⁰⁴ S/1994/737.

¹⁰⁵ S/1994/734.

prevailing conditions. The Russian Federation believed it was important that the draft resolution clearly stated that that action had the purely humanitarian goal of contributing to the security and protection of the civilian population. It had a clearly formulated mandate and would be conducted within a limited time period, required for the deployment of the expanded UNAMIR. It was also important that, as the draft resolution emphasized, the operation be carried out impartially and neutrally, in close coordination with the activity of UNAMIR. His delegation expected the Secretary-General to regularly inform the Council on the implementation of the operation and on the development of the situation in Rwanda. At the same time, to ensure the success of the operation, it believed it was of paramount importance to obtain the agreement of both Rwandese parties.¹⁰⁶

The representative of Brazil stated that his Government, aside from problems of a political nature related to the implementation of the proposed operation, had serious doubts regarding its likely impact on UNAMIR, considering the political environment. As a principle, Brazil had repeatedly maintained that the Council should do its utmost to avoid invoking the extraordinary powers conferred upon it by Chapter VII of the Charter. In that connection, he noted that the Council had avoided placing the humanitarian mandate given to UNAMIR under that Chapter. His delegation was keenly aware of the difficulty of maintaining simultaneous but separate peacekeeping and peace-enforcement operations in the same country. It had also taken note of the fact that one of the Rwandese parties had made its opposition to the proposed operation fully known. In addition, the proposed operation might cloud the much-needed environment of support and cooperation that would enable UNAMIR to discharge its mandate in a successful manner. UNAMIR's overall mission could ultimately be jeopardized. The Council should continue to concentrate its collective efforts on making UNAMIR viable and operational without further delay. For those political reasons, Brazil was not in a position to endorse the draft resolution. His Government remained to be convinced that the proposed mission was in fact capable of effectively addressing the situation pending the arrival of the expanded forces of

UNAMIR in Rwanda, particularly when there was opposition of one of the parties.¹⁰⁷

The representative of China stated that UNAMIR had expended great effort in seeking a settlement to the crisis in Rwanda and had enjoyed the support of the international community, including African countries and the Rwandese parties to the conflict. China continued to believe that effective measures should be taken towards the early complete deployment of an expanded UNAMIR, which should play its role in accordance with resolutions 918 (1994) and 925 (1994). China had always believed in respecting the opinions of the countries concerned in a given question and those of the relevant regional organizations, and in securing the cooperation of all parties. Such cooperation was an indispensable condition for the success of United Nations peacekeeping operations. It was clear from the current situation, however, that the action which the draft resolution would authorize could not guarantee the cooperation of the parties to the conflict. The speaker also noted that, according to proposals formulated by OAU at its recent summit meeting "any action or effort undertaken by any countries, independently or collectively, should be placed within the framework of UNAMIR" and that "all international efforts and resources should be employed to support the United Nations mandate in Rwanda". Hence, and on the basis of the experience and lessons of the United Nations peacekeeping operation in Somalia, his delegation would abstain in the vote on the draft resolution.¹⁰⁸

The representative of Rwanda stated that the initiative under consideration was especially timely and helpful, as more than two months of efforts to gather the resources needed to deploy an expanded UNAMIR had yet to come to fruition. He noted that the Secretary-General had made it clear that UNAMIR might not be in a position for three months to fully undertake the tasks entrusted to it. The action envisaged in the draft resolution was of particular significance in the circumstances, for it would end the inertia of the international community in the face of the human tragedy in Rwanda. At the same time, the Government of Rwanda agreed that the efforts of the international community to restore peace and stability to Rwanda and end the tragic situation there must focus

¹⁰⁶ S/PV.3392, p. 2.

¹⁰⁷ *Ibid.*, pp. 2-3.

¹⁰⁸ *Ibid.*, p. 4.

urgently on achieving an effective ceasefire and on the crucial quest for a political settlement on the basis of the Arusha Peace Agreement. The international community should therefore do all it could to avoid any approach that would involve a military solution, which would only perpetuate the suffering endured by the Rwandese people. He concluded by appealing to Member States to give their full support to the proposed humanitarian operation and to participate in a speedy settlement of the bloody conflict in Rwanda.¹⁰⁹

The draft resolution was then put to the vote and adopted by 10 votes in favour to none against, with 5 abstentions (Brazil, China, New Zealand, Nigeria, Pakistan), as resolution 929 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate and force level of the United Nations Assistance Mission for Rwanda,

Determined to contribute to the resumption of the process of political settlement under the Arusha Peace Agreement, and encouraging the Secretary-General and his Special Representative for Rwanda to continue and redouble their efforts at the national, regional and international levels to promote these objectives,

Stressing the importance of the cooperation of all parties for the fulfilment of the objectives of the United Nations in Rwanda,

Having considered the letter from the Secretary-General dated 19 June 1994,

Taking into account the time needed to gather the necessary resources for the effective deployment of the Mission, as expanded in resolutions 918 (1994) and 925 (1994),

Noting the offer by Member States to cooperate with the Secretary-General towards the fulfilment of the objectives of the United Nations in Rwanda, and stressing the strictly humanitarian character of this operation, which shall be conducted in an impartial and neutral fashion and shall not constitute an interposition force between the parties,

Welcoming the cooperation between the United Nations, the Organization of African Unity and neighbouring States to bring peace to Rwanda,

Deeply concerned by the continuation of systematic and widespread killings of the civilian population in Rwanda,

Recognizing that the current situation in Rwanda constitutes a unique case which demands an urgent response by the international community,

Determining that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region,

1. *Welcomes* the letter dated 19 June 1994 from the Secretary-General, and agrees that a multinational operation may be set up for humanitarian purposes in Rwanda until the United Nations Assistance Mission for Rwanda is brought up to the necessary strength;

2. *Welcomes also* the offer by Member States to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, on the understanding that the costs of implementing the offer will be borne by the Member States concerned;

3. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 2 above using all necessary means to achieve the humanitarian objectives set out in paragraphs 4 (a) and (b) of resolution 925 (1994);

4. *Decides* that the mission of Member States cooperating with the Secretary-General will be limited to a period of two months following the adoption of the present resolution, unless the Secretary-General determines at an earlier date that the expanded United Nations Assistance Mission for Rwanda is able to carry out its mandate;

5. *Commends* the offers already made by Member States of troops for the expanded Mission;

6. *Calls upon* all Member States to respond urgently to the Secretary-General's request for resources, including logistical support, in order to enable the expanded Mission to fulfil its mandate effectively as soon as possible, and requests the Secretary-General to identify and coordinate the supply of the essential equipment required by troops committed to the expanded Mission;

7. *Welcomes*, in this respect, the offers already made by Member States of equipment for troop contributors to the Mission, and calls on other Member States to offer such support, including the possibility of comprehensive provision of equipment to specific troop contributors, to speed the deployment of the Mission's expanded force;

8. *Requests* Member States cooperating with the Secretary-General to coordinate closely with the Mission and also requests the Secretary-General to set up appropriate mechanisms to this end;

¹⁰⁹ Ibid., pp. 4-5.

9. *Demands* that all parties to the conflict and others concerned immediately bring to an end all killings of civilian populations in areas under their control and allow Member States cooperating with the Secretary-General to implement fully the mission authorized in paragraph 3 above;

10. *Requests* the States concerned and the Secretary-General, as appropriate, to report to the Council on a regular basis, the first such report to be made no later than fifteen days after the adoption of the present resolution, on the implementation of this operation and the progress made towards the fulfilment of the objectives referred to in paragraphs 2 and 3 above;

11. *Requests* the Secretary-General to report on the progress made towards completing the deployment of the expanded Mission within the framework of the report due no later than 9 August 1994 under paragraph 17 of resolution 925 (1994), as well as on progress towards the resumption of the process of political settlement under the Arusha Peace Agreement;

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

After the vote, the representative of France stated that his country had deemed it its duty to propose to the Secretary-General intervention in Rwanda, in the framework of a multinational operation, to protect defenceless civilians and save numerous endangered lives. In so doing, France was merely responding to the urgent appeals which the Secretary-General had been making for two months to all Member States. He stressed that the goal of the French initiative was exclusively humanitarian. It would not be the mission of the French soldiers in Rwanda to interpose themselves between the warring parties, still less to influence in any way the military and political situation. France's objective was simple: to rescue endangered civilians and put an end to the massacres, and to do so in an impartial manner. France earnestly hoped that other countries would associate themselves with that initiative and would respond to the Council's appeal. His delegation recalled that it had regarded UNAMIR's immediate deployment under resolutions 918 and 925 (1994) as being of the utmost importance and stressed that it was not the objective of the French initiative to replace UNAMIR. On the contrary, the action of France and the countries which joined it had only one purpose: to fill a gap which was having disastrous consequences. It would end as soon as the UNAMIR troops had obtained their long-awaited reinforcements, at the latest within two months. He concluded by emphasizing the dedication of France to finding a negotiated political solution on the basis of the Arusha Agreements, adding that the African

countries and OAU had an essential role to play in that respect.¹¹⁰

The representative of the United States emphasized her country's strong support for the French initiative. The grave humanitarian crisis in Rwanda demanded a swift response from the international community. She pointed out that the scope of the resolution had been narrowed to address any scepticism regarding the role of the cooperating force and that the mandate of the force was limited to addressing humanitarian needs. In the light of that situation, the United States encouraged the force upon its arrival, and through its actions, to demonstrate its impartiality and even-handedness in dealing with the parties in Rwanda. That would clarify for all that the force had a humanitarian mandate designed to protect innocent civilians and not to intervene in the conflict between the parties. Similarly, the United States called upon the parties in Rwanda to recognize the humanitarian role of the cooperating force and to assist the force in facilitating the provision of humanitarian assistance. She observed that the French decision to send troops to Rwanda reflected the continued need to strengthen the peacekeeping capabilities of the United Nations, as well as the need for cooperative action by Member States that were willing and able to supplement United Nations peace operations in particular situations. Recent examples of such action included the allied coalitions that responded to Iraq's invasion of Kuwait and to the humanitarian crisis in Somalia, the efforts of the Economic Community of West African States (ECOWAS) in Liberia and the North Atlantic Treaty Organization action to enforce Security Council resolutions in Bosnia. The point was that to respond effectively to the variety of conflicts in the world required enough flexibility to accept imperfect solutions when no perfect solutions were available. Judgements must continually be made, on a case-by-case basis, of what was appropriate, what was consistent with principle and what would work.¹¹¹

The representative of New Zealand explained that his delegation's abstention on the draft resolution was not due to any difference on the objectives or the motives. New Zealand differed only as to the means. Recalling that his delegation had circulated a draft resolution calling for an expanded United Nations

¹¹⁰ *Ibid.*, pp. 5-6.

¹¹¹ *Ibid.*, pp. 6-7.

operation under Chapter VII of the Charter, he stressed that it shared one hundred per cent the humanitarian intentions which underlay the French initiative. However, his delegation was not convinced that that operation would be able to protect civilians from massacres. There was, to the contrary, a very grave risk that the operation would become bogged down and would undermine the United Nations attempt to put in the field the kind of operation that would work. In his delegation's view, the Council must learn from the experience in Somalia, which had shown that trying to run two separate operations in parallel with different command arrangements did not work and, in the long run, those who were to be saved could be those who suffered. Another reservation about the French initiative was that there was already clear evidence that it was having a negative impact on UNAMIR, since some countries that had offered to support UNAMIR were now hesitating. The speaker concluded by observing that the delays faced by UNAMIR would disappear overnight if France's energy, enthusiasm and resources were instead put at the disposal of the United Nations.¹¹²

The representative of Spain stated that resolution 929 (1994) spelled out the French initiative in clear and precise terms by authorizing a temporary operation — under national command and control, and acting under Chapter VII of the Charter — aimed at making an impartial contribution to the security of displaced persons, refugees and the civilian population at risk. In so doing, it attempted to achieve the humanitarian objectives set forth in resolution 925 (1994). His delegation considered it vital for such an operation to have the cooperation of the parties. Resolution 929 (1994) specified the limited objectives of the mission, its interim nature and its status as a strictly humanitarian operation that would be carried out in an impartial and neutral manner. It further specified that the operation would not constitute an interposition force between the parties and much less would it be aimed against any one of them. It was also essential to attain and to maintain close and constant cooperation with UNAMIR.¹¹³

The representative of the United Kingdom regarded the French initiative as a courageous step in response to the urgent need for protection of those

groups at risk in Rwanda. But he noted that it was only an interim measure which should not be allowed to hamper in any way UNAMIR's own deployment. His Government called on both parties in Rwanda to accept and to respect the multinational force for what it was — a humanitarian intervention sanctioned by the international community as an interim measure to protect those whose lives were at risk. At the same time, it would be vital that those forces deploying to Rwanda acted and were seen to act with clearly demonstrable impartiality and in no sense became involved in the fighting between the military forces of the parties. He cautioned that the safety of United Nations soldiers and the longer-term UNAMIR mission could well be crucially affected by the way the multinational operation was carried out.¹¹⁴

The representative of the Czech Republic noted that it was in the context of Member States' failure to promptly provide the resources necessary for the implementation of UNAMIR's expanded mandate that the Government of France had offered to undertake, with the consent of the Council and in conjunction with some other Member States, a multinational operation in Rwanda. It was to be an operation strictly humanitarian in character, which should be conducted in an impartial and neutral manner. His delegation took note of the misgivings voiced both within and outside the Council about the proposed operation, and would itself have preferred that consent be secured from the two warring parties in Rwanda prior to the deployment of the multinational force. His delegation was also concerned at the fact that the mandate of the multinational force was limited to a two-month period, whereas it would take almost three months for the expanded UNAMIR to be effectively deployed. He therefore strongly supported the Secretary-General's view that the Governments participating in the multinational force should commit themselves to maintaining their troops in Rwanda until UNAMIR was strong enough to take over.¹¹⁵

The representative of Nigeria saluted the French initiative, particularly after it became clear that the impression was being conveyed that the crisis in Rwanda was an African crisis which required an exclusive African solution. However, his delegation was unable to go along with the French initiative.

¹¹² *Ibid.*, p. 7.

¹¹³ S/PV.3392/Corr.1.

¹¹⁴ S/PV.3392, pp. 8-9.

¹¹⁵ *Ibid.*, p. 9.

Nigeria believed that the most valuable and appropriate framework for pursuing the peace process in Rwanda was UNAMIR. The situation in Rwanda constituted a threat to international peace and security. Under such circumstances, the United Nations, through the Security Council, retained a primary responsibility. Therefore, any effort — be it unilateral, bilateral or multilateral — was best subsumed within it. His delegation also believed that a parallel command structure in Rwanda of UNAMIR on the one hand and of the French-led intervention force on the other was most unlikely to produce a climate conducive to peace in Rwanda. Equally important was that the French initiative had far-reaching political and geo-strategic implications for the entire continent as it tried to grapple with problems of crisis management, conflict resolution and development.¹¹⁶

**Decision of 1 July 1994 (3400th meeting):
resolution 935 (1994)**

At its 3400th meeting, on 1 July 1994, the Security Council included the report of the Secretary-General dated 31 May 1994¹¹⁷ in its agenda. Following the adoption of the agenda, the President (Pakistan) drew the attention of the members of the Council to a draft resolution submitted by the representatives of Argentina, the Czech Republic, France, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States.¹¹⁸

Speaking before the vote, the representative of Spain noted that the report of the Secretary-General stressed the genocidal nature of the killings that took place in Rwanda and that, according to the Special Rapporteur of the Commission on Human Rights, there could be no doubt that genocide was being committed in Rwanda. Faced with that situation, the international community could not remain passive, particularly given the specific terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, a crime which was termed a crime against humanity. One objective of the draft resolution before the Council was the establishment of an impartial Commission of Experts to examine and analyse all the available information on the serious violations of international humanitarian law committed in Rwanda since the beginning of the conflict. As the Secretary-General had

pointed out in his report, only a proper investigation could establish the facts in order to determine responsibility. Spain had promoted that initiative because it felt that the Council should react to the grave violations of international humanitarian law, including acts of genocide being perpetrated with impunity, by determining the facts and bringing those responsible for such crimes against humanity to justice. At the same time, it was extremely important that efforts continue and be intensified to promote a ceasefire and political dialogue, as well as to speed up the deployment of the expanded UNAMIR. In that regard, the establishment of a Commission of Experts would contribute to clarifying the facts with respect to the killings in Rwanda and to the carrying out of justice and would also make it possible to facilitate a political settlement by focusing responsibility on specific persons rather than on ethnic, social or political groups.¹¹⁹

The representative of the United States stated that, as the Council recognized by passing the draft resolution before it, the international community demanded that those who had committed atrocities in Rwanda since 6 April 1994 be held accountable. It was clear that there were acts of genocide in Rwanda, and they ought to be pursued. He noted that the draft resolution continued the process begun by the appointment by the Commission on Human Rights of a Special Rapporteur for Rwanda. Thus, it was acknowledged that implementation of human rights standards must be an integral part of every United Nations action taken on Rwanda. The Commission of Experts must build upon the work of the Special Rapporteur and work with him to carry out its mandate without duplicating his efforts. The role of the High Commissioner for Human Rights as coordinator of human rights activity throughout the United Nations system was, of course, vital in that regard. The Council's goal must be individual accountability and responsibility for grave violations of international humanitarian law in Rwanda. By fixing responsibility on those who had directed those acts of violence, the Council could transform revenge into justice, affirm the rule of law and bring the cycle of violence to a close. He added that the Council must be ready to respond as quickly as possible to the Commission's report. It was imperative that it avoid any unnecessary

¹¹⁶ *Ibid.*, p. 10.

¹¹⁷ S/1994/640.

¹¹⁸ S/1994/775.

¹¹⁹ S/PV.3400, pp. 2-3.

delay in bringing to justice those responsible for serious breaches of international humanitarian law.¹²⁰

The representative of France stated that systematic violations of human rights and genocide had been committed in Rwanda. The draft resolution would establish a Commission of Experts to investigate such violations, which should make it possible to identify those responsible for these crimes so that the Council could then decide, on the basis of the Secretary-General's recommendations, under which jurisdiction they could be dealt with. His delegation considered it indispensable that the work of the High Commissioner for Human Rights, of the Special Rapporteur, and of the Commission of Experts be carried out in close cooperation. He noted further that the priority in Rwanda was to put an end to the human rights violations and to the massacres. It was for that sole objective that France had intervened within the framework of "Operation Turquoise", with a United Nations mandate, in order to ensure continuity while awaiting the deployment of the expanded UNAMIR. He concluded by emphasizing the special responsibility of the media that incited ethnic hatred and violence and urged those in charge of the radio stations concerned, and primarily Radio Mille Collines, to put an end to such criminal propaganda.¹²¹

The draft resolution was then put to the vote and adopted unanimously as resolution 935 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Reaffirming, in particular, its resolutions 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, by which it expanded the United Nations Assistance Mission for Rwanda, and stressing in this connection the need for early deployment of the expanded Mission to enable it to carry out its mandate,

Recalling its presidential statement of 30 April 1994 in which it, inter alia, condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalled that persons who instigate or participate in such acts are individually responsible,

Recalling also the requests it addressed to the Secretary-General in its presidential statement of 30 April 1994 and in resolution 918 (1994), concerning the investigation of serious

violations of international humanitarian law committed in Rwanda during the conflict,

Having considered the report of the Secretary-General of 31 May 1994, in which he noted that massacres and killings had continued in a systematic manner throughout Rwanda and also noted that only a proper investigation could establish the facts in order to enable the determination of responsibility,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights, and noting the appointment of a Special Rapporteur for Rwanda, pursuant to Commission on Human Rights resolution S-3/1 of 25 May 1994,

Expressing once again its grave concern at the continuing reports indicating that systematic, widespread and flagrant violations of international humanitarian law, including acts of genocide, have been committed in Rwanda,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide;

2. *Calls upon* States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to grave violations of international humanitarian law, including breaches of the Convention on the Prevention and Punishment of the Crime of Genocide, committed in Rwanda during the conflict, and requests States, relevant United Nations bodies and relevant organizations to make this information available within thirty days of the adoption of the present resolution and as appropriate thereafter and to provide appropriate assistance to the Commission of Experts referred to in paragraph 1 above;

3. *Requests* the Secretary-General to report to the Council on the establishment of the Commission of Experts, and further requests the Secretary-General, within four months from the establishment of the Commission, to report to the Council on the conclusions of the Commission and to take account of those conclusions in any recommendations for further appropriate steps;

4. *Also requests* the Secretary-General and, as appropriate, the United Nations High Commissioner for Human Rights, through the Secretary-General, to make the information submitted to the Special Rapporteur for Rwanda available to the

¹²⁰ Ibid., pp. 3-4.

¹²¹ Ibid., p. 5.

Commission of Experts and to facilitate adequate coordination and cooperation between the work of the Commission and the Special Rapporteur in the performance of their respective tasks;

5. *Urges* all concerned fully to cooperate with the Commission of Experts in the accomplishment of its mandate, including responding positively to requests from the Commission for assistance and access in pursuing investigations;

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

After the vote, the representative of New Zealand emphasized that the central purpose of resolution 935 (1994) was to provide a means for establishing the facts of the genocide. Once those facts had been established, then appropriate steps could be taken to determine how persons responsible for such acts, particularly the persons responsible for their planning and organization, could be brought to justice. He noted that genocide and other grave breaches of humanitarian law were international crimes subject to universal jurisdiction. The Council had recently taken steps to ensure that persons suspected of committing war crimes in the former Yugoslavia could be brought to justice. It could be no less concerned about the commission of such offences in Rwanda. The immediate need was therefore to ensure that information on the killings was collected and organized so that there would at least be a basis upon which subsequent prosecutions, whether undertaken internationally or through the Rwandan legal system, could proceed. The aim of the resolution was not retribution but justice. He noted further that it was not intended that the Commission of Experts should duplicate or cut across the work being carried out by the High Commissioner for Human Rights or the Special Rapporteur appointed by the Commission on Human Rights. His delegation saw the tasks to be pursued by the High Commissioner and the Special Rapporteur on the one hand, and the Commission of Experts on the other, as being quite distinct. The mechanism provided for in resolution 935 (1994) was a small step, but it was important. It demonstrated that the international community accepted its responsibility to uphold the laws proscribing genocide and that it had the will to help the Rwandese people come to terms with what had happened in their country.¹²²

The representative of China stated that although his delegation had voted in favour of resolution 935

¹²² *Ibid.*, pp. 5-6.

(1994), he wanted to place on record the following two points: first, his delegation had always maintained that the various organs of the United Nations should perform their functions in accordance with the mandates given them by the Charter. It was concerned with the increasing involvement of the Council in matters that were by nature within the purview of other organs. In its view, the Council should act as directed by the Charter and focus its efforts on its already heavy and important task of maintaining international peace and security as mandated by the Charter. Based on that position, his delegation had reservations on those elements in the resolution concerning the High Commissioner for Human Rights and the Special Rapporteur. Secondly, his delegation held that the establishment of the Commission of Experts as authorized by the resolution was an exceptional action adopted in line with the special situation in Rwanda and, therefore, should not be considered as a precedent.¹²³

Decision of 6 July 1994: letter from the President to the General Assembly

By a letter dated 2 July 1994 addressed to the President of the Council,¹²⁴ the Secretary-General transmitted a letter dated 1 July 1994 from the representative of France on the deterioration of the situation in Rwanda and the danger of a further humanitarian tragedy.¹²⁵ He informed the Secretary-General that fighting outside the capital, which had spread to the south and the west, had resulted in an influx of tens of thousands of fleeing inhabitants. The continued fighting in south west Rwanda was creating a situation that, in humanitarian terms, would quickly become completely uncontrollable. The entire country risked being the scene of major outbreaks of violence. France warned that if a ceasefire was not brought about immediately, it would be obliged to either withdraw from Rwandan territory while endeavouring to save human lives, or to organize a safe humanitarian zone. France believed that, on the basis of resolutions 925 (1994) and 929 (1994), it was authorized to organize such a safe humanitarian zone. Nevertheless, it was its wish that, through the Secretary-General, the United Nations should indicate its support for the establishment of such a zone.

¹²³ *Ibid.*, p. 7.

¹²⁴ S/1994/798.

¹²⁵ *Ibid.*, annex.

In a letter dated 6 July 1994,¹²⁶ the President of the Council informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 2 July 1994 transmitting a communication from the Government of France has been brought to the attention of the members of the Security Council.

Deliberations of 11 July 1994 (3402nd meeting)

At its 3402nd meeting, on 11 July 1994, the Security Council resumed its consideration of the item.

The representative of France stated that the recent period in the history of the United Nations had demonstrated the limits of the Organization's ability to act, which resulted from the fact that it could not take the place of States or parties to a conflict that themselves lacked the necessary political resolve. Yet, no one could deny the role the United Nations had played in restoring peace in Cambodia and El Salvador or in saving human lives in Somalia and Bosnia. No one could fail to recognize the progress the United Nations had made in helping to resolve humanitarian crises in which a restrictive interpretation of the principles of the Charter and, above all, political obstacles did not permit it to intervene. France had made a major contribution that made it possible — with due respect for the essential principle of the sovereignty of States — to respond to humanitarian crises that represented a clear threat to peace. It was in the spirit of France's commitment, along with the United Nations, to seeing the principles of the Charter increasingly affirmed in international life that the French Government decided to react to the tragedy in Rwanda and appealed to the Council to authorize an emergency humanitarian intervention in that country, an intervention which was the only way of ending the massacres and the exodus of people on a scale never before seen on the continent of Africa. Reporting on the progress made by the French operation, he stated that the operation's humanitarian goal had been largely attained. The massacres had almost completely stopped in places where French forces were present, and a large volume of humanitarian aid had been delivered. However, the needs exceeded the capacity of France and the few countries working with it in the operation. In his view, the action of the entire international community should be pursued in three directions. First,

at the humanitarian level, in view of the flow of refugees into the humanitarian safe area set up in south-west Rwanda and the desperate situation of the country as a whole, only firm action by States, United Nations humanitarian agencies and non-governmental organizations could prevent hunger and sickness from following upon the massacres. Secondly, reinforcements for UNAMIR should be deployed as soon as possible. The French and Senegalese forces in Rwanda could not of themselves take the place of an operation established by the Council. That was not their mission, nor was it the intention of the Government of France, which indicated at the very start of Operation Turquoise that it intended to withdraw its troops at the end of July. Only the presence of a sizeable United Nations force on Rwandan territory would make it possible to begin the country's recovery by promoting a return to stability and the expansion of humanitarian action. France therefore urgently appealed to the international community to do everything possible to enable the strengthened UNAMIR to be deployed quickly. Finally, it was up to the United Nations, OAU and the States of the Great Lakes region to use their influence to bring about a stable political solution that would allow Rwanda to find reconciliation and, in the spirit of the Arusha Agreement, the necessary social and political consensus. In that regard, the United Nations bodies with competence in the field of human rights should follow through on the procedures that had been started. He concluded by stating that the fate of Rwanda depended on the international community's ability to ensure that the United Nations peacekeeping mission be successfully carried out. It was thus imperative that France's effort should be assumed by the international community as a whole.¹²⁷

The representative of Argentina stated that the irreproachable humanitarian operation led by France in Rwanda was being carried out in accordance with the norms of neutrality and impartiality established by the Council in resolution 929 (1994) for a strictly humanitarian purpose. The tragic situation in Rwanda demanded that the international community strive to deploy the expanded UNAMIR without further delay in order to allow the Mission to fully carry out its mandate, with the consent of both the international community and the parties to the conflict. In his delegation's opinion, there was an evident need to

¹²⁶ S/1994/799.

¹²⁷ S/PV.3402, pp. 2-4.

strengthen the mechanisms of the United Nations system of collective security so that in the future the considerable operational difficulties that had delayed the deployment of UNAMIR could be avoided.¹²⁸

**Decision of 14 July 1994 (3405th meeting):
statement by the President**

By a letter dated 14 July 1994 addressed to the President of the Council,¹²⁹ the representative of France requested an urgent meeting of the Council in view of the rapid deterioration of the situation in Rwanda resulting in a massive exodus of the civilian population, which, he said, might lead to a further humanitarian disaster and threaten peace and security in the region.

At its 3405th meeting, on 14 July 1994, in response to the request from the representative of France, the Council resumed its consideration of the item. Following the adoption of the agenda, the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹³⁰

The Security Council is alarmed by the continuation of fighting in Rwanda, which is causing a massive exodus of the population. This situation may lead very quickly to a further humanitarian disaster and endanger the stability of the region, since the flow of these refugees is seriously affecting the neighbouring countries.

In the light of this grave situation, the Council:

Demands an immediate and unconditional ceasefire and invites the parties to report to the Force Commander of the United Nations Assistance Mission for Rwanda on their actions in this respect;

Urges the resumption of the political process in the framework of the Arusha Peace Agreement and calls upon the countries of the region, the Secretary-General, his Special Representative and the Organization of African Unity to contribute actively to it;

Reaffirms the humanitarian nature of the secure area in the south-west of Rwanda and demands that all concerned fully respect this. It will keep the matter under close review;

Urges Member States, United Nations agencies and non-governmental organizations to mobilize all available

resources in order urgently to provide humanitarian assistance to the civilian population in distress;

Calls upon Member States to provide the necessary contributions in order to ensure the deployment of the expanded Mission in the immediate future.

The Council is determined to follow very closely the development of the situation in Rwanda and remains actively seized of the matter.

**Decision of 10 August 1994 (3414th meeting):
statement by the President**

On 3 August 1994, pursuant to resolutions 925 (1994) and 929 (1994), the Secretary-General submitted to the Council a report on the situation in Rwanda.¹³¹ The Secretary-General reported that since the adoption of those resolutions, the situation in Rwanda had been transformed. RPF had established military control over most of the country. On 18 July 1994, it had unilaterally declared a ceasefire, effectively ending the civil war, and, on 19 July 1994, a broad-based Government of National Unity was formed. Although the flight of people seemed to have slowed, the humanitarian situation remained volatile and extremely fluid. Of particular concern was the possibility of another massive outflow from the humanitarian protected zone in south-western Rwanda when the French forces withdrew by 31 July 1994. The international community was therefore confronted with four basic humanitarian challenges: to respond to immediate life-saving needs of refugees; to facilitate the early return of those who had fled their homes; to restore basic infrastructure in Rwanda; and to ensure a smooth transition in the humanitarian protected zone established by French forces. With the situation on the ground in Rwanda having changed radically over the past few weeks, UNAMIR had adjusted its operational plans to ensure stability and security in the north-western and south-western regions of Rwanda; stabilize and monitor the situation in all regions of Rwanda in order to encourage the return of refugees and the displaced population; provide security and support for humanitarian assistance operations inside Rwanda as humanitarian organizations arranged the return of refugees; and promote, through mediation and good offices, national reconciliation in Rwanda.

The Secretary-General noted that, given the agony of Rwanda, it was all the more tragic that the

¹²⁸ *Ibid.*, p. 5.

¹²⁹ S/1994/823.

¹³⁰ S/PRST/1994/34.

¹³¹ S/1994/924.

international community had hesitated for so long to intervene. It must now ensure that those responsible for such crimes were brought to justice. Moreover, the international community must do everything in its power to alleviate the appalling human suffering in the refugee camps in Zaire, as well as in the United Republic of Tanzania, Uganda and Burundi, and to enable refugees and displaced persons to return to their homes or other safe areas in reasonable security. In that connection, the Secretary-General was grateful to those Governments that had decided to deploy troops to Rwanda and/or Zaire in order to support the humanitarian effort. At the same time, he was becoming concerned by the problems of coordination that would arise if several foreign forces under national command were working alongside UNAMIR, which was under United Nations command and the forces loyal to the new Government. Ideally, all foreign forces engaged in support of the humanitarian effort should be part of UNAMIR. If that were not possible, he would urge that the deployment of the foreign forces should be authorized by the Council, even if their mandate was purely humanitarian, and that formal liaison arrangements be established between them and UNAMIR.

The Secretary-General concluded by stating that the ultimate political aim must be the installation of a broad based system of government that would give all elements of society, irrespective of ethnic origin or social level, a sense of security and a stake in the country. The Arusha Agreement still provided principles and a broad framework for establishing such a system. OAU and the United Republic of Tanzania, which were instrumental in the negotiation of the Arusha Agreement, would have a special role to play. Rwanda's four neighbours also had a special responsibility to promote stability in Rwanda and to ensure that their territories were not used for further destabilization.

At its 3414th meeting, on 10 August 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to several documents.¹³²

¹³² Letters dated 19 July 1994 from the Chargé d'affaires a.i. of Zaire (S/1994/861), 2 August 1994 from the Chargé d'affaires a.i. of the United Republic of Tanzania (S/1994/922), 1 August 1994 from the Secretary-General (S/1994/923), 5 August 1994 from the Chargé d'affaires a.i.

He then stated that, following consultations among members of the Council, he had been authorized to make the following statement¹³³ on behalf of the Council:

The Security Council remains extremely concerned at the situation, as described in the report of the Secretary-General of 3 August 1994 and oral briefings by the Secretariat, in Rwanda and in the countries of the region where millions of displaced persons and refugees are concentrated in extremely precarious conditions from the standpoint of both food and sanitation.

Bearing in mind the extreme seriousness of this situation, the Council considers that at present the most immediate task is to respond to the massive humanitarian crisis created by the population movements. To this end, the Council expresses its appreciation to all Member States, United Nations agencies, non-governmental organizations and individuals who responded to this humanitarian challenge and encourages them to continue and intensify their efforts, in particular in Rwandan territory, with a view to alleviating to the best of their ability the situation of all those who have fled from their homes and villages.

The Council believes, furthermore, that the rapid return of the refugees and displaced persons to their homes is essential for the normalization of the situation in Rwanda. In this regard, the Council strongly condemns attempts to intimidate refugees carried out by those who are seeking to prevent them from returning to Rwanda. It urges the former leadership of Rwanda and those who have assumed political responsibility in the refugee camps to cooperate with representatives of the current Government in reconciliation and repatriation efforts and cease forthwith attempts and propaganda campaigns directed at destabilizing the situation in Rwanda and inducing refugees to stay in exile.

The Council, moreover, welcomes the declared readiness of the new Government of Rwanda to encourage the return of the refugees and displaced persons, ensure their protection and their legal rights and allow aid to reach those who require it anywhere in the country. It considers that the new Government of Rwanda is responsible for the rapid implementation of these commitments, which are essential for speeding up the return of refugees to Rwanda.

The Council also calls upon the Government of Rwanda to ensure that there are no reprisals against those who wish to return to their homes and resume their occupations. To this end, the Council encourages the Government of Rwanda to cooperate with the United Nations, in particular with the Commission of Experts established pursuant to Council resolution 935 (1994) of

of Tunisia (S/1994/945) and 4 August 1994 from the Deputy Representative of Germany (S/1994/950), all addressed to the President of the Security Council; and letters dated 4 and 8 August 1994 from the Chargé d'affaires a.i. of France to the Secretary-General and the President of the Council (S/1994/933 and S/1994/944).

¹³³ S/PRST/1994/42.

1 July 1994, in ensuring that those guilty of the atrocities committed in Rwanda, in particular the crime of genocide, are brought to justice through an appropriate mechanism or mechanisms which will ensure fair and impartial trials in accordance with international standards of justice. In this connection, the Council welcomes the recent statement by the new Government of Rwanda supporting the establishment of an international tribunal and welcomes the report of the Secretary-General of 26 July 1994 on the establishment of the Commission of Experts and the letter from the Secretary-General dated 29 July 1994 concerning the appointment of its members, and urges the Commission to submit its conclusions as soon as possible.

The Council welcomes the Secretary-General's intention to adapt the practical tasks of the United Nations Assistance Mission for Rwanda to the evolving situation within the framework of Council resolution 925 (1994) of 8 June 1994. The Council underlines the fact that the full deployment of the Mission will be important to establish a more secure environment in order to accelerate the process of return of refugees and displaced persons and to prevent further population movements, in particular from the secure humanitarian area, which might exacerbate the situation in neighbouring countries. For this reason, it is essential that the contingents that are to be part of the Mission are deployed without further delay and that the technical assistance they require for this purpose is provided to them as soon as possible.

The Council also notes the importance of the deployment in Rwandan territory of civilian observers responsible for monitoring the establishment of a more secure environment, and in this regard welcomes the measures envisaged by the United Nations High Commissioner for Human Rights, within his mandate, with the assistance of certain Member States.

The Council reaffirms, as the Secretary-General emphasizes in his report of 3 August 1994, that the Arusha Peace Agreement constitutes an appropriate frame of reference for promoting national reconciliation in Rwanda. The Council reminds the Government of Rwanda of its responsibility for bringing its people together again in national reconciliation. In this context, the Council commends the countries neighbouring Rwanda and the Organization of African Unity for their commitment and assistance towards the solution of the conflict in Rwanda, and encourages them to continue to promote stability in the country and the entire region. The Council believes that, for their part, the neighbouring countries are also responsible for ensuring that their territories are not used for further destabilization of the situation.

**Decision of 14 October 1994 (3436th meeting):
statement by the President**

On 6 October 1994, pursuant to resolution 925 (1994), the Secretary-General submitted to the Council

a progress report on UNAMIR.¹³⁴ The Secretary-General reported that since the ceasefire was declared on 18 July 1994, the fighting in Rwanda had all but ceased. The Broad-based Government of National Unity had established control over the whole of the national territory. There was steady progress in efforts to normalize the situation inside Rwanda and the Government seemed to recognize the need to include all its citizenry, regardless of ethnicity, within its administrative and security structures. While over 2 million Rwandese refugees remained in the neighbouring countries, the Government had undertaken efforts, in coordination with the United Nations, to encourage their safe and voluntary return to Rwanda. The Secretary-General had instructed his Special Representative to undertake a mission to Zaire and the United Republic of Tanzania to address the problem of the presence of former political leaders, military elements and militia in the Rwandese refugee camps, especially those in Zaire, which had had a destabilizing effect on security in the camps. His Special Representative had concluded that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese Government Forces soldiers and militias from the rest of the refugee population. In order to address more fully the problems associated with that and to evaluate the financial, logistic and security requirements, a joint Zairian/United Nations working group was established.

The Secretary-General further endorsed the recommendation made by the Commission of Experts in its preliminary report that trials of individuals suspected of serious breaches of international humanitarian law, crimes against humanity and acts of genocide be carried out by an international criminal tribunal. He noted that the Commission considered it preferable that the jurisdiction of the International Tribunal for the Former Yugoslavia be expanded to cover international crimes committed in Rwanda from 6 April 1994 rather than to create a separate ad hoc international criminal tribunal. It was for the Council to decide on the course of action to be adopted.

The Secretary-General also urged the Government of Rwanda to maintain an open dialogue with all political interest groups, including former government officials, except for individuals who were found, through due process, to have been directly

¹³⁴ S/1994/1133.

implicated in acts of genocide. He concluded by observing that the evolving developments in and around Rwanda strengthened the case for a broader approach to the question of national reconciliation and the other aspects of the crisis. Recalling that the mission which the Council had dispatched to Burundi on 13 and 14 August 1994 had recommended, *inter alia*, that an international conference be convened to look into the problems of the subregion, he stated that he would continue to consult with all relevant parties with a view to determining how the United Nations could assist in the preparation and convening of such a conference.

At its 3436th meeting, on 14 October 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom) drew the attention of the members of the Council to a letter dated 28 September 1994 addressed to the President of the Council from the representative of Rwanda.¹³⁵ He then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹³⁶

The Security Council has considered the progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda. The Council stresses the importance it attaches to the role of the Mission, whose neutral and independent presence is crucial to creating conditions of security. It welcomes the Secretary-General's revised deployment schedule for the Mission which is intended to promote security in all sectors of the country and create conditions conducive to the return of refugees. It also welcomes the assistance being provided by the Mission to the efforts of the Government of Rwanda to establish a new integrated police force. It encourages the Mission to continue that assistance and asks the Secretary-General to provide it with detailed information on this programme.

The Council remains extremely concerned at the plight of the millions of refugees and displaced persons in Rwanda and the countries of the region. It reiterates its view that their return to their homes is essential for the normalization of the situation in Rwanda and for the stabilization of the region. It deplores the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home. It welcomes the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety of both the refugees and the international personnel providing humanitarian assistance to the refugees.

¹³⁵ S/1994/1115.

¹³⁶ S/PRST/1994/59.

The Council notes the view expressed in the report that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese Government Forces soldiers and militias from the rest of the refugee population, and looks forward to receiving a further report from the Secretary-General on this issue, as soon as possible, based, *inter alia*, on the findings of the United Nations team participating in the joint Zairian/United Nations working group. It stresses once again the responsibilities which fall upon the neighbouring countries, including that of ensuring that their territories are not used to destabilize the situation.

The return of refugees is also crucially dependent upon the situation within Rwanda itself, including the existence of a climate of confidence and the establishment of a more secure environment. The Council notes the important role human rights monitors and their speedy deployment will have in this context and notes also the importance of cooperation between them and the Mission. The Council stresses the importance it attaches to the Mission having an effective broadcasting service to provide objective information. It hopes that the Government of Rwanda will assist in enabling the proposed United Nations radio station to come into operation as soon as possible.

The Council welcomes the efforts being made by the Government of Rwanda to facilitate the return of refugees and to begin the difficult process of national reconciliation and reconstruction in the country. It notes with concern reports that some reprisals may have occurred and affirms the importance it attaches to the avoidance of reprisals against returnees and to the safeguarding of their property rights. It welcomes the speed with which the United Nations and the Government of Rwanda responded to allegations that some Rwandese Patriotic Army soldiers might have been responsible for systematic killings. It underlines the importance it attaches to the thorough and expeditious investigation of these allegations.

The Council welcomes the assurance given to Council members by President Bizimungu of his Government's commitment to achieving national reconciliation and promoting respect for the fundamental rights of individuals. The Council stresses the importance it attaches to the Government of Rwanda implementing this commitment. In this context, it endorses the Secretary-General's call to the Government of Rwanda to maintain an open dialogue with all political interest groups in Rwanda in an effort to achieve genuine reconciliation between all elements of Rwandan society, within the frame of reference of the Arusha Peace Agreement. In particular, the Council encourages the Government of Rwanda to continue its efforts to invite members of the *Mouvement républicain national pour le développement* who were not involved in the massacres to participate in the Government and to absorb members of the former Rwandese Government Forces into the new army.

The Council reaffirms its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice. It stresses that persons involved in such acts cannot achieve immunity from prosecution

by fleeing the country and notes that the provisions of the Convention relating to the Status of Refugees do not apply to such persons. In this context, the Council is currently considering the recommendations of the Commission of Experts in respect of the establishment of an international tribunal and will act expeditiously in the matter.

The Council commends the assistance given by the international community, the United Nations agencies and non-governmental organizations in response to the crisis in Rwanda. It calls on them to maintain their support during the difficult transition period and to begin to redirect their support from relief to rehabilitation and reconstruction. It endorses the Secretary-General's views as to the importance of immediate and coordinated assistance, in particular to the restoration of civil administration and the reconstruction of the social and economic infrastructure of the country.

The Council agrees with the Secretary-General that developments in Rwanda strengthen the case for a broader approach to the question of national reconciliation and other key aspects of the crisis. It encourages him to continue his consultations on how the United Nations can assist in the preparation and convening of an international conference to look into the problems of the subregion.

The Council will remain seized of the matter.

**Decision of 8 November 1994 (3453rd meeting):
resolution 955 (1994)**

By a letter dated 1 October 1994,¹³⁷ the Secretary-General submitted to the President of the Council the interim report of the Commission of Experts.¹³⁸ The Secretary-General drew his attention to the preliminary conclusions reached by the Commission, namely, that in the period from 6 April to 15 July 1994 individuals from both sides to the armed conflict had perpetrated serious breaches of international humanitarian law; individuals from both sides to the armed conflict had perpetrated crimes against humanity in Rwanda; and acts of genocide against the Tutsi group were perpetrated by Hutu elements in a concerted, planned, systematic and methodical way. The Commission had not uncovered any evidence to indicate that Tutsi elements perpetrated acts committed with the intent to destroy the Hutu ethnic group as such. It recommended that the Council ensure that the individuals responsible for the foregoing grave violations of human rights in Rwanda during the armed conflict were brought to justice before an independent and impartial international

criminal tribunal. It had further recommended that the Council amend the statute of the International Tribunal for the Former Yugoslavia so that it could consider crimes committed in Rwanda.

At its 3453rd meeting, on 8 November 1994, the Council considered the item entitled "The situation concerning Rwanda: Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States". Following the adoption of the agenda, the President (United States) drew the attention of the members of the Council to several documents¹³⁹ as well as to a draft resolution submitted by Argentina, France, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States.¹⁴⁰

Speaking before the vote, the representative of the Russian Federation stated that those responsible for the crimes committed in Rwanda must receive the punishment they deserved. That was the major, but not the sole, task of the international tribunal which was to be created. The Russian Federation also believed that by its activity the tribunal must promote the process of national reconciliation, the return of refugees, and the restoration and maintenance of peace in Rwanda. Support for the draft resolution would give yet another clear and unequivocal signal that the international community would not tolerate serious violations of norms of international humanitarian law and disregard for the rights of the individual. He further noted that the history of the establishment of international tribunals, first in the former Yugoslavia and then in

¹³⁹ Report of the Secretary-General on the establishment of the Commission of Experts pursuant to paragraph 1 of resolution 935 (1994) (S/1994/879); letters dated 29 July 1994 from the Secretary-General (S/1994/906), 28 September 1994 from the representative of Rwanda (S/1994/1115), 1 October 1994 from the Secretary-General, transmitting the preliminary report of the independent Commission of Experts established in accordance with resolution 935 (1994) (S/1994/1125) and 31 October 1994 from the Chargé d'affaires a.i. of Uganda (S/1994/1230), all addressed to the President of the Security Council; and note by the Secretary-General transmitting the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda (S/1994/1157).

¹⁴⁰ S/1994/1168.

¹³⁷ S/1994/1125.

¹³⁸ *Ibid.*, annex.

Rwanda, reinforced his country's conviction that a permanent international criminal court must be established in the near future.¹⁴¹

The draft resolution was then put to the vote and adopted by 13 votes in favour, 1 against (Rwanda) and 1 abstention (China), as resolution 955 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the report of the Secretary-General submitted pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994, and his letter dated 29 July 1994, and having taken note of the reports of the Special Rapporteur for Rwanda of the Commission on Human Rights,

Expressing its appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the letter from the Secretary-General dated 1 October 1994,

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Stressing the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the

territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

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

1. *Decides* hereby, having received the request of the Government of Rwanda, to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, and to this end to adopt the statute of the International Tribunal for Rwanda annexed hereto;¹⁴²

2. *Decides* that all States shall cooperate fully with the International Tribunal for Rwanda and its organs in accordance with the present resolution and the statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under article 28 of the statute, and requests States to keep the Secretary-General informed of such measures;

3. *Considers* that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the statute;

4. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal for Rwanda, including the offer of expert personnel;

5. *Requests* the Secretary-General to implement the present resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal for Rwanda, including recommendations to the Council as to possible locations for the seat of the Tribunal at the earliest time, and to report periodically to the Council;

6. *Decides* that the seat of the International Tribunal for Rwanda shall be determined by the Council, having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions, and decides that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

¹⁴² For the text of the statute, see *Resolutions and Decisions of the Security Council, 1994* (S/INF/50), resolution 955 (1994), annex.

¹⁴¹ S/PV.3453, pp. 2-3.

7. *Decides* to consider increasing the number of judges and Trial Chambers of the International Tribunal for Rwanda if it becomes necessary;

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

After the vote, the representative of France stated that individuals, regardless of the community to which they belonged, must be brought to trial and judged if they had violated the most fundamental rules of war, if they had committed crimes against humanity and, above all, if they had committed acts of genocide. Such acts unquestionably fell within the jurisdiction of an international court which could forcefully and impartially see that justice was served on behalf of all mankind. Because of their particular seriousness, the offences which fell within the competence of the Tribunal were a threat to peace and international security which justified recourse to Chapter VII of the Charter. Such a solution which was binding on all States had the additional merit of eliminating the possibility of any prosecution that was undertaken against suspects being in any way tinged by suspicion of vengeance or subjectivity. Thus the Tribunal should in its own way contribute to restoring civil peace to the territory of Rwanda. He noted that not all perpetrators of serious offences could be tried by the International Tribunal, which would have to determine itself which cases it could appropriately deal with, while the other suspects would remain subject to the national jurisdiction of Rwanda or of other States. He noted also that the Tribunal would be competent to deal with offences committed between 1 January and 31 December 1994. If major infractions, together with violations of humanitarian law, were repeated after the end of 1994, the Council would be entitled to extend the Tribunal's competence beyond the time period envisaged. In conclusion, he hoped that the judgement of such cases in the future would fall within the competence of a permanent international criminal court established by treaty. In France's view, it was only because such a court did not exist that the Council had had to make use of its powers to establish a first and then a second ad hoc international tribunal. Such an initiative on the part of the organ entrusted with the maintenance of peace was legitimate and indispensable.¹⁴³

The representative of New Zealand stressed that resolution 955 (1994) was a decision which the

Council was taking on behalf of all the Members of the United Nations. Article VII of the Convention on the Prevention and Punishment of the Crime of Genocide envisaged action under the Charter to suppress genocide, and article VI of the Convention envisaged the establishment of international tribunals to try persons charged with genocide. The Council was therefore acting within the framework of international law when it used its authority under the Charter to respond, as it had done, to the recommendation of the Commission of Experts. The Council had acted quickly, but it had also acted responsibly. It was regrettable, however, that the resolution was not adopted by consensus. The speaker recalled that the Government of Rwanda had requested the Tribunal, and was therefore disappointed that it had not supported the resolution. His delegation understood that that was principally because of the desire of the Government of Rwanda that those convicted of genocide should be executed. In that regard, he noted that for over three decades, the United Nations had been trying progressively to eliminate the death penalty and that it would therefore be entirely unacceptable to introduce it in there. It would also go against the spirit of the Arusha Agreement, which the Government of Rwanda had pledged to honour and which had committed all parties in Rwanda to accept international human rights standards. New Zealand could not support any proposals that would change the international character of the Tribunal or introduce any suggestion that the Tribunal could be subordinated to Rwandan political intervention. The speaker further noted that the Council did not simply produce an add-on to the Tribunal for the Former Yugoslavia, for it recognized that there were important differences between the two situations. Moreover, the focus of the jurisdiction of the Tribunal was not on war crimes, but on genocide, as Rwanda had requested. He also noted that the Tribunal would be specific to Rwanda and that its temporal jurisdiction had been expanded backwards, to January 1994, so as to include acts of planning for the genocide that occurred in April of that year. He believed that the Council had tried genuinely to accommodate Rwanda's reasonable concerns and hoped that Rwanda would in turn offer its cooperation to the Tribunal. In that connection, he observed that the guarantee of a fair and impartial trial would go some way to encouraging the millions of Rwandese refugees

¹⁴³ S/PV.3453, pp. 3-4.

in neighbouring countries to return to their homeland.¹⁴⁴

The representative of the United Kingdom noted that the Commission of Experts had strongly recommended the creation of an international criminal tribunal for Rwanda rather than a domestic tribunal because in its view an international tribunal would best meet the objectives of independence, objectivity and impartiality. The Commission had also pointed out that the gravity of the human rights violations committed in Rwanda extended far beyond that country — they concerned the international community as a whole — and, furthermore, that there was a need to ensure justice not only in respect of atrocities already perpetrated, but also as a matter of deterrence for the future. His Government shared those views. The speaker stressed that it was essential to maintain in the statute and in the resolution the international character of the Tribunal, which meant that some changes sought could not be agreed without sacrificing that character. But he was sure that the Council could expect from the Government of Rwanda the degree of cooperation that was demanded of all Member States in relation to resolutions adopted under Chapter VII. Resolution 955 (1994) made clear that all Member States would have obligations in relation to the Rwanda Tribunal.¹⁴⁵

According to the representative of Argentina, the establishment of the ad hoc Tribunal by the Council responded to the specific circumstances being confronted by Rwanda and was the result of a specific request made by the Government of Rwanda for rapid and effective action to contribute to reconciliation and reconstruction and to the maintenance of peace in Rwanda. The Tribunal having been set up as an ad hoc organ, it was clear that it was not authorized to establish rules of international law or to legislate as regards such law but, rather, it was to apply existing international law. He pointed out that for a standing international tribunal to be established as legitimate and effective, it should be the result of a treaty agreed among sovereign States. His delegation was satisfied to see that the guidelines contained in the statute of the Tribunal could adequately ensure due legitimacy and transparency for the decisions of the Tribunal, as well

¹⁴⁴ Ibid., pp. 4-6.

¹⁴⁵ Ibid., p. 6.

as the human rights and fundamental freedoms of those accused.¹⁴⁶

The representative of Brazil stated that his country was neither convinced that the competence to establish and/or to exercise an international criminal jurisdiction was among the constitutional powers of the Council nor that the option of resorting to a resolution of the Council was the most appropriate method for such a purpose. He noted that the authority of the Council was not self-constituted, but rather originated from the delegation of powers conferred upon it by the whole membership of the Organization under Article 24 (1) of the Charter. For that reason, the Council's powers and responsibilities under the Charter should be strictly construed, and could not be created, recreated or reinterpreted by decisions of the Council itself. Moreover, the Council's responsibilities lay not in the judicial or institution-building field, but in the maintenance of international peace and security. Therefore, in Brazil's view, the invocation of Chapter VII of the Charter for the purpose of establishing an international tribunal went beyond the competence of the Council as clearly defined in the Charter. Moreover, since genocide was one of the most serious crimes to be tried by the Tribunal, the principle set out in article VI of the Convention on the Prevention and Punishment of the Crime of Genocide, according to which the jurisdiction of an international penal tribunal must be accepted by the party concerned, should have been observed. Brazil would have preferred that an initiative of that nature had received a much deeper and more thorough examination, with the appropriate participation of the broad membership of the United Nations. Brazil's preferred method for the creation of an international criminal tribunal remained the conclusion of a convention by the international community clearly setting up the tribunal's jurisdiction and terms of reference. As in the case of the establishment of the Tribunal for the former Yugoslavia, Brazil's vote on the establishment of the International Tribunal for Rwanda should not be construed as an overall endorsement of the procedural or substantive elements involved. In Brazil's view, neither of those instances established any legal precedent for the future. Yet, given that the overriding purpose of the International Tribunal was to bring to justice those responsible for the massacres, Brazil voted in favour of its establishment while

¹⁴⁶ Ibid., p. 8.

qualifying its support with the serious foregoing reservations, both procedural and substantive. Exceptional ad hoc initiatives by the Council might not be the best way to promote the consistent, balanced and effective application of international humanitarian law or to create an environment conducive to the enhancement of the rule of law in international public order.¹⁴⁷

According to the representative of China, the establishment of an international tribunal for the prosecution of those who were responsible for crimes that gravely violated international humanitarian law was a special measure taken by the international community to handle special problems. It was only a supplement to domestic criminal jurisdiction and the exercise of universal jurisdiction over certain international crimes. China was not in favour of invoking at will Chapter VII of the Charter to establish an international tribunal through the adoption of a resolution. However, it was for the purpose of upholding justice and bringing to justice as soon as possible those responsible for crimes that seriously violated international humanitarian law — and especially on the basis of the urgent desire of the Government of Rwanda, the unique circumstances then prevailing in that country and the strong demand of the African countries and the international community — that China was originally prepared to give positive consideration to the draft resolution and the draft statute. Noting that the Government of Rwanda had expressed its desire for further consultations with respect to the establishment of the Tribunal, his view was that that request should have been taken into consideration. Without full cooperation and support from the Government, it would be difficult for the Tribunal to perform its duties in an effective manner. It was therefore an incautious act to vote in a hurry on that draft resolution that the Government of Rwanda still found difficult to accept.¹⁴⁸

The representative of Spain noted that it was not only the Rwandese people but the entire international community that was affected by the events in Rwanda. That was why, for the second time in its history, the Council, acting under Chapter VII of the Charter, had established a jurisdictional organ with a specific competence but also with broad powers to hand down

judgments. While there had been unanimity in the Council on the need for the establishment of an International Tribunal for Rwanda, there had also been some differences of opinion among Council members with regard to the Tribunal's Statute. Just as in the case of the Tribunal for the former Yugoslavia, Spain believed that the independence of the International Tribunal for Rwanda was its most important attribute: independence vis à vis Governments, vis à vis national tribunals and even vis à vis the United Nations itself. Furthermore, although the new Tribunal would share with the Tribunal for the former Yugoslavia certain aspects, it would have legal independence. It was a separate Tribunal with its own Statute, its own sphere of jurisdiction and its own rules of operation. The financial implications of the work of the new Tribunal would be less, however, than those of an entirely new body, as it could benefit from a large part of the resources of the Tribunal for the former Yugoslavia. He also pointed out that the Tribunal's effectiveness would depend in the final analysis on the support, cooperation and encouragement of the international community. The speaker further noted that the decision to adopt resolution 955 (1994) was within the authority conferred by the Charter upon the Council to act in cases of threats to peace. Nonetheless, the establishment of the Tribunal — as in the case of the former Yugoslavia — should in no way cut off the international community's access to the path towards the establishment of a universal criminal jurisdiction. Case-by-case solutions might be adequate for reasons of urgency, but a general institution would provide a better solution to specific problems.¹⁴⁹

The representative of Nigeria, while regretting that Rwanda was unable to support resolution 955 (1994), noted that the new Government of Rwanda had declared its readiness to cooperate and work with the International Tribunal. His delegation understood that the International Tribunal for Rwanda was designed not to replace, but to complement, the sovereignty of Rwanda. The international and impartial character of the Tribunal would enhance the prospects of national reconciliation in Rwanda. At the same time, he noted that the establishment of an international tribunal was without prejudice to the setting up by the Government of Rwanda of a national tribunal that it might wish to

¹⁴⁷ Ibid., pp. 8-10.

¹⁴⁸ Ibid., p. 11.

¹⁴⁹ Ibid., pp. 11-13.

establish to address issues concurrently on the basis of national perspectives and interest.¹⁵⁰

The representative of Rwanda stated that there were a number of reasons why the Government of Rwanda had requested the establishment of an international tribunal. First, the Rwandese Government wanted to involve the international community and to enhance the exemplary nature of a justice that would be seen to be completely neutral and fair. Secondly, it appealed for an international presence in order to avoid any suspicion of its wanting to organize speedy, vengeful justice. Thirdly, it wanted to make it easier to get at those criminals who had found refuge in foreign countries. Fourthly, the genocide committed in Rwanda was a crime against humankind and should be suppressed by the international community as a whole. His Government, however, was still not satisfied with resolution 955 (1994) or with the statute of the International Tribunal for Rwanda as it stood. It regarded the dates set for the *ratione temporis* competence of the Tribunal from 1 January to 31 December 1994 as inadequate, having proposed the period from 1 October 1990, the beginning of the war, to 17 July 1994, the end of the war. An international tribunal which refused to consider the causes of the genocide in Rwanda and its planning, and the pilot projects that preceded the major genocide of April 1994, could not be of any use to Rwanda, because it would not contribute to eradicating the culture of impunity or creating a climate conducive to national reconciliation. The composition and structure of the Tribunal were also inappropriate and ineffective. There was an intention to disperse the Tribunal resources and energy by prosecuting crimes that came under the jurisdiction of internal tribunals. The draft resolution and statute did not indicate the order of priority for crimes considered by the Tribunal. There was also a concern that certain countries which took a very active part in the civil war in Rwanda might propose candidates for judges to the Tribunal and participate in their election. His Government could not accept that the draft statute of the Tribunal proposed that those condemned be imprisoned outside Rwanda and that those countries be given the authority to reach decisions about the detainees. That was for the International Tribunal or at least for the Rwandese people to decide. Furthermore, the Tribunal established a disparity in sentences since it ruled out capital

¹⁵⁰ Ibid., p. 13.

punishment, although it was provided for in the Rwandese penal code, thereby generating a situation which was not conducive to national reconciliation in Rwanda. Finally, his Government had called for the establishment of an international tribunal to, inter alia, teach the Rwandese people a lesson, to fight against the impunity to which it had become accustomed and to promote national reconciliation. It therefore seemed clear that the seat of the International Tribunal should be set in Rwanda; it would have to deal with Rwandese suspects, responsible for crimes committed in Rwanda against the Rwandese. Establishing the seat of the Tribunal on Rwandese soil would promote the harmonization of international and national jurisprudence. For those reasons, his Government had decided to vote against the draft resolution.¹⁵¹

The President, speaking in her capacity as representative of the United States, expressed regret at the decision of Rwanda to vote against the resolution and urged its Government to honour its obligation to cooperate fully with the International Tribunal. Her Government fully supported the establishment of a Tribunal office in Kigali and agreed that a great deal of the Tribunal's work should necessarily proceed in Rwanda. It also looked forward to further consultations on the official seat of the Tribunal. The speaker stressed that one major challenge was the finding of adequate funding for the Tribunal and urged all Member States to make voluntary contributions. She concluded by saying that the international community had a responsibility to see that the Tribunal could accomplish its objective, one that the Council increasingly recognized: to hold individuals accountable for their violations of international humanitarian law.¹⁵²

**Decision of 30 November 1994 (3472nd
meeting): statement by the President**

On 18 November 1994, pursuant to the presidential statement of 14 October 1994, the Secretary-General submitted to the Council a report on security in the Rwandese refugee camps.¹⁵³ The report focused on the issue of security in the camps in Zaire. The Secretary-General reported that an estimated 1.2 million people who had fled Rwanda in mid-July to the Kivu region of Zaire, were living in overcrowded,

¹⁵¹ Ibid., p. 13-16.

¹⁵² Ibid., p. 17-18.

¹⁵³ S/1994/1308.

chaotic and increasingly insecure camps. The camps were controlled by former Rwandese political leaders, government forces and militia who were determined to ensure by force, if necessary, that the refugees did not repatriate to Rwanda. It was believed that they might be stockpiling and selling food distributed by relief agencies in preparation for an armed invasion of Rwanda. Security was further undermined by general lawlessness and criminal activity. That situation had led to the withdrawal of non-governmental relief organizations. Another reason for the slow pace in the repatriation of refugees was their fear of reprisals by the Government for atrocities committed during the genocide.

The Secretary-General identified three options to improve security in the camps: (a) a United Nations peacekeeping operation,¹⁵⁴ which option he favoured; (b) a United Nations force, set up under Chapter VII of the Charter; and (c) a multinational force, authorized by the Council under Chapter VII of the Charter but not under United Nations command. He observed that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to improve security in the Rwandese refugee camps, especially those in Zaire. Any operation to achieve that would be futile without parallel efforts towards national reconciliation in Rwanda. It would also be a difficult, complex, and to some extent, unprecedented enterprise.

The Secretary-General further stated that a two-pronged approach must be adopted of addressing security issues in the camps and, at the same time, helping the Rwandese Government to create conditions in Rwanda under which large-scale repatriation and reintegration of refugees and internally displaced people could take place. The Government also needed immediate and major financial and technical assistance from the international community, in the establishment of security, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese. In that regard, about 60 human rights monitors had been deployed in the country to monitor the conditions of returning refugees and internally displaced people. Furthermore, UNAMIR was planning to deploy political affairs officers specifically to assist the Government in promoting national reconciliation

and re establishing civil administration and to facilitate coordination between the activities of UNAMIR and those of other United Nations agencies and programmes.

The Secretary-General indicated that it was his intention to concentrate all the efforts of the United Nations system on the immediate priorities of establishing secure conditions in the refugee camps in Zaire and of providing financial and technical assistance to the Government of Rwanda. Once progress had been made on those two fronts, he would work with OAU to address the wider problems of the subregion. The first step in that direction would be the convening of the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, which was decided upon by OAU at Tunis in June 1994 and endorsed by the General Assembly in its resolution 49/7. At a later stage, a broader conference should be convened jointly by the United Nations and OAU to address a range of political and other issues, including national reconciliation and land related questions, in order to identify long-term solutions which would ensure peace, security and development in the subregion.

At its 3472nd meeting, on 30 November 1994, the Security Council included the report in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a letter dated 15 November 1994 addressed to the Secretary-General from the representative of Zaire.¹⁵⁵ She then stated that, following consultations among members of the Council, she had been authorized to make the following statement on behalf of the Council:¹⁵⁶

The Security Council has considered carefully the report of the Secretary-General of 18 November 1994 on security in the Rwandan refugee camps, particularly those located in Zaire. It is gravely concerned at the situation described in the report of the Secretary-General.

The Council condemns the actions being taken by the former Rwandan leaders and by former government forces and militias to prevent, in some cases by force, the repatriation of the refugees in the camps. It also condemns the ongoing interference by these groups and individuals in the provision of humanitarian relief, and is deeply concerned that this interference has already led to the withdrawal of some

¹⁵⁴ Ibid., paras.18-25.

¹⁵⁵ S/1994/1305.

¹⁵⁶ S/PRST/1994/75.

non-governmental agencies responsible for the distribution of relief supplies within the camps.

The Council is alarmed at the indications that these same groups and individuals may be preparing for an armed invasion of Rwanda. It deplores the fact that food distributed by relief agencies for those in the camps is apparently being misappropriated for this purpose. The Council condemns all such actions. It warns these persons, many of whom may have been implicated in the genocide and other serious violations of international humanitarian law unleashed on Rwanda in April 1994, that their actions will only reinforce the determination of the international community to ensure that such persons are brought to justice. The Council also stresses once again the responsibilities of neighbouring countries for ensuring that their territories are not used to destabilize the situation inside Rwanda.

The Council notes the statement in the report of the Secretary-General that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to reduce intimidation of prospective returnees and to improve security in the Rwandan refugee camps, especially those in Zaire. The Council attaches equal importance to the Secretary-General's observation that any operation to achieve this would be futile without parallel efforts to promote national reconciliation and reconstruction in Rwanda. The Council stresses the imperative of reinvigorating the political process to provide a framework for any action taken to address security in the camps and the repatriation of Rwandan refugees to Rwanda. The framework should include a mechanism for sustaining a dialogue between the Government of Rwanda, refugee representatives and the United Nations.

The Council considers that the options described in the report of the Secretary-General raise complex issues which require further elucidation. The Council requests the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peacekeeping operation modelled along the lines described in paragraphs 18 to 25 of the report of the Secretary-General, namely to create secure areas within large camp sites, providing safe conditions for the refugees in those areas. The Council requests the Secretary-General to provide a detailed description of the objectives, rules of engagement and costs of such an operation as soon as possible. The Council further requests the Secretary-General to continue to explore as appropriate all possible means of addressing the problems in the camps. The Council will be giving further urgent consideration to this question in the light of the additional information it receives from the Secretary-General.

The Council encourages the Secretary-General to assess the taking, on an interim basis, of initial measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contract arrangements, to train and monitor the local security forces. The Council also requests the

Secretary-General to consider what steps need to be taken to address the question of security in the refugee camps in the United Republic of Tanzania and Burundi. However, the Council is concerned that the use of local security forces without international involvement may not prove to be an effective approach to the security problems in the camps.

The Council recognizes that, in the wake of the events that have overtaken Rwanda, the Government needs immediate and major financial assistance, particularly in the establishment of security conditions inside the country, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese.

The Council notes the deployment of sixty human rights officers in the country and the steps taken by the United Nations Assistance Mission for Rwanda to promote the re-establishment of civil administration throughout the country and looks forward to full deployment. The Council also welcomes the fact that procedures are being instituted, with the cooperation of the Government of Rwanda, to make operational the International Tribunal for Rwanda established by resolution 955 (1994) of 8 November 1994.

The Council reminds Member States that, in accordance with its resolution 925 (1994) of 8 June 1994, the Secretary-General has established a trust fund which could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda. It calls upon the international community to provide the resources needed for the Rwanda Emergency Normalization Plan, the forthcoming round-table meeting sponsored by the United Nations Development Programme and the consolidated inter-agency appeal.

The Council welcomes the Secretary-General's intention to work with the Organization of African Unity to address the wider problems of the subregion.

The Council notes that preparations are under way for convening at Bujumbura in the near future a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, sponsored by the Organization of African Unity and endorsed by the General Assembly in its resolution 49/7 of 25 October 1994. It also notes the Secretary-General's view that the United Nations and the Organization of African Unity should jointly convene at a later stage a broader conference to address a range of political and other issues, including national reconciliation, in order to identify long-term solutions to ensure peace, security and development in the subregion. Given the urgent need to take forward the political process as part of an overall strategy, including action on security in the camps and conditions inside Rwanda, the Council requests the Secretary-General to consider how preparations for this conference can be accelerated.

The Council will remain seized of the matter.

Decision of 30 November 1994 (3473rd meeting): resolution 965 (1994)

On 25 November 1994, pursuant to resolution 925 (1994), the Secretary-General submitted to the Council a progress report on UNAMIR.¹⁵⁷ The Secretary-General reported that the political situation in Rwanda had witnessed both positive and negative developments. The Broad-based Government of National Unity continued to place emphasis on creating conditions that would allow the Rwandese refugees and displaced persons to safely return to their homes. It was concentrating its efforts on ensuring public security, restoring the civil administration and reconstructing the country's social and economic infrastructure. The Government had also publicly advocated the fair treatment of returning refugees, as well as reconciliation between all political groups. A further measure towards national reconciliation had been the incorporation of over 2,000 soldiers of the Rwandese government forces into the Rwandese Patriotic Army. However, while the lack of financial resources had been a major factor in impeding activities towards national reconciliation, there were some reasons to believe that the Government could do more, even within its meagre resources, to ensure that all Rwandese were part of the political process aspects. On the humanitarian front, the Secretary-General reported that in several critical areas throughout the country, both returnee programmes and recovery activities continued to be hampered by the presence of landmines. Efforts were under way to identify those areas and to intensify mine-awareness campaigns. The human rights field operations launched by the United Nations High Commissioner for Human Rights had established seven regional offices and 60 human rights officers had arrived in Rwanda. Their presence had had a positive effect on the communities where they were deployed. The Secretary-General said he was completing the practical arrangements for the effective functioning of the International Tribunal.

Furthermore, UNAMIR had reached its full authorized strength of 5,500 all ranks and continued to assist with refugees and populations at risk. At the request of the Government, UNAMIR had initiated a police training programme.

The Secretary-General noted that the situation in Rwanda remained critical and the country continued to

face daunting problems. While he was encouraged by the Government's efforts, in cooperation with the international community, to stabilize the situation, new threats and challenges continued to emerge that might complicate further an already difficult situation and jeopardize the limited progress made thus far. In particular, the creeping militarization of the refugee camps had created a painful dilemma for the international community. The Secretary-General also underlined the importance of the efforts of the Governments in the region and of OAU, both among themselves and in cooperation with the United Nations, to find durable solutions to the problems of Rwanda.

The Secretary-General recommended that the mandate of UNAMIR be extended for a further six months, until 9 June 1995. During that period, UNAMIR would continue its functions and strengthen its good offices role in order to facilitate more expeditious movement towards peace and national reconciliation. It would also continue to support existing efforts towards a regional approach to the problems created by the crisis in Rwanda. Such a regional approach should include the convening of an international conference to identify long-term solutions that would ensure peace, security and development in the subregion.

At its 3473rd meeting, on 30 November 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁵⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 965 (1994), which reads:

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate of the Mission,

Having considered the progress report of the Secretary-General of 25 November 1994 on the Mission,

Noting the report of the Secretary-General of 18 November 1994 on security in the Rwandan refugee camps,

¹⁵⁷ S/1994/1344.

¹⁵⁸ S/1994/1360.

Recalling its resolution 955 (1994) of 8 November 1994 establishing the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994,

Stressing the importance of achieving genuine reconciliation between all elements of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting the deployment of human rights officers to Rwanda by the United Nations High Commissioner for Human Rights in order to monitor the ongoing human rights situation, to help redress existing problems and prevent possible human rights violations from occurring, to help foster a climate of confidence and the establishment of a more secure environment and thus facilitate the return of refugees and displaced persons, and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice,

Noting also that the widespread dispersal of landmines is causing hardship to the civilian population and is hampering the return of refugees and displaced persons and other humanitarian relief efforts,

Welcoming the establishment by the Secretary-General of a trust fund, pursuant to resolution 925 (1994) of 8 June 1994,

1. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda until 9 June 1995;

2. *Reaffirms* that the Mission will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

(c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

3. *Decides* to expand the mandate of the Mission to include the following additional responsibilities within the limits of the resources available to it:

(a) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;

(b) Assist in the establishment and training of a new, integrated, national police force;

4. *Strongly urges* the Government of Rwanda to continue its cooperation with the Mission in the implementation

of its mandate and in particular in ensuring unimpeded access to all areas of Rwanda by Mission forces, personnel of the International Tribunal for Rwanda and human rights officers;

5. *Welcomes* the efforts of the Mission to increase its radio broadcasting capabilities so as to reach the refugee camps in neighbouring countries, and expresses the hope that it will soon be possible for the Government of Rwanda to conclude appropriate arrangements with the Mission in this regard, including the allocation of a radio frequency;

6. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and encourages them to continue and increase such assistance, particularly in Rwanda;

7. *Requests* the Secretary-General to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine-clearance programme in Rwanda;

8. *Calls upon* the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the trust fund established pursuant to resolution 925 (1994);

9. *Requests* the Secretary-General, following the usual consultations, to inform the Council should he consider that the additional tasks set out in paragraph 3 above require consideration of an adjustment in the logistic and personnel requirements of the Mission;

10. *Decides* to keep under review the situation in Rwanda and the role played by the Mission and, to that end, requests the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995 on the discharge by the Mission of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees;

11. *Commends* the efforts of the Secretary-General, his Special Representative and his Special Humanitarian Envoy to coordinate the United Nations response to the various aspects of the crisis in Rwanda;

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

After the vote, the representative of France stated that the maintenance of UNAMIR in Rwanda was necessary to enable the country to regain stability. It was also an indispensable guarantee for the return of Rwandese refugees and their reintegration into their country. His delegation welcomed the deployment in the country of human rights observers, whose work should help restore trust among refugees who had already returned to Rwanda. He further stated that the national reconciliation of all Rwandese clearly did not depend solely on financial resources provided to the Government of Rwanda and made reference in that

regard to the Secretary-General's remark that while the lack of financial resources had been a major factor in impeding activities towards national reconciliation, there were some reasons to believe that the Government could do more, even within its meagre resources, to ensure that all Rwandese were part of the political process. Trust must be fully restored in Rwanda. It was also essential that the Council act promptly and take the necessary decisions to resolve the security question in the camps. The implementation of those two points — restoration of trust in Rwanda and security in the refugee camps — would make it possible for the international community to continue to commit itself fully to a settlement of the Rwandese crisis by promoting the repatriation of the refugees, which was an indispensable prelude to the reconciliation of all Rwandese.¹⁵⁹

The representative of New Zealand noted that the presidential statement on the security situation in the camps outside Rwanda and the resolution renewing the mandate of UNAMIR for a further six months were two very important decisions which dealt with two critical and related matters. It was thoroughly appropriate that they had both been adopted on the same day and that they were the subject of distinct Council actions. New Zealand believed that UNAMIR continued to have a vital role to play in ensuring security for persons at risk in Rwanda and also in the process of national reconciliation and reconstruction in that country. UNAMIR's neutral and independent presence was crucial to creating the conditions of security which the returnees needed. International assistance in providing relief and in getting reconstruction efforts under way was also absolutely essential, and the protection that UNAMIR could provide to such operations was equally vital. His delegation shared the judgement of the Secretary-General that security would not be restored to the camps unless there was action to separate the genuine refugees from the influence of the political leaders and the military and paramilitary forces of the former Government. He noted that Council members had requested more information on the concept of operations for a separate peacekeeping force suggested by the Secretary-General and the likely availability of personnel before making a decision. In that regard, his delegation did not believe that private security firms could play a meaningful role in that job, adding that

the financial, legal and jurisdictional issues that would arise would effectively make such a force not useful. His delegation also queried whether a peacekeeping force alone could do the kind of task to be performed in the camps, which was really a kind of police function and not a job for soldiers. It also seemed to his delegation that if the Prosecutor of the International Tribunal was to carry out investigations, he would need security and protection. Finally, he queried whether UNAMIR itself should be tasked with a military deterrent role, for doing so might undercut its impartiality in Rwanda among the very refugees who, on their return to Rwanda, would rely on UNAMIR for their protection.¹⁶⁰

According to the representative of the United Kingdom, resolution 965 (1994) drew attention to another very important part of UNAMIR's mandate, namely, the exercise of its good offices to help achieve national reconciliation between all elements of Rwandan society. His delegation believed that without a political framework within which to address the key issues relating to national reconciliation, it would be impossible to create the conditions within Rwanda which would allow the refugees and displaced persons to return to their homes. The proposed regional conference could also play an important role in that context. However, his delegation recognized that, while it was clearly the responsibility of the Government of Rwanda to create those conditions, the Government of Rwanda did not have the resources to act alone and needed urgent and substantial assistance. He further noted that a solution to the appalling problems of Rwanda required action both within Rwanda and in the refugee camps outside its borders. His delegation would consider carefully any detailed proposals the Secretary-General may put forward to secure the camps. But any proposal for peacekeeping action put to the Council should be capable of being implemented smoothly and should, in principle, build on the cooperation with neighbouring States, particularly the Government of Zaire.¹⁶¹

According to the representative of China, the adoption of resolution 965 (1994) had demonstrated the support of the international community, and the Security Council in particular, for UNAMIR to further its efforts of good offices to help achieve national

¹⁵⁹ S/PV.3473, pp. 3-4.

¹⁶⁰ *Ibid.*, pp. 4-5.

¹⁶¹ *Ibid.*, p. 5.

reconciliation in Rwanda at an early date. It had also emphasized that the international community should further support the Government of Rwanda and encourage it to play a fuller role in creating the necessary conditions for the return of refugees. Although his delegation had voted in favour of the resolution, he wanted to make it clear that it had reservations about the elements in the resolution concerning human rights officers. While China agreed that UNAMIR should do its best to protect United Nations personnel in Rwanda, it had always held that United Nations agencies should carry out their duties respectively according to the mandates entrusted to them by the Charter and that therefore the Council should refrain from involving itself in what essentially fell within the terms of reference of other agencies.¹⁶²

Commenting on his Government's achievements, the representative of Rwanda stated that its main task was to address the issue of national reconciliation within the framework of the implementation of the Arusha Peace Agreement. At the political level, all the elements of Rwandese society had been integrated into the various national institutions, with the exception of the elements implicated in genocide and other massacres, and more than 2,000 soldiers of the former Rwandese government forces had been incorporated into the Rwandese Patriotic Army. Moreover, the Government had established a territorial administration that sought to promote national reconciliation. The National Assembly, which had been recently established, included all the political parties of the country, except one, including the parties of the army. Turning to economic, administrative and social aspects, he noted that various obstacles had been placed in the path of his Government's efforts, preventing it from achieving results. The lack of adequate personnel and resources explained why his Government was not able to implement its policy of national reconciliation and reconstruction. Bilateral and multilateral aid was needed to enable his Government to live up to the expectations of national and international opinion vis-à-vis national reconciliation, the restoration of total peace, and the reconstruction and socio-economic development of Rwanda. It was highly regrettable in that regard that some countries were having recourse to impediments at their disposal to deprive Rwanda of the massive external assistance it needed. He concluded by stating that his delegation voted in favour of resolution

965 (1994) to show his Government's support for the work of UNAMIR. But he stressed that the national priority was more national reconstruction, and less and less soldiers and weapons.¹⁶³

The representative of the United States stated that because the situation in Rwanda had changed since the Council had last extended UNAMIR's mandate, it was necessary in resolution 965 (1994) to clarify that mandate. She noted that the mandate was originally designed before the establishment of the International Tribunal for Rwanda and before human rights monitors were deployed by the United Nations High Commissioner for Human Rights. The renewed mandate therefore made it clear that human rights monitors and Tribunal personnel were entitled to protection. Her delegation did not believe that additional UNAMIR personnel would be required to carry out such protection functions, which UNAMIR had already begun to perform. It was important that UNAMIR provide security for all the Tribunal's personnel, as well as for their premises, to ensure that they could carry out their work effectively and free from fear for their personal safety. Her delegation believed that UNAMIR could carry out its responsibilities within existing resources. If the Secretary-General determined that additional resources might be necessary at some time in the future, he should inform the Council, which could then consider whether to authorize additional resources.¹⁶⁴

Deliberations of 15 December 1994 (3481st meeting)

At its 3481st meeting, on 15 December 1994, the Council resumed its consideration of the item. The President (Rwanda), in accordance with rule 20 of the Council's provisional rules of procedure¹⁶⁵ and bearing in mind the presidential statement of 16 September 1994,¹⁶⁶ invited the representative of Argentina to take the chair for the purpose of the consideration of the item on the agenda.

The representative of Rwanda contended that the criminal elements in the refugee camps in the countries neighbouring Rwanda enjoyed support and were strengthened by international assistance directed to

¹⁶³ Ibid., pp. 9-10.

¹⁶⁴ Ibid., p. 10.

¹⁶⁵ See also chapter I.

¹⁶⁶ S/PRST/1994/55.

¹⁶² Ibid., p. 6.

them almost blindly because of inconsistent policies and the violation of laws and rules governing some United Nations bodies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), with regard to who was a refugee and who was not. The criminals had again started to intimidate and kill ordinary, innocent people. His Government believed that the criminal groups could be disarmed decisively and relocated to places where they could not pose an immediate security threat to Rwanda, and appealed to the international community, within the framework of the United Nations, to assist Zaire in dealing with that problem. He also stated that the role of UNAMIR was certainly appreciated, which was why his Government had favoured the renewal of its mandate. He stressed that his Government had done what it could to meet the immediate needs of the population, but did not have adequate means to do so and to put into practice its principles of good governance based on justice for all Rwandese. It appealed to the international community to shoulder its responsibility to assist the Government in helping Rwandese to help themselves. He concluded by stating that peace and stability in Rwanda and in the region depended upon what the international community could do and how swiftly it could do it.¹⁶⁷

Decisions of 10 February 1995 (3500th meeting): statement by the President and letter from the President

On 25 January 1995, pursuant to the presidential statement of 30 November 1994,¹⁶⁸ the Secretary-General submitted to the Council his second report on security in the Rwandese refugee camps.¹⁶⁹ The Secretary-General noted that, while there had been some positive developments since his last report in respect of the creation of conditions conducive to repatriation, the continuing presence of nearly 2 million Rwandese refugees in Burundi, the United Republic of Tanzania and Zaire was a matter of serious concern. The general security situation in the camps remained dangerous for both refugees and relief workers. The situation was also potentially destabilizing for the host countries and for the subregion as a whole. The only effective solution to that problem remained the safe and voluntary repatriation of refugees. The Government of Rwanda

had signed tripartite agreements with UNHCR and the Governments of Burundi and Zaire respectively on the voluntary repatriation of refugees and was involved in an ongoing dialogue with the Government of the United Republic of Tanzania on that issue. The Secretary-General had dispatched a technical mission to Rwanda, the United Republic of Tanzania and Zaire from 11 to 19 December 1994 to review the situation prevailing in the camps. The mission had confirmed the feasibility of a peacekeeping operation along the lines described in the Secretary-General's report of 18 November 1994, but had considered that the operation would require more than the originally estimated 3,000 to 5,000 troops. The Secretary-General stated, however, that only one country had offered troops and that, in those circumstances, the option of deploying a peacekeeping force to address the security issues in the refugee camps in Zaire was not feasible. Following the presidential statement of 30 November 1994, the Secretary-General had explored alternative measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts to train and monitor the local security forces. Neither option appeared feasible, at least at the moment. After consultations with UNHCR, it had been decided that that office would follow up with Zaire to conclude appropriate arrangements to enhance security in the camps.

The Secretary-General observed that peacekeeping was essentially an instrument for conflict management and resolution. It was not designed and had not generally been used to ensure security in refugee camps. Indeed, it had traditionally been the responsibility of the host countries to provide security to the refugees located on their territory, albeit with an appropriate level of support from the international community. There was no doubt, however, that the innocent civilians who fled Rwanda deserved the continued attention and assistance of the international community. The Secretary-General therefore strongly urged the international community to support the efforts of UNHCR, in cooperation with the Governments of Zaire and the United Republic of Tanzania, to put in place satisfactory security arrangements in the camps and to provide generously the resources required for that purpose. Strengthening security in the camps was an indispensable step for creating conditions conducive to the voluntary repatriation of the refugees. The Secretary-General

¹⁶⁷ S/PV.3481, pp. 2-3.

¹⁶⁸ S/PRST/1994/75.

¹⁶⁹ S/1995/65.

further noted that the summit meeting of the leaders in the subregion, held at Nairobi on 7 January 1995, had usefully contributed towards defining a framework to address security in the camps and repatriation of the refugees. In his view, it should facilitate the work to be undertaken during the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region to be hosted by OAU and UNHCR at Bujumbura in mid-February. He hoped that the Conference would open the way to the holding of a broader conference aimed at identifying long-term solution to promote and ensure peace, security and development in the subregion.

By a letter dated 1 February 1995 addressed to the President of the Council,¹⁷⁰ the Secretary-General stated that on 27 January 1995, Zaire and UNHCR had signed an aide-mémoire outlining specific measures to improve the security situation in the refugee camps. Under that agreement, the Government of Zaire would deploy 1,500 military and police security personnel to the camps. In accordance with its mandate, UNAMIR would assist in escorting the repatriated refugees to their home communities and would coordinate with UNHCR to facilitate the repatriation process. The Secretary-General's Special Representative would continue to have overall responsibility for all matters relating to United Nations efforts to assist in the restoration of peace and stability in Rwanda.

At its 3500th meeting, on 10 February 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Botswana) drew the attention of the members of the Council to the above-mentioned letter and to a letter dated 1 February 1995 addressed to the President of the Council from the representative of Rwanda.¹⁷¹ He then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁷²

The Security Council has considered the second report of the Secretary-General dated 25 January 1995 on the security in the Rwandese refugee camps, particularly those located in Zaire and his letter dated 1 February 1995 on this subject.

The Council agrees with the Secretary-General's assessment that the present situation in many of the refugee

camps remains dangerous for both refugees and relief workers and that the situation is also potentially destabilizing for the region as a whole. It is gravely concerned at reports of continuing intimidation and security problems in the camps, particularly in Zaire and reaffirms its condemnation of actions of former Rwandese leaders living in the camps, and of former government forces and militias to prevent, in some cases by force, the repatriation of the refugees. It also remains concerned at the security threat to international relief workers. It welcomes the steps taken by some of the host countries concerned to improve the security situation in the camps. The Council remains concerned at the obstacles posed by the former civil and military authorities and militias to effective local administration by the host countries and the discharge by the Office of the United Nations High Commissioner for Refugees of its mission.

The Council attaches great importance to the earliest possible action to address the security problems in the camps. In this context it welcomes the decision that the Office of the United Nations High Commissioner for Refugees, under its refugee protection and humanitarian assistance mandate, conclude appropriate arrangements with the Government of Zaire to enhance security in the camps. It welcomes the agreement between the Office of the High Commissioner and the Government of Zaire of 27 January 1995 to deploy 1,500 Zairian security forces and the Office of the High Commissioner liaison group. It also welcomes the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property and urges its full implementation. The Council urges Member States to provide the Office of the High Commissioner with the resources needed in the context of the agreement concluded between it and the Government of Zaire. It stresses the importance of close coordination of all operations with United Nations Assistance Mission in Rwanda. The Council endorses the efforts of the Office of the High Commissioner, in cooperation with the United Republic of Tanzania, to put in place security arrangements in the Tanzanian camps, and encourages the Office of the High Commissioner also to address the situation in Burundi. The Council requests the Secretary-General to report to it on a regular basis on the implementation of operations carried out by the Office of the High Commissioner.

The Council stresses the importance of ensuring that accurate information about the situation inside Rwanda is disseminated to the camps. In this respect, it reaffirms the importance of Radio UNAMIR commencing its broadcasts as soon as possible.

The Council encourages efforts to provide security in the camps and notes that they have to be accompanied by further efforts in Rwanda to ensure that refugees can return to their homes without fear of retribution or persecution. In this regard it acknowledges the achievements of the Government of Rwanda, despite the difficulty of the task and the lack of resources. It encourages the Government of Rwanda to continue to provide a framework for the action to be taken to repatriate the refugees, to promote national reconciliation, and to reinvigorate the political process and calls upon the international community to

¹⁷⁰ S/1995/127.

¹⁷¹ S/1995/103.

¹⁷² S/PRST/1995/7.

continue to support the Government of Rwanda in its task. The Council reaffirms its view that such a framework should also include an appropriate mechanism for sustaining a dialogue between the Government of Rwanda, the refugee community and the United Nations. It welcomes the conclusions of the summit meeting of leaders in the region, held at Nairobi on 7 January 1995. The Council encourages the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, established by resolution 955 (1994) in its work, and encourages as well efforts to rebuild the local Rwandan judicial system to facilitate the maintenance of law and order. The Council welcomes the commitments made at the recent Round-table Conference on Rwanda and in response to the consolidated inter agency appeal that will assist the Government of Rwanda in its efforts to rebuild the country and to promote national reconciliation.

The Council looks forward to the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, to be hosted by the Organization of African Unity and the Office of the High Commissioner at Bujumbura from 15 to 17 February 1995. The Council expresses the hope that the Conference will lead to further progress in creating the conditions necessary for the refugees and displaced persons to return to their homes and that it will facilitate the identification of long-term solutions to promote and ensure peace, security and development in the region, those issues to be the subject-matter of a further and broader conference of a political nature.

The Council underlines the fact that the presence of the refugee camps should only be temporary and that the return of the refugees to their homes in Rwanda remains the ultimate goal. It requests the Secretary-General to continue his exploration of all options and to make any further recommendations necessary for ensuring security in the camps as soon as possible and to submit a further report on this subject in the light of the outcome of the Bujumbura Conference.

The Council will remain seized of the matter and will keep it under close review.

On 6 February 1995, pursuant to resolution 965 (1994), the Secretary-General submitted to the Council a progress report on UNAMIR.¹⁷³ The Secretary-General reported that while progress continued to be made in normalizing the situation in Rwanda, many challenges remained. The Government of Rwanda had continued to take steps towards national reconciliation and reconstruction but for the most part lacked the resources to run an effective public administration. Rwanda's court system did not function, its prisons

were overcrowded and thousands of suspects were still awaiting trial. The security situation continued to be a matter of serious concern with reports of summary executions, secret detention, torture and other violent acts against civilians. The humanitarian situation remained worrying and fears of reprisals continue to exist among refugees. The Secretary-General reiterated in that regard his conviction that the dissemination of factual information was a vital tool in creating conditions for refugees and internally displaced persons to decide freely to return to their homes. He indicated that UNAMIR, which had, on 14 January 1995, signed an agreement with the Government to establish a United Nations radio in Kigali, was still awaiting the Government's response to its request for the allocation of a frequency and authorization for the installation of radio transmitters. With regard to the establishment of an effective mine-clearance programme in Rwanda, the Secretary-General informed the Council that a comprehensive plan had been proposed to the Government.

The Secretary-General reported that UNAMIR had adjusted its *modus operandi* in order to fulfil, within existing resources, its expanded mandate of providing security for personnel of the International Tribunal and the human rights officers. However, as the UNAMIR troop strength was gradually reduced to its authorized level of 5,500, difficulties could arise in fulfilling effectively the various aspects of the mandate. The issue of UNAMIR's force strength might, therefore, have to be revisited in the coming months. The Secretary-General further noted that in order to meet its expanding functions under resolution 965 (1994), the civilian police component of UNAMIR required additional observers and material resources. He therefore recommended that the Council raise the authorized strength of the UNAMIR civilian police component from 90 to 120 observers. On the humanitarian aspects, the Secretary-General reported that although the emergency had abated, the humanitarian situation remained worrying overall. There were still some 2 million refugees sheltered in camps in the neighbouring countries and some 350,000 others were internally displaced. As soon as its consent was received, the United Nations would begin to implement the plan.

¹⁷³ S/1995/107.

By a letter dated 10 February 1995 addressed to the Secretary-General,¹⁷⁴ the President of the Council informed him of the following:

The members of the Security Council have considered your progress report on the United Nations Assistance Mission for Rwanda. They draw attention to the statement by the President of the Security Council of 10 February 1995. They agree with your recommendation that the strength of the civilian police component of the Mission should be increased from 90 to 120 police observers. They believe that an increase in the number of human rights officers in the Human Rights Field Operation in Rwanda is desirable. They also note that a functioning judicial system is essential in the government recovery programme for the establishment of internal security, and also for the return of the refugees. They attach importance to the establishment of an effective mine-clearance programme in Rwanda on the basis of the plan submitted by the United Nations in Kigali. They express their hope that the difficulties affecting the radio station of the Mission will soon be overcome and they insist that it commence broadcasting without delay.

**Decision of 22 February 1995 (3502nd meeting):
resolution 977 (1995)**

On 13 February 1995, pursuant to resolution 955 (1994), the Secretary-General submitted to the Council a report on the establishment of the International Tribunal for Rwanda.¹⁷⁵ The report contained an analysis of the legal basis for the establishment of the Tribunal and its legal status, a succinct review of the main provisions of the statute of the Tribunal where they differed from the provisions of the statute of the International Tribunal for the former Yugoslavia, an outline of the two-stage approach to the establishment of the Tribunal and the practical arrangements made thus far for its functioning, and an examination of the various options for the location of the seat of the Tribunal in the light of the criteria set out in resolution 955 (1994). With regard to the legal basis of the Tribunal, the Secretary-General recalled that the Council, in its resolution 955 (1994), determined that the situation in Rwanda continued to constitute a threat to international peace and security and, accordingly, decided to establish the International Tribunal for Rwanda under Chapter VII of the Charter. He noted that the establishment of the Tribunal under Chapter VII, notwithstanding the request received from the Government of Rwanda, was necessary to ensure not only the cooperation of Rwanda throughout the lifespan of the Tribunal, but the cooperation of all

States in whose territory persons alleged to have committed serious violations of international humanitarian law and acts of genocide in Rwanda might be situated. A Tribunal based on a Chapter VII resolution was also necessary to ensure a speedy and expeditious method of establishing the Tribunal. On the question of the location of the seat of the Tribunal, the Secretary-General reported that he had decided to send a technical mission to Rwanda, Kenya and the United Republic of Tanzania with a view to identifying suitable premises for the seat of the Tribunal. On the basis of that mission's findings and given the positions of the Governments of those countries and having, in addition, examined the considerations of justice and fairness as well as administrative efficiency, as mandated by resolution 955 (1994), it was his conclusion that the choice of Rwanda as the location of the seat would not be feasible or appropriate and that Arusha, Tanzania, should be selected as the seat of the Tribunal. He therefore recommended to the Council that, subject to appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda.

At its 3502nd meeting, on 22 February 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁷⁶

Speaking before the vote, the representative of Rwanda recalled that one of the reasons that could have prompted his delegation to vote against resolution 955 (1994), which Rwanda itself had requested, was the question of the location of the seat of the Tribunal. The Tribunal should sit in Rwanda given that it was a tribunal for judging Rwandans. For practical reasons, his delegation believed that shifting the seat of the Tribunal away from Rwanda would entail mobilizing immense resources to ensure that the guilty were there to be tried and for travel and subsistence costs for witnesses and plaintiffs. His delegation would have preferred the seat of the Tribunal to be in Rwanda, so that Rwandans could see justice done. Within the framework of cooperation with the Tribunal, however, his Government was not opposed to it being located in

¹⁷⁴ S/1995/130.

¹⁷⁵ S/1995/134.

¹⁷⁶ S/1995/148.

a neighbouring country in order to minimize the effects of its being outside the country. His delegation shared the concern expressed by the Secretary-General about the justice and fairness which the Tribunal needed. Nevertheless, the fact that that argument had been used in favour of relocating the Tribunal outside Rwanda did not mean that his delegation agreed with it in any way. He added that the concern for justice in Rwanda shown by the Council implied that serious thought must be given to support for the Rwandan courts competent to supplement the work of the Tribunal.¹⁷⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 977 (1995), which reads:

The Security Council,

Recalling its resolution 955 (1994) of 8 November 1994,

Having regard to its decision contained in paragraph 6 of resolution 955 (1994) that the seat of the International Tribunal for Rwanda shall be determined by the Council,

Having considered the report of the Secretary-General dated 13 February 1995 and *noting* the recommendation of the Secretary-General that, subject to appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda,

Noting the willingness of the Government of Rwanda to cooperate with the Tribunal,

Decides that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda shall have its seat at Arusha.

**Decision of 27 February 1995 (3504th meeting):
resolution 978 (1995)**

At its 3504th meeting, on 27 February 1995, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by the United States.¹⁷⁸

Speaking before the vote, the representative of China stated that while the Rwandese people had to rely mainly on their own strength to gradually achieve national reconciliation, they also needed encouragement and assistance from the international community, including the Security Council. He

stressed that all outside efforts and assistance should contribute to political and social stability in Rwanda, and must follow the principles of respect for State sovereignty and non-interference in others' internal affairs, as set forth in the Charter, and must be based on the necessary condition of the consent and cooperation of the Government of Rwanda.¹⁷⁹

According to the representative of the United States, it was important that persons suspected of having committed genocide in Rwanda or in States neighbouring Rwanda should be detained until the International Tribunal for Rwanda could investigate and make decisions about prosecution. Their detention would be a tangible sign of the international commitment to holding individuals accountable for such atrocities and would thus improve prospects for reconciliation in Rwanda. It would also enhance the credibility of the Tribunal. He stressed, first, that the draft resolution underscored the objective of the Tribunal. If the Tribunal was to contribute to terminating the impunity with which atrocities were committed in Rwanda in the past, it was necessary that it be able to take custody of those who committed such acts. Secondly, the draft resolution sought to ameliorate the situation in the refugee camps and to facilitate the return of the refugees. The draft resolution was thus a step in a process, which built on previous resolutions and provided further evidence of the Council's commitment to continue to move that process along.¹⁸⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 978 (1995), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 935 (1994) and 955 (1994),

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Noting that these reports were confirmed in the final report of the Commission of Experts submitted pursuant to resolution 935 (1994),¹⁸¹

Recalling the obligations contained in resolution 955 (1994), which created the International Tribunal for Rwanda,

¹⁷⁷ S/PV.3502, pp. 2-3.

¹⁷⁸ S/1995/153.

¹⁷⁹ S/PV.3504, p. 2.

¹⁸⁰ *Ibid.*, pp. 2-3.

¹⁸¹ S/1994/1405, annex.

Concerned by the conditions in the refugee camps outside Rwanda, including reports of violence directed against refugees who voluntarily wish to return to Rwanda,

Determined to put an end to violations of international humanitarian law and serious acts of violence directed against refugees, and that effective measures be taken to bring to justice the persons who are responsible for such crimes,

Taking note of the reports of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994 and 25 January 1995,

Welcoming the report of the Secretary-General dated 13 February 1995 and stressing the importance of taking all measures for the early and effective functioning of the International Tribunal for Rwanda,

Stressing the need for States to take as soon as possible any measures necessary under their domestic law to implement the provisions of resolution 955 (1994) and of the Statute of the International Tribunal for Rwanda,

1. *Urges* States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, or by the appropriate national authorities, persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda;

2. *Urges* States who detain persons referred to in paragraph 1 above to inform the Secretary-General and the Prosecutor of the International Tribunal for Rwanda of the identity of the persons detained, the nature of the crimes believed to have been committed, the evidence providing probable cause for the detentions, the date when the persons were detained and the place of detention;

3. *Also urges* States who detain such persons to cooperate with representatives of the International Committee of the Red Cross, as well as investigators for the International Tribunal for Rwanda, in order to secure unimpeded access to those persons;

4. *Condemns* all attacks against persons in the refugee camps near the borders of Rwanda, demands that such attacks immediately cease, and calls upon States to take appropriate steps to prevent such attacks;

5. *Urges* States, on whose territory serious acts of violence in the refugee camps have taken place, to arrest and detain, in accordance with their national law and relevant standards of international law, and submit to the appropriate authorities for the purpose of prosecution persons against whom there is sufficient evidence that they have incited or participated

in such acts and further urges the States concerned to keep the Secretary-General informed of the measures they have taken to this effect;

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

After the vote, the representative of France stated that resolution 978 (1995) might be useful inasmuch as it constituted a political message to all States and, in particular, those neighbouring Rwanda, that they should consider detaining those who had committed genocide and other individuals who had carried out criminal acts in and around the camps. Nevertheless, his delegation felt that adopting a resolution was never the right way to send such a message. Rather, the priority was that the International Tribunal should start work as soon as possible. Once the judges were elected and the rules of procedure adopted, it would be possible for all States that needed to do so to adopt the necessary domestic legislation to enable them to cooperate fully with the Tribunal. Until that time, arrest and detention measures were quite simply impossible in law in many States. That was why a resolution under Chapter VII requiring all States immediately to detain the suspects they had in their territory would have been absolutely out of the question. The most appropriate legal formula would have been a presidential statement calling for the Tribunal to start work soon and for States to take any measures that might be needed to adapt their criminal law, and only then requesting States to make the necessary arrests and detain people. Nevertheless, a presidential statement would have presupposed a consensus among members of the Council, which it had not been possible to achieve. He noted that resolution 978 (1995), in its final version, made no mention of Chapter VII of the Charter, addressed requests to States that were not binding in nature and specified that any detentions would be effected in accordance with their national law — which meant that only those States that had domestic legislation enabling them to act along the requested lines would be able to do so, as the resolution could not serve by itself alone as a legal basis for arresting anyone. Also, the two categories of acts — those that fell within the competence of the Tribunal and others, that is, serious acts of violence in the camps — were clearly distinguished in the text and treated separately. By limiting instances of impunity, the resolution also contributed to the return of the rule of law in Rwanda. He noted, furthermore, that the international community was following very closely any initiatives

taken by the Council in the field of international criminal law. Council members should therefore be vigilant and see to it that respect for individual freedoms in criminal legal proceedings was properly ensured under the decisions recommended by the Council.¹⁸²

The representative of Rwanda stated that resolution 978 (1995) was of great importance for Rwanda and its people, for those who committed genocide and other crimes against humanity in Rwanda had held sway in the country for three and a half decades and committed several waves of massacres with impunity, since they were carrying out Government policy. It would also make it possible to protect refugees and other citizens of Rwandese origin living in neighbouring countries. The resolution could also play a preventive role because, if the perpetrators of such crimes were not arrested, their actions were likely to set the subregion ablaze. In the context of preventive diplomacy, he reminded the Council that Rwandese and other criminals were busy training in the countries of the subregion, with the assistance and support of friendly countries, with a view to attacking Rwanda. Should that information turn out to be true, his delegation urged the Council to check and find an appropriate solution before it was too late. He noted further that resolution 978 (1995) sent a clear and firm message to other political and ethnic organizations that might be tempted to repeat what had happened in Rwanda, and told them that their actions would not go unpunished. That was why his delegation had wanted the resolution to be much stronger and much more binding than it was; it did not escape unscathed from the process of making it acceptable for adoption. In conclusion, his delegation asked the Council to ensure that Rwanda's internal security was assured so that the same criminals could not take advantage of the arms embargo against Rwanda to disturb the peace in the country. If Rwanda was to be responsible for its own security and internal peace, the Council must ditch some of the provisions that were no longer warranted from its previous resolutions.¹⁸³

¹⁸² S/PV.3504, pp. 3-4.

¹⁸³ *Ibid.*, pp. 4-5.

**Decision of 27 April 1995 (3526th meeting):
statement by the President**

On 9 April 1995, pursuant to resolution 965 (1994), the Secretary-General submitted to the Council a progress report on UNAMIR.¹⁸⁴ The Secretary-General reported that since the new Government of Rwanda had assumed office, the overall situation in the country had improved considerably. However, over the past two months, tensions and frustrations had surfaced and the security situation in the country had deteriorated. Those developments had contributed to a considerable decline in the repatriation of refugees from Zaire, the United Republic of Tanzania and Burundi. There were also reports of military training and arms build-up by elements of the armed forces of the former Government of Rwanda in neighbouring countries. The worsening security situation had strained relations between UNAMIR and the Rwandese Patriotic Army, which had frequently restricted the movement of UNAMIR personnel. That had affected UNAMIR's ability to discharge its mandated tasks fully and effectively. The relationship between UNAMIR and the Rwandese Patriotic Army had been discussed by the Secretary-General's Special Representative with the President and the Vice President of Rwanda. Both had reaffirmed their support for UNAMIR. They had also felt that, at an appropriate time, UNAMIR's mandate and its possible phase out from Rwanda should be discussed. Recalling that UNAMIR's mandate would expire on 9 June 1995, he indicated that he had requested his Special Representative to consider, in consultation with the Government, adjustments which could be made to the mandate.

The Secretary-General urged the Government of Rwanda to make more determined efforts to foster a climate of trust and confidence and to create conditions that would encourage refugees and displaced persons not suspected of involvement in the genocide to believe that they could return to their homes in safety. At the same time, steps must be taken to bring to trial, at the earliest opportunity, those who were guilty of genocide. The Secretary-General hoped that Member States would take the necessary follow-up action and help ensure that the International Tribunal for Rwanda became operational as soon as possible. The need for such steps was underlined by the recent disturbing

¹⁸⁴ S/1995/297.

reports of military training and an arms build up by elements of the armed forces of the former Government of Rwanda in neighbouring countries. The Governments on whose territory such activities might be taking place must ensure that their countries did not become bases for incursions into Rwanda.

The Secretary-General also urged donors to do all they could to accelerate the flow of aid to Rwanda, noting that Member States might wish to consider channelling funds through the Trust Fund for Rwanda. The Secretary-General further stated that the increasing harassment of United Nations and international staff serving in Rwanda was another source of serious concern. He urged the Government of Rwanda to extend to UNAMIR the necessary cooperation without which the Mission would not be able to carry out its mandate and the international community would find it more difficult to respond to Rwanda's rehabilitation needs. He also reminded the Government of its responsibility for the safety and security of all UNAMIR personnel, as well as for ensuring that their freedom of movement and access throughout the country was respected. Finally, he stated his intention to carry out necessary consultations with States of the region with a view to determining the type of assistance they might require regarding the organization of an international conference on security, stability and peace in the region.

On 14 April 1995, pursuant to the presidential statement of 10 February 1995, the Secretary-General submitted to the Council his third report on security in the Rwandese refugee camps.¹⁸⁵ The Secretary-General reported that the OAU/UNHCR Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, adopted a plan of action with a primary focus on voluntary repatriation as the preferred durable solution to the refugee problem. To achieve that goal, it had underscored the roles to be played by the countries of origin, the countries of asylum and the international community, and outlined specific measures to be taken in that regard. The Conference had further expressed the hope that a broader United Nations conference on peace, security and stability, as called for by the Council, would soon be held. Consultations on the holding of such a conference were continuing. The Secretary-General

was, however, concerned that recent developments, such as the closure of borders and attacks on refugee camps, were in blatant disregard of the agreement reached at Bujumbura, and appealed to all States to act in accordance with the recommendations of the Conference.

He further observed that both the Government of Rwanda and the international community were seriously concerned by persistent reports about arms shipments into Goma airport, allegedly for arming the former Rwandese government forces, as well as about the training of those forces on Zairian territory. Such allegations, which had been rejected by the representative of Zaire, prompted the Minister for Foreign Affairs of Zaire to request that an independent commission of inquiry be established to investigate and report on the matter. The Secretary-General therefore intended to hold consultations with the Governments of the countries concerned, as well as with OAU, on measures to respond to that request.

The deployment of the Zairian camp security contingent and the civilian security liaison group in the refugee camps had thus far had a positive effect. The Secretary-General stressed, however, that the improvement of security conditions in the camps was not enough to ensure the voluntary repatriation of all the refugees. Reports about numerous arrests and the overcrowded prisons in Rwanda had raised fears among the refugees and hindered the process of voluntary repatriation, a situation which had resulted in the decline in the number of returnees. Rebuilding the Rwandan justice system remained, therefore, an important factor in contributing to the creation of conditions conducive to the return of refugees, and efforts by the Government of Rwanda in that direction should be supported. Ultimately, voluntary repatriation would depend on the efforts of the Rwandan Government to promote genuine national reconciliation among all segments of Rwandan society and to ensure that refugees could return to their communities without fear of persecution.

At its 3526th meeting, on 27 April 1995, the Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter dated 13 April 1995 addressed to the President of the Council from the

¹⁸⁵ S/1995/304.

representative of Rwanda.¹⁸⁶ The President then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁸⁷

The Security Council has considered the progress report of the Secretary-General of 9 April 1995 on the United Nations Assistance Mission for Rwanda and his third report on security in the Rwandese refugee camps of 14 April 1995, as well as the oral briefings from the Secretariat on the tragic events on 22 April 1995 at the Kibeho camp for internally displaced persons.

The Council condemns the killing of numerous civilians in the camp and is encouraged by the decision of the Government of Rwanda to carry out a full investigation of these events without delay and to bring to justice those responsible. In this regard it welcomes the decision of the Rwandan authorities to establish an independent inquiry with United Nations and other international participation to carry out this investigation of the events. The Council also requests the Secretary-General to report to it, without delay, on these events and on the role of the Mission.

The Council is concerned by the generally deteriorating security situation in Rwanda. It underlines that the Government of Rwanda bears primary responsibility for maintaining security throughout the country and for the safety of internally displaced persons and returnees, as well as for ensuring respect for their basic human rights. In this context it reaffirms the need for coordination between the Government of Rwanda and the Mission and other agencies on these matters. The Council does, however, note with satisfaction that the Government of Rwanda has in previous months made considerable efforts directed at national reconciliation, rehabilitation and reconstruction, which are of crucial importance. The Council calls on the Government of Rwanda to intensify these efforts and on the international community to continue to support those efforts, in order to bring about a climate of trust and confidence which would assist in the early and safe return of refugees. In this context, it underlines the importance it attaches to demining, including the United Nations proposal.

The Council notes with deep concern disturbing reports of increased incursions into Rwanda from neighbouring countries, allegations of arms shipments into the Goma airport and of elements of the former Rwandese Government forces being trained in a neighbouring country. It calls upon all States, especially those neighbouring Rwanda, to refrain from any action that would further exacerbate the security situation in that country and to prevent incursions into Rwanda from their own territories. The Council invites States and organizations which have information on the transport of arms into countries neighbouring Rwanda for the purpose of their use in Rwanda in contravention of resolution 918 (1994) to pass that information

¹⁸⁶ S/1995/310.

¹⁸⁷ S/PRST/1995/22.

to the Committee established under resolution 918 (1994) and requests the Committee to consider that information as a matter of urgency and to report thereon to the Council.

The Council notes with satisfaction that the deployment of the Zairian camp security contingent and the civilian security liaison group has had a positive effect on the security situation in refugee camps in Zaire.

The Council pays tribute to all members of the Mission. It reaffirms that the Mission constitutes one essential factor for creating a climate of confidence and for promoting stability and security. In this context, it underlines the responsibility of the Government of Rwanda for the safety and security of all Mission personnel and other international staff serving in the country. It urges the Rwandan authorities to proceed with the exchange of letters supplementing the agreement on the status of the Mission and its personnel, reflecting the changes in the Mission's mandate following from Security Council resolution 918 (1994). The Council calls for increased cooperation and collaboration between the Government of Rwanda, its neighbouring countries and the Mission as well as other agencies, including in the humanitarian field.

The Council expresses grave concern at the situation created by the overcrowded prisons in Rwanda which has resulted in the death of numerous persons in custody and requests the Secretary-General to consider urgently measures which could be taken quickly in conjunction with the Government of Rwanda and humanitarian agencies to improve the conditions of those in detention or under investigation. The Council emphasizes that the development of the Rwandese justice system continues to be an important factor in creating conditions of security, law and order, conducive to the return of refugees from abroad and of displaced persons to their homes. The Council calls on the international community to assist the Government of Rwanda in re-establishing the justice system as a contribution to confidence-building and the maintenance of law and order.

The Council expresses its appreciation for the action of those States which have arrested and detained persons following the adoption of resolution 978 (1995). It urges States, in accordance with that resolution, to arrest and detain persons against whom there is sufficient evidence of responsibility for acts within the jurisdiction of the International Tribunal for Rwanda. It requests the Secretary-General to facilitate the rapid establishment of the Tribunal.

The Council requests the Government of Rwanda to facilitate the delivery and distribution of humanitarian assistance to refugees and displaced persons in need, in conformity with the principles and current practice of the Office of the United Nations High Commissioner for Refugees. It invites States and donor agencies to deliver on their earlier commitments and to further increase their assistance. It urges all Governments in the region to keep their borders open for this purpose.

The Council appeals to all States to act in accordance with recommendations adopted at the Regional Conference on

Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, in order to facilitate the return of refugees. The Council welcomes the Dar es Salaam trilateral agreement of 12 April 1995, on the voluntary repatriation of Rwandan refugees from the United Republic of Tanzania.

The Council reaffirms the view that an international conference would contribute substantially to peace and security in the subregion. It welcomes the intention of the Secretary-General to carry out consultations with all concerned so that such a conference can be held at the earliest possible date.

The Council will remain seized of the matter.

**Decision of 9 June 1995 (3542nd meeting):
resolution 997 (1995)**

On 4 June 1995, pursuant to resolution 965 (1995), the Secretary-General submitted to the Council a report on UNAMIR.¹⁸⁸ The Secretary-General reported that the country was largely at peace, and the long and arduous process of recovery had begun with the Government taking a number of positive actions. Nonetheless, the situation remained tense, with no significant advances in the process of national reconciliation, grossly overcrowded prisons, arbitrary arrests, tension over property rights and the lack of an effective judicial system. Causes of Rwanda's tensions and frustrations included the military activities and reports of arms deliveries to elements of the former Rwandese government forces in neighbouring countries, which were sources of serious concern for the Government. It was concerned that no effective limitations were seen to be placed on military training of, and delivery of arms supplies to, elements of the former Rwandese government forces, while the arms embargo continued to apply to Rwanda. Another cause of deep frustration was the delay in bringing those responsible for the genocide to justice, both through the International Tribunal and at the national level. A third element of concern was the slow delivery of pledged economic assistance.

The Secretary-General further observed that while UNAMIR had made a significant contribution to the relative stability and normalization achieved in Rwanda over the last year, the complex political and security situation had led the Government of Rwanda to raise questions about the future role of that operation. The Secretary-General recognized that the situation had changed radically since the establishment

of the new Government of Rwanda and that the changes called for adjustments in the mandate of UNAMIR, so that its role could reflect the new situation. He recalled that in anticipation of the expiry of UNAMIR's mandate on 9 June 1995, his Special Representative had engaged in extensive consultations with the Government of Rwanda on a new mandate. Under the proposed new mandate, UNAMIR would shift its focus from peacekeeping to confidence-building, undertaking tasks specifically required to sustain a United Nations peacekeeping presence in Rwanda, mainly in Kigali, and tasks aimed at assisting the Government of Rwanda in confidence-building and in the promotion of a climate conducive to stability and to the return of refugees and displaced persons. In order to carry out such functions, UNAMIR would require approximately 2,330 troops, 320 military observers and 65 civilian police. However, the Government of Rwanda had proposed a different and more limited role for UNAMIR, arguing that the conditions on the ground called for a drastic reduction in the number of United Nations troops. It had taken the position that most of the peacekeeping functions so far discharged by UNAMIR had become redundant, and that the concept of promoting security and confidence through the presence of UNAMIR could no longer be accepted, since the Government had assumed responsibility for national security throughout the country. The protection of humanitarian convoys was also the responsibility of the Government, with UNAMIR playing a monitoring role only. On the issue of border monitoring, the Government considered that there was no need for UNAMIR to play such a role in Rwanda. In addition, it expressed the view that the training programme being carried out by the UNAMIR civilian police component should be replaced by bilateral arrangements and could continue only until those arrangements were in place. The Government of Rwanda proposed that UNAMIR should be reduced to a maximum of 1,800 formed troops, to be deployed in Kigali as well as in the provinces. UNAMIR's mandate would be extended for six months, on the understanding that there would be no further extension and that steps to reduce UNAMIR troops outside Kigali should commence immediately. The Secretary-General cautioned, however, that, on the basis of that proposal, UNAMIR would not have the strength to perform adequately the tasks proposed above. While he understood the position of the Government of Rwanda, he was convinced that

¹⁸⁸ S/1995/457.

UNAMIR remained an essential component of the international community's efforts to assist the Government and people of Rwanda and that it must have the capability to discharge its functions effectively. At the same time, since UNAMIR was a peacekeeping operation established under Chapter VI of the Charter, its continued presence in Rwanda depended on the consent and active cooperation of the Government. He therefore intended to continue consultations with the Government of Rwanda and would report orally to the Council on the outcome thereof. Subject to that report, he recommended that the Council renew the mandate of UNAMIR, adjusted to accommodate the tasks outlined above, for a period of six months, ending on 9 December 1995. Immediate steps should also be taken by the international community to support the earliest activation of the International Tribunal and the rehabilitation of the Rwandan national system of justice. At the same time, effective measures should be taken to ensure that Rwandan nationals in neighbouring countries were not allowed to receive arms supplies or to undertake military activities aimed at destabilizing Rwanda. The Secretary-General was, in particular, concerned that there could be a serious escalation in cross border clashes that would add a new dimension to the tragedy of Rwanda and lead to unpredictable consequences. He concluded by stressing that international assistance to Rwanda needed to be accelerated. It was essential that ways be found to improve the procedures that had delayed the disbursement of assistance to resolve situations that required priority attention. With respect to the long-term solution of the refugee and related problems in the Great Lakes States, he intended to appoint a special envoy to carry out consultations with countries concerned, as well as with OAU, on the preparation and convening of the Regional Conference on Security, Stability and Development at the earliest possible time.

At its 3542nd meeting, on 9 June 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Zaire, at his request, to participate in the Council's discussion, without the right to vote. The President (Germany) drew the attention of the members of the Council to a letter dated 19 May 1995 addressed to the President of the Council from the Secretary-General.¹⁸⁹ He also

¹⁸⁹ S/1995/411.

drew their attention to a draft resolution prepared in the course of the Council's prior consultations¹⁹⁰ and read out revisions to be made to the draft text in its provisional form.

The representative of Zaire expressed the hope that the provisions of paragraph 3 of the draft resolution, which called on UNAMIR to exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement and to assist the Government of Rwanda in facilitating the return and reintegration of refugees, would be speedily implemented. He stated that those measures should be accompanied by a specific timetable for the speedy repatriation of the refugees still in camps in Zaire. His country could do no more in that regard and his Government appealed to the international community to help Rwanda to take back the half of its population now in Zairian territory. The Kigali authorities must get down to creating conditions that would make possible the speedy return of refugees to their homes. With reference to paragraph 6 of the draft resolution, he affirmed that Zaire was not an arms producer, much less an arms merchant. He reiterated the request made by the Foreign Minister of Zaire at the Bujumbura meeting for the creation of an independent commission of inquiry to establish the truth about alleged arms transfers across Zaire's borders. His Government committed itself to participating actively in the consultations that were to be conducted with the Secretary-General.¹⁹¹

Speaking before the vote, the representative of Nigeria noted that, in addition to some negative developments that had stalled the process of national reconciliation, there had also been increasing agitation against the international community in general, and the United Nations in particular for what was perceived by some in Rwanda, perhaps with some justification, as the abandonment of Rwanda in its time of greatest need during the genocide of the previous year and the subsequent inability of the international community to deliver on its promises to help the Government stand on its feet. His delegation had expressed its disquiet about the reported open hostility that had been shown to UNAMIR's personnel recently and believed that it was the responsibility of the Government of Rwanda to address that problem effectively. The Council must in

¹⁹⁰ S/1995/465.

¹⁹¹ S/PV.3542, p. 3.

turn address the serious issues of the militarization of the camps, the arms build-up and cross-border infiltration. His delegation viewed the measures spelled out in paragraphs 4, 5 and 6 of the draft resolution as a first step in that direction. He cautioned, however, that the Council might have to return to the matter and proffer more drastic measures for solving the problem, which, if not seriously and promptly addressed, could soon lead to an explosive situation that could engulf not only Rwanda but also some of the neighbouring countries. He further stated that there was no use asking the Government of Rwanda to create favourable conditions for the return of refugees if it did not have the means to do so. Rwanda's situation was one where some conditionalities might have to be waived, at least temporarily, to enable the Government to obtain such financial assistance in a timely fashion. Concerning UNAMIR, his delegation noted with satisfaction that an understanding had been reached between the Government of Rwanda and the United Nations on the appropriate force level that could carry out its tasks under an adjusted mandate. In its view, the new force level responded to the legitimate concern of a sovereign State to take charge of its own destiny, while taking cognizance of the imperatives of effective implementation of an agreed mandate.¹⁹²

According to the representative of China, the actions of the international community, including the actions of the Council, should aim first of all to meet the priority needs of the Rwandese people. In so doing, it must respect the will of the Rwandese Government and people. With respect to the Council's proposed modification of UNAMIR's mandate and reduction in the scope of its activities, UNAMIR would mainly play a good-offices role to help achieve national reconciliation within the framework of the Arusha Peace Agreement. China was of the view that such a change was in the interests of the Rwandese people.¹⁹³

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 997 (1995), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, and its resolutions 912 (1994) of 21 April

1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, and 965 (1994) of 30 November 1994, which set out the mandate of the Mission,

Having considered the report of the Secretary-General of 4 June 1995,

Recalling also its resolution 955 (1994) of 8 November 1994, by which it established the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of certain offences in Rwanda,

Stressing the importance of achieving genuine reconciliation among all members of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Calling again upon all States to act in accordance with recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura from 15 to 17 February 1995,

Recognizing the valuable contribution that the human rights officers deployed by the United Nations High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all Mission personnel and other international staff serving in the country,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States, and welcoming, therefore, the intention of the Secretary-General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the Regional Conference on Security, Stability and Development,

¹⁹² *Ibid.*, pp. 4-5.

¹⁹³ *Ibid.*, pp. 8-9.

1. *Decides* to extend the mandate of United Nations Assistance Mission for Rwanda until 8 December 1995 and authorizes a reduction of the force level to 2,330 troops within three months of the adoption of the present resolution and to 1,800 troops within four months;

2. *Decides* to maintain the current level of military observers and civilian police personnel;

3. *Decides*, in the light of the current situation in Rwanda, to adjust the mandate of the Mission so that the Mission will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, including full time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need;

4. *Affirms* that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and materiel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or materiel within Rwanda;

5. *Calls upon* the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and materiel are not transferred to Rwandan camps within their territories;

6. *Requests* the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers including in the airfields located in eastern Zaire, in order to monitor the sale or supply of arms and

materiel referred to above; and further requests the Secretary-General to report to the Council on the matter within one month of the adoption of the present resolution;

7. *Takes note* of the cooperation existing between the Government of Rwanda and the Mission in the implementation of its mandate and urges the Government of Rwanda and the Mission to continue to implement the agreements made between them, in particular the status-of-mission agreement of 5 November 1993 and any subsequent agreement concluded to replace that Agreement in order to facilitate the implementation of the new mandate;

8. *Commends* the efforts of States, United Nations agencies and non-governmental organizations that have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

9. *Calls upon* States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan judicial system;

10. *Encourages* the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

11. *Requests* the Secretary-General to report to the Council by 9 August and 9 October 1995 on the discharge by the Mission of its mandate, the humanitarian situation and progress towards repatriation of refugees;

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

After the vote, the representative of the United Kingdom noted that the overriding requirement of the people of Rwanda was for the development of a climate of stability and confidence, which would encourage further efforts and progress towards national reconciliation. His Government was satisfied that, with resolution 997 (1995), UNAMIR had the mandate to offer effective assistance with that process. It also hoped that the Government of Rwanda would draw confidence from the restatement of the arms embargo in the resolution to make clear to neighbouring countries that the embargo applied if the arms were for use in Rwanda. All countries in the region must continue their efforts to ensure that the embargo was enforced effectively within their jurisdictions, and to prevent activities aimed at the destabilization of Rwanda from taking place within their borders. He further noted that the presence of UNAMIR provided

an essential element of the framework for cooperation between the Government of Rwanda and the international community. His Government wished to see the international community increase its effort towards rehabilitation and reunification inside Rwanda, in particular through the rapid delivery of the substantial commitment of aid already entered into by the international community.¹⁹⁴

The representative of the United States stated that UNAMIR continued to have a critical role to play in the joint efforts towards national reconciliation in Rwanda. One of its main functions would be to assist the Government of Rwanda in its daunting tasks of readying the country for the voluntary and safe repatriation of refugees. Reports that bases and camps separate from those under the supervision of UNHCR were being used for military training, recruitment and incursions into Rwanda, constituted a danger that the Council must address. That was why the resolution also asked for an investigation and reduction in the flow of arms to those who sought to destabilize Rwanda. Her Government was particularly pleased that, under its mandate, UNAMIR would contribute to the security of the personnel of the International Tribunal. To carry out their duties, the investigators, prosecutors and judges of the International Tribunal required impartial international military protection. She concluded by noting that, as a member of the Council, Rwanda had an important responsibility to promote the inviolability of international law around the world. She welcomed therefore the Government's cooperation and expected it to meet its obligations pursuant to UNAMIR's new mandate.¹⁹⁵

In the light of the new situation in Rwanda, the representative of the Russian Federation agreed with the need to make certain adjustments to the mandate of UNAMIR and believed that the Mission's new mandate retained an adequate United Nations presence and active role in Rwanda. On the political level, his delegation believed that the Arusha Agreement continued to define the framework for a peaceful settlement and noted the special role that OAU and Rwanda's neighbouring countries were called upon to play. His delegation further hoped that Rwanda's neighbours would take all necessary measures to put an end to the illegal delivery of weapons to extremists

from the Rwandan opposition, and thereby contribute to the maintenance of stability both in Rwanda and in the region as a whole.¹⁹⁶

The representative of France noted that the situation in Rwanda had changed considerably since UNAMIR was established. The Government of Rwanda had requested that the United Nations draw the relevant conclusions from those changes and that the United Nations operation in Rwanda no longer be entrusted with peacekeeping tasks per se. That was what the Council had just done in giving UNAMIR a new mandate. It was also envisaged that the troop strength would be reduced by more than half. France hoped that the Government of Rwanda would cooperate fully with the United Nations operation and especially that it would continue to respect the status-of-mission agreement. Thus reconfigured, UNAMIR would have the primary task of providing assistance to the Government of Rwanda, particularly with regard to the essential priority question: the return of refugees and their reintegration into their communities. France also believed that the refugee question could not be resolved solely in a national framework. It therefore continued to hope that a conference on peace, security and stability would be organized so that the problems facing the countries of the Great Lakes region could be resolved in a regional framework. In conclusion, France believed that confidence could be re-established in Rwanda only if there was a halt to the arms smuggling that fuelled tensions in the region. Measures to that end included the clarification of the embargo regime imposed under resolution 918 (1994) and the possible deployment in neighbouring countries of military observers whose task it would be to monitor the implementation of the embargo.¹⁹⁷

The representative of Rwanda stated that his Government recognized the need to review UNAMIR's mandate. The situation in Rwanda had changed and the Mission's mandate had already been overtaken by events. His Government, like any responsible Government, wished to exercise its sovereignty in the security field throughout Rwanda. It also wished to ensure peace and build confidence between the Rwandans without any go-betweens. So long as there was a go-between, that confidence could never be fully established. There was a need to promote direct

¹⁹⁴ Ibid., pp. 9-10.

¹⁹⁵ Ibid., pp. 12-13.

¹⁹⁶ Ibid., p.12-13.

¹⁹⁷ Ibid., p. 13.

contacts between the people and its Government. On the issue of insecurity arising from the refugee camps, his delegation would request the Secretary-General to submit a report to the Council on the situation in the camps rather than allowing the situation to deteriorate and leaving it to non-governmental organizations and journalists to assess the situation. If the countries that were affected by the refugee camps wished to demonstrate transparency, Rwanda would ask them to form an international commission to consider that question. As for the arms embargo imposed on the Government of Rwanda, which helped the criminals of the former Government, it was unfortunate that the new Government of National Unity had become the sole victim of that embargo, which was technically difficult to implement in the refugee camps, since the group there was not a political entity. His delegation requested that the Council urgently review its resolution 918 (1994), which was designed to address a particular situation. That situation and the government to which that resolution applied no longer existed, and the resolution therefore penalized a government that was struggling to ensure security for its people. The Rwandan people not only needed such a review, they had a right to it.¹⁹⁸

**Decision of 17 July 1995 (3555th meeting):
resolution 1005 (1995)**

At its 3555th meeting, on 17 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Honduras) drew the attention of the members of the Council to a draft resolution submitted by the United States.¹⁹⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 1005 (1995), which reads:

The Security Council,

Recalling its previous resolutions 918 (1994) of 17 May 1994 and 997 (1995) of 9 June 1995,

Noting with concern that unexploded landmines constitute a substantial hazard to the population of Rwanda, and an impediment to the rapid reconstruction of the country,

Noting also the desire of the Government of Rwanda to address the problem of unexploded landmines, and the interest

¹⁹⁸ *Ibid.*, pp. 15-16.

¹⁹⁹ S/1995/580.

on the part of other States to assist with the detection and destruction of these mines,

Underlining the importance the Council attaches to efforts to eliminate the threat posed by unexploded landmines in a number of States, and the humanitarian nature of demining programmes,

Recognizing that safe and successful humanitarian demining operations in Rwanda will require the supply to Rwanda of an appropriate quantity of explosives for use in these operations,

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

Decides that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Security Council Committee established pursuant to resolution 918 (1994).

**Decision of 16 August 1995 (3566th meeting):
resolution 1011 (1995)**

By a letter dated 5 July 1995 addressed to the President of the Council,²⁰⁰ the representative of Rwanda requested that the arms embargo on Rwanda be lifted to ensure the security of its population and to re-establish its full sovereignty. A country's self-defence was a sovereign right which neither the international community nor the Security Council should restrict. He therefore requested that the Council take urgent action to lift the arms embargo on Rwanda; request that the sanctions Committee on the arms embargo set up under resolution 918 (1994) to consider reports on arms transfers to the leaders, the militia and the soldiers of the former Government of Rwanda, as a matter of urgency, report thereon to the Council; prepare and adopt a resolution to restrict the rearming of the former genocidal Rwandese government leaders and forces regardless of where they were located; deploy United Nations monitors in Zaire with the purpose of restricting the militarization of Rwandan refugee camps in that country; and request Member States to implement resolution 978 (1995) as well as the presidential statement of 27 April 1995.

On 9 July 1995, pursuant to resolution 997 (1995), the Secretary-General submitted to the Council a report on the implementation of paragraph 6 of that resolution,²⁰¹ whereby the Council requested him to

²⁰⁰ S/1995/547.

²⁰¹ S/1995/552.

consult the Governments of the countries neighbouring Rwanda on the possibility of deployment of United Nations military observers in order to monitor the sale or supply of arms and materiel. The Secretary-General reported that he had appointed a Special Envoy to carry out the consultations and that the latter had visited the neighbouring countries from 20 to 28 June 1995. While many of the Governments consulted had taken the view that the primary responsibility lay with the Government of Rwanda, there had been general acknowledgement also of the value of action at the regional level. In some countries, however, there had been strong opposition to the deployment of United Nations observers as proposed in resolution 997 (1995). The Secretary-General indicated that he would explore further the positions of the Governments concerned during his visit to the region.

On 8 August 1995, pursuant to resolution 997 (1995), the Secretary-General submitted a progress report on UNAMIR.²⁰² The Secretary-General observed that, in the last 12 months, the Government of Rwanda had made efforts to stabilize conditions within the country, although the weakness of the economy and the lack of public revenue to run an effective administration continued to frustrate those efforts. Since the tensions on the country's borders could erupt in uncontrollable violence at any moment, the Government of Rwanda, the countries in the subregion and other members of the international community should address the vital issues confronting the country with a sense of urgency. It was imperative that representatives of all sectors of Rwandan society begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability. The international community also had an important role to play in Rwanda's reconstruction and in encouraging repatriation and reconciliation. The Secretary-General noted that, in accordance with resolution 997 (1995), UNAMIR was taking the necessary steps to draw down its military presence in Rwanda and to implement its new mandate. In that connection, he urged the Government to ensure that visible measures were put in place to ensure respect for human rights and security for all Rwandan people and to continue to encourage the voluntary return of refugees. That would send a clear message to the international community that its assistance for reconstruction should be accelerated. The Secretary-General further noted that, during his

²⁰² S/1995/678.

visit to the subregion on 13 and 14 July, there was clear consensus among government leaders that instability in any State in the area could have a dramatic effect on all its neighbours. Strong interest was expressed in the establishment of an international commission under the auspices of the United Nations to address allegations of arms flows to former Rwandese government forces. He undertook to provide his recommendations in that regard to the Council shortly. In the meantime, as discussed with Heads of State and Government in the region, it might be useful to convene, at the earliest possible date, a regional meeting aimed at developing concrete measures to implement the commitments embodied in the Nairobi Summit declaration of January 1995, the Bujumbura Action Plan of February 1995 and the tripartite agreements signed by UNHCR, Rwanda and neighbouring countries hosting Rwandan refugees. He intended to continue intensive consultations on those proposals.²⁰³

At its 3566th meeting, on 16 August 1995, the Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Zaire, at his request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁰⁴ He also drew the attention of the members of the Council to a letter dated 5 July 1995 from the representative of Rwanda addressed to the President of the Council²⁰⁵ and a note verbale dated 10 August 1995 from the Permanent Mission of Zaire addressed to the President of the Council.²⁰⁶ In the note verbale, the Government of Zaire, *inter alia*, opposed the lifting of the arms embargo on Rwanda, rejected the idea of redeploying military observers to Zaire; and reiterated its support for the setting up of an international commission of inquiry under United Nations auspices with a view to conducting investigations into the supply of weapons to the former Rwandan armed forces and to verifying allegations of destabilizing activities.

The representative of Zaire stressed that the compromise text of the draft resolution on lifting the embargo on Rwanda fell far short of Zaire's

²⁰³ *Ibid.*, para. 45.

²⁰⁴ S/1995/703.

²⁰⁵ S/1995/547.

²⁰⁶ S/1995/683.

expectations, given the deterioration of the situation and the exacerbation of tension in the region. By suspending the embargo on the supply of arms to Rwanda for a trial period of one year, the Council would allow Rwanda to obtain military equipment and other modern, sophisticated war materiel at a time when it was barely concealing its warlike intentions and threatening to attack refugee camps in Zaire, and was not promoting a climate of understanding and national reconciliation but was, rather, encouraging new flows of refugees to Zaire, which had the appearance of the expulsion of Rwanda's own nationals for political, ethnic and tribal reasons. Even though the Council had included conditions in the text, adoption of the draft resolution would not contribute to easing tension in the region. In view of that situation, and in accordance with the General Assembly's Declaration on Territorial Asylum of 14 December 1967, Zaire was justified in derogating from the principle that refugees should not be subjected to measures such as refusal of entry at the border, or expulsion or deportation to another State where they might be persecuted, for overriding reasons of national security or in order to safeguard its population, as in the case of a mass influx of persons. He further stated that his country would like the Council to address the worsening situation on its eastern borders, adding that if the situation degenerated it would hold the Kigali and Bujumbura Governments responsible.²⁰⁷

Speaking before the vote, the representative of Botswana recalled that the arms embargo imposed by resolution 918 (1994) was aimed at a Government which had planned, masterminded and presided over the mass execution of its own people. The embargo was, however, clearly being applied not only against the wrong Government but against the one that had stopped the genocide. It was equally true that the geopolitical and military situation in the Great Lakes subregion made it necessary for the Council to maintain the arms embargo for some time. He stressed that there was no deliberate intention on the part of the Council to punish Rwanda or its new Government. The primary concern was to stem the flow of arms to a volatile subregion which could easily be engulfed by military conflict and thus threaten international peace and security. However, recent developments had rendered the maintenance of the arms embargo politically untenable. He with a sense of urgency

²⁰⁷ S/PV.3566, pp. 2-3.

further recalled that the Council had repeatedly reminded the Government of Rwanda that it had primary responsibility to create conditions conducive to national reconciliation. There could no longer be any justification for the continued denial to the Government of Rwanda of the wherewithal to defend itself and the people of Rwanda when a clear threat to the national security of the country existed. Rwanda, like every other State, had the legitimate right of self-defence. While the lifting of the arms embargo on Rwanda should not be misconstrued as licence for military preparations by anyone, his delegation hoped that the action of the Council would have a deterrent effect. The Council's message to the Government of Rwanda was also loud and clear. The return of the refugees was at the heart of Rwanda's problems. In that regard, the acquisition of defensive capability was only a temporary measure. The real solution would come with the return of the refugees, national reconciliation and durable peace in the country.²⁰⁸

According to the representative of Nigeria, the lifting of the arms embargo on Rwanda would not only enable the Government of Rwanda to defend itself and its citizens, but also serve to deter military adventurism from opponents of the Government from outside. If the Government of Rwanda was expected to take full responsibility for peace and security inside the country, it could not be denied the legitimate means with which to carry out that responsibility. Nonetheless, the Government of Nigeria was not unaware that introducing more weapons to an already volatile environment would have its own destabilizing effects. That was why the draft resolution incorporated safeguards to ensure that the weapons got only to the intended beneficiary and were put to the use to which a legitimate Government had a right, namely, self-defence. Furthermore, in order to ensure transparency and, more important, to assure the international community — particularly the neighbouring States — that the arms would be used solely for legitimate defensive purposes, the Council had agreed to a one-year trial period during which the restrictions would only be suspended. His delegation supported the proposal to establish a commission to conduct a full investigation of allegations of illegal arms flows into the subregion and looked forward to a termination of the arms embargo in the next 12 months. To make that possible, however, necessary steps in the

²⁰⁸ *Ibid.*, pp. 4-5.

areas of justice, national reconciliation and political accommodation would have to be undertaken by the Government of Rwanda, supported by the international community.²⁰⁹

The representative of the Russian Federation stated that the tasks of ensuring security and strengthening peace and stability in Rwanda and throughout the region could be fulfilled only through a careful and integrated approach to the elimination of the causes of conflict and tension. The Government of Rwanda, especially in the light of the imminent major reduction of the United Nations presence in that country, should be allowed to meet its own need for weapons within the limits of a sufficient defence capacity. At the same time, in the light of the fragile situation in Rwanda and in a number of neighbouring countries, it was important that that process take place under firm international control and that it proceed in accordance with an internal settlement and with the changes in the military and political situation in the Central African region. In parallel, measures should be taken to bring about cooperation with the Governments of the countries of the region to curb the illegal inflow of weapons and to prevent their delivery to forces of the former Government on the territory of neighbouring States, and also within the refugee camps. An important step in that direction might be the deployment of United Nations military observers on the territory of those countries, and the rapid establishment of a commission of inquiry into the illegal delivery of arms to armed units of the former Rwandese Government. However, such measures would not have their full effect in the long-term strengthening peace and security if priority was not given to peace negotiations. In that connection, the Russian Federation fully supported the idea of rapidly convening a regional conference on security, stability and development, and also of convening a regional meeting to solve problems related to the repatriation of refugees. It was extremely important to develop dialogue within Rwanda, with the participation of representatives of all sectors of the population of the country, and also through the efforts of the Government of Rwanda to strengthen conditions of stability and confidence that would ensure the return of refugees from neighbouring States.²¹⁰

²⁰⁹ Ibid., pp. 5-6.

²¹⁰ Ibid., p. 7. See also the comments by the representative of the Czech Republic (S/PV.3566, pp. 7-8).

The draft resolution was then put to the vote and adopted unanimously as resolution 1011 (1995), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1005 (1995) of 17 July 1995,

Having considered the report of the Secretary-General of 9 July 1995 on monitoring the restrictions on the sale or supply of arms,

Having also considered the progress report of the Secretary-General of 8 August 1995 on the United Nations Assistance Mission for Rwanda,

Emphasizing that the uncontrolled circulation of arms, including to civilians and refugees, is a major cause of destabilization in the Great Lakes region,

Welcoming the proposal of the Government of Zaire to establish an international commission under United Nations auspices to investigate reports of arms supplies to former Rwandese Government Forces,

Recognizing that the registration and marking of weapons are of considerable assistance in monitoring and enforcing restrictions on the illicit deliveries of weapons,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Stressing the need for representatives of all sectors of Rwandan society, excluding those political leaders suspected of planning and directing the genocide last year, to begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability,

Taking note of the letter dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, requesting urgent action to lift the restrictions on the sale or supply of arms and materiel to the Government of Rwanda to ensure the security of the Rwandan population,

Welcoming the improvement in the working relations between the Government of Rwanda and the Mission, and recalling the mandate of the Mission as adjusted in resolution 997 (1995), in particular to help achieve national reconciliation,

Recalling that the prohibition on the delivery of arms and materiel to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacres of innocent civilians,

Taking note of the Council's decision in its resolution 997 (1995) to reduce the force level of the Mission, and reaffirming that the security of that country is the primary responsibility of the Government of Rwanda,

Deeply concerned by the situation in Rwanda's prisons and judicial system, particularly overcrowding, the lack of judges, detention of minors and elderly prisoners, and absence of speedy judicial or administrative review of charges, and in this respect, welcoming renewed efforts by the United Nations and donor countries, in coordination with the Government of Rwanda, to initiate, on an urgent basis, measures to improve this situation,

Underlining the need for increased efforts by the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

A

1. *Commends* the efforts of the Secretary-General and his Special Envoy in pursuing regional responses to the problem of illicit arms supplies in the region, and encourages the Secretary-General to continue his consultations in this regard;

2. *Requests* the Secretary-General, as proposed in paragraph 45 of his report, to make recommendations to the Security Council, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandese Government Forces in the Great Lakes region of Central Africa;

3. *Calls upon* the Governments of Rwanda and neighbouring States to cooperate with the commission's investigation;

4. *Encourages* the Secretary-General to continue his consultations with the Governments of neighbouring States concerning the deployment of United Nations military observers in the airfields and other transportation points in and around border crossing points and calls on the neighbouring States to cooperate with and assist those observers to ensure that arms and related materiel are not transferred to Rwandan camps within their territories;

5. *Requests* the Secretary-General to report to the Council within one month of the adoption of the present resolution on his efforts for the preparation and convening, at the earliest possible time, of the Regional Conference on Security, Stability and Development, as well as for the convening of a regional meeting to address the problems facing the repatriation of refugees;

6. *Calls upon* the Government of Rwanda to continue its efforts to create an atmosphere of trust and confidence for the safe return of refugees and take further steps to resolve the humanitarian problems in its prisons, and to expedite disposition of the charges against those detained;

B

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

7. *Decides* that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related materiel to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all States Members of the United Nations of the list;

8. *Decides also* that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related materiel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 below;

9. *Decides further*, with a view to prohibiting the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or materiel within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above;

10. *Decides* that no arms or related materiel sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly;

11. *Decides also* that States shall notify the Committee established pursuant to resolution 918 (1994) of all exports from their territories of arms or related materiel to Rwanda, that the Government of Rwanda shall mark and register and notify to the Committee all imports made by it of arms and related materiel, and that the Committee shall report regularly to the Council on notifications so received;

12. *Requests* the Secretary-General to report to the Council within six months of the date of adoption of the present resolution, and again within twelve months, regarding, in particular, the export of arms and related materiel referred to in paragraph 7 above, on the basis of the reports submitted by the Committee established by resolution 918 (1994);

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

After the vote, the representative of the United States stated that with the adoption of resolution 1011 (1995) the Government of Rwanda would be better able to deter violent action by militia or former army

groups or, if necessary, defend the new Rwandan society. He noted that the Government of Rwanda had agreed to certain conditions, such as reporting its purchases to the Council, in order to assuage the concerns of Council members and neighbouring States. The United States fully supported Rwanda's right of self-defence, but underlined that an unwarranted stockpiling of arms should not take place. The speedy establishment of a commission of inquiry into allegations of arms flows to former Rwandan armed forces was also necessary for the reduction of tension and the creation of a climate of trust. He further stated that resolution 1011 (1995) underlined the expectation that the Government of Rwanda would shoulder all the responsibilities of an effective government, including creating the conditions of trust and confidence which were necessary for the safe and voluntary return of refugees. One key element in creating such a climate of trust was an immediate improvement in the overcrowded conditions of Rwandan prisons.²¹¹

The representative of France noted that his delegation had voted in favour of resolution 1011 (1995) in spite of questioning the timeliness of the decision. His Government understood that, from the legal standpoint, the Kigali authorities wished to regain full sovereignty. It was normal for a Government to request full exercise of its competence to ensure the security of its inhabitants, and for it to possess the means to do so. By suspending the embargo against Rwanda until 1 September 1996, the Council had complied with that request. Yet that decision should not be completely separated from the political context in Rwanda and in other countries of the region. Although the Kigali Government had made many efforts to promote normalization of the situation in Rwanda, the Secretary-General's report also stressed that many problems had only barely begun to be resolved. The speaker thought that the decision to lift the embargo would be an added deterrent, which was why he would have preferred a gradual lifting of the embargo that dealt on a priority basis with equipment for maintaining order, and especially for equipping the police and the gendarmerie. He hoped that the authorization granted to the Government of Rwanda to import weapons would be used in a measured, well-advised way, and that the additional flows of weapons would not increase tension among the countries of the region, as some signs seemed to indicate they would.

²¹¹ S/PV.3566, pp. 9-10.

The international community must continue to give its full support to the Kigali Government to enable it to complete the work of national reconciliation and reconstruction to which it had committed itself. Finally, his Government remained convinced that the rapid organization of a regional conference on peace, security and development would lay a solid, indispensable foundation for the restoration of stability in the Great Lakes region.²¹²

The representative of Rwanda stated that the fear in the Great Lakes region had not been created by weapons but, rather, by the impunity that prevailed there. He reiterated that there was no proliferation of arms in Rwanda, and stated that in Rwanda, the priority was not the purchase of weapons, but rather national reconstruction, the return of the refugees and the rebuilding of Rwandan society. Rwanda's main objective in submitting resolution 1011 (1995) was based on the principle of the sovereignty of the country and its right and duty to defend its population and its territory. It had no intention whatsoever of provoking a war against its neighbours. But the Government did not want to inherit an embargo which was imposed upon the genocide Government. He stated that the real danger for the region was the impunity that the international community seemed to be encouraging, which was a much greater danger than the weapons that were being acquired.²¹³

Speaking in his capacity as the representative of Indonesia, the President stressed that it was essential that the Government of Rwanda refrain from the use of arms and related materiel for any purposes other than legitimate purposes in accordance with international law, such as self defence. The resolution would enable Rwanda to take primary responsibility for maintaining its own security structure, independent of United Nations forces, in order to ensure peace and stability throughout the Great Lakes region. In that regard, it was of paramount importance that the countries surrounding Rwanda contribute to monitoring the arms flow in the region in order to prevent civilians or destabilizing forces in the region, especially refugees in Rwandan camps within their territories, from acquiring military materiel. Therefore, his delegation supported the establishment of a commission to investigate the alleged arms flow to former Rwandese

²¹² *Ibid.*, pp. 10-11; see also p. 11 (Argentina); p. 12 (Germany); and pp. 12-13 (United Kingdom).

²¹³ S/PV.3566, pp. 13-14.

government forces in the region. He stressed that the lifting of the embargo on the Government of Rwanda did not come without a measure of responsibility.²¹⁴

**Decision of 23 August 1995 (3569th meeting):
statement by the President**

By a letter dated 17 August 1995 addressed to the Secretary-General,²¹⁵ the Prime Minister of Zaire requested the latter to indicate to him the arrangements made at the United Nations level in relation to the new country or countries of asylum to which the Rwandan and Burundian refugees in Zaire should be evacuated. In the absence of any clear indication, the Government of Zaire intended to evacuate them to their country of origin at the expense of UNAMIR, the United Nations and the Governments of their respective countries. That decision was the logical sequel to the adoption of resolution 1011 (1995), its aim being to protect Rwanda against the alleged destabilization attempts by former members of the Rwandese armed forces and Rwandan refugees in neighbouring countries, including Zaire.

By a letter dated 18 August 1995 addressed to the Prime Minister of Zaire,²¹⁶ the Secretary-General made an urgent appeal that to the Government of Zaire to continue to provide assistance to the Rwandan and Burundian refugees.

At its 3569th meeting, on 23 August 1995, the Security Council included the above-mentioned letters in its agenda. After the adoption of the agenda, the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:²¹⁷

The Council views with deep concern the forcible repatriation of Rwandan and Burundian refugees by the Government of Zaire and the increasingly tense situation in the region.

The Council takes note of the letter dated 17 August 1995 from the Government of Zaire to the Secretary-General and the Secretary-General's dated 18 August 1995, in which he urges the Government of Zaire to continue to provide assistance to Rwandan and Burundian refugees.

The Council considers that Zaire and the other States which have accepted refugees from Rwanda and Burundi make an important contribution, in spite of the considerable difficulties created for them thereby, to peace and stability in the region. Their contribution is of special importance in view of the genocide which took place in Rwanda and the possibility of further bloodshed in Burundi. The Council also notes the commitment of the Government of Rwanda to take the necessary steps to facilitate the safe return of its nationals as soon as possible and encourages it to continue its efforts in order to implement its undertakings in this respect.

The Council calls on the Government of Zaire to stand by its humanitarian obligations regarding refugees, including, those under the Convention relating to the Status of Refugees of 1951, and to reconsider and halt its declared policy of the forcible repatriation of refugees to Rwanda and Burundi.

The Council supports the decision by the Secretary-General to send the United Nations High Commissioner for Refugees to the region to engage in urgent discussions with the Government of Zaire and neighbouring States with a view to resolving the situation. It encourages all Governments in the region to cooperate with the United Nations High Commissioner for Refugees to achieve the voluntary and orderly repatriation of refugees. It also calls on the international community to provide all possible assistance to help care for the refugees.

**Decision of 7 September 1995: letter from the
President to the Secretary-General**

By a letter dated 29 August 1995 addressed to the President of the Council,²¹⁸ the Secretary-General expressed his concern over recent developments in the Great Lakes Region. He reported that since the refoulement of Rwandese and Burundian refugees from Zaire, he had received assurances from the Government of Zaire that it would not pursue forcible repatriation of refugees. At his request, the United Nations High Commissioner for Refugees was undertaking consultations with the Government of Zaire and other countries in the region to ensure the safe, voluntary and orderly repatriation of refugees. While the Prime Minister of Zaire had indicated that he wished the repatriation to be completed by 31 December 1995, the High Commissioner had made it clear that a policy of forcible repatriation would not solve the problem. The Secretary-General added, however, that the enormous economic, environmental and political burden which the presence of almost 2 million refugees placed on the Governments and peoples of Zaire, Tanzania and other countries in the region needed to be fully recognized. The Secretary-

²¹⁴ Ibid., pp. 15-16.

²¹⁵ S/1995/722.

²¹⁶ S/1995/723.

²¹⁷ S/PRST/1995/41.

²¹⁸ S/1995/762.

General further reported that following his July visit to Rwanda, he had asked his Under-Secretary-General for Humanitarian Affairs to initiate measures to address the crisis arising as a result of prison conditions in Rwanda and the inability of the justice system to process the cases of those incarcerated. A United Nations mission had just returned from Rwanda and had prepared a two-pronged strategy to address that dual but closely related problem. The strategy would, on the one hand, enable immediate action to improve prison conditions and expand the prison capacity, and, at the same time, provide assistance to the Government of Rwanda to strengthen its justice system as well as to reinforce its commitment and capacity to implement a proper arrest and detention policy. The successful implementation of the strategy would require the full cooperation and support of the Government of Rwanda as well as the donor community. The Secretary-General had also taken steps to reinforce system-wide coordination structures in Burundi and Rwanda. Steps had also been taken to set up a Regional Integrated Information Unit, as recommended by the Inter-Agency Standing Committee, composed of all relevant humanitarian organizations and based at Nairobi, to enhance the international humanitarian community's capacity to develop and implement integrated approaches to address the problems of the region.

The Secretary-General further observed that a lasting solution of the crisis facing the Great Lakes region lay only in the early restoration of political stability and security in the countries of the region. In that connection, he had appointed his Special Envoy for the preparation and convening of the Conference on Peace, Security and Development in the Great Lakes Region called for in resolution 1011 (1995). He had also proposed the establishment of a Commission of Inquiry on the supply of arms to the region and, upon the concurrence of the Council he would dispatch a mission to the area and report further to the Council. The Human Rights Field Operation in Rwanda was concentrating on confidence-building measures aimed at promoting national reconciliation and a programme of technical assistance and advisory services designed principally for the rehabilitation of the Rwanda justice system. The Secretary-General was also concerned over the slow pace of progress in the establishment of the International Tribunal for Rwanda. He had asked the Chief Prosecutor to do his best to accelerate the work of the Tribunal and after his arrival in Rwanda on

30 August, the Secretary-General would report on the outcome of his visit to the region.

In a letter dated 7 September 1995,²¹⁹ the President of the Council (Italy) informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 29 August 1995 concerning recent developments in Rwanda and the Great Lakes region has been brought to the attention of the members of the Security Council. They believe your letter provides a synopsis of political and humanitarian problems facing the region. They share your concern at the continued gravity of the situation and underline the need for a coordinated and effective response from the international community. The members of the Security Council therefore express their support for the initiatives you are undertaking, as described in your letter, and look forward to their implementation. The members of the Council will continue to monitor closely future developments in the area.

**Decision of 7 September 1995 (3574th meeting):
resolution 1013 (1995)**

By a letter dated 25 August 1995 addressed to the President of the Council,²²⁰ the Secretary-General, in accordance with resolution 1011 (1995), submitted his recommendations on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandese government forces in the Great Lakes region. The proposed commission would collect information and investigate reports relating to the sale or supply of arms and related materiel to former Rwandese government forces in violation of the embargo imposed under resolutions 918 (1994) and 1011 (1995) and allegations that such forces were receiving military training in order to destabilize Rwanda; attempt to identify parties aiding or abetting the illegal acquisition of arms by those forces; and recommend measures to curb the illegal flow of arms in the subregion. States, international and other organizations and private individuals were to provide relevant information to the Commission and any other assistance that might be required. He recommended that Governments in whose territories investigations would be conducted should be requested to guarantee the safety and security of the members of the Commission and to ensure their freedom of movement and contacts. Governments concerned should respect the integrity and freedom of witnesses, experts and other

²¹⁹ S/1995/774.

²²⁰ S/1995/761.

persons who might be called by the Commission, including guaranteeing their security. The Commission would be composed of an eminent person, appointed by the Secretary-General, who would serve as Chairman, assisted by 5 to 10 legal, military and police experts and the appropriate support staff. He recommended that the Commission commence its work in Zaire.

At its 3574th meeting, on 7 September 1995, the Council included the letter of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Zaire, at his request, to participate in the Council's discussion, without the right to vote. The President drew the attention of the members of the Council to a note verbale dated 10 August 1995 from the Permanent Mission of Zaire²²¹ and to a draft resolution prepared in the course of the Council's prior consultations.²²²

The representative of Zaire recalled that his country had supported the establishment of the International Commission of Inquiry to address accusations levelled at Zaire by certain elements in the region. He was pleased that, despite the obstacles put in the way by some countries of the region, the Council was able, through the draft resolution, to get that Commission under way. But he pointed out that his country had nothing to hide, stressing that it did not expel refugees but rather authorized them to return to their country, as it was allowed to do under certain provisions. He hoped that the United Nations High Commissioner for Refugees would submit her report promptly to the Council so that his Government could make clear its intentions vis-à-vis the situation of the refugees on its territory.²²³

Speaking before the vote, the representative of Nigeria stated that the proposal to establish a Commission to conduct a full investigation of allegations of arms flows to former Rwandese government forces, together with the efforts of the Secretary-General to convene a regional conference on security, stability and development in the Great Lakes region, represented a combined effort to tackle the problems of the area from a regional perspective. That approach was viable, given the Council's awareness that problems in either Rwanda or Burundi had the potential to destabilize the whole subregion. The draft

resolution contained the elements — both technical and political — that were required to ensure that the Commission effectively discharged its functions. The proposals regarding the working methods and procedures of the Commission were generally in keeping with the character of such a body as an impartial entity. His delegation believed, however, that the Secretary-General should continue his consultations to convince all the States of the region of the desirability of that idea, possibly as part of the mandate of the Secretary-General's new Envoy who would be organizing the regional conference.²²⁴

The representative of Botswana noted that the draft resolution before the Council mainly resulted from reported violations of resolution 918 (1994). The flow of arms and related materiel to elements of the former Rwandan government forces gravely undermined stability and national reconciliation in Rwanda and constituted a serious threat to peace and security in the Great Lakes region. He noted also that the establishment of an International Commission of Inquiry perhaps represented the Council's last hope in its efforts to end the flow of arms. The significance and urgency of the work of the Commission and its contribution to peace and security in the region could not therefore be overemphasized in that regard. Its success hinged on the cooperation that it could receive from all concerned in the subregion and beyond.²²⁵

The representative of China agreed that the establishment of the Commission would be an important element in preventing renewed conflict in the region. His delegation hoped that the Commission would cooperate fully with the countries concerned, for only with their cooperation and support could it successfully carry out its mandate. It hoped therefore that the Commission, while exercising its rights, would see to it that the sovereignty of those countries was respected and that there was no interference in their internal affairs.²²⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 1013 (1995), which reads:

²²⁴ *Ibid.*, p. 3.

²²⁵ *Ibid.*, pp. 3-4.

²²⁶ *Ibid.*, p. 5.

²²¹ S/1995/683.

²²² S/1995/771.

²²³ S/PV.3574, pp. 2-3.

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1011 (1995) of 16 August 1995,

Having considered the letter dated 25 April 1995 from the Secretary-General to the President of the Security Council on the establishment of a commission of inquiry,

Having considered also the note verbale of 10 August 1995 from the Government of Zaire to the President of the Security Council and welcoming the proposal of the Government of Zaire contained therein for the establishment under the auspices of the United Nations of an international commission of inquiry and its offer to assist such a Commission,

Recognizing that destabilizing influences in the Great Lakes region, including the illegal acquisition of arms, can be prevented by the cooperative efforts of all Governments concerned,

Expressing once again its grave concern at allegations of the sale and supply of arms and related materiel to former Rwandan government forces in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and underlining the need for Governments to take action to ensure the effective implementation of the embargo,

Underlining the importance of regular consultations between the Commission of Inquiry and the countries concerned, as appropriate, in view of the necessity to respect the sovereignty of States in the region,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry, with the following mandate:

(a) To collect information and investigate reports relating to the sale or supply of arms and related materiel to former Rwandese Government Forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

(b) To investigate allegations that such forces are receiving military training in order to destabilize Rwanda;

(c) To identify parties aiding and abetting the illegal acquisition of arms by former Rwandese Government Forces, contrary to the Council resolutions referred to above;

(d) To recommend measures to end the illegal flow of arms in the region in violation of the Council resolutions referred to above;

2. *Recommends* that the Commission to be appointed by the Secretary-General be composed of five to ten impartial and internationally respected persons, including legal, military and police experts, under the chairmanship of an eminent person, and assisted by the appropriate support staff;

3. *Calls upon* States, relevant United Nations bodies, including the Security Council Committee established by resolution 918 (1994), and as appropriate, international humanitarian organizations, and non-governmental organizations, to collate information in their possession relating to the mandate of the Commission, and requests them to make this information available as soon as possible;

4. *Requests* the Secretary-General to report to the Council on the establishment of the Commission and to submit, within three months of its establishment, an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report, containing its recommendations;

5. *Calls upon* the Governments of the States concerned in which the Commission will carry out its mandate to cooperate fully with the Commission in the fulfilment of its mandate, including responding positively to requests from the Commission for security, assistance, and access in pursuing investigations, inter alia, by:

(a) The adoption by them of any measures needed for the Commission and its personnel to carry out their functions throughout their respective territories with full freedom, independence, and security;

(b) The provision by them of all information in their possession which the Commission requests, or is otherwise needed to fulfil its mandate, and free access for the Commission and its staff to any relevant archives;

(c) The granting of freedom of access at any time, for the Commission and its staff to any establishment or place as they deem necessary for their work, including border points, airfields and refugee camps;

(d) The adoption of appropriate measures to guarantee the safety and security of the members of the Commission and guarantees from the Governments of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the Commission in the fulfilment of its mandate;

(e) The granting of freedom of movement to members of the Commission, including freedom to interview any person in private, at any time, as appropriate;

(f) The granting of relevant privileges and immunities in accordance with the Convention on the Privileges and Immunities of the United Nations;

6. *Recommends* that the Commission begin its work as soon as possible and to this end requests the Secretary-General to pursue his consultations with the countries of the region;

7. *Calls upon* all States to cooperate with the Commission in facilitating its investigations;

8. *Encourages* States to make voluntary contributions to the Trust Fund for Rwanda, established by the Secretary-General, as a supplement to financing the work of the

Commission as an expense of the Organization, and to contribute equipment and services to the Commission through the Secretary-General;

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

After the vote, the representative of France stated that his Government was gratified that the Zaire initiative had led to the adoption of a resolution devoted to the establishment of the International Commission of Inquiry. He noted that since the adoption of resolution 918 (1994), many allegations had circulated regarding the assistance that the former Rwandese Government Forces continued to receive. Such allegations had largely contributed to maintaining in Central Africa an atmosphere of distrust, which in part explained the difficulties facing the international community in restoring peace and promoting national reconciliation in Rwanda and, more generally, in the Great Lakes region. It had therefore become essential to set up a Commission whose mandate would be to shed light, once and for all, on the many accusations that continued to poison relations between the countries of the region. His delegation hoped that the Commission would conclude its inquiry rapidly and with full impartiality. It also hoped that, on the basis of the facts that it gathered, the Commission would be able to recommend concrete measures to end illegal arms flows in the subregion.²²⁷

The representative of the United States noted that with the adoption of resolution 1013 (1995), the Council was taking the steps necessary to enforce the arms embargo on Rwanda. His delegation regretted Zaire's earlier decision to forcibly repatriate refugees, and trusted that it would not return to such drastic measures. At the same time, his delegation commended the Government of Zaire for taking the initiative to suggest the International Commission of Inquiry. Zaire's proposal was an important step in the development of resolution 1013 (1995), which would make a significant contribution to the effort to maintain peace in Central Africa and create the conditions for the voluntary return of refugees in dignity and safety. His delegation was especially pleased that the resolution empowered the Commission to go wherever necessary to gather evidence of possible arms transfers and military training. It believed that the Commission should conduct interviews and place observers at the places where illicit transfers were most likely to occur,

²²⁷ *Ibid.*, p. 6.

and explore allegations of suspicious activities in and around the reputed military camps of the former Rwandese armed forces.²²⁸

The representative of the United Kingdom stated that his country shared the widespread concern at continuing allegations that arms and related materiel had been reaching former Government forces and militias in the camps, since the activities of those elements represented a real threat to the security and stability of Rwanda, of Burundi, and of the whole Great Lakes region. His delegation hoped that the Commission would be able to establish an accurate picture of whether arms and related materiel were reaching the extremist elements, that is, the armed elements in the camps. Its findings would provide an objective basis for the consideration of possible measures to improve the monitoring and enforcement of the arms embargo established under resolution 918 (1994) and subsequent resolutions. He noted that it was very much in the interests of those countries in the region which had accepted large numbers of refugees to cooperate with the Commission.²²⁹

The representative of Rwanda stated that his delegation fully supported the contents of resolution 1013 (1995), noting that it was time that such a resolution was adopted in order to ensure respect for resolution 918 (1994), which was imposed on Rwanda and on countries that were engaged in violations. His delegation was of the view that any resolution aimed at verifying respect for the embargo must also fall under Chapter VII. Since that was not the case, the members of the Commission would not have a free hand in doing their verification and the result of their work might thereby be blunted. His delegation therefore felt that it was necessary to invoke Chapter VII in order to give resolution 1013 (1995) enough strength, just as it had been for the resolution whose implementation it was intended to verify. In conclusion, the speaker made the following comments: first, the problem of arms was woven into a fabric that could not be touched without referring to the impunity enjoyed by the criminals who had masterminded the genocide in Rwanda and had passed themselves off as refugees, while organizing the arming of the former Rwandan armed forces. The problem of arms was linked to that of the return of refugees: arming them created an atmosphere of

²²⁸ *Ibid.*, pp. 6-7.

²²⁹ *Ibid.*, p. 8.

tension which did nothing to facilitate their welcome in the country. Secondly, there had been more cooperation in armaments than in development. That situation concerned not only Rwanda, but other African countries, including Angola and Mozambique. It was high time for a resolution to be submitted — in the Council and/or in the General Assembly — demanding that “those countries that help Africans to kill each other be obliged to rebuild the countries that fall victim to this destructive cooperation”. His delegation recognized the right of any country, organization or corporation to sell arms to a State or give it military assistance, but it objected to those weapons being used to violate human rights.²³⁰

**Decision of 17 October 1995 (3588th meeting):
statement by the President**

On 7 October 1995, pursuant to resolution 997 (1995), the Secretary-General submitted to the Council a progress report on UNAMIR.²³¹ The Secretary-General reported on the progress made by the Government of Rwanda in the reconciliation process, including the integration of more than 2,000 members of the former Rwandese Government Forces into the Rwandese Patriotic Army and the repatriation of some 13,000 Rwandese refugees. The Secretary-General stressed, however, that national reconciliation depended not only on the repatriation and safe reintegration of the refugees but also on the establishment of an effective and credible national judiciary. The judiciary had remained largely inoperative. It was vital in that regard to translate into concrete action the good intentions expressed by the Government of Rwanda regarding various recovery efforts, including, for instance, the appointment by the National Assembly of the Supreme Court. He also reported that in spite of some progress made, prison conditions continued to constitute a major humanitarian crisis. He had therefore requested the Under-Secretary-General for Humanitarian Affairs to initiate effective and urgent measures to alleviate the appalling situation in the prisons. Any sustained improvement in prison conditions over the long term, however, could be secured only through parallel action to help restore the Rwandese judicial system.

²³⁰ *Ibid.*, pp. 9-10.

²³¹ S/1995/848.

The security situation had been endangered by cross-border infiltration and sabotage, leading to countermeasures by the Government. As requested in resolution 1013 (1995), the Secretary-General was working to set up the International Commission of Inquiry to look into allegations of arms supplies to and training of former Rwandese government forces.

The Secretary-General remained convinced that long-term peace in Rwanda would continue to be elusive as long as large concentrations of Rwandese nationals remained encamped in neighbouring countries. He hoped that the International Commission of Inquiry would help defuse tensions and promote mutual confidence along Rwanda's borders. He also welcomed recent efforts to improve relations among the States in the region, which he thought should help pave the way for the proposed Regional Conference on Peace, Security and Development. The Secretary-General concluded by stating that, while Rwanda had made visible progress in its efforts to overcome the problems created by the tragic events of 1994, the country still had a long road to travel in its search for reconciliation and recovery.

At its 3588th meeting, on 17 October 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Nigeria) drew the attention of the members of the Council to a letter dated 11 October 1995 addressed to the President of the Council from the representative of Kenya.²³² He then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:²³³

The Council has considered the report of the Secretary-General's on the United Nations Assistance Mission for Rwanda of 7 October 1995.

The Council welcomes progress made by the Government of Rwanda in the reconciliation process, including the integration of more than 2,000 members of the former Rwandese Government Forces into the Rwandese Patriotic Army. The Council calls on the Government of Rwanda to intensify its contacts with all sectors of Rwandan society, except with those directly responsible for the genocide. The Council reiterates its concern at reports about continuing cross-border infiltrations from neighbouring countries which have a destabilizing effect within Rwanda. The Council also reiterates its concern at the danger for peace and stability in the Great Lakes Region which

²³² S/1995/861.

²³³ S/PRST/1995/53.

would be caused by uncontrolled arms flows and in this context reaffirms the relevant provisions of its resolution 1013 (1995). The Council condemns all acts of violence in Rwanda. The Council welcomes the fact that the Government of Rwanda has voluntarily and without delay initiated an investigation into the killing of civilians at Kanama and expects that prosecution of those responsible will follow.

The Council calls again upon all States to act in accordance with the conclusions of the summit meeting of the leaders in the region in Nairobi in January 1995 and the recommendations by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995. The Council welcomes recent efforts to improve relations among the States in the region, which should help pave the way for the proposed Regional Conference on Peace, Security and Development. In this regard, the Council supports the efforts of the Special Envoy of the Secretary-General to the Great Lakes region for the preparation and convening of such a conference. It requests the Secretary-General to submit his report on the results of the first round of consultations of the Special Envoy in the region as soon as possible.

The Council reaffirms the important role the Mission has played in Rwanda and the region. In this respect, the Council underlines its commitment to the Mission which, *inter alia*, assists the Government of Rwanda in facilitating the voluntary return and resettlement of refugees and has made available to the Rwandan authorities its engineering and logistics capacity. The Council underlines the fact that the Mission can effectively implement its current mandate only if it has an adequate force level and sufficient means. The Council stands ready to study carefully any further recommendations that the Secretary-General might make on the issue of force reductions in relation to the fulfilment of the mandate of the Mission.

The Council reaffirms its view that genuine reconciliation as well as long-lasting stability in the region as a whole cannot be attained without the safe, voluntary and organized return to their country of all Rwandan refugees. In this respect, the Council welcomes the joint efforts of Rwanda, neighbouring countries and the Office of the United Nations High Commissioner for Refugees to speed up the voluntary return of refugees through, *inter alia*, the work of the Tripartite Commissions. The Council underlines that, in order to foster the process of national reconciliation, an effective and credible national judiciary has to be established. In this respect, it welcomes the appointment of the members of the Rwandan Supreme Court. The Council further underlines that the International Tribunal for Rwanda should begin its proceedings as soon as possible. The Council calls on Member States to comply with their obligations with regard to cooperation with the Tribunal in accordance with resolution 955 (1994). It urges once more all States to arrest and detain persons suspected of genocide and other serious violations of international humanitarian law in accordance with resolution 978 (1995). The Council underlines the necessity for the Tribunal to be fully financed, as a matter of priority, and for continued access to the

Voluntary Trust Fund established for the Tribunal. The Council continues to support the work of human rights monitors in Rwanda in cooperation with the Rwandan Government.

The Council reaffirms its concern at the appalling situation in the Rwandan prisons. In this respect, it welcomes measures initiated by the Department of Humanitarian Affairs, in coordination with the international community and the Government of Rwanda, to alleviate the intolerable conditions in Rwandan prisons. It calls upon the international community to continue its assistance in this regard and encourages the Rwandan Government to continue its efforts to improve the situation in the prisons. The Council underlines the importance of parallel action by the Rwandan Government to restore the Rwandan judicial system and requests the international community to assist the Rwandan Government in this urgent task.

The Council underlines the fact that sound economic foundations are also vital for achieving lasting stability in Rwanda. In this respect, it welcomes the increased commitments and funds pledged for the Government's programme of national reconciliation and socio-economic rehabilitation and recovery following the mid-term review of the Geneva Round-Table Conference, and calls upon the international community to continue to support Rwanda's rehabilitation process.

The Council will remain seized of the matter.

Decision of 10 November 1995: letter from the President to the Secretary-General

In a letter dated 30 October 1995,²³⁴ pursuant to resolution 1011 (1995), the Secretary-General reported on his efforts and on those of his Special Envoy to prepare the Regional Conference on Security, Stability and Development in the Great Lakes Region of Central Africa. Following his return from the region where he had held high-level consultations with OAU and the Governments of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania, his Special Envoy had reported to him that most of those Governments had supported the idea of a regional conference. However, the Government of Rwanda had expressed strong opposition to the idea of such a conference and the Government of Uganda had indicated that it was not keen to have the United Nations actively involved in that process. The Secretary-General stated that, notwithstanding those reservations, the United Nations would continue to monitor developments in the region and he would revert to the Council if conditions existed for the successful convening of a conference.

²³⁴ S/1995/945.

In a letter dated 10 November 1995,²³⁵ the President of the Council (Oman) informed the Secretary-General of the following:

The members of the Security Council have considered your letter of 30 October 1995 pursuant to paragraph 5 of Council resolution 1011 (1995) of 16 August 1995. They wish to give every possible support to all efforts to reduce tension and restore stability in the Great Lakes region. They are grateful for your efforts and those of your Special Envoy, Mr. José Luis Jesús, to prepare for the Regional Conference on Security, Stability and Development in the Great Lakes Region of Central Africa. They note the views expressed by the Governments of States in the region. They encourage you to continue your contacts with the aim of convening the conference.

**Decision of 8 December 1995 (3604th meeting):
resolution 1028 (1995)**

On 1 December 1995, pursuant to resolution 997 (1995), the Secretary-General submitted to the Council a further report on UNAMIR,²³⁶ containing recommendations regarding the United Nations role after the conclusion of the Mission's mandate on 8 December 1995. The Secretary-General reported that a climate of relative security and stability had continued to prevail within Rwanda, despite the absence of any discernible effort towards national reconciliation. Some improvements in the socio-economic sectors had occurred, and the first effective steps towards the revival of the national judiciary system had been taken, with the appointment of the Supreme Court on 17 October. At the same time, the former Rwandese Government forces and armed militia had continued their infiltration and sabotage campaigns along the Zaire-Rwanda border. The Secretary-General believed that the main factor that prevented a return to stability, security and harmony in Rwanda was the absence of a process of national reconciliation, which depended on the creation of conditions conducive to the return of the 1.6 million refugees outside Rwanda, and for the judgement of those accused of genocide. Overall, while progress continued to be made within Rwanda on security and normalization, an atmosphere of tension and instability pervaded the region. In the absence of the necessary consensus among the Governments concerned on the convening of a regional conference, the Secretary-General indicated that the United Nations would continue to monitor developments in the region. He

informed the Council that a summit attended by the Heads of State of Burundi, Rwanda, Uganda, Zaire and a special presidential envoy from the United Republic of Tanzania, was held in Cairo on 28 and 29 November 1995. The Cairo Declaration on the Great Lakes Region was issued, in which the parties pledged to take concrete actions to advance peace, justice, reconciliation, stability and development in the region.²³⁷

The Secretary-General reiterated that the core issue for Rwanda remained national reconciliation. That required the rapid creation of conditions that would facilitate the safe return of 1.6 million refugees to their homes in dignity and the bringing to justice of the perpetrators of genocide. The refugees had placed formidable socio-economic and environmental burdens on the host countries, and increasing infiltration and sabotage activities by the former Rwandese Government forces and militia had heightened tension both within Rwanda and between Rwanda and its neighbours. All those factors heightened the risk of forceful refoulement of the refugees. It was thus all the more important to address promptly the issue of the refugees' voluntary return and safe reintegration in their home communities. It was vital that neighbouring States support efforts to that end by demonstrating the political will to implement the existing agreements for refugee return contained in the Nairobi Declaration and the Bujumbura plan of action. In that connection, he noted that efforts to induce a large-scale refugee return would need to be viewed in a time frame extending over the next three to six months, taking account of the "commonality of interest" for the return of refugees that the High Commissioner for Refugees had noted after her visit to all the countries in the region. It was in that context that a large part of the international community believed that a further six-month extension of the mandate of UNAMIR was desirable. While UNAMIR's role could only be one of facilitation, and the principal responsibility for providing security and material support for the return of the refugees lay with the Government of Rwanda, the continued presence of UNAMIR could help to build confidence among the refugees and encourage them to take the decision to return. The Government of Rwanda, however, had officially informed the Secretary-General that it did not agree to an extension of UNAMIR's mandate beyond its expiration on 8 December 1995. However, the

²³⁵ S/1995/946.

²³⁶ S/1995/1002.

²³⁷ S/1995/1001, annex.

Government had indicated that it would be receptive to a continued United Nations presence, provided its purpose was to assist Rwanda in its pressing tasks of rehabilitation and reconstruction, including the provision of technical expertise, financial assistance and equipment. Since UNAMIR could not remain in Rwanda without the consent of the Government, the Secretary-General intended to initiate the drawdown of the operation as of 8 December 1995. The Secretary-General recalled that the overarching objective of the Organization was the restoration of peace and stability, not only in Rwanda, but in the region as a whole. That objective not only required solutions to the problems of reconciliation, justice and the return of refugees in Rwanda, but also meant tackling other problems that contributed to tension and instability in the Great Lakes region. He hoped, therefore, that continued progress in cooperation among the countries of the region would create the necessary conditions for the early achievement of such a solution. The Secretary-General recommended that the United Nations maintain a political presence in Rwanda after the withdrawal of UNAMIR. A United Nations office, headed by his Special Representative, could be established with a view to furthering, in consultation with the Government of Rwanda, the search for peace and stability through justice and reconciliation. His Special Representative would have overall authority for the coordination and expansion of the assistance that the United Nations and the international community were providing in support of Rwanda's rehabilitation and reconstruction efforts. Finally, referring to Rwanda's wish that non-lethal equipment belonging to UNAMIR be left to the Government after its departure, he noted that that was clearly an issue on which only the General Assembly could decide.²³⁸

At its 3604th meeting, on 8 December 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to a letter dated 30 November 1995 from the representative of Rwanda, addressed to the President of the Council,²³⁹ and a letter dated 8 December 1995 from the representative of Rwanda to the Secretary-General,²⁴⁰ transmitting the texts of two letters dated 13 August and

24 November 1995, respectively, from the Minister for Foreign Affairs of Rwanda. He also drew their attention to a draft resolution prepared in the course of the Council's prior consultations.²⁴¹

The draft resolution was then put to the vote and adopted unanimously as resolution 1028 (1995), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 997 (1995) of 9 June 1995,

Having considered the report of the Secretary-General of 1 December 1995 on the United Nations Assistance Mission for Rwanda,

1. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda for a period expiring on 12 December 1995;
2. *Decides* to remain actively seized of the matter.

Decision of 12 December 1995 (3605th meeting): resolution 1029 (1995)

At its 3605th meeting, on 12 December 1995, the Council included the report of the Secretary-General dated 1 December 1995 in its agenda.²⁴² Following the adoption of the agenda, the Council invited the representative of Canada, at his request, to participate in the Council's discussion, without the right to vote. The President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁴³

The representative of Canada stated that in view of the unstable situation prevailing in the Great Lakes region, his delegation would have viewed the renewal of UNAMIR's mandate, with its existing strength and composition, as a very modest but minimal and necessary stabilizing presence. It believed that UNAMIR's activities in assisting in confidence-building and in the peaceful and orderly repatriation of refugees still deserved the full support of the Government of Rwanda and of the international community. The Government of Rwanda had indicated, however, a growing reluctance to have a peacekeeping mission on its territory, in spite of the efforts by a number of countries to convince it that it was in its interest to maintain an effective peacekeeping

²³⁸ S/1995/1002, para. 51.

²³⁹ S/1995/1001.

²⁴⁰ S/1995/1018.

²⁴¹ S/1995/1019.

²⁴² S/1995/1002.

²⁴³ S/1995/1015.

operation in Rwanda. Moreover, it had sought to impose unacceptable and unworkable constraints on the continuation of UNAMIR. The troop reduction from 5,500 to 1,800 which was accepted by the Council in June was understood by the members of the Council, by the Secretariat and by troop contributors alike to be below the bare minimum for a credible mission. The further reduction of the strength of UNAMIR by one third, which the Council was about to decide, was an unfortunate development. It had allowed the Government of Rwanda to set its own conditions on the mandate and structure of the Mission, independent of expert advice as to what was required. The Council would also be compromising the integrity of a peacekeeping mission and the credibility of the Organization to fulfil the short-term, politically expedient requirement of retaining the Mission in place. Furthermore, UNAMIR would not be able to do the job which it was designed to accomplish. Past experiences had shown that politically motivated creative ambiguity, the willingness to endlessly compromise essential Mission elements, had repeatedly compromised the United Nations, the peacekeepers and the people and interests they were meant to protect. By creating false expectations about what UNAMIR could realistically achieve, the Council would be demonstrating that it had not yet fully absorbed lessons learned from the recent past in peacekeeping operations. In particular, the United Nations must be provided with the resources it needed to perform the tasks assigned by Member States — effectively by the members of the Council. If the Member States were not prepared to provide adequate resources, the United Nations should not be involved. In the case of Rwanda, where the Government was not prepared to accept the presence of a United Nations peace operation with the force structure necessary to accomplish its mandate, it would have been preferable to withdraw UNAMIR immediately, as the Secretary-General had indicated in his report that he intended to do. He concluded by stating that given the new force structure of a limited and possibly ineffective operation, Canada would have to consider its options carefully regarding its own participation in UNAMIR.²⁴⁴

Speaking before the vote, the representative of the United Kingdom stated that he believed that UNAMIR's continued presence, with its new mandate focusing on the issue of refugee return and on assisting

UNHCR in that process, would be the key to ensuring that the refugees returned home in conditions of dignity. Although that was the final extension of UNAMIR's mandate, his delegation also believed that the United Nations and the international community at large would continue to have an important role to play when UNAMIR left on 8 March 1996, and hoped that discussions could soon begin on a possible future role for the United Nations in restoring confidence and building stability in Rwanda.²⁴⁵

The representative of Botswana stressed that, in his delegation's view, the Cairo Conference was not intended to be a substitute for the regional conference proposed by the United Nations. The United Nations and OAU should continue their efforts aimed at enabling the Governments of the region to find common ground on an agenda for such a conference, recalling that the Council was unanimous in its recognition of the fact that Rwanda's difficulties had subregional dimensions that required political and diplomatic solutions. Turning to the draft resolution, he stated that, although pleased with the consensus text, Botswana's preference would have been for UNAMIR's mandate to be extended by a further six months, for the reasons stated in the Secretary-General's report.²⁴⁶

The representative of Nigeria stated that, while recognizing the progress made in Rwanda, his delegation remained concerned about the tense security situation, particularly along the country's borders. It hoped that the International Commission of Inquiry would complete its work soon and that its findings would enable the Council to find ways of addressing the problems. Concerning the problem of the refugees, Nigeria believed that repatriation must be voluntary, safe and orderly, which inevitably carried a regional dimension. In that connection, it was the view of his delegation that the Cairo Conference, useful as it was, could not be a substitute for a United Nations conference co-sponsored by OAU. It therefore requested the Secretary-General to continue his consultations with the countries of the region in order to find a basis for the holding of such a conference. The speaker further stated that the concern of the Government of Rwanda that the existing mandate of UNAMIR was not well suited to the needs of the

²⁴⁵ *Ibid.*, pp. 4-5.

²⁴⁶ *Ibid.*, pp. 6-7.

²⁴⁴ S/PV.3605, pp. 2-4.

Government and people for reconstruction, rehabilitation and rebuilding had much merit. Nonetheless, given the efforts that had been exerted to ensure the second deployment of UNAMIR and since UNAMIR still could make useful contributions to improving the overall situation in Rwanda, his delegation did not want UNAMIR's mandate to be terminated abruptly. It was pleased therefore that the draft resolution provided a basis for the renewal and continuation of UNAMIR, with a mandate that was appropriate to the realities in Rwanda. It would therefore vote in favour of the draft resolution, on the understanding, however, that even when UNAMIR's mandate expired on 8 March 1996, the continued presence of the United Nations would be necessary.²⁴⁷

According to the representative of Germany, the revised mandate of UNAMIR reflected the progress made within Rwanda towards stability and security. On the basis of the draft resolution, UNAMIR continued to have a mandate which allowed effectively to assist in the process of repatriation of refugees. Moreover, with the adoption of the draft resolution, the Council would decide upon the request of the Government of Rwanda to withdraw UNAMIR after 8 March 1996. His Government would have preferred not to decide as yet on the end of UNAMIR's mission, but it respected the wish of the Rwandan Government. He noted further that while UNAMIR continued to provide protection for the International Tribunal for Rwanda, the Government of Rwanda had insisted that it alone would provide protection for other international personnel. In that regard, his delegation would have liked a mandate with a longer term and a larger UNAMIR force since international agencies and non-governmental organizations on the ground would not be able to carry out their humanitarian and reconstruction tasks unless their safety was ensured.²⁴⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 1029 (1995), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994,

²⁴⁷ *Ibid.*, pp. 7-9.

²⁴⁸ *Ibid.*, p. 9.

965 (1994) of 30 November 1994 and 997 (1995) of 9 June 1995, which set out the mandate of the United Nations Assistance Mission for Rwanda,

Recalling its resolution 955 (1994) of 8 November 1994, establishing the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of committing genocide in Rwanda,

Having considered the report of the Secretary-General of 1 December 1995,

Taking note of the letters dated 13 August and 24 November 1995 from the Minister of Foreign Minister of Rwanda to the Secretary-General,

Stressing the importance of the voluntary and safe repatriation of Rwandan refugees and of genuine national reconciliation,

Noting with great concern continuing reports of military preparations and incursions into Rwanda by elements of the former regime, underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda, and welcoming, in this context the establishment of the International Commission of Inquiry pursuant to its resolution 1013 (1995) of 7 September 1995,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of confidence and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Welcoming the summit of heads of State of the Great Lakes Region, held in Cairo on 28 and 29 November 1995 and the Declaration issued by the Summit on 29 November,

Emphasizing the importance of all States acting in accordance with the recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region held at Bujumbura from 15 to 17 February 1995, and those contained in the Cairo Declaration on the Great Lakes Region,

Commending the Government of Rwanda's continuing efforts to maintain peace and security as well as to reconstruct and rehabilitate the country,

Recognizing the valuable contribution that the human rights officers deployed by the United Nations High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all Mission personnel and other international staff serving in the country,

1. *Decides* to extend the mandate of United Nations Assistance Mission for Rwanda for a final period until 8 March 1996;

2. *Decides also*, in the light of current efforts to restore peace and stability through the voluntary and safe repatriation of Rwandan refugees, to adjust the mandate of the Mission so that the Mission will:

(a) Exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees within the frame of reference of the recommendations of the Bujumbura Conference and the Cairo summit of the heads of State of the Great Lakes region, and in promoting genuine national reconciliation,

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and, to this end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks,

(c) Assist the Office of the United Nations High Commissioner for Refugees and other international agencies in the provision of logistical support for the repatriation of refugees,

(d) Contribute, with the agreement of the Government of Rwanda, to the protection of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, as an interim measure until alternative arrangements agreed with the Government of Rwanda can be put in place,

3. *Requests* the Secretary-General to reduce the force level of the Mission to 1,200 troops to carry out the mandate set out in paragraph 2 above;

4. *Also requests* the Secretary-General to reduce the number of military observers, headquarters and other military support staff to 200;

5. *Further requests* the Secretary-General to initiate planning for the complete withdrawal of the Mission after the expiry of the present mandate, that withdrawal to take place within a period of six weeks after the expiry of the mandate;

6. *Requests* the Secretary-General to withdraw the civilian police component of the Mission;

7. *Also requests* the Secretary-General to examine, in the context of existing United Nations regulations, the feasibility of transferring non-lethal equipment of the Mission, as elements of the Mission withdraw, for use in Rwanda;

8. *Takes note* of the cooperation existing between the Government of Rwanda and the Mission in the implementation of its mandate and urges the Government of Rwanda and the Mission to continue to implement the status-of-mission agreement of 5 November 1993 and any subsequent agreement to replace that agreement in order to facilitate the implementation of the new mandate;

9. *Calls upon* the Government of Rwanda to take all necessary measures to ensure that Mission personnel and equipment that are scheduled to withdraw can do so in an orderly and safe manner;

10. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

11. *Calls upon* States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal for Rwanda and the rehabilitation of the Rwandan justice system;

12. *Also calls upon* States to cooperate fully with the International Commission of Inquiry established pursuant to resolution 1013 (1995);

13. *Encourages* the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda, including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

14. *Requests* the Secretary-General to report to the Council by 1 February 1996 on the discharge by the Mission of its mandate and progress towards repatriation of refugees;

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

After the vote, the representative of the United States noted that the situation in Rwanda had changed significantly over the course of the presence of UNAMIR. However, the situation in the region still faced instability, due to the presence of over a million refugees just over Rwanda's borders. The United States believed that UNAMIR could play an important role in facilitating the voluntary and safe return of refugees to their former homes in Rwanda. To that end, the mandate of UNAMIR had been refocused on the range of tasks it could perform to help smooth the way for the refugees' repatriation. Another element in bringing

about the return of the refugees and national reconciliation was the work of the International Tribunal for Rwanda. It was vitally important that the Tribunal had a sense of security needed to continue its impartial investigations and prosecutions. The duties of UNAMIR must therefore continue to include assisting in the protection of the Tribunal's personnel and premises until alternate arrangements were operational. The United States also expected UNAMIR to continue to assist the humanitarian agencies as the need arose. United Nations forces had the right — indeed, the obligation — to come to the aid of other United Nations and other international personnel in times of need. The speaker further stated that following the departure of UNAMIR, the United Nations would need to retain a strong presence in Rwanda to provide the assistance in reconstruction, rehabilitation, justice and political reconciliation that was needed there. He concluded by stating that the last three months of UNAMIR's mandate should be used to put into place a non-military logistics lifeline to sustain the various United Nations agencies and non-governmental organizations which had benefited from the presence of UNAMIR's extensive logistics and communications network.²⁴⁹

The representative of France stated that his delegation had voted in favour of resolution 1029 (1995), but had done so without fully supporting it. While his Government had taken note of the positive developments that were taking place, it remained true that Rwanda and the Great Lakes region continued to face very serious problems. Because UNAMIR had so far played a positive role, his Government had hoped that the operation would remain in place to carry out the tasks entrusted to it by the Council. Although his Government would have preferred not to take a decision as yet to end the operation in March 1996, the Government of Rwanda had taken a different decision. France noted that decision but hoped that the ultimate departure of the United Nations would not coincide with a deterioration in the situation in that part of Africa. In that regard, his Government believed that it would be even more necessary for the United Nations to play a role in Rwanda once UNAMIR had departed, and urged the Government of Rwanda to be flexible in the negotiations with the Secretariat on that question.²⁵⁰

The representative of Rwanda stated that national reconciliation was in progress. The new Government of Rwanda, with the cooperation of a large number of Member States, had been able to accomplish a great deal in the past few months, in spite of an acute lack of resources and limited and conditional support from some sectors of the international community. It had been able to establish a climate of security and stability within the country. Much progress had been made in economic and social rehabilitation, and the recent appointment of Supreme Court judges by the National Assembly had contributed to the revival of the national judicial system. However, despite the tremendous efforts of the Government of Rwanda, problems remained, including bringing the perpetrators of genocide to justice, both nationally and internationally; putting an end to infiltration and sabotage by the former Rwandese armed forces along Rwanda's western border; the intimidation of refugees in the refugee camps; and the economic and social reconstruction of Rwanda. UNAMIR could not and was not expected to respond to any of those priorities. Nevertheless, the Government of Rwanda had appreciated the assistance provided by the Mission. UNAMIR's departure would leave a gap in terms of transportation and logistical support in areas of need in Rwanda. For that reason, based on precedents in the case of Cambodia and other United Nations peacekeeping missions, the Government of Rwanda had requested the donation of some of UNAMIR's non-lethal equipment upon UNAMIR's departure. Such a donation would be a gesture of good will on the part of Member States and the Secretariat. The speaker further stated that the Government of Rwanda was willing to extend the presence of UNAMIR for three months on condition that its mandate be adjusted accordingly. During that period and later, the Government would continue to ensure the security of all persons in Rwanda, including United Nations personnel. Additional measures had already been agreed on between the Government of Rwanda and the International Tribunal to ensure the protection of the Tribunal personnel. Any other needs in the area of security would be considered by the Government of Rwanda, as appropriate.²⁵¹

²⁴⁹ Ibid., pp. 11-12.

²⁵⁰ Ibid., p. 13.

²⁵¹ Ibid., pp. 13-15.

6. The situation in Somalia

Decision of 26 March 1993 (3188th meeting): resolution 814 (1993)

On 3, 11 and 22 March 1993, pursuant to resolution 794 (1992) of 3 December 1992, the Secretary-General submitted a further report on Somalia.¹ In his report, the Secretary-General described his efforts to implement resolution 794 and introduced his plan for the transition from the United Task Force (UNITAF) to the United Nations Operation in Somalia (UNOSOM II). The Secretary-General reported that the situation in many parts of the country remained complex and tense, especially in rural areas and along Somalia's borders with Ethiopia and Kenya. The recent murders of relief workers had highlighted the extreme fragility of the security situation, in spite of the presence of large numbers of military forces. They had also highlighted again the importance of a secure environment for the effective delivery of emergency relief and rehabilitation assistance. Pointing out that the needs of Somalia were immense and urgent, the Secretary-General outlined three major challenges in 1993, which were to facilitate the voluntary return of 300,000 refugees and internally displaced persons; to provide jobs for the many millions unemployed; and to assist in national capacity-building, since national and regional Somali institutions and civil administration had virtually ceased to exist. To achieve those objectives, the United Nations, in close cooperation with relevant organizations of the United Nations system and international non-governmental organizations, as well as Somali representatives, were putting together a humanitarian programme for 1993. The Secretary-General called upon donors to support that programme at the United Nations Humanitarian Conference, to be held in Addis Ababa from 11 to 13 March 1993.

The Secretary-General warned that the proliferation of landmines in Somalia could severely hamper humanitarian efforts. In that regard, he intended to establish a coherent and integrated programme for the removal of mines in Somalia. He stated that a mine awareness programme should also be established among refugees and displaced persons.

With regard to political reconciliation, the Secretary-General reported that he had continued to

promote efforts towards such reconciliation in cooperation with the regional organizations. However, his efforts had been hindered by the circumstances prevailing in Somalia, including the non-existence of a government, the multiplicity of parties, factions and leaders, and the absence of law and order in all parts of the country. The major political development since his last report had been the convening in Mogadishu, after significant delays, of the Ad Hoc Committee to resolve the criteria for participation at, and the agenda of, the National Reconciliation Conference. The Committee had met on 23 and 27 February and adopted a report on participation, the draft agenda and decision-making procedures. The Somali National Alliance had submitted reservations regarding the criteria for participation. The Secretary-General pointed out that it was essential to maintain the momentum gained in Addis Ababa, at the informal meeting for a Conference on National Reconciliation and Unity, on 4 January 1993, and to proceed with the convening of the conference. In that regard, he informed the Council of his intention to invite a broad cross-section of Somalis to participate in the conference, to ensure that the validity and decisions of the Conference would be recognized by the Somali public at large.

The Secretary-General reiterated his view that without improved security throughout the country, the political process could not prosper and humanitarian operations would remain vulnerable to disruption. Acknowledging that UNITAF had made an important contribution in that regard, he pointed out, however, that recent events on the ground had demonstrated that the situation was still volatile, that a secure environment had not yet been established and that there was still a threat to international peace and security. Therefore, the Council should be prepared to ensure that UNOSOM II was fully in a position to carry out its tasks. The mandate of UNOSOM II, as set out in his report,² would confer authority for appropriate action, including enforcement action as necessary, to establish throughout Somalia a secure environment for humanitarian assistance. To that end, UNOSOM II would seek to complete, through disarmament and reconciliation, the task begun by UNITAF for the restoration of peace, stability, law and

¹ S/25354 and Add.1 and 2.

² For details on the proposed mandate, see S/25354, paras. 56-58.

order. The mandate would also empower UNOSOM II to assist the Somali people in rebuilding their shattered economy and social and political life, re-establishing the country's institutional structure, achieving national political reconciliation, recreating a Somali State based on democratic governance, and rehabilitating the country's economy and infrastructure. The Secretary-General also underlined that there must be a smooth transition from UNITAF to UNOSOM II. The deployment of UNOSOM II would be at his discretion, as well as that of his Special Representative and the Force Commander, acting under the authority of the Security Council and would have to cover the whole country, including its borders, in order to control the movement of refugees, prevent the illicit introduction of arms into Somalia, and avoid destabilization of the neighbouring countries. Furthermore, Member States should be encouraged to monitor and report violations of the arms embargo. The Secretary-General maintained that the political will to achieve security, reconciliation and peace must spring from the Somalis themselves. Even if UNOSOM II were authorized to resort to forceful action, it could not and must not be expected to substitute itself for the Somali people, nor could or should it use its authority to impose one system or another of governmental organization. It should, however, be in a position to press for the observance of United Nations standards of human rights and justice. The Secretary-General concluded by saying that UNOSOM II would be the first operation of its kind to be authorized by the international community. It would also be an answer of the international community to the universally shared concern that the situation in Somalia, though primarily of a domestic nature, could affect the peace and stability of the entire region.

At its 3188th meeting, on 26 March 1993, the Security Council included in its agenda the further report of the Secretary-General of 3, 11 and 22 March 1993. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations³ and read out a revision made to the draft. He also drew attention to several other

³ S/25472.

documents⁴ and two reports of the Secretary-General, of 19 December 1992 and 26 January 1993, on the situation in Somalia, submitted in pursuance of resolution 794 (1992) of 3 December 1992.⁵

In his report of 19 December 1992, the Secretary-General had recalled that the Council had accepted his advice that the traditional peacekeeping model was not suitable to the Somali situation and, acting under Chapter VII of the Charter, had adopted resolution 794 (1992), entrusting to certain Member States, on a temporary basis, the responsibility for creating a secure environment for the unimpeded delivery of humanitarian assistance. The Secretary-General had set out, in his report of 19 December 1992, his ideas for a new mandate for UNOSOM and the modalities for effecting the transition from UNITAF to continued peacekeeping operations. In doing so, he had pointed out that the UNITAF had been on the ground for only 10 days and that it was too early to make an evaluation of its success and of the resources that would be required to enable UNOSOM to maintain a secure environment for humanitarian operations. Therefore, the plan submitted could only be regarded as a conceptual plan. Moreover, no decision should be taken on the proposed approach until the situation on the ground in Somalia had become clear.

In his report of 26 January 1993, the Secretary-General had reported, *inter alia*, on his efforts to promote national reconciliation in Somalia. The major development had been the convening of an informal preparatory meeting for a conference of national reconciliation and unity on Somalia, in Addis Ababa, from 4 to 15 January 1993, in which the three following agreements were concluded: (a) General Agreement of 8 January 1993; (b) Agreement on implementing the ceasefire and on modalities of disarmament; and (c) Agreement on the establishment of an ad hoc committee to help resolve the criteria for participation at and the agenda for the national

⁴ Letters dated 17 December 1992 and 19 January 1993 from the Permanent Representative of the United States of America (S/24976 and S/25126), 7 January 1993 from the Permanent Representative of Canada (S/25072), 25 January 1993 from the Permanent Representative of the United Arab Emirates (S/25163) and 18 February 1993 from the Permanent Representative of Kuwait (S/25312), all addressed to the President of the Security Council.

⁵ S/24992 and S/25168.

reconciliation conference. The meeting had also agreed on the convening of a national reconciliation conference in Addis Ababa on 15 March 1993.

Speaking before the vote, the representative of Djibouti described Somalia as a modern anomaly, a land with no effective mechanism for governance. There were no financial institutions, government offices, schools, hospitals, police, military or political organs of government. In his view, reconstructing Somalia would entail many critical choices which had to be made by the Somalis themselves. He remained optimistic that available skilled and trained Somali manpower could be lured to participate in the reconstruction. The vital question the international community faced was the manner in which that could be best achieved. He suggested in that regard that its role was, perhaps, at bottom, to provide a secure basis for Somalia's institutional re-emergence. Turning to the draft resolution, the speaker expressed his belief that it sufficiently reflected the mandate, as well as the resources, desired by the Secretary-General to fulfil his responsibilities. He noted in that regard the attention given to matters of transition and coordination between UNITAF and UNOSOM II, the continuing need to realize full and effective disarmament and pacification, to refocus the Council priorities from humanitarian aid to rebuilding and reconstruction, and to help the Somali people achieve political governance.⁶

The representative of the United States contended that, by adopting the draft resolution, the members of the Council would signify that it was time for the United Nations to resume its rightful leadership role in restoring peace to Somalia and in creating conditions for Somalis to choose their own future. She noted that the Council would be embarking on an unprecedented enterprise aimed at the restoration of an entire country as a functioning and viable member of the community of nations. She further noted that the draft resolution would engage the world community to provide the most comprehensive assistance ever given to any country, but to do so with few lessons and no models to guide its path. Meanwhile the Secretary-General had to oversee the continued ceasefire, disarmament, the maintenance of security, further relief and humanitarian assistance, reconstruction and economic

⁶ S/PV.3188, pp. 7-10.

renewal, refugee repatriation, the creation of civilian administration, and political reconciliation.⁷

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 814 (1993), which reads:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992,

Bearing in mind General Assembly resolution 47/167 of 18 December 1992,

Commending the efforts of Member States acting pursuant to resolution 794 (1992) to establish a secure environment for humanitarian relief operations in Somalia,

Acknowledging the need for a prompt, smooth and phased transition from the Unified Task Force to the expanded United Nations Operation in Somalia,

Regretting the continuing incidents of violence in Somalia and the threat they pose to the reconciliation process,

Deploing the acts of violence against persons engaging in humanitarian efforts on behalf of the United Nations, States, and non-governmental organizations,

Noting with deep regret and concern the continuing reports of widespread violations of international humanitarian law and the general absence of the rule of law in Somalia,

Recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Acknowledging the fundamental importance of a comprehensive and effective programme for disarming Somali parties, including movements and factions,

Noting the need for continued humanitarian relief assistance and for the rehabilitation of Somalia's political institutions and economy,

Concerned that the crippling famine and drought in Somalia, compounded by the civil strife, have caused massive destruction of the means of production and the natural and human resources of that country,

Expressing its appreciation to the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries for their cooperation with, and support of, the efforts of the United Nations in Somalia,

Also expressing its appreciation to all Member States which have made contributions to the fund established pursuant

⁷ *Ibid.*, pp. 18-19.

to paragraph 11 of resolution 794 (1992) and to all those who have provided humanitarian assistance to Somalia,

Commending the efforts, in difficult circumstances, of the initial United Nations Operation in Somalia established pursuant to resolution 751 (1992),

Further expressing its appreciation for the invaluable assistance the neighbouring countries have been providing to the international community in its efforts to restore peace and security in Somalia and to host large numbers of refugees displaced by the conflict, and noting the difficulties caused to them by the presence of refugees in their territories,

Convinced that the restoration of law and order throughout Somalia would contribute to humanitarian relief operations, reconciliation and political settlement, as well as to the rehabilitation of Somalia's political institutions and economy,

Convinced also of the need for broad-based consultations and deliberations to achieve reconciliation, agreement on the setting up of transitional government institutions and consensus on basic principles and steps leading to the establishment of representative democratic institutions,

Recognizing that the re-establishment of local and regional administrative institutions is essential to the restoration of domestic tranquillity,

Encouraging the Secretary-General and his Special Representative to continue and intensify their work at the national, regional and local levels, including and encouraging broad participation by all sectors of Somali society, to promote the process of political settlement and national reconciliation and to assist the people of Somalia in rehabilitating their political institutions and economy,

Expressing its readiness to assist the people of Somalia, as appropriate, on a local, regional or national level, to participate in free and fair elections, with a view towards achieving and implementing a political settlement,

Welcoming the progress made at the United Nations-sponsored informal preparatory meeting on Somali political reconciliation held at Addis Ababa from 4 to 15 January 1993, in particular the conclusion at that meeting of three agreements by the Somali parties, including movements and factions, and welcoming also any progress made at the Conference on National Reconciliation which began in Addis Ababa on 15 March 1993,

Emphasizing the need for the Somali people, including movements and factions, to show the political will to achieve security, reconciliation and peace,

Taking note of the reports of States concerned of 17 December 1992 and 19 January 1993 and of the reports of the Secretary-General of 19 December 1992 and 26 January 1993 on the implementation of resolution 794 (1992),

Having examined the further report of the Secretary-General of 3, 11 and 22 March 1993,

Welcoming the intention of the Secretary-General to seek maximum economy and efficiency and to keep the size of the United Nations presence, both military and civilian, to the minimum necessary to fulfil its mandate,

Determining that the situation in Somalia continues to threaten peace and security in the region,

A

1. *Approves* the further report of the Secretary-General of 3, 11 and 22 March 1993;

2. *Expresses its appreciation* to the Secretary-General for convening the Conference on National Reconciliation for Somalia in accordance with the agreements reached during the informal preparatory meeting on Somali political reconciliation in Addis Ababa in January 1993 and for the progress achieved towards political reconciliation in Somalia, and also for his efforts to ensure that, as appropriate, all Somalis, including movements, factions, community leaders, women, professionals, intellectuals, elders and other representative groups are suitably represented at such conferences;

3. *Welcomes* the holding of the Third United Nations Coordination Meeting for Humanitarian Assistance for Somalia at Addis Ababa from 11 to 13 March 1993 and the willingness expressed by Governments through this process to contribute to relief and rehabilitation efforts in Somalia, where and when possible;

4. *Requests* the Secretary-General, through his Special Representative and with assistance, as appropriate, from all relevant United Nations entities, offices and specialized agencies, to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation, in accordance with the recommendations contained in his report of 3 March 1993, including in particular:

(a) Assistance in the provision of relief and in the economic rehabilitation of Somalia, based on an assessment of clear, prioritized needs and taking into account, as appropriate, the 1993 Relief and Rehabilitation Programme for Somalia prepared by the Department of Humanitarian Affairs of the Secretariat;

(b) Assistance in the repatriation of refugees and displaced persons within Somalia;

(c) Assistance to help the people of Somalia to promote and advance political reconciliation, through broad participation by all sectors of Somali society, and the re-establishment of national and regional institutions and civil administration in the entire country;

(d) Assistance in the re-establishment of Somali police, as appropriate at the local, regional or national level, to assist in the restoration and maintenance of peace, stability and law and

order, including in the investigation and facilitating the prosecution of serious violations of international humanitarian law;

(e) Assistance to the people of Somalia in the development of a coherent and integrated programme for the removal of mines throughout Somalia;

(f) Development of appropriate public information activities in support of the United Nations activities in Somalia;

(g) Creation of conditions under which Somali civil society may have a role, at every level, in the process of political reconciliation and in the formulation and realization of rehabilitation and reconstruction programmes;

B

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

5. *Decides* to expand the size of the force of the United Nations Operation in Somalia and its mandate in accordance with the recommendations contained in paragraphs 56 to 88 of the report of the Secretary-General of 3 March 1993 and the provisions of the present resolution;

6. *Authorizes* the mandate for the expanded Operation for an initial period through 31 October 1993, unless previously renewed by the Security Council;

7. *Emphasizes* the crucial importance of disarmament and the urgent need to build on the efforts of the Unified Task Force in accordance with paragraphs 56 to 69 of the report of the Secretary-General of 3 March 1993;

8. *Demands* that all Somali parties, including movements and factions, comply fully with the commitments they have undertaken in the agreements they concluded at the informal preparatory meeting on Somali political reconciliation at Addis Ababa, and in particular with their agreement on implementing the ceasefire and on modalities of disarmament;

9. *Also demands* that all Somali parties, including movements and factions, take all measures to ensure the safety of the personnel of the United Nations and its agencies as well as the staff of the International Committee of the Red Cross, intergovernmental organizations and non-governmental organizations engaged in providing humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation;

10. *Requests* the Secretary-General to support from within Somalia the implementation of the arms embargo established by resolution 733 (1992), utilizing as available and appropriate the forces of the expanded Operation authorized by the present resolution, and to report on this subject, with any recommendations regarding more effective measures if necessary, to the Security Council;

11. *Calls upon* all States, in particular neighbouring States, to cooperate in the implementation of the arms embargo established by resolution 733 (1992);

12. *Also requests* the Secretary-General to provide security, as appropriate, to assist in the repatriation of refugees and the assisted resettlement of displaced persons, utilizing Operation forces, paying particular attention to those areas where major instability continues to threaten peace and security in the region;

13. *Reiterates its demand* that all Somali parties, including movements and factions, immediately cease and desist from all breaches of international humanitarian law, and reaffirms that those responsible for such acts be held individually accountable;

14. *Further requests* the Secretary-General, through his Special Representative, to direct the Force Commander of the Operation to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, taking account of the particular circumstances in each locality, on an expedited basis in accordance with the recommendations contained in his report of 3 March 1993, and in this regard to organize a prompt, smooth and phased transition from the Unified Task Force to the expanded Operation;

C

15. *Requests* the Secretary-General to maintain the fund established pursuant to resolution 794 (1992) for the additional purpose of receiving contributions for maintenance of forces of the expanded Operation following the departure of forces of the Unified Task Force and for the establishment of Somali police, and calls on Member States to make contributions to this fund, in addition to their assessed contributions;

16. *Expresses appreciation* to the United Nations agencies, intergovernmental and non-governmental organizations and the International Committee of the Red Cross for their contributions and assistance and requests the Secretary-General to ask them to continue to extend financial, material and technical support to the Somali people in all regions of the country;

17. *Also requests* the Secretary-General to seek, as appropriate, pledges and contributions from States and others to assist in financing the rehabilitation of the political institutions and economy of Somalia;

18. *Further requests* the Secretary-General to keep the Security Council fully informed on action taken to implement the present resolution, in particular to submit to the Council as soon as possible a report containing recommendations for establishment of Somali police forces and thereafter to report no later than every ninety days on the progress achieved in accomplishing the objectives set out in the present resolution;

19. *Decides* to conduct a formal review of the progress towards accomplishing the purposes of the present resolution no later than 31 October 1993;

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

Speaking after the vote, the representative of China stated that his country was in favour of the United Nations taking strong, exceptional measures in Somalia, in accordance with the Secretary-General's recommendations and at the request of most of the African countries, so as to establish a secure environment for humanitarian assistance, and to create conditions for the final settlement of the Somali question. Authorizing UNOSOM II to take enforcement action under Chapter VII of the Charter, in order to implement its mandate, had made it the first operation of its kind in the history of United Nations peacekeeping. He cautioned, however, that it was his delegation's understanding that such an authorization was based on the needs of the unique situation in Somalia and that it should not constitute a precedent for United Nations peacekeeping operations. He further cautioned that UNOSOM II should act prudently in carrying out such enforcement action and suggested that once the situation in Somalia had improved, it should promptly resume its normal peacekeeping operations.⁸

Noting that satisfactory security conditions had not yet been restored, the representative of France stressed that it was essential that UNOSOM II have the necessary mandate and resources to carry out its mission and to take the necessary steps to improve security. That presupposed that the factions were disarmed in a resolute manner and that the Task Force was deployed throughout Somalia. The Government of France was happy that the resolution just adopted was along the lines of those concerns, and in particular, that a substantial part of the resolution, in accordance with the Secretary-General's recommendations, fell under Chapter VII of the Charter. In adopting the resolution, the United Nations was undertaking an operation that was unprecedented both in its scope and in terms of the situation in which it was intervening, namely the absence of governmental authority and institutions in Somalia.⁹

The representative of the Russian Federation stated that his delegation had voted for the resolution

⁸ Ibid., pp. 21-22.

⁹ Ibid., pp. 22-24.

just adopted on the basis that the mandate of UNOSOM II focused on ensuring safe conditions for the supply of emergency humanitarian assistance, inter alia, by disarming the Somali armed formations. The Russian Federation also attached great importance to strengthening the embargo established by the Security Council on arms supplies to Somalia and considered it important that all States strictly carry out that decision of the Council.¹⁰

The President, speaking in his capacity as the representative of New Zealand, pointed out that the first priority was to complete the process of disarming started by UNITAF and contended that progress towards political reconciliation and economic recovery in Somalia depended upon the creation of sustainable peace and security. His delegation therefore supported the particular emphasis in the resolution on disarming, and believed it was important to define the new parties that were to be disarmed.¹¹

**Decision of 6 June 1993 (3229th meeting):
resolution 837 (1993)**

By a letter dated 5 June 1993 addressed to the President of the Security Council,¹² the representative of Pakistan requested an urgent meeting of the Council to discuss developments in Somalia, where a Pakistani contingent of UNOSOM II had been attacked, resulting in the deaths of at least 18 Pakistani peacekeepers. By a letter of the same date,¹³ the representative of Italy joined Pakistan in requesting an immediate meeting of the Council.

At its 3229th meeting, on 6 June 1993, the Security Council included the two letters in its agenda. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.¹⁴

Before the vote, the representative of Pakistan stated that Pakistan would vote in favour of the draft resolution because it had been associated with the peacekeeping efforts of the United Nations since its inception, and it regarded peacekeeping as a manifestation of its commitment to the concept of

¹⁰ Ibid., pp. 39-40.

¹¹ Ibid., pp. 41-42.

¹² S/25888.

¹³ S/25887.

¹⁴ S/25889.

collective security and to the Charter of the United Nations. He noted that the recent casualties were by far the highest ever sustained in any single incident in the history of United Nations peacekeeping operations and warned that “mere admonition or condemnation” was not enough. It was imperative that the Council act in a manner that would swiftly bring to justice the perpetrators of that “murderous defiance” of the Council’s authority.¹⁵

The representative of the United States contended that the actions against UNOSOM II threatened international peace and security and had to be dealt with accordingly. She further stated that factional violence was impermissible under the terms of resolution 814 (1993) and that hostilities aimed at United Nations forces were a gross violation of paragraph 9 of that resolution. The United States supported the draft resolution as the minimum required to restore the conditions for peace and reconciliation in Somalia. The draft reaffirmed the authority of UNOSOM II to take strong and forceful action to safeguard international forces, to punish those who attacked them and to restore security. She warned that those who would challenge the authority of the Council to enforce its resolutions “must know that we stand firm in our resolve to bring peace and reconciliation to Somalia and that they will pay a heavy price for ignoring the Council”.¹⁶

The representative of Cape Verde stated that the time had come for the Council to consider the mechanisms and measures to be implemented to halt and reverse the negative trend that seemed to have been set by attacks launched against United Nations forces in many conflict areas, and he urged that, whether in Somalia, in Cambodia or in Bosnia, attacks against United Nations forces should be sternly condemned, and prompt and effective measures should be taken to try and punish their authors.¹⁷

The representative of Djibouti observed that the situation in Somalia called for a careful and determined approach to disarm all factions and movements, to collect all weapons, and to inculcate a sense of security. He noted that UNOSOM II had both the capacity and the authority to enforce peace in Somalia, and stated that it should therefore be tough and punish

anyone who violated “civilized behaviour” and who “unduly” incited others to commit acts of intransigence and violence. He further stated that his delegation regarded the draft resolution as an appropriate response to the incident.¹⁸

The draft resolution was then put to the vote and was adopted unanimously as resolution 837 (1993), which reads:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992 and 814 (1993) of 26 March 1993,

Bearing in mind General Assembly resolution 47/167 of 18 December 1992,

Gravely alarmed at the premeditated armed attacks launched by forces apparently belonging to the United Somali Congress/Somali National Alliance against the personnel of the United Nations Operation in Somalia II on 5 June 1993,

Strongly condemning such actions, which directly undermine international efforts aimed at the restoration of peace and normalcy in Somalia,

Expressing outrage at the loss of life as a result of these criminal attacks,

Reaffirming its commitment to assist the people of Somalia in re-establishing conditions of normal life,

Stressing that the international community is involved in Somalia in order to help the people of Somalia who have suffered untold miseries due to years of civil strife in that country,

Acknowledging the fundamental importance of completing the comprehensive and effective programme for disarming all Somali parties, including movements and factions,

Convinced that the restoration of law and order throughout Somalia would contribute to humanitarian relief operations, reconciliation and political settlement, as well as to the rehabilitation of Somalia’s political institutions and economy,

Condemning strongly the use of radio broadcasts, in particular by the United Somali Congress/Somali National Alliance, to incite attacks against United Nations personnel,

Recalling the statement made by the President of the Security Council on 31 March 1993 concerning the safety of United Nations forces and personnel deployed in conditions of strife, and committed to consider promptly measures appropriate to the particular circumstances to ensure that persons

¹⁵ S/PV.3229, pp. 6-7.

¹⁶ *Ibid.*, pp. 7-8.

¹⁷ *Ibid.*, pp. 8-10.

¹⁸ *Ibid.*, pp. 11-12.

responsible for attacks and other acts of violence against United Nations forces and personnel are held to account for their actions,

Noting the information provided to the Council by the Secretary-General on 6 June 1993,

Determining that the situation in Somalia continues to threaten peace and security in the region,

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

1. *Strongly condemns* the unprovoked armed attacks against the personnel of the United Nations Operation in Somalia II on 5 June 1993, which appear to have been part of a calculated and premeditated series of ceasefire violations to prevent by intimidation the Operation from carrying out its mandate as provided for in resolution 814 (1993);

2. *Expresses its condolences* to the Government and people of Pakistan and the families of the Operation personnel who have lost their lives;

3. *Re-emphasizes* the crucial importance of the early implementation of the disarmament of all Somali parties, including movements and factions, in accordance with paragraphs 56 to 69 of the report of the Secretary-General of 3 March 1993, and of neutralizing radio broadcasting systems that contribute to the violence and attacks directed against the Operation;

4. *Demands once again* that all Somali parties, including movements and factions, comply fully with the commitments they have undertaken in the agreements they concluded at the informal preparatory meeting on Somali political reconciliation at Addis Ababa, and in particular with their agreement on implementing the ceasefire and on modalities of disarmament;

5. *Reaffirms* that the Secretary-General is authorized under resolution 814 (1993) to take all measures necessary against all those responsible for the armed attacks referred to in paragraph 1 above, including against those responsible for publicly inciting such attacks, to establish the effective authority of the Operation throughout Somalia, including to secure the investigation of their actions and their arrest and detention for prosecution, trial and punishment;

6. *Requests* the Secretary-General urgently to inquire into the incident, with particular emphasis on the role of those factional leaders involved;

7. *Encourages* the rapid and accelerated deployment of all Operation contingents to meet the full requirements of 28,000 men, all ranks, as well as equipment, as indicated in the report of the Secretary-General of 3 March 1993;

8. *Urges* Member States to contribute, on an emergency basis, military support and transportation, including armoured personnel carriers, tanks and attack helicopters, in order to provide the Operation the capability appropriately to

confront and deter armed attacks directed against it in the accomplishment of its mandate;

9. *Also requests* the Secretary-General to submit a report to the Council on the implementation of the present resolution, if possible within seven days from the date of its adoption;

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

After the vote, the representative of China expressed his delegation's strong demand that the Secretary-General investigate the incident. He supported UNOSOM II taking practical and effective measures immediately to protect the lives and safety of its personnel. Meanwhile, his delegation demanded in the strongest terms that the various factions in Somalia comply strictly with the relevant Security Council resolutions and cease all hostilities and violent acts against United Nations peacekeeping personnel.¹⁹

The representative of Venezuela argued that the absence of any judicial machinery had permitted the leader of the United Somali Congress (USC), General Mohamed Farah Aidid, to continue to act with "total impunity". He contended that, with confirmation of his responsibility for the attacks against UNOSOM II, Aidid's impunity would end, because the Secretary-General, apart from ordering his arrest and detention, would be able to proceed to try him so that he may later be punished appropriately. He observed that the resolution just adopted made it clear that the international community would not allow such criminal acts to be committed with impunity. The resolution was a warning to those in Cambodia and in the former Yugoslavia, who thought that they would never have to answer for their crimes.²⁰

The representative of France stated that what had just taken place in Somalia was unacceptable and required from the Council the strongest possible reaction. He contended that the resolution was fully in accord with that objective. He further contended that UNOSOM II was, in effect, entrusted with adopting all necessary measures against those responsible and also with neutralizing their media, whose propaganda he described as having played a decisive role in the tragedy that took place on 5 June 1993.²¹

¹⁹ *Ibid.*, pp. 14-15.

²⁰ *Ibid.*, pp. 16-17.

²¹ *Ibid.*, pp. 18-20.

The representative of the United Kingdom stated that the resolution sent a clear signal that the international community would not tolerate renewed attempts by the warlords in Somalia to challenge UNOSOM II in the exercise of its mandate. He observed that the resolution provided for the use of all necessary measures against those responsible, whether directly or indirectly, for the attacks, and that it looked to their arrest and detention for prosecution, trial and punishment. He further stated that the warlords of USC, and their head General Aidid, had to understand that the United Nations would not be diverted from its purpose in Somalia, any more than in the other theatres in which United Nations peacekeeping forces were committed.²²

The representative of the Russian Federation stated that his delegation believed it necessary for the Security Council to give special consideration to the question of defending United Nations peacekeeping personnel from premeditated attacks, whether in Somalia, Bosnia and Herzegovina, Cambodia, or other parts of the world. He indicated the Russian delegation's intention to would shortly present to the Council concrete proposals about such crimes against the international community.²³

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

In a letter dated 27 August 1993,²⁴ the President, referring to the Secretary-General's report of 17 August 1993 submitted in pursuance of resolution 814 (1993) of 26 March 1993, concerning the action taken to implement that resolution, in particular recommendations for the establishment of Somali police forces, and on the progress achieved in accomplishing the objectives set out in the resolution, informed the Secretary-General that the members of the Council had taken note of his report and that they intended to study it as a basis for a possible course of action in the near future.

**Decision of 22 September 1993 (3280th
meeting): resolution 865 (1993)**

On 17 August 1993, pursuant to resolution 814 (1993) of 26 March 1993, the Secretary-General

submitted to the Council a further report on the situation in Somalia.²⁵ The report covered the activities of UNOSOM up to 31 July 1993 and provided a brief account of the progress made towards the re-establishment of the Somali police force, judicial and penal systems.

The Secretary-General noted that, despite the deliberate attempts of the leaders of a few Somali factions to obstruct UNOSOM from performing the tasks assigned by the Security Council, the overall situation in Somalia had undergone a major transformation. Following the establishment of UNOSOM II, conditions in most parts of the country had stabilized, humanitarian assistance was reaching its destinations, people were going about their normal routines, and schools were reopening. Land was being tilled, crops planted, and livestock exported. Local councils of clan elders were meeting and cooperating with the United Nations efforts to help Somalia to re-establish normal conditions. He further noted that the situation in Somalia contrasted starkly with that at the beginning of 1993, when the Somali people had been suffering from the effects of a brutal civil war that had claimed hundreds of thousands of innocent Somali lives.

The Secretary-General observed that a major task that had fallen to UNOSOM, after it took over responsibility from UNITAF, was the disarmament of the armed groups who had terrorized the people and made extortion from humanitarian assistance agencies the source of their considerable income. He noted that there was strong support for the United Nations role in Somalia from the Organization of African Unity (OAU), the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC), in particular for the need to take appropriate measures to ensure the implementation of the disarmament provisions of the Addis Ababa Agreement. The priority that UNOSOM had given to disarmament had attracted the hostility of a few clan leaders. The ambushing of UNOSOM personnel by such elements, on 5 June 1993 and on subsequent occasions, had left UNOSOM no choice but to take forceful action to effect the disarming required under the Addis Ababa Agreement. The Secretary-General stated that he was conscious of the feeling in some quarters that UNOSOM was deviating from its primary task of ensuring the safe

²² Ibid., pp. 21-22.

²³ Ibid., p. 22.

²⁴ S/26375.

²⁵ S/26317.

distribution of humanitarian assistance, rehabilitation and reconstruction of Somalia, and was concentrating disproportionate efforts and resources in military operations. He contended, however, that unless disarmament was fully implemented, it would not be reasonable to expect UNOSOM to fulfil the other aspects of its mandate. The country would not enjoy complete stability unless and until the criminal elements had been apprehended and brought to justice, as demanded by the Security Council in resolution 837 (1993).

The Secretary-General also observed that a high priority for UNOSOM was its assistance to the political reconciliation process. District councils had been formed, and efforts would continue in order to form the regional councils and the Transitional National Council as quickly as possible. UNOSOM had also sponsored the reconciliation meetings of clan elders in various regions in Somalia, where the effects were apparent in the restoration of stable and secure conditions, in stark contrast with the suffering from inter-clan conflict. He expressed the hope that those successes would encourage peaceful reconciliation in other parts of the country.

The Secretary-General stated that the restoration of security and stability to Somalia required the re-establishment of the Somali police force, the judicial system and the penal system, in order to enable Somalis quickly to assume full responsibility for law and order in their country. He recalled, in that regard, that the Conference on National Reconciliation in Somalia held at Addis Ababa in March 1993 had agreed, *inter alia*, on the “need to establish an impartial national and regional Somali police force in all regions of the country on an urgent basis through the reinstatement of the former Somali Police Force and recruitment and training of young Somalis from all regions”, and requested “the assistance of the international community” in that regard. The Addis Ababa Agreement also provided for the Transitional National Council to establish an “independent judiciary”. Following an assessment of the security situation, the Secretary-General introduced a proposed strategy regarding the re-establishment of the police, judicial and penal systems in Somalia. The strategy envisaged the creation of a neutral three-tier (national, regional and district) police force of 10,000 by December 1994, an interim three-tier judicial system by 31 October 1993, renovation and re-establishment

of prison facilities and the establishment of an Office of Human Rights to investigate and facilitate prosecution of serious violation of international humanitarian law. It was therefore imperative and urgent that donor Governments make resources available, in the form of funds, training assistance and efficacious transitory arrangements.

At its 3280th meeting, on 22 September 1993, the Security Council included in its agenda the report of the Secretary-General of 17 August 1993. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. At the same meeting the President (Venezuela) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council’s prior consultations,²⁶ and read out a revision to be made to the draft resolution in its provisional form. He also drew the attention of the Council members to two other documents.²⁷

Before the vote, the representative of Djibouti expressed regret that the events transpiring in Mogadishu had captured the headlines and thereby distorted the impressive nature of Somalia’s steady return to normalcy. He noted that implementation of the comprehensive peace accords signed in Addis Ababa was steadily under way and that a transitional national council was intended to serve as the prime political authority during the two-year transition period, supported by a structure of regional and district councils. He warned that the Secretary-General’s rehabilitation programme would not have lasting significance unless the threat of violence was removed. He supported the reference in the draft resolution to the Secretary-General’s intention to convene, as early as possible, a meeting of Member States interested in supporting UNOSOM II in the re-establishment of Somalia’s police, judicial and penal system. It would be helpful to all concerned to receive from the Secretary-General a detailed plan covering the future strategy of UNOSOM II.²⁸

²⁶ S/26476.

²⁷ Letter dated 7 September 1993 from the representative of Somalia addressed to the President of the Security Council (S/26412); and letter dated 20 September 1993 from the representative of Eritrea addressed to the Secretary-General (S/26481).

²⁸ S/PV.3280, pp. 7-8.

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 865 (1993), which reads:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993 and 837 (1993) of 6 June 1993,

Having considered the report of the Secretary-General of 17 August 1993,

Stressing the importance of continuing the peace process initiated by the Addis Ababa Agreement of 27 March 1993, and in this connection welcoming the efforts of African countries, the Organization of African Unity, in particular its Horn of Africa Standing Committee, the League of Arab States and the Organization of the Islamic Conference, in cooperation with and in support of the United Nations, to promote national reconciliation in Somalia,

Also stressing the commitment of the international community to help Somalia regain a normal, peaceful life, while recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Expressing its appreciation for the improvements in the overall situation, which have been achieved by the United Nations Operation in Somalia II, in particular the eradication of starvation, the establishment of a large number of district councils, the opening of schools and the resumption by the Somali people in most areas of the country of their normal lives,

Recognizing the continuing need for broad-based consultations and consensus on basic principles to achieve national reconciliation and the establishment of democratic institutions,

Calling upon all Somali parties, including movements and factions, to show the political will to achieve reconciliation, peace and security,

Also recognizing that the highest priority for the Operation is to assist the people of Somalia in the furtherance of the national reconciliation process and to promote and advance the re-establishment of regional and national institutions and civil administration in the entire country, as set out in resolution 814 (1993),

Noting with great concern, despite the improvements in the overall situation in Somalia, continuing reports of violence in Mogadishu and the absence of law enforcement and judicial authorities and institutions in the country as a whole, and recalling the request to the Secretary-General in resolution 814 (1993) to assist in the re-establishment of the Somali police

and the restoration and maintenance of peace, stability and law and order,

Convinced that the re-establishment of the Somali police and the judicial and penal systems is critical for the restoration of security and stability in the country,

Gravely concerned at the continuation of armed attacks against Operation personnel, and recalling resolution 814 (1993), in which it emphasized the fundamental importance of a comprehensive and effective programme for disarming Somali parties, including movements and factions,

A

1. *Welcomes* the reports by the Secretary-General and his Special Representative on the progress achieved in accomplishing the objectives set out in resolution 814 (1993);

2. *Commends* the Secretary-General, his Special Representative and all personnel of the United Nations Operation in Somalia II for their achievements in greatly improving the conditions of the Somali people and beginning the process of nation-building apparent in the restoration in much of the country of stable and secure conditions, in stark contrast with the prior suffering caused by inter-clan conflict;

3. *Condemns* all attacks on Operation personnel and reaffirms that those who have committed or have ordered the commission of such criminal acts will be held individually responsible for them;

4. *Affirms* the importance it attaches to the successful fulfilment on an urgent and accelerated basis of the Operation's objectives of facilitation of humanitarian assistance and the restoration of law and order, and of national reconciliation in a free, democratic and sovereign Somalia, so that it can complete its mission by March 1995;

5. *Requests,* in that context, the Secretary-General to direct the urgent preparation of a detailed plan with concrete steps setting out the Operation's future concerted strategy with regard to its humanitarian, political and security activities and to report thereon to the Council as soon as possible;

6. *Urges* the Secretary-General to redouble his efforts at the local, regional and national levels, including encouraging broad participation by all sectors of Somali society, to continue the process of national reconciliation and political settlement, and to assist the people of Somalia in rehabilitating their political institutions and economy;

7. *Calls on* all Member States to assist, in all ways possible, including the urgent full staffing of the Operation's civil positions, the Secretary-General, in conjunction with regional organizations, in his efforts to reconcile the parties and rebuild Somali political institutions;

8. *Invites* the Secretary-General to consult the countries of the region and regional organizations concerned on means of further reinvigorating the reconciliation process;

B

9. *Approves* the recommendations of the Secretary-General contained in annex I to his report of 17 August 1993 relating to the re-establishment of the Somali police, judicial and penal systems in accordance with resolution 814 (1993), and requests the Secretary-General to take the necessary steps on an urgent and accelerated basis to implement them;

10. *Welcomes* the Secretary-General's intention to convene at the earliest possible date a meeting of Member States interested in supporting the United Nations Operation in Somalia II in the re-establishment of the police, judicial and penal systems, for the purpose of determining specific requirements and identifying specific sources of support;

11. *Requests* the Secretary-General to undertake actively and as a matter of great urgency an international recruiting programme for staffing the Operation's Justice Division with police, judicial and penal system specialists;

12. *Also welcomes* the Secretary-General's intention to maintain and utilize the fund established pursuant to resolution 794 (1992), and maintained in resolution 814 (1993), for the additional purpose of receiving contributions for the re-establishment of the Somali judicial and penal systems in addition to the establishment of the Somali police, other than for the cost of international staff;

13. *Urges* Member States, on an urgent basis, to contribute to that fund or otherwise to provide assistance for the re-establishment of the Somali police, judicial and penal systems, including personnel, financial support, equipment and training to help attain the objectives outlined in annex I to the report of the Secretary-General;

14. *Encourages* the Secretary-General to take the necessary steps to ensure continuation of the current police, judicial and penal programme from October to the end of December 1993 until additional funding from Member States is forthcoming, and to make recommendations as appropriate to the General Assembly;

15. *Requests* the Secretary-General to keep the Council fully informed on a regular basis on the implementation of the present resolution;

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

After the vote, the representative of France stressed that Somalia would not return to the path of peace and democracy as long as in certain parts of the country heavily armed factions continued their reign of terror and persisted in attacking United Nations soldiers who had come to that country to carry out a mission of peace. It was also fitting to recall that the long-term objective of the United Nations in Somalia was a fundamentally political and humanitarian one: the United Nations had intervened to re-establish peace and democracy in Somalia and to assist in its

reconstruction. The time had come to relaunch the process of national reconstruction and to take the initiative in bringing all Somalis together around a political plan.²⁹

The representative of United Kingdom contended that the re-establishment of the police and the judiciary and a proper penal system clearly had a crucial role to play if the Council was to be able to hand over the running of Somalia to the Somali people and their representatives. He stated that the plans were good, but that they needed further refinement if that goal was to be achieved on a basis that would be sustainable even without the presence of the United Nations, and that therefore the fullest possible involvement of Somalis at all levels — in the police, in the judiciary and in the penal system had to be a high priority.³⁰

The representative of the United States stated that the resolution just adopted did two crucial things. First, it set out in clear, unambiguous terms that the principal goal of the United Nations in Somalia was to bring about political reconciliation. His Government had always seen the United Nations Mission in Somalia as political in nature. Second, it lent support to the basic building-blocks of new political institutions: a police, judiciary and penal system. The resolution provided clear direction for the political process and reinforcement of the Somali institutions that could best protect and foster that process.³¹

The representative of the Russian Federation stated that, as indicated in the resolution just adopted, the highest priority of UNOSOM II was to support the Somali people in carrying out the process of national reconciliation, and to advance and accelerate the restoration of regional and national institutions and civilian administration throughout the country. The Russian Federation considered important the appeal contained in resolution 865 (1993) to all Member States to join with regional organizations in rendering assistance to the Secretary-General in his efforts to reconcile the parties and re-establish political institutions in Somalia. It also believed that the appeal in paragraph 14 of that resolution to the Secretary-General to undertake the necessary steps to ensure continuation of the programme for the establishment of the police, judicial and penal system did not mean that those steps

²⁹ Ibid., pp. 14-16.

³⁰ Ibid., pp. 16-17.

³¹ Ibid., p. 22.

would be carried out through the budget for United Nations operations in Somalia. Expenditures for those specific objectives could not be covered by the budget of the organization.³²

**Decision of 1 October 1993: letter from the
President to the Secretary-General**

By a letter dated 1 October 1993 addressed to the President of the Council,³³ the Secretary-General informed the Council that the Acting Zone Director of UNOSOM II for north-western Somalia had been told by Mr. Mohamed Ibrahim Egal, the “President” of “Somaliland”, to withdraw all United Nations personnel from the area. The Acting Zone Director had advised UNOSOM that he expected the security situation for United Nations personnel in the north-west to deteriorate if Mr. Egal did not receive a reply to his communication. In view of the security concerns, and given the fact that the mandate of UNOSOM II was under Chapter VII of the Charter, the Secretary-General sought the guidance of the Council as to how to proceed on the matter.

By a letter also dated 1 October 1993,³⁴ the President informed the Secretary-General of the following:

The members of the Security Council had been apprised of the contents of your letter dated 1 October 1993 regarding the presence of UNOSOM II in north-west Somalia (“Somaliland”).

The members of the Council express the hope that UNOSOM II would be able in due course to continue its work under its mandate in north-west Somalia (“Somaliland”) using all peaceful means for the benefit of the population there.

The members of the Council are confident that you will take the necessary precautions for the safety and protection of all United Nations personnel deployed in north-west Somalia (“Somaliland”).

**Decision of 29 October 1993 (3299th meeting):
resolution 878 (1993)**

By a letter dated 28 October addressed to the President of the Security Council,³⁵ the Secretary-General, referring to resolution 814 (1993) of 26 March 1993, requested that the Council extend the mandate of UNOSOM II until 18 November 1993

in order to allow time for the preparation of his report on talks with high officials in the region. Those talks had been undertaken in the context of resolution 865 (1993) of 22 September 1993 by which the Council had requested him to direct the urgent preparation of a detailed plan setting out the future strategy of UNOSOM II.

At its 3299th meeting, on 29 October 1993, the Security Council included in its agenda the letter from the Secretary-General dated 28 October 1993. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council’s prior consultations.³⁶ The draft resolution was then put to the vote and was adopted unanimously as resolution 878 (1993), which reads:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993, 837 (1993) of 6 June 1993 and 865 (1993) of 22 September 1993,

Having considered the letter dated 28 October 1993 from the Secretary-General to the President of the Security Council,

Stressing the need for all the parties in Somalia to exercise maximum restraint and to work towards national reconciliation,

Expressing once again its commitment to a future concerted strategy in Somalia for the United Nations Operation in Somalia II and, in that context, to the undertaking of an in-depth consideration of its humanitarian, political and security activities on the basis of the concrete suggestions to be submitted by the Secretary-General as requested in resolution 865 (1993),

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

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for an interim period terminating on 18 November 1993;

2. *Requests* the Secretary-General, in his report to the Council concerning the further extension of the Operation’s mandate, which should be submitted in good time before 18 November 1993, to report also on recent developments in Somalia in order to enable the Council to take appropriate decisions;

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

³⁶ S/26660.

³² Ibid., pp. 26-27.

³³ S/26526.

³⁴ S/26527.

³⁵ S/26663.

Decision of 16 November 1993 (3315th meeting): resolution 885 (1993)

On 1 July 1993, pursuant to resolution 837 (1993) of 6 June 1993, the Secretary-General submitted to the Council a report in which he gave an account of the events leading up to the ambush of UNOSOM II troops in Mogadishu on 5 June 1993 and described the action taken by UNOSOM II on the implementation of resolution 837 (1993).³⁷ The Secretary-General stated that the unfolding of events in Mogadishu since 5 June 1993 had to be seen against the background of the conditions that UNOSOM was designed to remedy. He recalled that it was the chaos, civil war, immense suffering and famine afflicting the Somali people that had brought the international community and the United Nations to Somalia. He also recalled that the primary objectives of the mandate entrusted to UNOSOM II were to put an end to the plight of the Somali people, to set them firmly on the path to economic rehabilitation and political reconciliation, and to promote the rebuilding of Somali society and political institutions. He observed that those objectives required the restoration of peaceful conditions throughout Somalia and the effective implementation of the process of disarmament.

The Secretary-General further stated that he considered that the actions of UNOSOM II had been successful in making it possible to return to the pursuit of the main objectives of the United Nations in Somalia. He contended that UNOSOM II military enforcement actions had largely neutralized the heavy weapons and the command and control facilities of the factions responsible for the large scale violations of the ceasefire in Mogadishu, and he stated that those actions had made it clear that deliberate attempts to disrupt United Nations and non-governmental organization humanitarian relief supplies could not be tolerated. He observed that various elements of Somali society had shown an interest in restraint, reconciliation and voluntary disarmament, and suggested that, by demonstrating that it was willing to pay, and exact, the cost of peacemaking, the United Nations might well have saved many more lives and accelerated the disarmament, reconciliation and rehabilitation process.

He expressed the hope that, following the military operations conducted between 12 and 18 June 1993, UNOSOM II would be able to revert to the

peaceful disarmament of all factions and militias throughout the country. He pointed out that it had never been the intention of UNOSOM II to oppose any of the factions, as long as they refrained from violations of the ceasefire, acted with due regard to their own commitments to the Addis Ababa agreements and cooperated in the implementation of the mandate entrusted by the Security Council to that humanitarian operation. In fact, UNOSOM II intended to continue to work with all the factions, in an effort to foster conditions for the implementation of the United Nations mandate.

He also stated that the attacks against United Nations peacekeepers had been tragic and disturbing, but that they would not divert the United Nations from its commitment to Somalia. He contended that those attacks had only proved that, in the unique situation prevailing in that country, there were elements that continued to believe that their interests were best served by perpetuating chaos, destruction and death.

In conclusion, the Secretary-General urged all Somali factions to join UNOSOM II in its mission of peace, disarmament and reconciliation, as defined by the Security Council and agreed upon by the faction leaders at Addis Ababa, and he expressed his determination to pursue all necessary efforts to implement Security Council resolutions 814 (1993) and 837 (1993).

On 24 August 1993, pursuant to resolution 837 (1993) of 6 June 1993, the Secretary-General submitted to the Council a report on the investigation into the 5 June 1993 attack on United Nations forces in Somalia.³⁸ The Secretary-General attached as an annex to the report the executive summary of the report of an independent expert, who had been engaged to carry out the investigation. In his conclusions, the expert stated that there was "clear and convincing evidence" supporting the claim that General Mohamed Farah Aidid had authorized the 5 June 1993 attack on Pakistani forces serving under the United Nations flag, and that the attack had been executed by elements of the political faction known as the Somali National Alliance (SNA). He further stated that the attack had violated multiple provisions of the 1962 Somali Penal Code, which had never been repealed, and constituted a violation of international law, thus rendering General Aidid and his senior colleagues liable to prosecution

³⁷ S/26022.

³⁸ S/26351.

before an international tribunal or the criminal courts of any State. The central principle of international humanitarian law — the obligation to respect the distinction between combatants and non-combatants — had been violated and criminal responsibility was thereby incurred when individuals or organizations had used civilians as shields for military operations or had otherwise demonstrated a wanton indifference to the protection of non-combatants. He also stated that there was sufficient evidence to make out a prima facie case that the 13 June 1993 attack, on the Pakistani strong point at the Kilometer Four roundabout in south Mogadishu, had been consciously designed by persons associated with SNA to cause the wounding or killing of non-combatants.

At its 3315th meeting, on 16 November 1993, the Security Council included in its agenda the reports of the Secretary-General of 1 July and 24 August 1993. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the Council members to the text of a draft resolution submitted by the United States,³⁹ and read out revisions to be made to the draft resolution in its provisional form.

He also drew the attention of the Council members to a letter dated 25 October 1993 from the Permanent Representative of Ethiopia addressed to the President of the Security Council,⁴⁰ transmitting a letter dated 24 October from the President of the Transitional Government of Ethiopia. The President of Ethiopia informed the President of the Council that he was writing pursuant to the mandate given to him by the heads of State and Government of OAU and the leaders of States members of the Intergovernmental Authority for Drought and Development to follow developments in Somalia. He attached as an appendix four proposals that could be incorporated by the Council in its decisions addressing the situation in Somalia. The first proposal related to the establishment of an independent commission or a fact-finding mission charged with the task of investigating the events leading up to, and surrounding, the incident of 5 June 1993 in Mogadishu, and with submitting its report and recommendations to the Council. His second

proposal was that the Council should reaffirm the responsibility of Somalis to solve their own problems. His third concerned the Council endorsing more explicitly the Addis Ababa Agreement. His fourth was that the Council should explicitly direct UNOSOM II to carry out its mandate in partnership with OAU and the countries of the subregion, especially with regard to seeking and implementing a political solution to Somalia's problems.

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 885 (1993), which reads:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993, 837 (1993) of 6 June 1993, 865 (1993) of 22 September 1993, and 878 (1993) of 29 October 1993,

Also reaffirming its resolution 868 (1993) of 29 September 1993 on the need to ensure the safety and protection of United Nations personnel,

Recognizing the critical need for broad-based consultations among all parties and consensus on basic principles to achieve national reconciliation and the establishment of democratic institutions in Somalia,

Stressing that the people of Somalia bear the ultimate responsibility for achieving these objectives, and in this context noting in particular resolution 837 (1993), in which it condemned the 5 June 1993 attack on personnel of the United Nations Operation in Somalia II and called for an investigation,

Noting proposals made by Member States, and noting in particular proposals from the Organization of African Unity, including those in document S/26627 of 25 October 1993, in which the establishment of an impartial commission of inquiry is recommended to investigate armed attacks on the Operation,

Having received and considered the reports of the Secretary-General of 1 July and 24 August 1993 on the implementation of resolution 837 (1993),

1. *Authorizes* the establishment of a Commission of Inquiry, in further implementation of resolutions 814 (1993) and 837 (1993), to investigate armed attacks on personnel of the United Nations Operation in Somalia II which led to casualties among them;

2. *Requests* the Secretary-General, having conveyed his views to the Security Council, to appoint the Commission at the earliest possible time and to report to the Council on its establishment;

³⁹ S/26750.

⁴⁰ S/26627.

3. *Directs* the Commission to determine procedures for carrying out its investigation, taking into account standard United Nations procedures;

4. *Notes* that members of the Commission will have the status of experts on mission within the meaning of the Convention on the Privileges and Immunities of the United Nations, which shall apply to the Commission;

5. *Urges* the Secretary-General to provide the Commission with all assistance necessary to facilitate its work;

6. *Calls* on all parties in Somalia fully to cooperate with the Commission;

7. *Requests* the Commission to report its findings through the Secretary-General to the Security Council as soon as possible, taking into consideration the need for a thorough inquiry;

8. *Requests* that the Secretary-General, under his authority in resolutions 814 (1993) and 837 (1993), pending completion of the report of the Commission, suspend arrest actions against those individuals who might be implicated but are not currently detained pursuant to resolution 837 (1993), and make appropriate provision to deal with the situation of those already detained under the provisions of resolution 837 (1993);

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

After the vote, the representative of the United States stated that her delegation believed that the Commission of Inquiry was vitally important to advancing the peace process in Somalia which had been disappointingly slow. She contended that the primary goal in Somalia was to foster a political dialogue that could lead to national reconciliation, and expressed the hope that the resolution just adopted would allow all the key players in Somalia to join together in the crucial task of national reconciliation.⁴¹

The representative of Pakistan stated that his delegation had voted in favour of the resolution just adopted because it felt it would advance two essential objectives. The first was the political process in Somalia, which was essential for a lasting peace in Somalia, the responsibility for which was rightly attributed to the people of Somalia themselves. The second related to the necessity of sending a clear message of support to UNOSOM II.⁴²

The representative of New Zealand stated that his delegation did not accept the argument that the United Nations would have proceeded without allowing suspects the benefits of due process. It understood,

however, that in the extraordinary circumstances of southern Mogadishu it was a fact that fears in that regard had become an obstacle to the political dialogue. His delegation therefore accepted that there was political significance in the resolution, and value in indicating that arrest action would be suspended pending completion of the work of the Commission of Inquiry.⁴³

The representative of Brazil stated that it was particularly important that in adopting the resolution the Council had acted on suggestions coming from the region, notably the proposals submitted by the President of Ethiopia.⁴⁴

Decision of 18 November 1993 (3317th meeting): resolution 886 (1993)

On 12 November 1993, pursuant to resolution 814 (1993) of 26 March 1993 and resolution 865 (1993) of 22 September 1993, the Secretary-General submitted a report on the situation in Somalia and on the progress made towards the implementation of UNOSOM mandate.⁴⁵

The Secretary-General stated that for over a year the Security Council had responded, in a flexible and creative manner, to the highly complex and continually evolving situation in Somalia. He observed that the international community had had no precedent to guide it in dealing with the tragic situation in Somalia, and consequently, the response of the Council had had to be adjusted from time to time, to take into account different circumstances that it had not been possible to anticipate. That explained the evolution of the international presence in Somalia from UNOSOM I to UNITAF to UNOSOM II. He contended that the wider international community as well as the people of Somalia, by and large, had appreciated the constructive responses of the Security Council.

The Secretary-General further stated that the uniqueness of the situation in Somalia had changed in some important respects. The most dramatic and visible change was the enormous success in reducing starvation deaths and conditions of famine in the country, but there had also been other significant improvements in the fields of public health, education and agriculture. However, the situation, even in those

⁴¹ S/PV.3315, pp. 5-6.

⁴² Ibid., p. 6.

⁴³ Ibid., pp. 6-8.

⁴⁴ Ibid., pp. 8-9.

⁴⁵ S/26738.

areas, remained fragile and needed careful watching and continued assistance from the international community. There was still no effectively functioning government in the country, no disciplined national armed force, and no organized civilian police force or judiciary, although impressive progress had been achieved in initiating the recreation of the police and judiciary. He contended, therefore, that the problems of Somalia must continue to engage the attention of the international community.

The Secretary-General reiterated the importance of effective disarmament to achieve lasting peace and stability, and stressed that that could only be achieved with the cooperation of the Somali people and neighbouring countries. He recalled that the Somali parties had made a commitment, both in the ceasefire agreement and the Addis Ababa Agreement, to complete simultaneous disarmament throughout the country and observed that voluntary disarmament had been successful during UNITAF and in the early weeks of UNOSOM II. He noted, however, that unless the United Somali Congress/Somali National Alliance was effectively disarmed, the prospects for genuine peace and stability in the country would remain bleak. In that connection, he welcomed the unilateral declaration of a cessation of hostilities by USC/SNA with effect from 9 October 1993. In an effort to build on that, UNOSOM II had established a Mogadishu Security Advisory Committee, to which it had invited all the factions. The Secretary-General noted, however, that the initiative had not been very successful.

Having informed the Council of the intention of the United States to withdraw its forces from Somalia by 31 March 1994, after several other countries had already announced their decision to withdraw, the Secretary-General introduced three options relating to the mandate of UNOSOM II. In doing so, he stated that it was not his intention that the Council should pronounce on them at that time. Under the first option, the mandate of UNOSOM II would remain essentially unchanged and UNOSOM would be maintained at its then existing troop strength. Under the second option, the Security Council would decide that UNOSOM II would not use coercive methods but would, rather, rely on the cooperation of the Somali parties in order to discharge its mandate. UNOSOM II would thus use force only in self defence, in accordance with traditional peacekeeping practices, and disarmament would be entirely voluntary. It would not be necessary

to replace fully the contingent that would have withdrawn by 31 March 1994, nor to replace those that might withdraw soon thereafter. Under the third option, the mandate of UNOSOM II would be limited to keeping under its secure control the airport and port in Mogadishu, and important ports and airports in other parts of the country, so as to keep the supply routes open for humanitarian purposes. The Secretary-General noted that the main feature of that option was its emphasis on the regions as opposed to the importance, under the other two options, of bringing about a secure environment in Mogadishu. It would call for the deployment of about 5,000, all ranks. The Secretary-General also noted that theoretically there could be one more alternative, namely a complete withdrawal of UNOSOM II from Somalia, which he did not support.

Stating that the overwhelming majority of the Somali people wanted the United Nations to continue to support the process of reconciliation and rehabilitation, he recommended that the mandate of UNOSOM II be renewed until 31 March 1994.

At its 3317th meeting, on 18 November 1993, the Security Council included in its agenda the further report of the Secretary-General of 12 November 1993. Following the adoption of the agenda, the Council invited the representatives of Ethiopia and Somalia, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁴⁶ and read out revisions to be made to the draft resolution in its provisional form. He also drew the attention of the Council members to a letter dated 18 November from the representative of Eritrea addressed to the President of the Security Council.⁴⁷

The representative of Ethiopia stated that the proposal of the President of Ethiopia, *inter alia*, to reinstate the Addis Ababa agreements and to establish a fact finding mission⁴⁸ would greatly facilitate the reconciliation process and would eventually lead to the formation of civil society in Somalia. He pointed out that solutions had to be sought collectively by the Somalis themselves with the help of the international

⁴⁶ S/26767.

⁴⁷ S/26766.

⁴⁸ S/26627, annex. See the discussion of the decision of the Council of 16 November 1993, above, for the details of those proposals.

community. Moreover, a genuine partnership between OAU, the countries of the subregion and the United Nations was important to the political process in Somalia. The speaker suggested that one way in which UNOSOM II could make substantive contributions was the undertaking of comprehensive disarmament. It was therefore crucial that UNOSOM II be present in Somalia and that it have the mandate to take the necessary actions to implement the Addis Ababa agreements. He also contended that the effective implementation of Security Council resolutions would involve a change of attitude, commitment, neutrality and impartiality on the part of the people entrusted to implement them. He urged that the people who implemented the decisions of the Security Council should therefore be very carefully selected. The speaker also stated that the main preoccupation in Somalia at that time should be peacemaking. In his view peacemaking was more cost-effective than peacekeeping or peace enforcement. He argued that if the international community was willing to pay a huge sum of money for peacekeeping and peace enforcement, then it should be ready to invest a modest amount in peacemaking.⁴⁹

The draft resolution, as orally revised in its provisional form, was put to the vote and was adopted unanimously as resolution 886 (1993), which reads:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 12 November 1993,

Noting the significant improvement in the situation in most areas of Somalia achieved by the United Nations Operation in Somalia II as described in that report,

Noting also paragraph 72 of the report of the Secretary-General,

Recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Stressing the commitment of the international community to continue helping Somalia in its efforts to accelerate the process of national reconstruction and to promote stability, rehabilitation and political reconciliation and to regain a normal, peaceful life,

Recalling that the highest priority of the Operation continues to be to support the efforts of the Somali people in promoting the process of national reconciliation and the establishment of democratic institutions,

Affirming that the General Agreement signed in Addis Ababa on 8 January 1993 and the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia, signed on 27 March 1993, establish a sound basis for resolution of the problems in Somalia,

Emphasizing in this context the crucial importance of disarmament in achieving lasting peace and stability throughout Somalia,

Condemning the continuing acts of violence and armed attacks against persons engaged in humanitarian and peacekeeping efforts, and paying tribute to those troops and humanitarian personnel of several countries who have been killed or injured while serving in Somalia,

Determining that the situation in Somalia continues to threaten peace and security in the region,

1. *Welcomes* the report of the Secretary-General;
2. *Commends* the Secretary-General, his Special Representative and the personnel of the United Nations Operation in Somalia II for their achievements in improving the conditions of the Somali people and in promoting the process of national reconciliation and reconstruction of the country;
3. *Decides*, acting under Chapter VII of the Charter of the United Nations, to renew the mandate of the Operation for an additional period expiring on 31 May 1994;
4. *Requests* the Secretary-General to report to the Security Council by 15 January 1994, or at any time before that if the situation warrants, on the progress made in achieving national reconciliation by the Somali people and that made in the attainment of political, security and humanitarian goals, and also requests the Secretary-General, as part of that report, to provide an updated plan setting out the Operation's future concerted strategy with regard to its humanitarian, political and security activities;
5. *Also decides* to undertake a fundamental review of the mandate of the Operation by 1 February 1994 in the light of the report of the Secretary-General and his updated plan;
6. *Urges* all parties in Somalia, including movements and factions, to accelerate their efforts to achieve political reconciliation, peace and security and immediately to abide by the ceasefire and disarmament agreements reached in Addis Ababa, particularly the immediate cantonment of all heavy weapons;
7. *Underscores* the importance of the Somali people attaining specific goals in the context of political reconciliation, in particular the early establishment and effective functioning of all district and regional councils and an interim national authority;

⁴⁹ S/PV.3317, pp. 3-7.

8. *Stresses* in this regard the importance it attaches to the accelerated implementation by the Somali people, with the assistance of the United Nations and donor countries, of the recommendations contained in annex I of the report of the Secretary-General of 17 August 1993 and endorsed by the Security Council in its resolution 865 (1993) of 22 September 1993, and in particular the establishment of an operational police, penal and judiciary system at the regional and district level as soon as feasible;

9. *Reminds* all parties in Somalia, including movements and factions, that continued United Nations involvement in Somalia depends on their active cooperation and tangible progress towards a political settlement;

10. *Welcomes and supports* the ongoing diplomatic efforts being made by Member States and international organizations, in particular those in the region, to assist United Nations efforts to bring all parties in Somalia, including movements and factions, to the negotiating table;

11. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

12. *Expresses concern* at the destabilizing effects of cross-border arms flows in the region, affirms the importance it attaches to the security of the countries neighbouring Somalia, and calls for the cessation of such arms flows;

13. *Welcomes* the Fourth Coordination Meeting for Humanitarian Assistance for Somalia, to be held at Addis Ababa from 29 November to 1 December 1993;

14. *Emphasizes* the relationship between national rehabilitation and progress in the process of national reconciliation in Somalia, and encourages donor countries to make contributions to Somalia's rehabilitation as demonstrable political progress occurs, and in particular to contribute urgently to rehabilitation projects in those regions where progress on political reconciliation and security has been made;

15. *Expresses its appreciation* to those Member States which have contributed to or provided logistical or other assistance to the Operation or offered to do so, and encourages those who are in a position to do so to contribute, on an urgent basis, troops, equipment, and financial and logistical support to enhance the Operation's capability to carry out its mandate and to ensure the safety of the personnel;

16. *Requests* the Secretary-General to ask the Somalia Trust Fund Committee to review claims and make payments on an urgent basis and urges Member States to make funds available directly or through the Somalia Trust Fund for priority projects, including the re-establishment of the Somali police and demining, on an urgent basis;

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

After the vote, the representatives of the United States, the United Kingdom and France stated that the

resolution demonstrated the will of the international community not to abandon Somalia. They stressed, however, that the United Nations could only help and that the people of Somalia bore the ultimate responsibility for national reconciliation and the reconstruction of their country. The representatives of France and the Russian Federation stressed the importance of the efforts made by the countries and organizations of the regions to help find a settlement to the Somali crisis.⁵⁰

The representative of France drew attention to the fact that, while his country welcomed the contribution of the United States to UNOSOM, it would have preferred, for reasons of clarity and consistency and because the problem might arise in the case of other peacekeeping operations, to see the status of the United States forces vis-à-vis UNOSOM clarified in the resolution.⁵¹

The representative of China stated that the international community could only play a supplementary and facilitating role in the promotion of a final settlement. The overall objective of UNOSOM II should be to promote national reconciliation, and it should fulfil its mandate by relying on the Somali people, using peaceful means.⁵²

The representative of the United Kingdom stated that his Government was concerned at the destabilizing effects of cross-border arms flows into neighbouring countries and was therefore pleased that the resolution emphasized the importance of doing what could be done to protect the security of neighbouring countries.⁵³

Decision of 30 November 1993: letter from the President to the Secretary-General

By a letter dated 23 November 1993 addressed to the President of the Council,⁵⁴ the Secretary-General informed the Council that, in response to its request in resolution 885 (1993) of 16 November 1993, he had appointed a Commission of Inquiry to carry out the investigation into the armed attacks on personnel of

⁵⁰ *Ibid.*, pp. 16-17 (United States); pp. 18-20 (France); pp. 22-23 (United Kingdom); and pp. 33-35 (Russian Federation).

⁵¹ *Ibid.*, pp. 19-20.

⁵² *Ibid.*, p. 21.

⁵³ *Ibid.*, p. 23.

⁵⁴ S/26823.

UNOSOM II. In that letter the Secretary-General also noted that he had decided to establish a separate secretariat to assist the Commission.⁵⁵ By a letter dated 30 November 1993,⁵⁶ the President informed the Secretary-General that the members of the Council took note of the composition of the Commission and welcomed his decision to establish a separate secretariat to assist the Commission. They also looked forward to receiving the Commission's report through him.

**Decision of 4 February 1994 (3334th meeting):
resolution 897 (1994)**

On 6 January 1994, pursuant to resolution 886 (1993) of 18 November 1993, the Secretary-General submitted to the Council a further report in which he gave an account of the progress made by UNOSOM II in the fulfilment of its mandate and outlined his views for the continuation of UNOSOM II.⁵⁷

The Secretary-General noted that while progress had been achieved by UNOSOM II in implementing its mandate in the political, humanitarian and security fields, that mandate was nevertheless far from being fully accomplished. In his view, the mandate of UNOSOM II would be completed only when the Addis Ababa Agreement of March 1993 had been fully implemented, culminating in the holding of general elections and the installation of a popularly elected Government. That would be predicated on the fulfilment of two indispensable conditions: a spirit of cooperation, compromise and commitment on the part of the Somali people, and the continued involvement of the international community. As far as the international community was concerned, it had given ample evidence of its concern for the people of Somalia. However, there were unmistakable signs of fatigue among the international community as it continued to be called upon to extend such assistance through the United Nations. Despite that, the Secretary-General remained convinced that the international community did not wish to shirk its responsibility towards the Somali people. He noted that at the Fourth Humanitarian Conference, held at Addis Ababa in November/December 1993, representatives of the donor community had reiterated their willingness to help Somalia in its national rehabilitation and

reconstruction. But they had also made it clear that their offer to commit further resources was conditional on the Somalis doing their part to bring about national reconciliation and establish at least minimum levels of security. As for the Secretary-General, his position was clear: the international community must not abandon the people of Somalia as long as an overwhelming majority of them desired the presence of the United Nations.

The Secretary-General recalled the three options that he had proposed in his earlier report to the Council regarding the mandate and functioning of UNOSOM II and he recommended the second option,⁵⁸ although he noted that that his preference would have been for the first option. Under the second option, UNOSOM II would not use coercive methods, but would rely on the cooperation of the Somali parties. It would protect the important ports and airports, and the essential infrastructure of Somalia; keep open the main supply routes between Mogadishu and outside areas; pursue as a matter of utmost priority the reorganization of the Somali police and judicial systems; and help with the repatriation of refugees. It would also continue its efforts to provide emergency relief supplies to all in need throughout the country and coordinate its activities in such a manner that programmes of assistance of the international community would be supported in areas of their choice. As far as the political process in Somalia was concerned, UNOSOM II would continue to play a role as desired by the Somali people. In the Secretary-General's view, the Addis Ababa Agreement offered the only agreed framework within which a political solution could be found. UNOSOM II could not and would not stand in the way of the parties to that agreement if they voluntarily decided to modify its terms. The number of troops required under that option would be 16,000. He noted that if that order of troop strength was not available, or if the necessary financial resources were not available after 31 March 1994, then he would bring the matter to the attention of the Security Council, possibly with a modified recommendation regarding the mandate of UNOSOM II.

The Secretary-General concluded by cautioning that the success of UNOSOM II under the second option would depend, more than ever, on the cooperation of the Somali parties. He added that if the

⁵⁵ See also chapter V, part I.B.

⁵⁶ S/26824.

⁵⁷ S/1994/12.

⁵⁸ S/26738, paras. 91-97.

Somalis succeeded in establishing the Transitional National Council in the near future, that would be a significant development.

At its 3334th meeting, on 4 February 1994, the Security Council included in its agenda the further report of the Secretary-General of 6 January 1994. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Djibouti) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁵⁹ and read out a revision to be made to the draft resolution in its provisional form. He also drew the attention of the Council members to a letter dated 4 February 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia addressed to the President of the Security Council,⁶⁰ in which his Government emphasized the importance of developing a practice or mechanism that would allow direct and close consultations between the Security Council and the countries contributing troops to UNOSOM II and raised the possibility of extending such a practice or mechanism to other peacekeeping operations.

Before the vote, the representative of Nigeria stated that the international community faced once again the crucial question of whether or not the United Nations should divest itself entirely of Somalia. He contended that for the credibility of the Organization, and in the higher interest of the Somali people, UNOSOM II could not simply "fold up" and exit from Somalia. The Council needed to continue to help the people of Somalia so that they could overcome their difficulties and enable their country to rejoin the international community in peace and with dignity. He noted, however, that it was important, as the draft resolution made clear, that in the ongoing efforts at political reconciliation, rehabilitation and reconstruction in Somalia, the Somali people themselves would play the leading part. His Government expressed appreciation for the draft resolution's reaffirmation of the obligation of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia. His Government was also pleased that the draft resolution placed a premium on the need to assure the safety and

protection of the UNOSOM II personnel who would remain in Somalia under the revised mandate. It was also important that, whatever its exact force level after 31 March 1994, UNOSOM should retain the capacity to carry out effectively its duties as redefined.⁶¹

The representative of Pakistan noted that the draft resolution was the result of extensive dialogue and discussion among the Council members. He pointed out that the fresh mandate to be given to UNOSOM II would be more modest than its predecessor. Under the new mandate, the responsibility for the restoration and maintenance of law and order within the country would lie solely with the Somali people, with the assistance of UNOSOM II. The resolution was quite clear that, in the event of inter-clan fighting, UNOSOM II would not get involved. It was also clear that UNOSOM II would only encourage and assist the Somali parties in the process of disarmament and would not be required to enforce the disarmament or other clauses contained in the Addis Ababa Agreement. Obviously, that meant that the Somali parties themselves would have to take greater responsibility for the establishment of viable political institutions and normal conditions in their country. For his country, that was a development in the right direction. Pakistan, as a troop-contributing country, was also grateful that the draft resolution underscored clearly that all necessary material means and military assets would be placed at the disposal of UNOSOM II to enable it to defend its personnel.⁶²

The representative of Rwanda contended that the international community, having made such a great investment in Somalia, should do everything in its power to continue UNOSOM II. He trusted that the United Nations mission in Somalia would be successful only when the Addis Ababa agreements of January and March 1993 had been fully implemented, when general elections had been held, and when a government had been elected and installed in accordance with the wishes of the populace. His delegation was concerned that the critical situation in which Somalia found itself could become extremely difficult if the almost simultaneous withdrawal of some contingents participating in the operation was not approached in the context of a plan that could guarantee the mission the means necessary to carry out its tasks. It encouraged the Secretary-General to step up the

⁵⁹ S/1994/115.

⁶⁰ S/1994/120.

⁶¹ S/PV.3334, pp. 4-8.

⁶² *Ibid.*, pp. 9-11.

contacts he had already initiated with certain States and to request them to contribute to UNOSOM II, which, under Chapter VII of the Charter, would continue to fulfil the mandate set out in paragraph 2 of the draft resolution. His delegation also believed that UNOSOM II should continue to serve as a catalyst for successful political dialogue between the parties. In that context it attached the greatest importance to the establishment of contacts between the Secretary-General and the Somali parties, pursuant to paragraph 13 of the draft resolution, in order to establish a timetable for the implementation of the Addis Ababa agreements.⁶³

The representative of China stated that the experiences and lessons of UNOSOM II had shown that the fundamental and effective way to settle the Somali question was by peaceful means. Resort to coercive military actions would only serve to complicate matters. The second option recommended by the Secretary-General was also in conformity with that principle in its advocacy of non-use of coercive measures to achieve disarmament by the Somali parties themselves. China understood that the draft resolution did not, in essence, run counter to that principle.⁶⁴

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 897 (1994), which reads:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,

Reaffirming the decision taken in its resolution 886 (1993) of 18 November 1993 to continue the United Nations Operation in Somalia II up to 31 May 1994,

Having considered the report of the Secretary-General of 6 January 1994,

Stressing the importance the Council attaches to the Somali parties fulfilling in good faith all obligations and agreements to which they commit themselves, and affirming once again that the General Agreement signed at Addis Ababa on 8 January 1993 and the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia signed on 27 March 1993 (“the Addis Ababa Agreements”) constitute the basis for the resolution of the problems in Somalia,

Bearing in mind respect for the sovereignty and territorial integrity of Somalia in accordance with the Charter of the

United Nations, and recognizing that the people of Somalia bear the ultimate responsibility for setting up viable national political institutions and for reconstructing their country,

Expressing serious concern at reports that Somali factions are re-arming and that a troop build-up is taking place in some regions of Somalia,

Condemning the continuing incidents of fighting and banditry in Somalia, and in particular condemning violence and armed attacks against persons engaged in humanitarian and peacekeeping efforts,

Emphasizing the crucial importance of disarmament by all parties in achieving lasting peace and stability in Somalia,

Paying tribute to the peacekeepers and humanitarian personnel of several countries killed or injured while serving in Somalia, and in this context re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peacekeeping throughout Somalia,

Affirming the importance of the establishment, by the Somali people, of representative district and regional councils and of a transitional national council, as well as the importance of a re-established police force and a judicial system for the restoration of public order throughout Somalia,

Welcoming the efforts made at the fourth humanitarian conference at Addis Ababa, and reaffirming the commitment of the international community to assist the Somali people to attain political reconciliation and reconstruction,

Welcoming also political contacts and consultations between representatives of various parties in Somalia with a view to finding solutions to outstanding matters and disputes among them and promoting the process of political reconciliation,

Commending and supporting the ongoing diplomatic efforts being made by international and regional organizations and Member States, in particular those in the region, to assist United Nations efforts to persuade Somali parties to reach a political settlement,

Reaffirming the objective that the Operation complete its mission by March 1995,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances, including in particular the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General;
2. *Approves* the Secretary-General’s recommendation for the continuation of the United Nations Operation in Somalia II, as set out in particular in paragraph 57 of his report, with a revised mandate for the following:

⁶³ Ibid., pp. 12-15.

⁶⁴ Ibid., pp. 16-17.

(a) Encouraging and assisting the Somali parties in implementing the Addis Ababa Agreements, in particular in their cooperative efforts to achieve disarmament and to respect the ceasefire;

(b) Protecting major ports and airports and essential infrastructure and safeguarding the lines of communication vital to the provision of humanitarian relief and reconstruction assistance;

(c) Continuing its efforts to provide humanitarian relief to all in need throughout the country;

(d) Assisting in the reorganization of the Somali police and judicial system;

(e) Helping with the repatriation and resettlement of refugees and displaced persons;

(f) Assisting also in the ongoing political process in Somalia, which should culminate in the installation of a democratically elected Government;

(g) Providing protection for the personnel, installations and equipment of the United Nations and its agencies, as well as of non-governmental organizations providing humanitarian relief and reconstruction assistance;

3. *Authorizes* the gradual reduction of the Operation to a force level of up to 22,000 and necessary support elements, such force level to be reviewed at the next renewal of the mandate;

4. *Underlines*, in this context, the vital importance of placing at the disposal of the Operation the necessary material means and military assets required to enable it to discharge its responsibilities in an effective manner as well as effectively to defend its personnel in case of armed attack;

5. *Also approves* giving priority to directing international reconstruction resources to those regions where security is being re-established and to local Somali institutions which are prepared to cooperate with the international community in setting development priorities in accordance with the declaration of the fourth humanitarian conference in Addis Ababa as set forth in paragraphs 23 and 24 of the report of the Secretary-General;

6. *Underlines* the importance that the Council attaches to demining, and requests the Secretary-General to make arrangements to ensure the start of demining operations as soon as possible wherever conditions permit;

7. *Calls upon* all parties in Somalia to cooperate fully with the Operation and respect the ceasefire arrangements and other commitments entered into by them;

8. *Demands* that all Somali parties refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peacekeeping work in Somalia;

9. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military

equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

10. *Commends* the Secretary-General, his Special Representative and the personnel of the Operation for their efforts in improving the conditions of the Somali people and in encouraging the process of political reconciliation, rehabilitation and reconstruction;

11. *Expresses its appreciation* to those Member States which have contributed troops or provided logistical or other assistance to the Operation or have offered to do so, and encourages those that are in a position to do so to contribute, on an urgent basis, troops, civilian personnel, equipment and financial and logistical support so as to enhance the capability of the Operation to carry out its mandate;

12. *Also expresses its appreciation* to those States which have contributed humanitarian assistance or have supported the Somali justice programmes and encourages further such contributions on an urgent basis;

13. *Requests* the Secretary-General to consider, in consultation with the Organization of African Unity and the League of Arab States, establishing contacts with the Somali parties with a view to arriving at an agreed timetable for implementing the Addis Ababa Agreements, including the objective of completing the process by March 1995;

14. *Also requests* the Secretary-General to submit to it, as soon as the situation warrants, and in any case in good time before 31 May 1994, a report on the situation in Somalia and the implementation of the present resolution;

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

After the vote, the representative of the United States stressed the following points: First, the resolution stated clearly what many members of the Council had been saying for some time, that the people of Somalia needed to bear the responsibility for national reconciliation and the reconstruction of their country. Secondly, attacks on those providing humanitarian relief and reconstruction assistance needed to stop. Thirdly, as Somali efforts to achieve national reconciliation and security proceeded, there was a role for the international community. The United States strongly supported a regional focus for assistance, giving priority to those areas of the country where there was security and where local institutions were prepared to cooperate. The resolution also made it clear that there was work to be done in laying the groundwork for a return to law and order through support for programmes to rebuild Somalia's police and its system of justice.⁶⁵

⁶⁵ *Ibid.*, pp. 20-22.

The representative of the United Kingdom noted that under the resolution just adopted, UNOSOM II, which remained one of the largest, the most complex and the most costly peacekeeping operations ever undertaken by the United Nations, would operate under a revised and more realistic mandate. The rebuilding of Somalia could not be in the hands of UNOSOM II or of the international community: it needed to be in the hands of the Somali people. His Government was deeply concerned at reports that some Somali factions were rearming, and of increased inter-clan clashes and banditry and by the renewed increase in violence and attacks against humanitarian relief workers. He noted, in that regard, that the resolution gave a clear mandate to UNOSOM II to provide protection not only for United Nations personnel and installations, but also for non-governmental organizations providing humanitarian assistance to the people of Somalia. Another point of particular concern to his Government was the need to ensure the very closest coordination between UNOSOM II and the various bodies engaged in rehabilitation and reconstruction work in Somalia, with clearly defined lines of responsibility.⁶⁶

The representative of Brazil stated that his country had constantly maintained that the Council should avoid invoking the extraordinary powers conferred upon it in Chapter VII of the Charter of the United Nations except in clearly exceptional circumstances, as in the unique case of Somalia. Even then, it should act in a sparing manner, seeking to limit the application of those powers as much as possible. His delegation therefore welcomed the fact that the text of the resolution made it clear that it was only in the light of the exceptional circumstances then prevailing in Somalia including, in particular, the absence of a national government that the Security Council was acting under Chapter VII of the Charter. It was his delegation's understanding that the reference to Chapter VII applied only to those aspects of the resolution that fell clearly under the provisions of that Chapter of the Charter.⁶⁷

The representative of the Russian Federation stated that his delegation considered the main thrust of the resolution to be a shift in focus, to the activation of political aspects of the work of UNOSOM II and to the creation of conditions for the attainment by the

Somalis of a stable political settlement on the basis of the Addis Ababa agreements. Another important element was the gradual reduction in strength of the military component of UNOSOM II. It was the view of his delegation that the key to an early settlement of the conflict lay in the hands of the Somali people themselves. In addition to the efforts of the United Nations, more active use should be made of OAU, other regional organizations, Somalia's neighbouring countries and all other interested States.⁶⁸

The President, in his capacity as the representative of Djibouti, stated that critical factors were the impending withdrawal of key countries and the implacable opposition by certain factions to the Addis Ababa agreements, including to the role assigned to the United Nations. Together, those factors created a pervasive sense of insecurity and fear among all elements of Somali society, leading to rearming, a breakdown in security and interruptions of the flow of humanitarian aid. He also stated that the forces of peace, development and democracy were strong, and that in its remaining tenure the United Nations must be seen to support those forces in institutions, reconstruction and aid. There would be more hope if there was to be a regional agreement on a peaceful future for Somalia. While he would have liked to see in the resolution a stronger indication of those responsible for the situation and limitations on progress in Somalia, a clearer statement of the purpose of the United Nations and an emphasis on the need to honour past commitments, he nonetheless supported the resolution.⁶⁹

Decision of 26 May 1994: letter from the President to the Secretary-General

By a letter dated 26 May 1994,⁷⁰ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have received the report of the Commission of Inquiry established pursuant to resolution 885 (1993) to investigate armed attacks on personnel of the United Nations Operation in Somalia II.

The Council had asked me to convey to you its decision that the report should now be circulated as a document of the Council in the normal manner.

⁶⁶ Ibid., pp. 24-26.

⁶⁷ Ibid., pp. 26-29.

⁶⁸ Ibid., pp. 30-31.

⁶⁹ Ibid., pp. 42-46.

⁷⁰ S/1994/652.

The Council also asked me to indicate its thanks for the report of the Commission.

It is noted that many of the suggestions in the report had already been acted upon by the Operation and by the Council.

The members of the Council believe that the report demonstrates the complexity and difficulty of the operation in Somalia. Many lessons have been learned and the Council will be able to build upon that experience in future peacekeeping operations.

I should be grateful if this letter could be circulated as a document of the Council at the same time as the report is circulated.

**Decision of 31 May 1994 (3385th meeting):
resolution 923 (1994)**

On 24 May 1994, pursuant to resolution 897 (1994) of 4 February 1994, the Secretary-General submitted to the Council a further report on UNOSOM II⁷¹ in which he reported, *inter alia*, on developments in Somalia relating to the political situation.

The Secretary-General noted that after the adoption of resolution 897 (1994), the political process for national reconciliation in Somalia had gained new impetus. He reported that his Acting Special Representative had launched an initiative to normalize the relationship between UNOSOM II and the Somali National Alliance. He had also persuaded the Somali leaders, including General Aidid, Chairman of SNA, and Mr. Ali Mahdi, Spokesman of the Group of 12, to meet at Nairobi on 15 March 1994 for consultation, with the objective of securing agreement on the indefinite cessation of hostilities and on a long-term solution to the problems of Lower Juba. The meeting had culminated in the signing of the Nairobi Declaration in Nairobi on 24 March 1994, in which both sides had agreed to convene a national reconciliation conference on 15 May 1994, to elect a President and Vice-Presidents and to appoint a Prime Minister. The Conference would also complete and review the formation of local authorities where necessary and establish an independent judiciary. The Conference was postponed, however, due to the deteriorating security situation. On 27 March 1994, an agreement was signed by members of a joint committee representing SNA and the Somali Patriotic Movement (SPM), calling for a Lower Juba Reconciliation

⁷¹ S/1994/614.

Conference at Kismayo on 8 April 1994. The Conference opened on 24 May 1994.

The Secretary-General also noted that, despite the political reconciliation efforts, the security situation in Somalia had been deteriorating. Militia groups were rearming and banditry was on the rise. He stated, however, that the situation was not entirely devoid of hope. On the one hand, there was the unanimous commitment on the part of the Somali parties to pursue the path of reconciliation and to work together to achieve voluntary disarmament and a permanent ceasefire. On the other hand, some of the factions had used their military strength to increase the areas under their control, in order to enhance their negotiating positions. He observed that all the Somali leaders had appealed to UNOSOM to continue supporting their reconciliation and rehabilitation efforts, which had enabled his Acting Special Representative to pursue a political initiative over the preceding few months. The result had been a resumption of dialogue, normalization of the UNOSOM relationship with SNA, and the very important Declaration adopted by the parties at Nairobi. He also observed, however, that there had been considerable delays in implementing the agreement, and that the preparatory meeting to organize the National Reconciliation Conference was consequently scheduled for 30 May 1994, with no date fixed for the Conference itself.

The Secretary-General noted that the Nairobi Declaration had brought the United Nations Operation in Somalia to a defining moment. The issue before the Security Council was the extension of the UNOSOM II mandate, taking into account the Council's objective, set out in resolution 897 (1994), that UNOSOM II complete its mission by March 1995. In the Secretary-General's opinion, renewing the mandate would signify the Member States' determination to fulfil the United Nations vision of assisting Somalia's efforts towards political reconciliation, national reconstruction and peace, whereas deciding to phase out the Somalia operation would signify abandonment of that vision, and the country might consequently slide back into the abyss from which it had been barely rescued less than two years earlier. Stating that the Somali people deserved one last chance, he recommended that the Security Council reaffirm its objective, set out in resolution 897 (1994), that UNOSOM II complete its mission by March 1995, and that the Council extend the UNOSOM II mandate for a period of six months.

He also recommended that the extension be at the then authorized troop strength of 22,000, and that it be subject to periodic reviews, according to the political and military situation and progress towards reconciliation. His recommendation was based on the assumption that the Somali leaders would prove able and willing to pursue the path to political reconciliation. He warned that, should that assumption prove unfounded, he would not hesitate to report to the Security Council, nor would he rule out recommending that the Council consider withdrawing the United Nations force in part or in full. He had accordingly instructed UNOSOM II to formulate a comprehensive contingency withdrawal plan.

At its 3385th meeting, on 31 May 1994, the Security Council included in its agenda the further report of the Secretary-General of 24 May 1994. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁷²

Before the vote, the representative of Rwanda stated that it was disturbing that, despite reconciliation efforts being made at the regional and national levels, the security situation was deteriorating. He referred to the fighting that was continuing among the Somali clans, and to the prevalence of banditry and urged the Council to proceed with the full deployment of the authorized force of UNOSOM II, set at 22,000 men, and to provide the force with the necessary logistical and material means to discharge its mandate. He maintained that collective action was indispensable to support the efforts of the Somali people to reconstruct their country's political and socio-economic structure. For that reason, his delegation supported the draft resolution.⁷³

The representative of Pakistan stated that, while he was concerned at the deterioration in the security situation in Somalia, he could not ignore the positive elements over the last few months, foremost among which was the declared commitment of the Somali parties to pursue the path of reconciliation. His delegation had been willing to accept the Secretary-

General's recommendation to renew the mandate of UNOSOM II for a period of six months, but an equally convincing case had been made for reducing the extension period to four months. He contended that the reduction in length of the mandate should not be seen as an erosion of the commitment of the international community to the people of Somalia, but rather that it signified a desire to persuade the Somali parties to hasten their endeavours towards the objective of national reconciliation. He stated that his delegation was confident that adequate progress during that four-month period would lead to a further renewal of the UNOSOM II mandate.⁷⁴

The draft resolution was then put to the vote and was adopted unanimously as resolution 923 (1994), which reads:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 24 May 1994,

Reaffirming the commitment of the international community to assisting the Somali people to attain political reconciliation and reconstruction,

Emphasizing in this context that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country,

Stressing the importance the Council attaches to the Somali parties working seriously to achieve peace and national reconciliation in their country and to their fulfilling in good faith all obligations and agreements to which they commit themselves,

Welcoming the declaration of the leaders of the Somali political organizations signed in Nairobi on 24 March 1994, which, inter alia, committed the Somali parties to restoring peace throughout Somalia, to setting up rules and procedures of voting and criteria for participation in the national reconciliation conference, to convening a national reconciliation conference to elect a President and Vice Presidents and to appoint a Prime Minister, to completing and reviewing the formation of local authorities and to establishing an independent judiciary,

Welcoming also the Lower Juba regional conference,

Concerned none the less at the delays in the reconciliation process and at the deterioration in the security situation,

Condemning the continuing incidents of fighting and banditry and, in particular, violence and armed attacks against persons engaged in humanitarian and peacekeeping efforts,

⁷² S/1994/638.

⁷³ S/PV.3385, pp. 2-3.

⁷⁴ *Ibid.*, pp. 3-4.

Paying tribute to those troops and humanitarian personnel of several countries who have been killed or injured while serving in Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peacekeeping throughout Somalia,

Paying tribute to the humanitarian work being undertaken by United Nations agencies and non-governmental organizations in difficult conditions to assist the people of Somalia,

Taking note of the fact that all Somali leaders have appealed to the United Nations Operation in Somalia II to continue supporting their reconciliation and rehabilitation efforts,

Reaffirming the objective that the Operation complete its mission by March 1995,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances, including in particular the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General;

2. *Decides* to renew the mandate of the United Nations Operation in Somalia II for an additional period expiring on 30 September 1994, subject to a review by the Council no later than 29 July 1994 based on a report by the Secretary-General on the humanitarian mission carried out by the Operation and on the political and security situation in Somalia and progress made in achieving national reconciliation, in the light of which report and review the Security Council may request the Secretary-General to prepare options regarding the mandate and future operations of the United Nations Operation in Somalia;

3. *Commends* the Secretary-General, his Acting Special Representative and the personnel of the Operation for their efforts towards improving the conditions of the Somali people and in encouraging the process of political reconciliation, rehabilitation and reconstruction;

4. *Strongly urges* all parties in Somalia to cooperate fully with the Operation, to carry out the commitments and implement the agreements which they have signed, including those relating to the voluntary disarmament, and to pursue without further delay the negotiations aimed at achieving national reconciliation;

5. *Demands* that all parties in Somalia refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peacekeeping work in the country;

6. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

7. *Welcomes* the progress made by the Operation in establishing the justice and police programmes and calls for their acceleration;

8. *Expresses its appreciation* to those Member States which have contributed troops or provided logistical or other assistance to the Operation or have offered to do so, and underlines, in this context, the continuing importance of the Operation having at its disposal the necessary troops, civilian personnel, equipment and financial and logistic support to carry out its mandate effectively;

9. *Also expresses its appreciation* to those Member States which have extended humanitarian assistance or have supported the Somali justice and police programmes, and encourages further such contributions on an urgent basis;

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

After the vote, the representative of China stated that the international community should continue to make every possible endeavour to help the Somali people achieve genuine national reconciliation. He contended that that was the key to ending civil war and restoring peace. He stressed in that connection the important role of OAU. Pointing out that the principle of using non-coercive measures should be observed by UNOSOM II in the performance of its mandate, he expressed the belief that the final resolution of the Somali question lay with the Somali people themselves.⁷⁵

The representative of New Zealand suggested that it would be quite wrong to characterize what had been going on in Somalia over the past four months in negative terms. There were a number of notable successes to counterbalance the setbacks and reasons which explained the slow pace on the political front. That was why his delegation had been strongly of the view that the Security Council had no basis for rejecting the recommendation of the Secretary-General that the mandate of UNOSOM II should be extended for a further six-month period. What Somalia and UNOSOM most needed at that point was a period of stability in which they could consolidate the gains already made and tackle the problems that remained. There were also strong reasons, in the context of the responsible management of peacekeeping operations — both financial reasons and in terms of proper planning — for the Security Council to avoid subjecting the terms of a peacekeeping mandate to artificial and politically generated time frames. That did not mean that the Somali parties should have a free hand to delay

⁷⁵ *Ibid.*, pp. 5-6.

indefinitely the process of national reconciliation. He suggested that some in Somalia might welcome the opportunity to speed the United Nations on its way and he warned that, if that were to be the result of the Council's action, the Council would have done a grave disservice to the Somali people and to the humanitarian mission. While noting that the Council had a commitment to maintain the operation until March 1995, he stated that in the coming months the Council should turn its attention to considerations such as what kind of United Nations presence should be envisaged for Somalia after March 1995, and how the UNOSOM operations and structure should be implemented to ensure that the transition to that next phase was as smooth and beneficial to the Somali people as possible.⁷⁶

The representative of the United States stated that the resolution just adopted underscored the growing impatience of the international community with the pace of progress towards national reconciliation in Somalia and placed those responsible for obstructing forward movement on notice. He observed that the adjustment in the length of the mandate's renewal to four months and the provision for a review of progress was not an empty exercise. His delegation supported the tough message the Secretary-General had attempted to deliver to the Somali factions and that he would not hesitate to recommend an end to the mission. He observed that the international community had expended considerable resources and many lives to help Somalia, and contended that in the absence of indications to the contrary, the international community was not prepared to continue helping a people who seemed unwilling to help themselves.⁷⁷

The President, in his capacity as the representative of Nigeria, questioned the course of action to be taken by the international community. He queried whether the United Nations should cut off its assistance to Somalia and abandon the Somalis to a fate dictated not so much by the Somali people, but by the parties and factions that controlled the instruments of violence and coercion in the country, even though, statistically, those elements were "in the tiniest of tiny minorities". He noted that his delegation saw merit in the resolution just adopted calling upon the parties to show good faith, if continued United Nations support

in Somalia was to be assured. His delegation also believed that the situation in Somalia, because of its exceptional circumstances — including, in particular, the absence of a government — deserved special and more flexible consideration, and should not be treated in the same framework as some other United Nations peacekeeping operations, where credible governmental and non-governmental authorities existed. He warned that it would be a mistake if, because of the desire for quick results, the United Nations were to embark on a precipitate withdrawal from Somalia, before its initial target date of March 1995, without taking into full account Somalia's special circumstances.⁷⁸

Decision of 28 July 1994: letter from the President to the Secretary-General

On 18 July 1994, pursuant to resolution 923 (1994) of 31 May 1994, the Secretary-General submitted to the Council a further report on UNOSOM II in which he described the efforts of UNOSOM II to improve the overall situation in Somalia.⁷⁹

The Secretary-General noted that the overall situation in Somalia had deteriorated since his last report, especially in Mogadishu, due both to a resumption of inter-clan fighting and to a further increase in banditry. However, in many regions daily life was returning to normal, agricultural production was recovering, and progress was being achieved in the rebuilding of institutions, especially the police and the judicial system. Despite those positive signs, national reconciliation process was advancing at a pace so slow that there was little or no reason to believe that the target of completing the process by March 1995 could be achieved. Repeated postponements of conferences, the emergence of new subgroups and the lack of a clear reconciliation process had created the impression that talks between Somali leaders could continue indefinitely. The Secretary-General informed the Council that he had asked his Special Representative to prepare an in-depth assessment of the prospects for national reconciliation in Somalia. He had also decided to undertake a comprehensive review of the troop strength of UNOSOM II. In that regard, he intended to dispatch a special mission which would be entrusted with making recommendations on the future size of UNOSOM II.

⁷⁶ Ibid., pp. 7-8.

⁷⁷ Ibid., pp. 9-10.

⁷⁸ Ibid., pp. 10-12.

⁷⁹ S/1994/839.

In a letter dated 28 July 1994,⁸⁰ the President informed the Secretary-General of the following:

The members of the Council have reviewed the situation as envisaged in resolution 923 (1994) of 31 May 1994. The review was considerably facilitated by the comprehensive nature of your report of 18 July 1994.

The Council members noted with satisfaction the gains made in Somalia on the humanitarian front, with the assistance of the United Nations Operation in Somalia II, United Nations agencies and non-governmental organizations. They also welcomed the progress made in the re-establishment of the Somali police and justice systems as well as in demining activities.

The Council members share your serious concern at the very little forward movement registered in the Somali national reconciliation process since the Nairobi declaration of 24 March 1994 and at the recent deterioration in the security situation in Somalia. They are also disappointed at the repeated postponements of the national reconciliation conference and its preparatory meeting, for which there is still no agreement on either the dates or the venue.

In view of the situation in Somalia, described in your report, the Council members considered most appropriate and timely your directive to your Special Representative for Somalia to prepare an in-depth assessment of the prospects for national reconciliation in Somalia. They also welcomed your decision to dispatch a special mission to Somalia and to present recommendations to the Council on the future size of the Operation as soon as possible.

**Decision of 25 August 1994 (3418th meeting):
statement by the President**

On 17 August 1994, the Secretary-General submitted to the Council a report in which he presented his assessment of the prospects for national reconciliation in Somalia and reported on the special mission he had sent to discuss and present recommendations on a possible reduction in the level of troops assigned to UNOSOM II.⁸¹

The Secretary-General reported that ongoing factional disputes and conflicts and disagreements had made it impossible thus far to reach agreement on the date and venue for the preparatory meeting for the convening of a national reconciliation conference. Consequently, the national reconciliation conference that was scheduled to take place on 15 May 1994 had been indefinitely postponed. In addition to those efforts at the national level, inter-clan reconciliation meetings

at the local, district and regional levels had also been sponsored by the United Nations to move forward the peace process. They included the Galkayo meeting (June 1993), the Jubaland Peace Conference (June-August 1993), the Lower Juba Reconciliation Conference (Kismayo, June 1994) and the Absame Reconciliation Conference (Dobley, June-July 1994). Taken together, the meetings had enhanced the prospects for national reconciliation.

The Secretary-General noted that it was generally acknowledged that conflicts within the dominant Hawiye clan, to which both Mr. Ali Mahdi and General Mohammed Farah Aidid belonged, constituted the major obstacle to national reconciliation. Both had expressed their willingness to participate in a Hawiye reconciliation conference. The Secretary-General conveyed the view of his Special Representative that, with the cooperation of the parties concerned and the support of the international community, the reconciliation of the Hawiye should be achieved in time to create a favourable climate for the convening of a conference on national reconciliation and the establishment of an interim government in the last quarter of 1994. That would leave three months for consolidating agreed transitional arrangements for the interim government before the completion of the mission of UNOSOM II at the end of March 1995. While agreeing with the assessment of his Special Representative, the Secretary-General noted, however, that there were no clear signs that preparations for a Hawiye conference were under way. He had nevertheless instructed his Special Representative to assist the parties concerned to convene such a conference in the next few weeks. There were also disturbing developments which seemed to militate against national reconciliation. The two antagonistic groups, the Somali National Alliance and the Somali Salvation Alliance (SSA) were continuing to encourage and facilitate the creation of new partisan factions, which were not parties to the agreements reached in Addis Ababa and Nairobi. Such a multiplication of factions would complicate further the prospects for the preparatory meeting and the subsequent national reconciliation conference, and had to be overcome without further delay.

With respect to a possible reduction in the UNOSOM II force, the Secretary-General reported that the special mission had recommended that the force be reduced to 17,200 by the end of September 1994 and

⁸⁰ S/1994/898.

⁸¹ S/1994/977.

no more than 15,000 by the end of October or during November 1994. It had warned that any further reductions should be carefully decided and should take into account evolving circumstances.

The Secretary-General stated that, in the light of the foregoing facts, and after a careful review of the reports submitted to him by his Special Representative and the Special Mission, he had come to the conclusion that the United Nations should continue for a little longer, to give the Somali leaders the opportunity to demonstrate that they were ready to cooperate with the United Nations and with each other in order to bring their country back from the abyss. He accordingly recommended that: (a) UNOSOM II should make every effort to facilitate the convening of a Hawiye conference by the end of September 1994; (b) the Force Commander should take immediate steps to reduce the force level by 1,500, as had been recommended by the Special Mission, and should thereafter bring it down to 15,000 all ranks as soon as possible; (c) in the light of the progress made towards national reconciliation up to the end of September 1994, he would report to the Security Council, by 15 October 1994 at the latest, on the future of UNOSOM II; (d) the Security Council consider approving, at that time or later, a one month extension of the UNOSOM II mandate until 31 October 1994, to allow time for study of, and action on, the report he would submit to it by 15 October; and (e) in the interim, contingency plans for the full range of options referred to in (c) above should be elaborated and refined.

At its 3418th meeting, on 25 August 1994, the Security Council included in its agenda the report of the Secretary-General of 17 August 1994. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Russian Federation) then stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁸²

The Security Council takes note of the report of the Secretary-General to the Security Council on Somalia and briefings by the Secretariat.

⁸² S/PRST/1994/46.

The Council, appalled by the killing near Baidoa on 22 August of seven Indian soldiers and the wounding of nine more serving with the United Nations Operation in Somalia II, strongly condemns the premeditated attack on United Nations peacekeepers who were providing essential support and assistance to the humanitarian effort of the international community in Somalia carrying out the mandate of the Council. The Council expresses its condolences to the Government of India and the families of the soldiers who made the ultimate sacrifice in assisting the people of Somalia.

The Council expresses grave concern regarding the deteriorating security situation in Somalia, and deplores attacks and harassment directed against the Operation and other international personnel serving in Somalia.

The Council considers that a durable political settlement remains an indispensable prerequisite for restoring peace and security, re-establishing central governmental structures and services and commencing the process of rehabilitation and reconstruction of the economic and social fabric in Somalia.

The Council is gravely concerned by the lack of progress in reconciliation among Somali factions. It is particularly concerned by the fact that the national reconciliation conference, to which the fifteen signatories of the Addis Ababa Agreement had agreed in Nairobi on 24 March 1994 and which was scheduled for 15 May 1994, has not taken place. The Council commends the efforts of the Special Representative of the Secretary-General to reinvigorate the process of national reconciliation, including through the encouragement of local and regional initiatives and conferences. In this regard, it attaches great importance to an accelerated inter-clan reconciliation, in particular among the Hawiye subclans, with the involvement of all concerned.

The Council stresses that the nature and the duration of the international support and resources the international community is committing to Somalia, including the continuing presence of the Operation, depend very much on the resolve of the Somali parties to achieve political compromise.

The Council reminds the Somali parties that the future of their country lies in their hands and urges them once again to make every effort to advance the process of political reconciliation in Somalia.

The Council believes that the Secretary-General's proposed initial reduction of the Operation's troops is appropriate in the circumstances prevailing in Somalia. It stresses that priority attention should be given to ensuring the safety and security of Operation and other international personnel, including the staff of non-governmental organizations. In this context it underlines the responsibility of the Somali parties for the security and safety of these personnel.

The Council invites the Secretary-General to submit to the Council well before 30 September 1994 a substantive report on prospects for national reconciliation in Somalia and on the possible options for the future of the Operation.

Decision of 30 September 1994 (3432nd meeting): resolution 946 (1994)

On 17 September 1994, the Secretary-General submitted to the Council the first part of a report concerning the situation in Somalia in which he gave a factual account of new developments in the political, security and humanitarian fields.⁸³

The Secretary-General stated that, since his last report, his Special Representative had been engaged in intensive consultations with Mr. Ali Mahdi, General Mohamed Farah Aidid and the Imam of Hirab, concerning arrangements for convening the Hawiye peace conference and the national reconciliation conference. The Imam of Hirab had advised his Special Representative that it would be necessary to arrange separate meetings between the Habr Gedir and the other subclans before proceeding to a plenary session of the Hawiye peace conference. Over the past few weeks, the Imam had held meetings with various subclan leaders. The Secretary-General noted that on the whole, the initiatives of the Imam and other concerned Hawiye clan leaders appeared to have had a salutary effect on the security situation in Mogadishu. He reported that the leaders of the Lower Juba Reconciliation Conference and the Absame Reconciliation Conference had continued to meet in an effort to merge the two peace processes, in order to consolidate peace in both the Lower and the Middle Juba regions. The Chairman of the Somali National Movement (SNN) had met with the other three north-west-based political factions and had issued a joint

statement declaring, inter alia, that secession of the north was neither feasible nor desirable and that the national reconciliation conference was long overdue and should be convened no later than September 1994. The statement also proposed a federal system of government and conveyed an offer by the four factions to use their good offices to mediate between the factions in the South. In that regard, a joint delegation had been sent on 30 August 1994 to Mogadishu to mediate between the factions of the south. The delegation had also intended to meet with the Imam.

The Secretary-General stated that, subject to the cooperation of all concerned, the efforts of the Somali parties, with the assistance of UNOSOM II, could lead to the convening of a Hawiye peace conference and the preparatory meeting for the National Reconciliation Conference by the end of September 1994. He warned, however, against overlooking the daunting difficulties that had delayed and frustrated past efforts to implement the Addis Ababa and Nairobi agreements.

On the security aspects, the Secretary-General noted that, although the force would continue to perform the main tasks assigned to it under its mandate, security considerations had already begun to affect the performance of UNOSOM and the Force Commander had therefore decided to concentrate the troops. As a result of the concentration of forces and the reduction process, troops had already been withdrawn from several locations and that process would continue. By the end of October 1994, UNOSOM II would be concentrated mainly in three locations: Mogadishu, Baidoa and Kismayo. He warned that the force, while continuing to protect major seaports and airports and escorting humanitarian convoys, would no longer be in a position to provide permanent protection to United Nations agencies and non-governmental organizations at the locations that had been vacated.

The Secretary-General stated that by mid-October he expected to be in a position to submit to the Security Council the second part of the report, containing his assessment of the prospects for national reconciliation and recommendations for the future of the United Nations operation in Somalia. He recommended therefore that the Council extend the mandate of UNOSOM II for a period of one month.

At its 3432nd meeting, on 30 September 1994, the Security Council included in its agenda the report

⁸³ S/1994/1068. The second part of the report was issued on 14 October 1994 under the symbol S/1994/1166.

of the Secretary-General of 17 September 1994. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the Council members to the text of a draft resolution submitted by Rwanda and Spain,⁸⁴ who were joined as sponsors by France, Nigeria, New Zealand and the United Kingdom.

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (the United States), as resolution 946 (1994), which reads:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Recalling also the statement by the President of the Security Council of 25 August 1994,

Having considered the report of the Secretary-General of 17 September 1994,

Deeply concerned by the deteriorating security environment, strongly condemning the attacks and harassment against the United Nations Operation in Somalia II and other international personnel serving in Somalia, and underlining the responsibility of the Somali parties for the security and safety of these personnel,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country,

Stressing that the nature and the duration of the international support and resources the international community is committing to Somalia, including the continuing presence of the Operation, depend very much on the resolve of the Somali parties to achieve political compromise,

Urging, in this context, the Somali parties to redouble their efforts to advance the process of national reconciliation in Somalia,

Noting the intention of the Secretary-General to submit to the Council by mid-October his assessment of the prospects of national reconciliation and recommendations for the future of the United Nations operation in Somalia,

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for a period of one month expiring on 31 October 1994, prior to which the Council will undertake a thorough examination of the mandate of the Operation with a view to deciding on its future;

2. *Encourages* the Secretary-General to continue with and intensify preparations of contingency arrangements for the

implementation of possible decisions, including withdrawal of the Operation within a specified time frame, which the Council may take;

3. *Declares its readiness* to consider sending a mission of the Council to Somalia at the appropriate time in order to convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there;

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

After the vote, the representative of France recalled that his country had previously supported a progressive reduction of UNOSOM forces with a view to the completion of the operation in March 1995 and that it continued to do so, even if it was ready to participate in a debate on the subject. He cautioned that for the Council to terminate a force prematurely would be a serious decision. His country was aware that the lack of progress towards a political solution in Somalia, and the impotence of UNOSOM II, justified a genuine, thorough debate in the Security Council — a debate after which decisions regarding the future of UNOSOM and the maintenance of the United Nations presence in Somalia should be taken. In any case his country considered that the United Nations should continue, in one way or another, to play a role in Somalia, with a view to consolidating the achievements of UNOSOM, helping to achieve national reconciliation, if that was within the Organization's power, and providing humanitarian assistance and contributing to the reconstruction of the country.⁸⁵

The representative of Oman observed that, unfortunately, the Somali people had not responded positively or shown any desire to solve the problems arising from their differences. He stated that his delegation did not, therefore, see any justification for the continued presence of the United Nations forces in Somalia. He contended that the resolution just adopted showed that the Security Council's patience was running thin and that October would mark a decisive stage in the United Nations Operation in Somalia. Although his delegation would have preferred the resolution to have included a clear reference to the decisive stage through which UNOSOM II was passing, including the possibility of winding up the operation in its entirety, it had nevertheless voted in favour of the resolution just adopted in the belief that it might represent the last chance for the people of

⁸⁴ S/1994/1119.

⁸⁵ S/PV.3432, pp. 2-3.

Somalia to overcome its plight and solve its problems.⁸⁶

The representative of the United States stated that, throughout the current four-month mandate of UNOSOM, there had been two constants: the continuing deterioration of the security situation and the total lack of progress on political reconciliation. While the security environment had been getting worse, the political situation had not improved. She contended that the sole legacy of the preceding four months was “a pile of broken promises” and that her Government would not listen to “another assurance of just one more month, just one more conference”. Her Government could not vote for the draft resolution because it had failed to recognize the necessity of stepping up to the critical task of immediate withdrawal. At the same time, conscious of the need to continue the mandate for the protection of the troops during the withdrawal period, her Government was not willing to vote against an extension. It was her firm hope and expectation that the Secretary-General would utilize the coming days to complete planning for the withdrawal and would, in his next report, provide the Council with a realistic proposal for an orderly and expeditious withdrawal. She saw no reason why such a report could not be presented in the near future to permit the Council to consider and act on withdrawal well before the end of the one-month extension.⁸⁷

The President, in his capacity as the representative of Spain, stated that Spain had co-sponsored the resolution as a responsible member of the Council which considered that a decision that affected the future of any United Nations peacekeeping operation, and particularly an operation of that importance, could not be made precipitously and in the absence of all the necessary criteria. The contents of the resolution sent a clear message to the Somali factions that the international community’s patience was coming to an end.⁸⁸

**Decision of 21 October 1994: note by
the President**

By a note dated 21 October 1994,⁸⁹ the President announced that, at consultations of the whole held on

⁸⁶ Ibid., p. 3.

⁸⁷ Ibid., pp. 3-4.

⁸⁸ Ibid., pp. 4-5.

⁸⁹ S/1994/1194.

20 October, the members of the Council had decided to send a mission to Somalia. The members of the Council had agreed that the mission departing for Somalia on 24 October 1994 was to be composed of the following seven members of the Council: China, France, New Zealand, Nigeria, Pakistan, the Russian Federation and the United States.

**Decision of 31 October 1994 (3446th meeting):
resolution 953 (1994)**

On 14 October 1994, the Secretary-General submitted to the Council the second part of his report concerning the situation in Somalia which drew upon the results of the visit to Somalia of the Under-Secretary-General for Peacekeeping Operations.⁹⁰

The Under-Secretary-General had reported to the Secretary-General that he had found the Somali leaders quite keen to establish a transitional government to fill the political vacuum that had existed for so long in Somalia. They expected the National Reconciliation Conference to appoint such a government and to examine proposals relating to the establishment of a federal system of government. At that time, they expected to convene before the end of September the long-delayed preparatory meeting for the National Reconciliation Conference, to be followed by the National Reconciliation Conference in early October 1994. General Aidid, the leader of the Somali National Alliance, had informed the Under-Secretary-General that the new view of SNA was that there was a sufficient basis to proceed directly to the convening of such meetings, meaning that it was unnecessary to convene the Hawiye Reconciliation Conference. That view was not shared, however, by other leaders of the Hawiye subclans. The Secretary-General noted that, given the hopes placed in the Hawiye Reconciliation Conference, the proposal to bypass it would seem to be a negative development.

The Secretary-General noted that the protracted political impasse in Somalia had created a vacuum of civil authority and of governmental structure, leaving the United Nations with no function to build on in its efforts to help Somalia emerge from its chaotic condition. The presence of UNOSOM II troops had had limited impact on the peace process and on security. If

⁹⁰ S/1994/1166. The first part of the Secretary-General’s report had been issued on 17 September 1994 under the symbol S/1994/1068.

the Council were to maintain its decision to end the mission in March 1995, then he would recommend its extension until 31 March 1995, in order for the withdrawal to take place in a secure, orderly and expeditious manner.

The Secretary-General stated, however, that it should not be assumed that there would be no progress in the process of national reconciliation. On the contrary, he had instructed his Special Representative that, during the new mandate period, he should maintain his efforts to help the Somali leaders achieve national reconciliation, at least to the extent of agreeing to establish a transitional government. He noted that, in the event that progress could be made in that direction, he would not hesitate to revert to the Security Council with recommendations for the continuation of some United Nations presence in Somalia beyond March 1995, if that was justified by the overriding objective of restoring effective government.

The Secretary-General concluded by reiterating that the establishment of a viable and acceptable peace could only come from the Somalis themselves. The international community could not impose peace, it could only assist. Therefore, reaffirmation of the Council's decision that the UNOSOM II mandate should end in March 1995 would not mean United Nations abandonment of Somalia.

At its 3446th meeting, on 31 October 1994, the Security Council included in its agenda the report of the Secretary-General of 14 October 1994. Following the adoption of the agenda, the President (the United Kingdom) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁹¹

The draft resolution was then put to the vote and was adopted unanimously as resolution 953 (1994), which reads:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Recalling also its resolution 946 (1994) of 30 September 1994, in which it, inter alia, declared its readiness to consider sending a mission of the Council to Somalia at the appropriate time in order to convey directly to the Somali political parties

⁹¹ S/1994/1222.

the views of the Council on the situation in Somalia and on the future of the United Nations presence there,

Having considered the report of the Secretary-General of 14 October 1994,

Having decided, at the consultations held on 20 October 1994, to send a mission to Somalia, and convinced that it should consider the report of this mission before completing its review of the mandate of the United Nations Operation in Somalia II and deciding on its future,

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for an interim period expiring on 4 November 1994;

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

**Decision of 4 November 1994 (3447th meeting):
resolution 954 (1994)**

By a letter dated 3 November 1994 addressed to the President of the Security Council,⁹² the members of the Security Council's mission to Somalia transmitted a report of their visit to Somalia, which took place on 26 and 27 October 1994. The report was submitted to the Council in accordance with a decision taken by the Council during informal consultations on 20 October 1994. The mission had met with Somali faction leaders, representatives of the Horn of Africa countries, United Nations agencies and non-governmental organizations. During those meetings it had been made clear to the Somali leaders that only a genuinely inclusive approach to political reconciliation was likely to lead to a secure environment, and that the legitimacy of any unilaterally declared governments would therefore be doubtful. It had also conveyed to all interested parties the message that the Council did not intend to abandon Somalia. The humanitarian and non-governmental organizations had also confirmed their intention to continue to operate in Somalia if security conditions permitted.

Although the Somali factions had received the Council's message with a surprising degree of acceptance, the mission cautioned that everything it had seen had left it with a profound sense of unease and a fear that, whether or not UNOSOM left, it was far from certain that political reconciliation would eventuate or that a Government that enjoyed widespread acceptance would emerge. It warned that the risk of a return to civil war was real and recommended that the Security Council should

⁹² S/1994/1245.

continue to receive reports and monitor the situation in Somalia, even after the withdrawal of UNOSOM. Since neither the Somali factions nor the humanitarian or non-governmental organizations had requested a longer extension, the mission recommended 31 March 1995 as the appropriate date to end the mandate of UNOSOM II.

At its 3447th meeting, on 4 November 1994, the Security Council included in its agenda the reports of the Secretary-General concerning the situation in Somalia of 17 September 1994 and 14 October 1994.⁹³ Following the adoption of the agenda, the Council invited the representatives of Kenya and Somalia, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁹⁴

The representative of Kenya claimed that the reports of the Secretary-General had not given sufficient attention to the regional dimension of the Somali conflict. He pointed out that the neighbouring countries, including his own, had shouldered the heavy burden arising out of the Somali conflict. His Government wanted the Council to give that concern adequate consideration as it discussed the future of UNOSOM. He noted that, at the peak of the crisis in Somalia, neighbouring countries had hosted at least 2 million Somali refugees, and that his country alone had hosted about 750,000 of those refugees. Along with the influx of refugees, there had also been widespread infiltration of armed bandits and dangerous weapons into the neighbouring countries, resulting in serious destabilization of the border region. Since 1992, Kenya had lost about 1,000 of its civilian population and 87 members of its security personnel. The loss of livestock and property had also been extensive. That clearly underscored the regional dimension of the Somali conflict as a serious threat to Kenya's security and to the economic system in the border region. Kenya requested that the Council assist in the establishment of a border-monitoring system to

reduce the insecurity and tension that threatened the border region. His country also appealed to the Council to authorize a special mission to assess the regional dimension of the Somalia problem before it took a definitive decision on the future of UNOSOM. He stated further that, while the Somali leaders were squarely responsible for the continued interfactional fighting and the destruction of the Somali State, the international community had the responsibility to persevere in the search for a peaceful solution in Somalia, as it was doing in other conflicts elsewhere in the world. Two of the principal missions of the United Nations, namely the maintenance of international peace and security and responding to humanitarian concerns, had yet to be accomplished in the case of Somalia. The Council had to take all necessary precautions and safeguards to ensure that there was no escalation of the conflict after the departure of UNOSOM. He maintained that waiting a little longer in order to allow the establishment of a central authority in Somalia appeared the most logical way forward, and warned that any escalation of the conflict after the departure of UNOSOM would jeopardize humanitarian and rehabilitation efforts and trigger new waves of refugees, which the neighbouring countries could not cope with. Increased banditry in the border region could also lead to more serious regional conflicts.⁹⁵

Before the vote, the representative of New Zealand stated that his country believed very strongly that the United Nations was right to respond to the crisis in Somalia in the way that it had. Intervention under Chapter VII had been necessary and appropriate because of the humanitarian tragedy and the threat to the security of neighbouring countries. Moreover, his country was particularly sensitive to, and supportive of, requests that the collective security mechanisms of the United Nations be equally available for the benefit of the small and underprivileged, as they were for the larger and more powerful. Referring to the Security Council mission, he stated that it had played an important part in restoring the consensus in the Council. It had established that UNOSOM had achieved all it could achieve in Somalia. Neither the Somali people nor the providers of humanitarian assistance had requested that it be extended beyond March of the following year. He contended that the United Nations was not going to abandon Somalia. His delegation had therefore urged that the draft resolution

⁹³ The report of the Secretary-General was submitted in two parts. For the discussion of the first part (S/1994/1068), see the summary of the decision of 30 September 1994. For the discussion of the second part (S/1994/1166), see the summary of the decision of 31 October 1994.

⁹⁴ S/1994/1242.

⁹⁵ S/PV.3447, pp. 2-4.

also had to address the future and was very pleased that it did so. He noted that, after the withdrawal of UNOSOM, much of the responsibility would shift away from the Security Council. His country considered, however, that because of the extraordinary situation in Somalia and because of the responsibilities that the Security Council had assumed for the previous two years, those responsibilities would not cease. That was why his delegation had proposed, as was reflected in operative paragraph 13 of the draft resolution, that the situation should continue to be monitored closely. The security situation, humanitarian relief requirements, the situation of the humanitarian workers, the impacts on neighbouring countries, all needed to be the subject of ongoing vigilance. He also noted that, in the draft resolution, the Council asked the Secretary-General, in the light of developments, not only to keep the Security Council informed, but also to reflect creatively about the role the United Nations could continue to play. He further noted that the draft resolution insisted that the arms embargo had to be respected, and he called on all concerned to shoulder their responsibilities in that regard.⁹⁶

The representative of Oman stated that the draft resolution reflected the fact that the international community had exhausted every possible means to put an end to the crisis and thus had decided to withdraw the military units from Somalia before the end of March 1995, without having fully achieved many of its objectives. It also reflected the failure of the Somali people to benefit from the efforts of the international community and to achieve political progress and pave the way to national reconciliation and the formation of a new Government to fill the political vacuum and, later, to restore peace and security in Somalia. His delegation was very much encouraged, however, to note that there would be a continuation of the humanitarian relief assistance, even after the withdrawal of the military units, and that, at the same time, the Secretary-General, through his good offices, would continue to sustain a facilitating or mediating political role in Somalia.⁹⁷

The representative of Nigeria stated that the draft resolution, through which the Council would decide to terminate the mandate of UNOSOM II by the end of March 1995, was a hard but realistic conclusion. He

observed that, as the Secretary-General had indicated in his report, the establishment of a viable and acceptable peace could come only from the Somalis themselves; it could not be imposed by the international community. However, the draft resolution recognized that the international community had a continuing role and responsibility in facilitating the political process in Somalia, leading to the establishment of a viable administration for the benefit of the Somali people. His delegation strongly believed that the withdrawal of the military component of UNOSOM II should not mean the abandoning of Somalia by the United Nations. It welcomed the provision in the draft resolution to the effect that, should the Somali authorities succeed in creating and maintaining favourable security conditions in Somalia, the United Nations and the international community stood ready to continue to play a positive role in both the rehabilitation and the reconstruction of the country, thus consolidating the achievements of both UNOSOM I and UNOSOM II. He also noted that the draft resolution gave an assurance that, in the post-UNOSOM II period, the United Nations would be able to retain a presence in Somalia that would be beneficial to the Somali people. His delegation hoped that the next report of the Secretary-General would be able to make concrete suggestions concerning the future role of the United Nations and would take due account of the need for continuing political and humanitarian assistance to Somalia. Finally, he echoed the concern expressed by Kenya that the security and refugee situations that had developed as a result of the continuing Somali crisis should not have further negative effects on the fragile economies of the neighbouring countries. He urged the international community to take positive steps to solve that problem.⁹⁸

The draft resolution was then put to the vote and was adopted unanimously as resolution 954 (1994), which reads:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Noting with appreciation the work of the Security Council's mission in transmitting directly to Somalia's political parties the views of the Council on the situation in Somalia and on the future of the United Nations in that country,

⁹⁶ Ibid., pp. 4-7.

⁹⁷ Ibid., p. 7.

⁹⁸ Ibid., pp. 8-9.

Having considered the reports of the Secretary-General of 17 September 1994 and 14 October 1994 and the oral report of the Security Council's mission to Somalia given on 31 October 1994,

Paying tribute to the thousands of personnel of the United Nations Operation in Somalia and the Unified Task Force, as well as to humanitarian relief personnel who have served in Somalia, and honouring, in particular, those who have sacrificed their lives in this service,

Noting that hundreds of thousands of human lives have been rescued from famine in Somalia through the efforts of the United Nations and the international community,

Commending the efforts of the special representatives of the Secretary-General to bring Somali factions together in national reconciliation,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and bringing peace to Somalia,

Convinced that only a genuinely inclusive approach to political reconciliation would provide for a lasting political settlement and re emergence of a civil society in Somalia,

Recalling that the date already foreseen for termination of the current United Nations Operation in Somalia is the end of March 1995,

Recognizing that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, has fundamentally undermined the United Nations objectives in Somalia and, in these circumstances, continuation of the Operation beyond March 1995 cannot be justified,

Recognizing further that termination of the mandate of the Operation by the end of March 1995 implies a secure and orderly phasing out of its military component in advance of that date,

Noting the assurances of cooperation and non-interference with such withdrawal received from all Somali parties during the Council's mission to Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peacekeeping in Somalia,

Underlining particularly in this context the overriding need for all possible measures and precautions to be taken to ensure that the Operation does not suffer any casualties in the process of withdrawal,

Emphasizing its willingness to encourage the Secretary-General to sustain a facilitating or mediating political role for Somalia beyond March 1995 if that is what the Somalis want and if the Somali parties are willing to cooperate with the United Nations,

Concerned that the United Nations should continue to work with regional organizations, in particular the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference, and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there,

Recognizing also the impact that the situation in Somalia has had on neighbouring countries including, in particular, flows of refugees,

Noting that the United Nations will do its best to sustain humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise, but that their ability to do so will depend almost entirely on the degree of cooperation and security offered by Somali parties,

Confident of the willingness of the United Nations to remain ready to provide through its various agencies rehabilitation and reconstruction assistance, including assistance to the police and judiciary to the extent that the situation in Somalia develops in such a way as to make that practicable,

Noting further the interest of humanitarian agencies and non-governmental organizations in cooperating with the United Nations after the withdrawal of the Operation in transitional arrangements for mutual assistance,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances including, in particular, the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for a final period until 31 March 1995;
2. *Affirms* that the primary purpose of the Operation until its termination is to facilitate political reconciliation in Somalia;
3. *Welcomes* the intention of the Secretary-General, expressed in paragraph 23 of his report of 14 October 1994, to continue throughout the period of the mandate of the Operation, and even afterwards, the efforts of his Special Representative to help the Somali parties achieve national reconciliation;
4. *Urges* all Somali factions to negotiate as soon as possible an effective ceasefire and the formation of a transitional Government of national unity;
5. *Decides* that every effort should be made to withdraw all the Operation's military forces and assets from Somalia in a secure and orderly manner as soon as possible, as described in the report of the Secretary-General of 14 October 1994, before the expiry date of the current mandate of the Operation and without compromising on the paramount need of ensuring the safety of Operation personnel;
6. *Authorizes* the military forces of the Operation to take those actions necessary to protect its mission and the

withdrawal of its personnel and assets, and, to the extent that the Force Commander deems it practicable and consistent, in the context of withdrawal, to protect personnel of relief organizations;

7. *Emphasizes* the responsibility of the Somali parties for the security and safety of Operation and other personnel engaged in humanitarian activities, and in this context strongly demands that all parties in Somalia refrain from any acts of intimidation or violence against such personnel;

8. *Requests* Member States to provide assistance in the withdrawal of all the Operation's military forces and assets, including vehicles, weapons and other equipment;

9. *Requests* that the Secretary-General keep the Council informed about the progress of the withdrawal process;

10. *Invites* the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference to continue their efforts in cooperation with the United Nations in the search for lasting peace in Somalia;

11. *Calls upon* all Member States, in particular the neighbouring States, to continue to provide support for all Somali efforts towards genuine peace and national reconciliation and to refrain from any action capable of exacerbating the conflict situation in Somalia;

12. *Reiterates* the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992), and in this regard requests the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia to fulfil its mandate as described in paragraph 11 of that resolution, in particular to seek the cooperation of neighbouring States for the effective implementation of the embargo;

13. *Further requests* the Secretary-General to continue to monitor the situation in Somalia and to the extent possible to keep the Security Council informed in particular about developments affecting the humanitarian situation, the security situation for humanitarian personnel in Somalia, repatriation of refugees and the impact on neighbouring countries, and to report to the Council before 31 March 1995 on the situation in Somalia and submit suggestions concerning the role that the United Nations could play in Somalia beyond that date;

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

After the vote, the representative of France stated that the United Nations was not responsible for the failure of attempts to achieve national reconciliation, and observed that certain Somali factions, which had consistently refused to cooperate with the Special Representative of the Secretary-General and the United Nations Operation in Somalia to find a peaceful solution, bore the responsibility for what might subsequently happen in Somalia. His delegation had

received alarming information about an inflow of weapons and military equipment into Somalia. As a result of the fear that the departure of the "blue helmets" might be accompanied by an explosion of violence, his delegation had wanted the Council to issue a strong reminder that it had decreed a military embargo at the beginning of 1992 and that that embargo must be fully applied. He urged that the sanctions Committee set up to that end had to fulfil the mandate entrusted to it by resolution 751 (1992). The speaker pointed out that in five months time the "blue helmets" would be fully withdrawn. Therefore that period must be used to keep trying to reach agreement between the factions. His delegation was pleased that the Secretary-General had asked his Special Representative to continue his efforts. He also stressed that the countries of the region and regional organizations in contact with Somalia had a crucial role to play in the settlement of the Somali crisis.⁹⁹

The representative of Pakistan stated that, in the absence of progress in the Somali reconciliation process, coupled with the lack of sufficient cooperation from the Somali parties concerned as well as the continuously precarious security situation in that country, it had become very difficult to justify the presence of UNOSOM II in Somalia beyond the period foreseen in Security Council resolutions 865 (1993), 897 (1993) and 923 (1994). He stated that his delegation therefore fully agreed with the decision of the Council to extend the mandate of UNOSOM II for a final period up to 31 March 1995 and noted that, in the interim, every effort should be made to withdraw all UNOSOM II military forces and assets from Somalia in a secure and orderly manner. He emphasized, however, that the withdrawal of the military component of UNOSOM II should not be seen as a decision by the Council to abandon Somalia. He noted that, under the resolution, the Council had welcomed the intention of the Secretary-General to continue the efforts of his Special Representative to help the Somali parties achieve national reconciliation and had requested the Secretary-General to continue to monitor the situation in Somalia, to report to the Security Council in that regard before 31 March 1995, and also to submit suggestions concerning the role that

⁹⁹ *Ibid.*, p. 10.

the United Nations could play in Somalia beyond that date.¹⁰⁰

The representative of China argued that, after UNOSOM II had left Somalia, the international community and the United Nations should continue to care about the Somali people. He contended that the United Nations should not only continue, but should also strengthen, its efforts of peaceful mediation, and international humanitarian assistance. He stated that the international community had come to realize that the key to a lasting settlement in Somalia lay with the Somali people themselves and that the solution was to be found in broad-based national reconciliation, which could not be achieved by resort to military means. His delegation hoped that neighbouring States and regional organizations would continue to help the Somali people achieve an early national reconciliation, thus contributing to peace and stability in the region.¹⁰¹

The representative of the United Kingdom stated that the resolution just adopted had implications not only for Somalia, but also for other countries of the region. He referred to the potential for regional instability if fighting broke out again in Somalia and stated that, for the sake of people in neighbouring countries and of the people of Somalia, neither the United Nations and the international community, nor the regional organizations most directly concerned, nor the neighbouring countries, could afford to turn their backs on the problem. He maintained that the resolution did not imply that the United Nations as a whole had decided to abandon Somalia. The Security Council would continue to monitor the situation, and stood willing to encourage the Secretary-General to sustain a facilitating or mediating political presence in Somalia beyond March 1995. He believed that the United Nations agencies and non-governmental organizations also had a continuing role to play in Somalia, but cautioned that their ability to provide assistance, both humanitarian and rehabilitation, or reconstruction assistance, would depend on the degree of cooperation and security offered by the Somali parties.¹⁰²

The representative of Brazil contended that the Security Council had taken too long to realize that, against the backdrop of an extremely complex political

situation, it could not bring peace to Somalia. He argued that too much had been done and too many lives had been spent, with glaringly scarce results, in the attempt to create an environment conducive to the attainment of a peace settlement and lasting political stability. His delegation had voted in favour of the resolution just adopted because it provided the necessary framework for the role of the personnel of UNOSOM II and for the continuation of a United Nations presence in Somalia. He stated that the United Nations should do its utmost to continue to support the political process and all efforts that could lead to an effective ceasefire and to the formation of a transitional Government of national unity.¹⁰³

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution in the belief that it sent a clear signal to the leaders of the Somali factions that the international community could not keep waiting and providing major resources for much longer in circumstances in which the Somali parties were not ready to turn away from confrontation towards national reconciliation and the creation of civil society in their country. He referred to the appeal in the resolution just adopted to OAU, LAS and OIC to continue to cooperate with the United Nations in the search for lasting peace in Somalia, as well as to the call on Member States — in particular the neighbouring States — to continue to provide support for the Somali efforts towards genuine peace and to refrain from any action capable of exacerbating the conflict situation in the country. He also noted that, in that context, the Security Council had issued a pertinent reminder regarding the need for strict observance of the arms embargo imposed on Somalia.¹⁰⁴

Decision of 7 December 1994: letter from the President to the Secretary-General

By a letter dated 10 November 1994 addressed to the President of the Council,¹⁰⁵ the Secretary-General called the attention of the Council to the statement of the Inter-Agency Standing Committee on Somalia. The statement reflected, *inter alia*, the conclusions of a special meeting that had been convened at Nairobi on 24 and 25 October 1994, with the participation of representatives of United Nations organizations,

¹⁰⁰ *Ibid.*, pp. 10-12.

¹⁰¹ *Ibid.*, p. 12.

¹⁰² *Ibid.*, pp. 14-15.

¹⁰³ *Ibid.*, pp. 15-16.

¹⁰⁴ *Ibid.*, pp. 17-18.

¹⁰⁵ S/1994/1392.

intergovernmental and non-governmental organizations active in humanitarian assistance operations, to review the future of humanitarian operations in Somalia following the termination of the mandate of UNOSOM II.

By a letter dated 7 December 1994,¹⁰⁶ the President informed the Secretary-General of the following:

I have the honour to inform you that your letter of 10 November 1994 concerning the Inter-Agency Standing Committee on Somalia has been brought to the attention of the members of the Council. They take note of the information contained therein.

The Council continues to believe that the United Nations should do its utmost to sustain humanitarian activities in Somalia. The Council therefore welcomes the statement by the members of the Inter-Agency Standing Committee reconfirming their commitment to continue to the maximum extent possible emergency and rehabilitation activities even beyond the expiry of the mandate of the United Nations Operation in Somalia and their agreement to adopt a common and coordinated approach to such activities.

The Council has consistently recognized that the cooperation of the Somalis on security issues is critical to the continuation of humanitarian activities and agrees fully with the conclusion of the Inter-Agency Standing Committee that the Somali people bear responsibility for ensuring conditions which will permit the effective implementation of humanitarian, rehabilitation and development programmes.

In this context the members of the Council recall their willingness to encourage you to play a facilitating or mediating political role in respect of Somalia after March 1995 if that it was the Somalis want and if the Somali parties are willing to cooperate with the United Nations. They also note that, in its resolution 954 (1994) of 4 November 1994, the Council requested you to continue to monitor the situation in Somalia and the security situation for humanitarian personnel in Somalia and they look forward to receiving your report at an appropriate time.

**Decision of 6 April 1995 (3513th meeting):
statement by the President**

On 28 March 1995, pursuant to resolution 954 (1994) of 4 November 1994, the Secretary-General submitted to the Council a report on the situation in Somalia in which he reported on the new developments since his last report and presented some thoughts on

¹⁰⁶ S/1994/1393.

the role the United Nations could play beyond 31 March 1995.¹⁰⁷

The Secretary-General reported that there had been significant political developments during the last two weeks of the withdrawal of UNOSOM II. Four agreements had been signed by General Aidid and Mr. Ali Mahdi, on behalf of the Somali National Alliance and the Somali Salvation Alliance, respectively. Under the first agreement, which was signed on 21 February 1995, the two sides, inter alia, accepted the principle of power-sharing; pledged not to seek the presidency through military means but through democratic elections; and agreed to the resolution of disputes through dialogue and peaceful means and on a common platform for tackling problems. The second agreement, signed on 23 February 1995, provided for the establishment of two joint committees to manage the operations of the Mogadishu airport and seaport. The reopening of the seaport had resulted from the signing of a third agreement, on 5 March 1995, and on 8 March 1995 the two leaders had initialled a fourth agreement to establish a security committee comprising militia and police officers from both sides. The Secretary-General noted that the signing of the agreements had had a salutary effect on the political process as a whole, with both SNA and SSA emphasizing that there would be no war between them. His Special Representative had reported to him that, on the basis of the agreements reached, the SNA and SSA militias were collaborating in providing security at the Mogadishu airport and seaport, in collaboration with the Somali police force. As a result, the situation in Mogadishu had improved, and it was understood that both sides had settled down to serious discussions on the convening of a broad-based national reconciliation conference, as advocated by his Special Representative. The Secretary-General stated that he was encouraged by the fact that the withdrawal of UNOSOM II had coincided with the signing of those agreements. Those indications of a possible *rapprochement* between the two sides might justify the hope that the Somali leaders would find the strength and the courage to pursue a more productive peace process in the coming weeks.

The Secretary-General recalled that on numerous occasions he had stated that the withdrawal of UNOSOM II did not mean that the United Nations was

¹⁰⁷ S/1995/231.

abandoning Somalia. He noted that the United Nations agencies and organizations, as well as non-governmental organizations, had voiced their determination to continue humanitarian operations in Somalia. Their focus in the post UNOSOM II era would be on rehabilitation, recovery and reconstruction, without prejudice to emergency relief where that was necessary. He noted, however, that the fulfilment of that objective would depend primarily on the willingness of the Somali people to cooperate effectively and reliably with the agencies and non-governmental organizations. He stated that he would continue to make available his good offices to assist the Somali factions to arrive at a political settlement, maintaining a political presence in the area for that purpose. He observed that the size and mandate of that presence would depend on whether the Somali factions wanted the United Nations to play a facilitating or mediating role, and on whether they were ready to cooperate with it. He recommended that its location should be in Mogadishu, but he noted that it would depend on security considerations. He further noted that it had been because of the lack of security in Mogadishu that he had directed his Special Representative to move temporarily to Nairobi at the end of February, but that it remained his intention to re-establish a United Nations political presence in Mogadishu as soon as practicable. For the time being, he had instructed his Special Representative to remain in Nairobi in order to monitor the situation in Somalia and coordinate United Nations humanitarian activities there. He indicated that he expected to be in a position to take decisions about the level and mandate of the United Nations political presence in Mogadishu by mid-April 1995, at which time he would report his intentions to the Security Council.

The Secretary-General noted that the report itself marked a point of transition in the efforts of the United Nations to succour a people and a country caught in the throes of famine, civil war and the collapse of all institutions of government. He stated that it had been a difficult mission that had not attained all the objectives that the Security Council had set for it, but he contended, nevertheless, that the United Nations Operation in Somalia could claim major accomplishments, especially when one recalled that in late 1992, 3,000 men, women and children were dying daily of starvation and that that tragedy had been ended by the international relief effort. He observed that, as far as national reconciliation was concerned, the

international community, through the efforts of UNITAF and UNOSOM I and II, had striven to create an environment conducive to the Somali leaders to achieve that goal.

The Secretary-General observed that the experience of UNOSOM II had thus confirmed the validity of the point that the Security Council had consistently stressed in its resolutions on Somalia, namely that the responsibility for political compromise and national reconciliation must be borne by the leaders and people concerned. He further observed that there were important lessons to be learned about the theory and practice of multifunctional peacekeeping operations in conditions of civil war and chaos, and especially about the "clear line" that needed to be drawn between peacekeeping and enforcement action. The world had changed and so had the nature of the conflict situations that the United Nations was being asked to deal with. The Secretary-General contended that there was a need for careful and creative rethinking about peacemaking, peacekeeping and peacebuilding in the context of the Somali operation, and he noted that some of his initial conclusions were to be found in his position paper, the "Supplement to an Agenda for Peace".¹⁰⁸

At its 3513th meeting, on 6 April 1995, the Security Council included in its agenda the report of the Secretary-General of 28 March 1995. Following the adoption of the agenda, the President of the Council (Czech Republic) stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁰⁹

The Security Council has considered carefully the report of the Secretary-General of 28 March 1995 on the situation in Somalia and notes the successful conclusion of the withdrawal from Somalia of the forces of the United Nations Operation in Somalia II. It expresses its appreciation to those Governments and agencies which have provided the personnel, humanitarian assistance and other support to the peacekeeping operation in Somalia, including those Governments that participated in the multinational operation for the withdrawal of the United Nations Operation in Somalia II. It pays tribute in particular to all personnel who sacrificed their lives in this service.

The Council underlines the fact that the timely intervention of the United Nations Operation in Somalia II and the humanitarian assistance given to Somalia helped to save

¹⁰⁸ S/1995/1.

¹⁰⁹ S/PRST/1995/15.

many lives and much property, mitigate general suffering and contributed to the search for peace in Somalia. The Council notes that, over the past three years, the United Nations and the international community have made significant efforts to restore peace and stability and facilitate the re emergence of a civil society. However, the continuing lack of progress in the peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, undermined the United Nations objectives in Somalia and prevented the continuation of the mandate of the United Nations Operation in Somalia II beyond 31 March 1995.

The Council believes that the Somalia operation provides important lessons for the theory and practice of peacemaking, peacekeeping and peacebuilding.

The Council remains convinced that only a genuinely representative and broad based approach to reconciliation will bring about a lasting political settlement and allow for the re-emergence of a civil society in Somalia. The Council reaffirms, based on its experience in the United Nations Operation in Somalia II, that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and restoring peace to Somalia. The international community can only facilitate, encourage and assist the process, but not try to impose any particular solution on it. The Council, therefore, calls upon the Somali parties to pursue national reconciliation, rehabilitation and reconstruction in the interest of peace, security and development.

The Council notes the recent agreements reached between the factions in Mogadishu, especially on the control of sea and airport facilities. It expresses the hope that this encouraging development is indicative of a new spirit of cooperation among the factions and that it will lead to further progress in the search for a lasting peace in Somalia.

The Council supports the view of the Secretary-General that Somalia should not be abandoned by the United Nations, which will continue to assist the Somali people to achieve a political settlement and to provide humanitarian and other support services provided that the Somalis themselves demonstrate a disposition to peaceful resolution of the conflict and to cooperation with the international community. It welcomes the Secretary-General's intention to continue a small political mission, should the Somali parties so wish, to assist them in coming together in national reconciliation and looks forward to the report that the Secretary-General has indicated he will forward on this matter. The Council urges close cooperation between the United Nations and regional organizations, in particular the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference, as well as the Governments of neighbouring countries in these efforts. The Council considers it essential that the Somali parties clearly express their acceptance of such assistance and their willingness to cooperate with the United Nations.

The Council recognizes that humanitarian assistance in Somalia is an important element in the effort to restore peace and security in the country. It is therefore important to sustain

United Nations humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise. However, their ability to do so will depend on the degree of cooperation and security offered by the Somali parties. The Council welcomes the willingness expressed by the international humanitarian agencies and non-governmental organizations to continue to provide rehabilitation and reconstruction assistance in areas where security is guaranteed by the Somalis. The Council stresses that the creation of a long-lasting, stable and secure environment throughout the country is vital for the resumption of large scale activity in these fields.

The Council reaffirms the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992), and calls upon States, especially neighbouring States, to refrain from actions capable of exacerbating the conflict in Somalia.

The Council requests the Secretary-General to continue to monitor the situation in Somalia and to keep it informed about further developments. The Council will remain seized of the matter.

Decision of 21 April 1995: letter from the President to the Secretary-General

By a letter dated 18 April 1995 addressed to the President of the Council,¹¹⁰ the Secretary-General informed the Council that, with regard to a continued United Nations political presence in Mogadishu, he had decided to establish a small political office to monitor the situation in Somalia and keep contact with the parties concerned. In his view, the retention of a full-time Special Representative on the situation in Somalia could not be justified at that time, in view of the limited possibilities for United Nations political efforts related to Somalia. The office would operate temporarily from Nairobi, but would be relocated to Mogadishu as soon as circumstances permitted.

By a letter dated 21 April 1995,¹¹¹ the President informed the Secretary-General that his letter had been brought to the attention of the members of the Council and that they had welcomed his decision contained therein.

Decision of 2 June 1995: letter from the President to the Secretary-General

By a letter dated 31 May 1995 addressed to the President of the Council,¹¹² the Secretary-General

¹¹⁰ S/1995/322.

¹¹¹ S/1995/323.

¹¹² S/1995/451.

informed the Council that, due to the circumstances prevailing in Somalia, he had decided that the political office for Somalia would continue to operate out of Nairobi. He had further decided to reduce the staff of that office.

By a letter dated 2 June 1995,¹¹³ the President informed the Secretary-General that his letter had been brought to the attention of the members of the Council and that they had agreed with the decision contained therein.

¹¹³ S/1995/452.

7. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Decision of 8 April 1993: statement by the President

On 8 April 1993, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:¹

The members of the Security Council held informal consultations on 8 April 1993 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

Decision of 13 August 1993: statement by the President

On 13 August 1993, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²

The members of the Council held informal consultations on 13 August 1993 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of consultations, the President concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

¹ S/25554.

Decision of 11 November 1993 (3312th meeting): resolution 883 (1993)

At its 3312th meeting, on 11 November 1993, the Security Council included the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America" in its agenda and considered it at the same meeting.³ The Council invited the representatives of Egypt, the Libyan Arab Jamahiriya and the Sudan, at their request, to participate in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the members of the Council to the text of a draft resolution submitted by France, the United Kingdom and the United States.⁴ He also drew their attention to several other documents.⁵

The representative of the Libyan Arab Jamahiriya challenged the fact that the Security Council was meeting to consider a matter that threatened international peace and security. In his view, the Council was meeting to consider a draft resolution that sought to intensify sanctions against his country, under the pretext that it had not complied with resolution 731 (1992). The truth of the matter was that his

² S/26303.

³ The Council had agreed, in prior consultations, that the current formulation of the agenda item would overtake the earlier two formulations under which the item had been previously discussed; accordingly, they were deleted from that list (see PV/3312; see also chapter II).

⁴ S/26701.

⁵ Letters dated 13 August 1993 from the representative of France (S/26304) and 22 September and 1, 18 and 22 October 1993 from the representative of the Libyan Arab Jamahiriya (S/26500, S/26523, S/26604 and S/26629), all addressed to the Secretary-General.

Government had fully responded to that resolution, except in regard to the demand by the United States and the United Kingdom that the two alleged suspects be extradited. That problem had not yet been solved because of a legal wrangle over which country had the competence to try those individuals. The Libyan Arab Jamahiriya had submitted to the Secretary-General, on 11 September 1993, a memorandum that contained points relating to its legal position vis-à-vis resolutions 731 (1992) and 748 (1992).⁶ In that memorandum, the Libyan Arab Jamahiriya had asked questions based on the assumption that the two accused would challenge the charges levelled at them and voluntarily agree to stand trial before a foreign court. The memorandum also asked for clarification and safeguards relating to the foreign country concerned. On 24 September 1993, his Government had received the Secretary-General's answers to some of the questions raised⁷ and had notified him on 29 September 1993 that the two suspects had been given the relevant replies.⁸ The Secretary-General had also been given confirmation that the safeguards he had offered were sufficient and acceptable, and that the Libyan Arab Jamahiriya would not object to the appearance of the two suspects before the Scottish judiciary and would even urge them to appear before the Scottish courts. Furthermore, assurances had also been given that the Libyan Arab Jamahiriya would deal with the French demands with the same determination with which it had been dealing with the American and British demands. The speaker further indicated that the two suspects had not disagreed as to the principle of the trial, but had insisted that it be conducted in a place where neutrality and fairness could be guaranteed and where the proper procedures and arrangements for such a trial could be made. As part of the efforts of the Libyan Arab Jamahiriya to find a solution, the Government of Switzerland had been contacted for permission to hold the trial on its soil. He also recalled that his country had responded positively to the request made to pay

appropriate compensation, by declaring its readiness to pay if it was proven responsible for the downing of Pan Am flight 103 and UTA flight 772.

The Libyan position, he argued, had been extremely flexible whereas the other side had adopted a rigid and intransigent position based on the logic of force. He contended that the sanctions imposed on his country had severely hurt the Libyan people and had had a negative impact on its development plans. More specifically, the prohibition on the export to the Libyan Arab Jamahiriya of spare parts, engineering services and maintenance required for Libyan aircraft and their components had had adverse effects on a vital sector of the economy. He also charged that the United States and the United Kingdom had been trying, under the auspices of the Committee of the Security Council established under resolution 748 (1992), to widen the scope of the sanctions using "transparent pretexts" and "rigid positions". He warned that the tightening of sanctions would not solve the problem but rather complicate it.

Turning to the draft resolution, he stated that it repeated the same "grave legal mistake" of previous resolutions by linking the Libyan Arab Jamahiriya to international terrorism on no other basis but the suspicions regarding two Libyan nationals based on reports by intelligence agencies, which were an *a priori* judgement that had not yet been substantiated by any evidence. He recalled, in that regard, that his country had declared, on 14 May 1992, in a letter to the Secretary-General,⁹ its unequivocal condemnation of international terrorism, had affirmed that there were no terrorist training camps or terrorist organizations or groups on its soil, and had invited the United Nations to verify it. He further stated that the draft resolution constituted a "blatant violation" of the provisions of the Charter and the norms of international law, because it dealt with a legal dispute under Chapter VII instead of Chapter VI of the Charter. Finally, there was no justification for the draft resolution since the parties were approaching the final phase in the settlement of the dispute. In that regard, he reiterated the commitment of his Government to find a solution to the problem that arose from the demands of the United States and the United Kingdom within the framework of international law. As for the French demands, he affirmed that they did not contain anything that ran

⁶ Letter dated 22 September 1993 from the representative of the Libyan Arab Jamahiriya to the Secretary-General, transmitting a letter dated 11 September 1993 from the Secretary-General of the General People's Committee for Foreign Liaison and International Cooperation, addressed to the Secretary-General, and enclosure, containing a memorandum (undated) to the Secretary-General (S/26500).

⁷ Not issued as a document of the Security Council.

⁸ S/26523.

⁹ S/23918.

counter to the law. He believed that had the French judge not attempted to come to the Libyan Arab Jamahiriya on a military destroyer, his country's response to the French demands would have had encouraging results.¹⁰

The representative of the Sudan, speaking on behalf of the League of Arab States (LAS), pointed out that the crisis between the Libyan Arab Jamahiriya, on one hand, and the United States, France and the United Kingdom, on the other hand, was a legal dispute which should be dealt with on the basis of Article 33, Chapter VI, and not under Chapter VII of the Charter which addressed threats to international peace and security. It should be settled in a court of law, and specifically by the International Court of Justice, and not in the Security Council, which was not mandated by the Charter to exercise judicial functions. Noting that the matter before the Council concerned a State member of LAS, he pointed out that LAS had expressed its willingness to provide its good offices and to cooperate with the Secretary-General and the Security Council. In that context, it had established a seven-member committee entrusted with following developments and finding a just and peaceful solution to the conflict, in conformity with the rules of international law, justice and the relevant international treaties. In dealing with the crisis, the League had based itself on the Charter of the United Nations, which stipulated that all international disputes should be settled by peaceful means and without endangering international peace and security, and especially on Article 52 of the Charter. He contended that the draft resolution before the Council was not the best way to end the dispute. Moreover, it could have negative results and shake the confidence of smaller countries in the legal settlement of such disputes and the Council's neutrality. The interpretation of legal texts, especially the Charter, should be carried out only by judicial organs, and no other body could arrogate that competence for itself. He also warned that the impact of the sanctions had gone beyond the people of the Libyan Arab Jamahiriya and had affected neighbouring countries. In that context, Article 50 of the Charter could be of only minimal help to those who were suffering as a result of the impositions of sanctions.¹¹

¹⁰ S/PV.3312, pp. 3-26.

¹¹ *Ibid.*, pp. 30-39.

The draft resolution was thereupon put to the vote and was adopted by 11 votes in favour to none against, with 4 abstentions (China, Djibouti, Morocco and Pakistan) as resolution 883 (1993), which reads:

The Security Council,

Reaffirming its resolutions 731 (1992) of 21 January 1992 and 748 (1992) of 31 March 1992,

Deeply concerned that after more than twenty months the Libyan Government has not fully complied with these resolutions,

Determined to eliminate international terrorism,

Convinced that those responsible for acts of international terrorism must be brought to justice,

Convinced also that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is essential for the maintenance of international peace and security,

Determining, in this context, that the continued failure by the Libyan Government to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions in resolutions 731 (1992) and 748 (1992), constitute a threat to international peace and security,

Taking note of the letters to the Secretary-General dated 29 September and 1 October 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of Libya and his speech in the general debate at the forty-eighth session of the General Assembly in which Libya stated its intention to encourage those charged with the bombing of Pan Am flight 103 to appear for trial in Scotland and its willingness to cooperate with the competent French authorities in the case of the bombing of Union de Transports Aériens flight 772,

Expressing its gratitude to the Secretary-General for the efforts he has made pursuant to paragraph 4 of resolution 731 (1992),

Recalling the right of States, under Article 50 of the Charter of the United Nations, to consult the Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,

Acting under Chapter VII of the Charter,

1. *Demands* once again that the Libyan Government comply without any further delay with resolutions 731 (1992) and 748 (1992);

2. *Decides*, in order to secure compliance by the Libyan Government with the decisions of the Council, to take the following measures, which shall come into force at 0001 hours eastern standard time on 1 December 1993 unless the

Secretary-General has reported to the Council in the terms set out in paragraph 16 below;

3. *Decides also* that all States in which there are funds or other financial resources (including funds derived or generated from property) owned or controlled, directly or indirectly, by:

- (a) The Government or public authorities of Libya; or
- (b) Any Libyan undertaking;

shall freeze such funds and financial resources and ensure that neither they nor any other funds and financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of the Government or public authorities of Libya or any Libyan undertaking, which for the purposes of this paragraph, means any commercial, industrial or public utility undertaking which is owned or controlled, directly or indirectly, by:

- (i) The Government or public authorities of Libya,
- (ii) Any entity, wherever located or organized, owned or controlled by the Government or public authorities of Libya, or
- (iii) Any person identified by States as acting on behalf of the Government or public authorities of Libya or by any entity, wherever located or organized, owned or controlled by the Government or public authorities of Libya for the purposes of the present resolution;

4. *Further decides* that the measures imposed by paragraph 3 above do not apply to funds or other financial resources derived from the sale or supply of any petroleum or petroleum products, including natural gas and natural gas products, or agricultural products or commodities, originating in Libya and exported therefrom after the time specified in paragraph 2 above, provided that any such funds are paid into separate bank accounts exclusively for these funds;

5. *Decides* that all States shall prohibit any provision to Libya by their nationals or from their territory of the items listed in the annex to this resolution, as well as the provision of any types of equipment, supplies and grants of licensing arrangements for the manufacture or maintenance of such items;

6. *Also decides* that, in order to make fully effective the provisions of resolution 748 (1992), all States shall:

(a) Require the immediate and complete closure of all Libyan Arab Airlines offices within their territories;

(b) Prohibit any commercial transactions with Libyan Arab Airlines by their nationals or from their territory, including the honouring or endorsement of any tickets or other documents issued by that airline;

(c) Prohibit, by their nationals or from their territory, the entering into or renewal of arrangements for:

- (i) The making available, for operation within Libya, of any aircraft or aircraft components, or

(ii) The provision of engineering or maintenance servicing of any aircraft or aircraft components within Libya;

(d) Prohibit, by their nationals or from their territory, the supply of any materials destined for the construction, improvement or maintenance of Libyan civilian or military airfields and associated facilities and equipment, or of any engineering or other services or components destined for the maintenance of any Libyan civil or military airfields or associated facilities and equipment, except emergency equipment and equipment and services directly related to civilian air traffic control;

(e) Prohibit, by their nationals or from their territory, any provision of advice, assistance, or training to Libyan pilots, flight engineers, or aircraft and ground maintenance personnel associated with the operation of aircraft and airfields within Libya;

(f) Prohibit, by their nationals or from their territory, any renewal of any direct insurance for Libyan aircraft;

7. *Confirms* that the decision taken in resolution 748 (1992) that all States shall significantly reduce the level of the staff at Libyan diplomatic missions and consular posts includes all missions and posts established since that decision or after the coming into force of the present resolution;

8. *Decides* that the Governments of all States, and the Government of Libya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government or public authorities of Libya, or of any Libyan national, or of any Libyan undertaking as defined in paragraph 3 above, or of any person claiming through or for the benefit of any such person or undertaking, in connection with any contract or other transaction or commercial operation where its performance was affected by reason of the measures imposed by or pursuant to the present resolution or related resolutions;

9. *Instructs* the Committee of the Security Council established by resolution 748 (1992) to draw up expeditiously guidelines for the implementation of paragraphs 3 to 7 above, and to amend and supplement, as appropriate, the guidelines for the implementation of resolution 748 (1992), especially its paragraph 5 (a);

10. *Entrusts* the Committee of the Security Council established by resolution 748 (1992) with the task of examining possible requests for assistance under the provisions of Article 50 of the Charter of the United Nations and making recommendations to the President of the Council for appropriate action;

11. *Affirms* that nothing in the present resolution affects Libya's duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt;

12. *Calls upon* all States, including States not members of the United Nations, and all international organizations, to act

strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the effective time of the present resolution;

13. *Requests* all States to report to the Secretary-General by 15 January 1994 on the measures they have instituted for meeting the obligations set out in paragraphs 3 to 7 above;

14. *Invites* the Secretary-General to continue his role as set out in paragraph 4 of resolution 731 (1992);

15. *Calls again upon* all Member States individually and collectively to encourage the Libyan Government to respond fully and effectively to the requests and decisions in resolutions 731 (1992) and 748 (1992);

16. *Expresses its readiness* to review the measures set forth above and in resolution 748 (1992) with a view to suspending them immediately if the Secretary-General reports to the Council that the Libyan Government has ensured the appearance of those charged with the bombing of Pan Am flight 103 for trial before the appropriate United Kingdom or United States court and has satisfied the French judicial authorities with respect to the bombing of Union de Transports Aériens flight 772, and with a view to lifting them immediately when Libya complies fully with the requests and decisions in resolutions 731 (1992) and 748 (1992), and requests the Secretary-General, within ninety days of such suspension, to report to the Security Council on Libya's compliance with the remaining provisions of its resolutions 731 (1992) and 748 (1992) and, in the case of non-compliance, expresses its resolve to terminate immediately the suspension of these measures;

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

Annex

List of items referred to in paragraph 5 of the present resolution:

- I. Pumps of medium or large capacity whose capacity is equal to or larger than 350 cubic metres per hour and drivers (gas turbines and electric motors) designed for use in the transportation of crude oil and natural gas.
- II. Equipment designed for use in crude oil export terminals:
 - Loading buoys or single point moorings (spm);
 - Flexible hoses for connection between underwater manifolds (plem) and single point mooring and floating loading hoses of large sizes (from 12 to 16 inches);
 - Anchor chains.
- III. Equipment not specially designed for use in crude oil export terminals but which because of their large capacity can be used for this purpose:

- Loading pumps of large capacity (4,000 cubic metres per hour) and small head (10 bars);
- Boosting pumps within the same range of flow rates;
- In-line pipeline inspection tools and cleaning devices (i.e. pigging tools) (16 inches and above);
- Metering equipment of large capacity (1,000 cubic metres per hour and above).

IV. Refinery equipment:

- Boilers meeting American Society of Mechanical Engineers 1 standards;
- Furnaces meeting American Society of Mechanical Engineers 8 standards;
- Fractionation columns meeting American Society of Mechanical Engineers 8 standards;
- Pumps meeting American Petroleum Institute 610 standards;
- Catalytic reactors meeting American Society of Mechanical Engineers 8 standards.
- Prepared catalysts, including the following:

Catalysts containing platinum and those containing molybdenum.

V. Spare parts destined for the items in I to IV above.

Speaking after the vote, the representative of the United States said that the resolution just adopted demonstrated that the Council was steadfast in its opposition to international terrorism which presented a challenge to every nation in the world. Her Government was determined to pursue justice, and that pursuit must, when necessary, include sanctions of the Security Council. The resolution was "balanced and precisely targeted". Its hallmarks were an assets freeze, a limited equipment embargo against the Libyan oil industry, and the tightening of earlier sanctions. She stressed that the resolution was directed at Libya, and Libya alone, and the Libyan Government knew what it must do. The Council awaited the turnover of those indicted for the bombing of Pan Am 103; the Libyan Government's cooperation with the French judiciary; compensation for the victims of Libyan terrorism; and its clear and confirmed renunciation of terrorism.¹²

The representative of France regretted that the Council had found it necessary to reinforce sanctions against the Libyan Arab Jamahiriya. His Government, as well as the Governments of the United Kingdom and

¹² Ibid., pp. 40-42.

the United States, had given that country a final chance to prove its good will by complying with its obligations before 1 October 1993. Unfortunately, the Libyan authorities had continued to delay and obstruct the process. Rejecting the allegation that the aforementioned Governments had a “hidden agenda” against the Libyan regime, he affirmed that if the Libyan Government cooperated effectively with the French judicial authorities in the UTA 772 case, and handed over to the competent courts the two suspects in the attack on Pan Am 103, the Council would immediately suspend all sanctions.¹³

The representative of the United Kingdom said that the new resolution had adopted a carefully balanced approach. Thus, in addition to the “stick” of further sanctions there was also a “carrot”: if the Secretary-General reported to the Council that the Libyan Government had ensured the appearance of those charged with the Lockerbie bombing before the appropriate United States or Scottish court and had satisfied the French judicial authorities with respect to the bombing of UTA 772, then the Security Council would review the sanctions with a view to suspending them immediately. The suspension of the sanctions was to be seen as preliminary to their being lifted immediately after the Libyan Arab Jamahiriya had complied fully with resolutions 731 (1992) and 748 (1992). That new element was designed to make it clear that sanctions were not intended to punish, but rather to bring the Libyan Arab Jamahiriya to compliance. The resolution also contained a grace period before the sanctions came into effect. He concluded by saying that it was important not only to secure justice for the victims, but also to send a clear message to current and would-be terrorists and sponsors of terrorism that the international community would neither condone nor tolerate it, and that it was not cost-free.¹⁴

The representative of Brazil said that his country’s support for the resolution just adopted was an expression of its commitment to eradicating international terrorism. He made it clear, however, that Brazil understood that the action taken by the Council was aimed exclusively at addressing a political problem involving a threat to international peace and security and that it could not be construed in a manner

inconsistent with the presumption of innocence.¹⁵ Furthermore, efforts to combat and prevent acts of international terrorism must be based on relevant principles of international law and the existing international Conventions. As provided for in Article 24 (2) of the Charter, the Council was bound to discharge its responsibilities in accordance with the purposes and principles of the United Nations, and therefore its decisions, including those under Chapter VII, had to be construed in the light of those purposes and principles, which, *inter alia*, required respect for the principles of justice and international law. Finally, he stated that his delegation attached great importance to operative paragraph 10 of the resolution, on possible requests for assistance under Article 50 of the Charter. It also believed that, as there were an increasing number of cases in which sanctions were applied, there was a proportionate need to examine ways in which the United Nations could ensure a more effective application of Article 50 beyond that particular case.¹⁶

The representative of China contended that the disputes between States, no matter how complicated, should be settled peacefully by diplomatic and political means. The Chinese delegation had previously opposed the imposition of sanctions on the Libyan Arab Jamahiriya, and under the changing circumstances, was still not in favour of maintaining, let alone intensifying, those sanctions. In that context, regional organizations, such as the Organization of African Unity, LAS and the Movement of Non-Aligned Countries, were in a better position to promote the settlement of the question. He urged the parties concerned to adopt a flexible and compromising attitude in order to create the necessary conditions for a final settlement.¹⁷

The representative of the Russian Federation stated that his country was anxious to cooperate with the world community in putting an end to acts of international terrorism which was essential for the maintenance of international peace and security. His delegation attached particular importance to paragraph 11 of the resolution just adopted, the purpose of which was to ensure that, as a result of the additional sanctions imposed on the Libyan Arab

¹³ *Ibid.*, pp. 42-44.

¹⁴ *Ibid.*, pp. 44-46.

¹⁵ This view was shared by Spain; see S/PV.3312, pp. 56-59.

¹⁶ S/PV.3312, pp. 47-51.

¹⁷ *Ibid.*, pp. 52-54.

Jamahiriya, the interests of other States would be harmed as little as possible.¹⁸

During the course of the debate, a number of speakers reiterated their condemnation of terrorism in all its forms and urged the Libyan Arab Jamahiriya to comply fully with the relevant resolutions of the Security Council. Some also called upon the Secretary-General, the regional organizations and interested governments to continue their efforts in order to find a peaceful solution to the dispute.¹⁹

**Decision of 10 December 1993: statement by
the President**

On 10 December 1993, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²⁰

The members of the Council held informal consultations on 10 December 1993 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of consultations, the President concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

**Decision of 8 April 1994: statement by
the President**

On 8 April 1994, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²¹

The members of the Security Council held informal consultations on 8 April 1994 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every one hundred and twenty days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of the consultations, the President concluded that there was no agreement that the necessary conditions existed for modification

of the measures of sanctions established by paragraphs 3 to 7 of resolution 748 (1992).

**Decision of 5 August 1994: statement by
the President**

On 5 August 1994, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²²

The members of the Security Council held informal consultations on 8 April 1994 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every one hundred and twenty days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of the consultations, the President concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established by paragraphs 3 to 7 of resolution 748 (1992).

**Decision of 30 November 1994: statement by
the President**

On 30 November 1994, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²³

The members of the Security Council held informal consultations on 30 November 1994 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every one hundred and twenty days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of the consultations the President concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

**Decision of 30 March 1995: statement by the
President**

On 30 March 1995, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²⁴

¹⁸ *Ibid.*, pp. 54-55.

¹⁹ *Ibid.*, pp. 56-59 (Spain); pp. 59-60 (Hungary); pp. 61-62 (Venezuela); and pp. 62-63 (Japan).

²⁰ S/26861.

²¹ S/PRST/1994/18.

²² S/PRST/1994/41.

²³ S/PRST/1994/76.

²⁴ S/PRST/1995/14.

The members of the Security Council held informal consultations on 30 March 1995 pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every one hundred and twenty days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of consultations, the President concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

Decision of 28 July 1995: statement by the President

On 28 July 1995, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²⁵

The members of the Security Council held informal consultations on 28 July 1995 pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every one hundred and twenty days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

²⁵ S/PRST/1995/36.

After hearing all the opinions expressed in the course of consultations, the President concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

Decision of 22 November 1995: statement by the President

On 22 November 1995, after consultations among the members of the Council, the President issued the following statement on behalf of the Security Council:²⁶

The members of the Council held informal consultations on 22 November 1995 pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every one hundred and twenty days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

²⁶ S/PRST/1995/56.

8. The situation in Mozambique

Decision of 14 April 1993 (3198th meeting): resolution 818 (1993)

On 2 April 1993, pursuant to resolution 797 (1992) of 16 December 1992, the Secretary-General submitted to the Security Council a report on the United Nations Operation in Mozambique (ONUMOZ),¹ in which he reported on the operation's deployment and the progress made in the implementation of the General Peace Agreement.²

The Secretary-General's assessment of the period under review included a number of positive developments. The ceasefire had largely held, both parties had continued to exercise restraint, and a need for peace was strongly felt among the Mozambicans. Arrangements had also been worked out to permit the

Zimbabwean and Malawian troops to remain in the transport corridors which ran across Mozambique to neighbouring landlocked countries beyond the time specified in the Agreement. The Secretary-General noted, however, that there were several reasons for concern. Many of the timetables established in the Agreement had proved to be unrealistic. There had been little progress in implementing a crucial aspect of the Agreement, namely demobilization, which had affected the timetable of the whole peace process. Under the terms of the Agreement, the ceasefire was to be followed by the separation of the two sides' forces and their concentration in certain assembly areas. Demobilization of troops who would not serve in the Mozambican Defence Force was to begin immediately thereafter. Continuing deep mistrust between the parties, however, had resulted in reluctance to begin assembly and demobilization of troops, and had contributed to the delay in the deployment of United Nations military observers. Another complication was the insistence by the Resistência Nacional Moçambicana (RENAMO)

¹ S/25518; for the establishment and mandate of ONUMOZ, see S/24892 and resolution 797 (1992). See also chapter V.

² S/24635, annex.

that its troops would not assemble unless 65 per cent of the United Nations armed components were deployed and ensuring stability in areas under its control. That interpretation, he stated, went beyond the provisions of the Agreement and the operational plan of ONUMOZ. Delays had also accumulated in the implementation of another aspect of the Agreement. The timetable for holding the elections was seriously in question. Although a draft Electoral Law had been circulated, the delays in doing so required adjustment of the timetables, particularly the dates for the elections. He indicated that he would continue his discussions with the parties on the new dates and would keep the Council informed. He reiterated that the military situation must be brought fully under control for the election to be successful, and appealed to both parties, and to interested countries which had offered assistance, to complete as soon as possible the arrangements for the training of the Mozambican Defence Force which remained a high priority.

The Secretary-General also reported delays relating to the full deployment of ONUMOZ. Reasons for that varied from a lack of quick responses by troop-contributing countries to United Nations requests for troops to the absence of a status-of-forces agreement between the Government of Mozambique and the United Nations, which was yet to be approved. He had received personal assurances from the Government that the agreement would be signed without further delay. Further, he had directed that every effort be made to complete the deployment of the ONUMOZ military component by May 1993.

At its 3198th meeting, on 14 April 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Mozambique and Portugal, at their request, to participate in the discussion without the right to vote. The President (Pakistan) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations,³ and read out a revision made to the draft. The President also drew their attention to a letter dated 30 December 1992 from the representative of Italy,⁴ addressed to the Secretary-General, transmitting the summary of the

conclusions of the Donors Conference for Mozambique, held in Rome on 15 and 16 December 1992.

The representative of Mozambique stated that six months had already elapsed since the signing of the Agreement and, despite the existence of numerous obstacles, peace, fragile as it might be, was a tangible reality in his country. A ceasefire was being observed by the parties, even in the absence of international supervision and monitoring. The fundamental issue, however, was that the Agreement had to be fully respected and faithfully implemented in letter and spirit. Recalling that the Agreement was made up of seven Protocols, he pointed out that Protocol III, which dealt with the cessation of the armed conflict, was one of its most fundamental and decisive components. The document established an operational timetable for the ceasefire, according to which the separation, concentration and demobilization of forces would take place within 180 days of the entry into force of the Agreement. Since none of the steps described above had been implemented, his Government was therefore concerned that that delay would impose a delay in the timetable for the electoral process. In addition, the electoral campaign could only begin after the formation of the Mozambican Defence Force, a process that had not yet been started because of the failure of RENAMO to select its candidates for the training of the first group of instructors in Nyanga, Zimbabwe. Moreover, due to the failure of RENAMO to appoint its representatives, it had not been possible to set up the National Police Affairs Commission and the Commission on Territorial Administration. Stating that as far as his Government was concerned, all efforts were being made to implement its share of responsibilities, he informed the Council that the Government had just handed over to the political parties a draft electoral law for their consideration and was hoping that their review would conclude in time to allow the Assembly to adopt it next June. The speaker emphasized that the peace process could not be sustained without international supervision and monitoring. The rapid deployment of the United Nations forces was therefore crucial. In that regard, he informed the Council that his Government had just submitted its view on the draft status-of-forces agreement and was looking forward to signing the agreement as soon as the negotiations were concluded. Turning to the issue of refugees and displaced persons, he said that an agreement had recently been concluded in Geneva with the Office of the United Nations High

³ S/25591.

⁴ S/25044.

Commissioner for Refugees (UNHCR), for the repatriation of 1.5 million Mozambican citizens from neighbouring countries. He concluded by stating that his Government would continue to cooperate fully with the Secretary-General and his Special Representative towards the establishment of a lasting peace and effective democracy in Mozambique, as called for in the Agreement.⁵

Many other speakers who participated in the debate expressed concern over the delays in implementing major aspects of the Agreement and urged the parties to comply fully with their commitments without further delays,⁶ and to work together to finalize the precise timetable for its full implementation. They also stressed the importance of an early deployment of ONUMOZ.

The draft resolution, as orally revised, was thereupon put to the vote, and was adopted unanimously as resolution 818 (1993), which reads:

The Security Council,

Reaffirming its resolutions 782 (1992) of 13 October 1992 and 797 (1992) of 16 December 1992,

Having considered the report of the Secretary-General of 2 April 1993,

Welcoming the efforts of the Secretary-General to implement fully the mandate entrusted to the United Nations Operation in Mozambique,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique and to the timely fulfilment by all parties in good faith of the obligations contained therein,

Seriously concerned at delays in the implementation of major aspects of the Agreement,

Noting the efforts of the Government of Mozambique and the Resistência Nacional Moçambicana to maintain the ceasefire,

1. *Takes note with appreciation* of the report of the Secretary-General of 2 April 1993 and the recommendations contained therein;

2. *Calls upon* the Government of Mozambique and the Resistência Nacional Moçambicana to cooperate fully with the Secretary-General and his Special Representative in the full and timely implementation of the mandate of the United Nations Operation in Mozambique;

3. *Stresses its concern* about the delays and difficulties which are seriously affecting the timetable for implementation of the peace process envisaged in the General Peace Agreement for Mozambique and in the report of the Secretary-General of 3 and 9 December 1992 containing the operational plan for the Operation;

4. *Urges* the Government of Mozambique and the Resistência Nacional Moçambicana to take urgent and determined steps to comply with the commitments they entered into within the framework of the above-mentioned Agreement, in particular with respect to the concentration, assembly and demobilization of their armed troops and the formation of the new unified armed forces;

5. *Also urges* the Government of Mozambique and the Resistência Nacional, in this context, to initiate the training of the first elements of the new Mozambican Defence Forces as soon as possible, and calls upon the countries which have offered assistance to cooperate in this respect, with a view to the earliest possible completion of the arrangements for such training;

6. *Welcomes* the initiatives and readiness of both parties to convene as soon as possible a meeting between the President of the Republic of Mozambique and the President of the Resistência Nacional Moçambicana, in order to address major issues pertaining to peace in Mozambique;

7. *Strongly appeals* to the Resistência Nacional to ensure the effective and uninterrupted functioning of the joint commissions and monitoring mechanisms;

8. *Strongly appeals also* to both the Government of Mozambique and the Resistência Nacional to allow timely investigation of all ceasefire violations and to ensure the freedom of movement of people and goods as foreseen in the General Peace Agreement;

9. *Welcomes* the Secretary-General's intention to ensure prompt deployment of military contingents of the United Nations Operation in Mozambique, and calls upon troop-contributing countries to expedite the dispatch of their troops earmarked for service in the Operation;

10. *Strongly urges* the Government of Mozambique and the Resistência Nacional to finalize, in consultation with the Secretary-General, the precise timetable for the full implementation of the provisions of the General Peace Agreement, including the separation, concentration and demobilization of forces, as well as for the elections;

11. *Stresses* the importance it attaches to the early signature of the status-of-forces agreement between the Government of Mozambique and the United Nations to facilitate the free, efficient and effective operation of the Operation;

12. *Strongly urges* both sides to guarantee the Operation's freedom of movement and verification capabilities pursuant to the commitments made under the General Peace Agreement;

⁵ S/PV. 3198, pp. 3-15.

⁶ *Ibid.*, pp. 16-17 (Cape Verde); pp. 18-22 (Brazil); pp. 22-25 (Djibouti); and pp. 26-27 (Portugal).

13. *Appreciates* the assistance and pledges made by Member States in support of the peace process, and encourages the donor community to provide appropriate and prompt assistance for the implementation of major aspects of the Agreement;

14. *Requests* the Secretary-General to keep the Security Council informed of developments regarding the full implementation of the provisions of the Agreement, including on progress in the consultations with the Government of Mozambique and the Resistência Nacional concerning the finalization of the precise timetable for separation, concentration and demobilization of forces, as well as for the elections, and to submit a further report to the Council by 30 June 1993;

15. *Expresses its confidence* in the Special Representative of the Secretary-General and its appreciation for the work he has done to date in coordinating all aspects of the Agreement;

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

Speaking after the vote, the representative of the United Kingdom hoped that with the arrival of the United Nations forces, the parties would select and send the first groups of trainees to the facility at Nyanga where his Government had provided training facilities. It was also very important that the Government of Mozambique should complete the negotiations with the United Nations on a status-of-forces agreement. He finally urged both parties to work together in a spirit of compromise so that the country could move forward to elections.⁷ Similar views were expressed by the representatives of France,⁸ the Russian Federation⁹ and the United States.¹⁰

The representative of the Russian Federation stated that his delegation had supported the draft resolution just adopted since it would lend additional momentum to the performance of the tasks facing the United Nations in conducting the operation in Mozambique. The resolution contained an important appeal to the Government of Mozambique and to RENAMO to cooperate fully with the Secretary-General and his Special Representative in the full and timely implementation of the mandate of ONUMOZ. He called on the Secretary-General to finalize the precise timetable for the full implementation of the provisions of the Agreement, in consultation with both parties.⁹

**Decision of 9 July 1993 (3253rd meeting):
resolution 850 (1993)**

On 30 June 1993, pursuant to resolution 818 (1993) of 14 April 1993, the Secretary-General submitted to the Security Council a report on ONUMOZ.¹¹ The Secretary-General reported that despite earlier delays, the peace process in Mozambique had finally moved forward. Many positive developments had occurred, namely, the virtually full deployment of ONUMOZ in various regions of the country, the establishment of a trust fund for receiving voluntary contributions to assist RENAMO,¹² as well as the resumption of the work of many of the joint commissions. In addition, a status-of-forces agreement had been signed between the Government of Mozambique and the United Nations on 14 May 1993, and the withdrawal of foreign troops, provided for in the Agreement, had been successfully completed. While noting that a firm foundation existed for advancing the peace process, the Secretary-General observed that unless the major provisions of the Agreement were implemented, the future of the country would continue to remain uncertain. Delays were reported regarding demobilization of troops, the formation of the Mozambican Defence Force and the establishment of two very important bodies, the National Elections Commission and the Commission of State Administration. The latter was of particular significance, as the RENAMO leadership had publicly declared that it would not allow members of the Frente de Libertação de Moçambique (FRELIMO) to conduct political, social or economic activities in RENAMO controlled territory. The Secretary-General noted that moves that obstructed the extension of government administration throughout the country would be in violation of the spirit and letter of the Agreement. A positive factor was that the President of Mozambique and the leader of RENAMO had agreed to meet in Maputo in July 1993. The Secretary-General also indicated that both parties had requested his Special Representative to assume chairmanship of the Joint Commission for the Formation of the Mozambican Defence Force, in order to ensure impartiality in the Commission's work and to provide effective secretariat services. The Secretary-General was willing to accede

⁷ *Ibid.*, pp. 29-31.

⁸ *Ibid.*, pp. 33-34.

⁹ *Ibid.*, pp. 44-45.

¹⁰ *Ibid.*, pp. 34-37.

¹¹ S/26034.

¹² Italy had contributed almost \$6 million to the fund, and a number of Member States had announced their intention to contribute.

to the request, with the consent of the Security Council, on the strict understanding that that would not entail any obligation on the part of the United Nations for training or establishing the new armed forces.

According to the Secretary-General, in order for the peace plan to succeed, the cantonment and demobilization of troops should start in the coming days and be completed early in 1994 and the training of the new army should be initiated as soon as possible. Elections could be held no later than October 1994. While the general parameters of the new timetable for the peace process had been thoroughly discussed, the Secretary-General was still awaiting final agreement from both parties.

At its 3253rd meeting, on 9 July 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (United Kingdom) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations¹³ and read out a revision made to the draft.

Speaking before the vote, the representative of the United States stated that her Government continued to support strongly the ONUMOZ mission but was concerned over delays in the implementation of the peace accord. Recalling that it was the slow pace of the ONUMOZ's deployment that had contributed to previous delays, she pointed out however that the United Nations had largely delivered on its commitments and that the peacekeeping forces were in place. It was up to the Government of Mozambique and RENAMO to take advantage of the presence of ONUMOZ and move the peace process forward. The United States would find it difficult to support any postponement of the elections past October 1994. The speaker expressed the hope that the forthcoming meeting between the President of Mozambique and the RENAMO leader would serve as a catalyst for resolving outstanding differences and that it would accelerate the pace of the process.¹⁴

¹³ S/26055.

¹⁴ S/PV.3253, pp. 10-13.

The draft resolution, as orally revised, was thereupon put to the vote and was adopted unanimously as resolution 850 (1993), which reads:

The Security Council,

Reaffirming its resolutions 782 (1992) of 13 October 1992, 797 (1992) of 16 December 1992 and 818 (1993) of 14 April 1993,

Having considered the report of the Secretary-General of 30 June 1993,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique and to the timely fulfilment by all parties in good faith of obligations contained therein,

Seriously concerned that the delays in the implementation of major aspects of the Agreement have not been entirely overcome,

Encouraged by the efforts of the Government of Mozambique and the Resistência Nacional Moçambicana to maintain the ceasefire,

Noting with satisfaction the signature of the status-of-forces agreement between the Government of Mozambique and the United Nations, and the full deployment of all the main infantry battalions of the United Nations Operation in Mozambique,

Also noting with satisfaction the successful completion of the withdrawal of Zimbabwean and Malawian troops as provided for in the General Peace Agreement,

1. *Approves* the report of the Secretary-General of 30 June 1993;

2. *Pays tribute* to the Special Representative of the Secretary-General, to the Force Commander of the United Nations Operation in Mozambique and to the military and civilian personnel of the Operation who are tackling with determination and dedication the difficult task of helping the people of Mozambique to achieve lasting peace and democracy in their country;

3. *Welcomes* the progress made to date in the implementation of the provisions of the General Peace Agreement for Mozambique, but stresses its concern that the delays previously reported to the Security Council have not been entirely overcome, in particular with respect to the assembly and demobilization of forces, the formation of the new unified armed forces and finalizing the arrangements for the elections;

4. *Underlines* in this respect the importance it attaches to the holding of the elections no later than October 1994;

5. *Welcomes* the agreement of the parties to the convening of a meeting between the President of the Republic of Mozambique and the President of the Resistência Nacional Moçambicana in Maputo on 17 July 1993 to address major issues pertaining to the implementation of the General Peace Agreement;

6. *Invites* the Government of Mozambique and the Resistência Nacional to cooperate fully with the Secretary-General and his Special Representative in their efforts to promote a resolution of these difficulties and to agree without delay to the revised timetable for the implementation of the provisions of the Agreement on the basis of the general parameters described in paragraphs 21 to 23 of the report of the Secretary-General;

7. *Urges* the Government of Mozambique and the Resistência Nacional to begin, as a matter of urgency, the assembly and demobilization of their forces without waiting for all assembly areas to become operational;

8. *Urges* the Resistência Nacional to dispatch without further delay its military personnel to the military centre in Nyanga, Zimbabwe, for training, together with military personnel of the Government of Mozambique, as the first elements of the new Mozambican Defence Forces;

9. *Approves* the recommendation of the Secretary-General that the United Nations Operation in Mozambique should chair the Joint Commission for the Formation of the Mozambican Defence Force, on the strict understanding that this would not entail any obligation on the part of the United Nations for training or establishing the new armed forces, and encourages the Resistência Nacional to participate fully in the work of the Joint Commission;

10. *Stresses* the importance of the early establishment of the Commission for State Administration and the application throughout the country of the provisions of the General Peace Agreement concerning public administration;

11. *Notes with appreciation* the assistance and pledges made by Member States in support of the peace process, and encourages donors to provide appropriate and prompt assistance for the implementation of major aspects of the Agreement;

12. *Also notes with appreciation* the contribution from the Government of Italy to the trust fund described in paragraph 12 of the report of the Secretary-General, and welcomes the intention of a number of other Member States to contribute;

13. *Requests* the Secretary-General to keep the Council informed of developments regarding the full implementation of the provisions of the General Peace Agreement and to submit a report to the Council by 18 August 1993 on the outcome of the discussions on the revised timetable, including for the assembly and demobilization of forces and the formation of the new unified armed forces;

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

**Decision of 13 September 1993 (3274th meeting):
resolution 863 (1993)**

On 30 August and 10 September 1993, pursuant to resolution 850 (1993) of 9 July 1993, the Secretary-General submitted to the Security Council a report on

ONUMOZ describing the activities of the Operation in implementing the military, humanitarian, electoral and political aspects of its mandate.¹⁵

The Secretary-General stated that the most significant development since his last report to the Council had been the long overdue start of direct talks between the President of Mozambique and the leader of RENAMO in Maputo, on 21 August 1993, which had resulted in the signing of two major agreements on 3 September 1993. The Government of Mozambique and RENAMO had agreed, in particular, to integrate into the state administration all areas that had been under RENAMO control and to request the United Nations to monitor all police activities in the country, to monitor the rights and liberties of citizens in Mozambique and to provide technical support to the Police Commission. In that context, the Secretary-General informed the Council of his intention to send a survey team of experts to Mozambique. Based on their findings, he would then make his final recommendations about the size of the United Nations police component. Other important developments included the resumption of the dialogue on the draft electoral law, the decision by the Joint Commission for the Formation of the Mozambican Defence Force to send officers to Nyanga for training as instructors, and the work of the four commissions provided for in the Agreement. Three of those commissions had been formally established: the Commission for State Administration, the National Information Commission and the Police Affairs Commission. The establishment of the fourth, the National Electoral Commission, would be determined after the adopting of the draft electoral law.

It was expected that the leader of RENAMO would visit Maputo in the beginning of October 1993. In that context, the Secretary-General emphasized the need for the two parties to formally approve the revised timetable for the implementation of the peace process and to immediately begin assembly and demobilization of troops, as well as to reach early agreement on the draft electoral law, in order for the elections to be held according to the new timetable.

At its 3274th meeting, on 13 September 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Mozambique,

¹⁵ S/26385 and Add.1.

at his request, to participate in the discussion without the right to vote. The President (Venezuela) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its consultations,¹⁶ and read out a revision made to the draft. He also drew the attention of the members of the Council to a letter dated 8 September 1993 from the representative of Mozambique¹⁷ addressed to the Secretary-General, transmitting the text of the final document of the meeting between the President of Mozambique and the President of RENAMO, dated 3 September 1993.

Speaking before the vote, the representative of China stated that the peace process in Mozambique was then at a crucial stage. In order to ensure that the general elections were held in October 1994, both parties had to adopt practical measures, fulfil their commitments, cooperate with ONUMOZ and act strictly in accordance with the new timetable. The priority was for the two parties to complete the assembly and demobilization of their troops as early as possible and form a new national defence force. The draft resolution exactly reflected that desire of the members of the Council.¹⁸

The draft resolution, as orally revised, was thereupon put to the vote and was adopted unanimously as resolution 863(1993), which reads:

The Security Council,

Reaffirming its resolutions 782 (1992) of 13 October 1992, 797 (1992) of 16 December 1992, 818 (1993) of 14 April 1993 and 850 1993 of 9 July 1993,

Having considered the report of the Secretary-General of 30 August and 10 September 1993,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique and to the timely fulfilment in good faith by all parties of the obligations contained therein,

Commending the efforts of the Secretary-General, his Special Representative and the personnel of the United Nations Operation in Mozambique to implement fully the mandate entrusted to the Operation and to carry it to a successful conclusion,

Commending also the role played by the Organization of African Unity, through the Special Representative of its Secretary-General, in the implementation of the General Peace Agreement,

Noting with satisfaction the recent positive developments in the Mozambican peace process, especially the direct talks in Maputo between the President of Mozambique, Mr. Joaquim Chissano, and the President of the Resistência Nacional Moçambicana, Mr. Afonso Dhlakama, which led to the agreements signed on 3 September 1993,

Also noting with satisfaction the full deployment of the military component of the Operation and the progress made in the establishment by the Operation of assembly areas,

Stressing the unacceptability of attempts to attach conditions to the peace process, in particular to the assembly and demobilization of troops, or to gain more time or further concessions,

Expressing concern at the continuing delays in the implementation of major aspects of the General Peace Agreement as well as at cases of violations of the ceasefire,

1. *Welcomes* the report of the Secretary-General of 30 August and 10 September 1993;

2. *Emphasizes* the need to respect fully all the provisions of the General Peace Agreement for Mozambique, in particular those concerning the ceasefire and the movement of troops;

3. *Reaffirms* the importance it attaches to the holding of elections no later than October 1994;

4. *Strongly urges* the Government of Mozambique and the Resistência Nacional Moçambicana to agree with, and to apply, without further postponement, the revised timetable for the implementation of all provisions of the General Peace Agreement as described in paragraphs 29 to 31 of the report of the Secretary-General, and appeals to the parties to cooperate fully with the Special Representative of the Secretary-General in this regard;

5. *Stresses once again* the urgent need for the early initiation of the process of assembly and demobilization of troops, and its continuation, in accordance with the revised timetable without preconditions;

6. *Urges* the Resistência Nacional Moçambicana to join the Government of Mozambique in authorizing immediate assembly of forces, and equally urges that both the Government of Mozambique and the Resistência Nacional immediately thereupon begin demobilization;

7. *Welcomes* the progress made by the Joint Commission for the new Mozambican Defence Force, in particular in relation to the training of instructors at Nyanga, and also the progress on mine-clearing;

8. *Deplores* the lack of progress in the multiparty consultative conference, and urges the Resistência Nacional Moçambicana and other political parties to join with the Government of Mozambique in quickly agreeing on an election law, which should include provision for an effective national election commission;

¹⁶ S/26426.

¹⁷ S/26432.

¹⁸ S/PV.3274, p. 6.

9. *Calls on* the Government of Mozambique and the Resistência Nacional to make operational without further delay the Commission for State Administration, the National Information Commission and the Police Affairs Commission;

10. *Commends* the agreements reached in the Maputo talks between the Government of Mozambique and the Resistência Nacional on the reintegration into the state administration of all areas now under the control of the Resistência Nacional as well as on the request for monitoring by the United Nations of all police activities in Mozambique and on undertaking additional tasks, as set out in document S/26385/Add.1;

11. *Requests* the Secretary-General to examine expeditiously the proposal by the Government of Mozambique and the Resistência Nacional for United Nations monitoring of police activities in the country, as set out in document S/26385/Add.1, and welcomes his intention to send a survey team of experts in connection with the proposed United Nations police contingent and to report thereon to the Council;

12. *Urges* the Government of Mozambique and the Resistência Nacional to ensure that the momentum towards implementing the General Peace Agreement in full is maintained so that a just and lasting peace in Mozambique can be established, and to this end encourages the President of Mozambique and the President of the Resistência Nacional Moçambicana to continue their direct talks;

13. *Encourages* the international community to provide appropriate and prompt assistance for the implementation of the humanitarian programme carried out in the framework of the General Peace Agreement, and urges the Government of Mozambique and the Resistência Nacional to continue to facilitate unimpeded access of humanitarian assistance to the civilian population in need;

14. *Requests* the Secretary-General to keep the Council informed of developments regarding the implementation of the provisions of the Agreement and to submit a report on the matter to the Council in good time before 31 October 1993;

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

Speaking after the vote, the representative of the United Kingdom warned the parties that the resources of the international community were finite and under great strain at that moment. Therefore, if international commitment were to be sustained, it was essential that progress be continuous and visible. For his Government, the priorities were the following: Firstly, the assembly and demobilization of troops, which were crucial for the elections to be held according to the timetable. Secondly, the arrival of the remainder of the RENAMO trainees for the joint military training at Nyanga. And, thirdly, progress in the multiparty consultative conference on the electoral law. His Government looked forward to the Secretary-General's

report on the possibilities for responding to the parties' request for United Nations monitoring of police activities so that the Council could act on his recommendations without delay.¹⁹

**Decision of 29 October 1993 (3300th meeting):
resolution 879 (1993)**

At its 3300th meeting, on 29 October 1993, the Security Council included the item entitled "The situation in Mozambique" in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (Brazil) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its consultations.²⁰

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 879 (1993), which reads:

The Security Council,

Reaffirming its resolutions 782 (1992) of 13 October 1992, 797 (1992) of 16 December 1992, 818 (1993) of 14 April 1993, 850 (1993) of 9 July 1993 and 863 (1993) of 13 September 1993,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique and to the timely fulfilment by all parties in good faith of obligations contained therein,

1. *Decides*, pending examination of the report of the Secretary-General due under resolution 863 (1993), to extend the mandate of the United Nations Operation in Mozambique for an interim period terminating on 5 November 1993;

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

**Decision of 5 November 1993 (3305th meeting):
resolution 882 (1993)**

On 1 and 2 November 1993, pursuant to resolution 863 (1993) of 13 September 1993, the Secretary-General submitted to the Security Council a report on ONUMOZ in which he described the progress made in the implementation of the Agreement and informed the Council about his visit to Maputo.²¹

The Secretary-General informed the Council that during his visit to Maputo from 17 to 20 October 1993, he had held very positive and constructive meetings

¹⁹ *Ibid.*, pp. 7-8.

²⁰ S/26664.

²¹ S/26666 and Add.1.

with the President of Mozambique and the leader of RENAMO in which he had stressed that the United Nations could only facilitate the peace process and that it could not promote and establish peace without the cooperation of the parties. He had also stressed that the international community would not invest additional human and material resources and risk lives in peacekeeping operations where such political will did not make a substantive contribution to the peace process. Therefore, he had urged the two leaders to build on the progress made so that the elections could be held by October 1994, as scheduled. The Secretary-General noted that a number of agreements had been reached during his visit on outstanding issues. Those agreements covered, *inter alia*, the assembly and demobilization of RENAMO and Government troops, as well as the simultaneous disarmament of paramilitary forces, militia and irregular troops; the composition of the National Elections Commission and the system and timetable for finalizing the electoral law; and the creation of local National Police Affairs Commission subcommittees to monitor the activities of the Mozambican Police. Following those agreements, the revised timetable with the new dates for assembly and demobilization of troops was approved on 22 October 1993. All troops were to be demobilized by no later by May 1994.

The Secretary-General pointed out that the fulfilment of the terms of agreements between the Government of Mozambique and RENAMO would impose a heavy burden on the financial resources of that Government. Therefore, and in order to absorb RENAMO representatives into the structures of the government and society, adequate support from the international community was needed to supplement the limited budgetary resources available. The efforts of RENAMO to transform itself into a political party would be equally costly. In order to facilitate that process, the United Nations had established a trust fund to which some countries had already made contributions.

In view of those recent developments, the Secretary-General recommended the extension of the ONUMOZ mandate until the holding of elections in October 1994, subject to a review of its status every three months. As a contingency measure, he also intended, subject to the concurrence of the Council, to proceed with the selection and deployment of 128

police observers already authorized by the Security Council resolution 797 (1992).

At its 3305th meeting, on 5 November 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations,²² and read out some revisions made to the draft.

Recalling resolution 782 (1992) which, *inter alia*, had approved the dispatch of military observers to his country, followed by the establishment of ONUMOZ, establishment, the representative of Mozambique stated that its adoption had marked the dawning of a new era towards the establishment of a lasting peace in Mozambique. The United Nations presence had been instrumental in encouraging a gradual but steady return of refugees and displaced persons, the normalization of lives throughout the country, the re-establishment of a productive base in the rural areas and the revitalization of the economy. The Secretary-General's visit had been timely and useful. As a result of his extensive talks with the Government, RENAMO and other political parties, a major breakthrough in the Mozambican peace process had been achieved. It was finally possible to achieve far-reaching, positive agreements on all major issues pertaining to full implementation of the Agreement. He noted that an agreement had been reached on the composition of the Electoral Commission which would permit the early and successful completion of the electoral law. Moreover, the Government, RENAMO and other political parties were considering the creation of an electoral tribunal, composed of two Mozambican and three international judges, to deal with, *inter alia*, cases of disagreement in the Electoral Commission. Underscoring the high importance attached to the issue of credibility of the institutions created to certify the legality and the validity of the electoral process and its outcome, he said that his Government would request the Secretary-General to consult with the Security Council on how best to assist in the selection and nomination of the international judges. He hoped that with political good will and determination by all parties, there would be

²² S/26694.

sufficient time to prepare for and hold general elections no later than October 1994. In conclusion, he called on the Council to hold responsible all those who might wish to subvert the momentum which had been created by the understandings achieved during the Secretary-General's visit.²³

Speaking before the vote, the representative of Brazil stressed that no further issues that could put in jeopardy the timely implementation of the Agreement should be raised at that point. The revised timetable must be complied with without "dragging of feet", so as to allow the successful holding of elections in October 1994. Brazil was committed to supporting the continuation of a strong United Nations presence in Mozambique and looked forward to receiving the Secretary-General's recommendations on the establishment of an ONUMOZ police contingent.²⁴

The representative of Djibouti stated his concern over the humanitarian assistance programme for Mozambique, given the "sheer magnitude of the calamity". There were some 1.5 million refugees, as a result of the conflict, and the job of reintegrating them back into society, along with that of integrating the troops of the combatants, was enormous. In addition, 4 to 5 million internally displaced persons must be returned to their home areas. Related to that problem was that of demining the country, where there were an estimated 2 million mines. He expressed the hope that, of everything proceeded as planned, Mozambique would assume that status of a United Nations success story in Africa.²⁵

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 882 (1993), which reads:

The Security Council,

Reaffirming its resolution 782 (1992) of 13 October 1992 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 1 and 2 November 1993 on the United Nations Operation in Mozambique,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique and to the timely fulfilment in good faith by all parties of the obligations contained therein,

²³ S/PV.3305, pp. 4-10.

²⁴ *Ibid.*, pp. 10-12.

²⁵ *Ibid.*, pp. 12-14.

Commending the efforts of the Secretary-General, his Special Representative and the personnel of the Operation to implement the mandate fully,

Reaffirming its conviction that the resolution of conflict in Mozambique would contribute to peace and stability in the region,

Emphasizing with satisfaction the recent positive developments in the Mozambican peace process, including the direct talks between the President of Mozambique, Mr. Joaquim Chissano, and the President of the Resistência Nacional Moçambicana, Mr. Afonso Dhlakama, and the agreements signed on 3 September 1993,

Stressing with mounting concern the continuing delays in the implementation of the General Peace Agreement which both parties signed,

Stressing once again the unacceptability of attempts to gain more time or further concessions or to attach new conditions to the peace process, and strongly urging the parties not to raise any further issues which might jeopardize the implementation of the Agreement, particularly in light of the commitments entered into during the Secretary-General's recent visit to Mozambique,

1. *Welcomes* the report of the Secretary-General;
2. *Commends* the agreements that were reached between President Chissano and Mr. Dhlakama during the visit of the Secretary-General to Maputo on outstanding issues that were impeding the peace process;
3. *Reaffirms* the vital importance it attaches to the holding of elections no later than October 1994;
4. *Welcomes* the approval by the Mozambican parties of the revised timetable for the implementation of the General Peace Agreement for Mozambique and urges the parties to adhere to it without any delay;
5. *Urges* the Mozambican parties to commence assembly of troops in November 1993 and to initiate demobilization by January 1994 with a view to ensuring the completion of the demobilization process by May 1994 on the basis of the revised timetable;
6. *Notes* the progress made with regard to the formation of the new Mozambican Defence Forces, particularly the commencement of full-scale training in Nyanga, Zimbabwe, of troops from the Government and the Resistência Nacional Moçambicana for the new national army;
7. *Welcomes* the approval of the guidelines for the Ceasefire Commission governing the movement of troops after signature of the General Peace Agreement, and urges the parties to adhere to the guidelines and to cooperate with the United Nations Operation in Mozambique in the efforts to enforce them;
8. *Underlines* the need to make immediately operational the National Commission for Administration, the

National Police Affairs Commission and the National Commission for Information following the agreements reached recently on their chairmanship;

9. *Authorizes* the Secretary-General to proceed with the selection and deployment of the one hundred twenty-eight United Nations police observers approved in resolution 797 (1992) of 16 December 1992, with a view to deploying them as soon as possible;

10. *Underscores* the importance of the parties making progress on achieving agreed political goals, specifically, the approval of an electoral law and establishment of an electoral commission by 30 November 1993 and the beginning of the concentration of troops in the assembly areas, demobilization of 50 per cent of troops by 31 March 1994, sufficient progress to meet complete demobilization by 31 May 1994, and accelerated progress in training and integrating forces in the new Mozambican Defence Forces so that the process is complete by August 1994;

11. *Calls on* the Government of Mozambique and the Resistência Nacional Moçambicana to build on the progress which has been achieved and to respect fully all the provisions of the General Peace Agreement, in particular those concerning the ceasefire and the movement of troops;

12. *Decides* to renew the mandate of the United Nations Operation in Mozambique for a period of six months, subject to the proviso that the Security Council will review the status of the mandate within ninety days on the basis of a report by the Secretary-General as described in paragraph 13 below;

13. *Requests* the Secretary-General to report by 31 January 1994 and every three months thereafter on whether the parties have made sufficient and tangible progress towards implementing the General Peace Agreement and meeting the timetable laid out in paragraphs 3 and 10 above, and also to report on the situation concerning the implementation of the mandate of the Operation, taking into consideration the need to achieve cost savings to the greatest extent possible, while remaining mindful of the importance of an effective discharge of its mandate;

14. *Appeals* to the international community to provide the necessary financial assistance to facilitate the implementation of the Agreement;

15. *Also appeals* to the international community to make voluntary financial contributions to the trust fund to be set up to support electoral activities of the political parties upon the approval of the electoral law;

16. *Reiterates its encouragement* to the international community to provide appropriate and prompt assistance for the implementation of the humanitarian programme carried out in the framework of the General Peace Agreement, and urges the Government of Mozambique and the Resistência Nacional Moçambicana to facilitate unimpeded access to humanitarian assistance to the civilian population in need;

17. *Calls on* all parties to cooperate with the United Nations High Commissioner for Refugees and other humanitarian agencies operating in Mozambique to facilitate the speedy repatriation and resettlement of refugees and displaced persons;

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

Speaking after the vote, the representative of China stated that his delegation maintained that whether the peace process in Mozambique would be completed successfully and whether Mozambique could genuinely enjoy lasting peace depended, in the final analysis, on the people of Mozambique themselves. At that time, the peace process had entered a crucial stage, and the two sides should therefore, in accordance with their commitments and in full cooperation with ONUMOZ, adopt practical measures to strictly follow the new timetable so as to ensure the holding of the general elections as scheduled.²⁶

The representative of France stated that his country had voted in favour of the resolution, which extended the mandate of ONUMOZ for a six-month period, it being understood that progress in the peace process would be subject to periodic review. His delegation called upon the parties to comply strictly with the revised timetable and to cooperate with ONUMOZ for the proper functioning of the electoral process. It emphasized in that respect that it was imperative that the elections be held as planned in October 1994 and that no further delay would be tolerated.²⁷

**Decision of 23 February 1994 (3338th meeting):
resolution 898 (1994)**

On 28 January and 1 February 1994, pursuant to resolution 882 (1993) of 5 November 1993, the Secretary-General submitted to the Security Council a report on ONUMOZ,²⁸ in which he described progress made in the implementation of the Agreement, and made recommendations on the planned deployment of its police contingent.

The Secretary-General noted that a number of important developments had taken place since his last report to the Council. The long-awaited assembly of troops had begun on 30 November 1993, and the dismantling of paramilitary forces, militia and irregular

²⁶ *Ibid.*, pp. 17-18.

²⁷ *Ibid.*, pp. 19-20.

²⁸ S/1994/89 and Add.1 and 2.

troops was initiated on 12 January 1994. The Electoral Law had been approved on 9 December 1993, and the National Elections Commission had been appointed on 21 January 1994. He pointed out, however, that major problems still remained to be resolved in the immediate future. They included, *inter alia*, initiation and subsequent completion of the actual demobilization; transfer of weapons from assembly areas to regional warehouses; dismantling of the paramilitary forces; formation of a well-functioning national defence force; and provision of financial support for the transformation of RENAMO from a military movement to a political party. In that regard, the Secretary-General stated that he was exploring the possibility of setting up a more flexible funding mechanism than the existing United Nations-administered trust fund.

The Secretary-General recommended that the Security Council authorize the establishment and progressive deployment of a United Nations police component as an integral part of ONUMOZ.²⁹ It would, *inter alia*, monitor all police activities in the country and verify that their actions were consistent with the Agreement; monitor the respect of rights and civil liberties of Mozambican citizens throughout the country; provide technical support to the National Police Commission; verify the strength and location of the government police forces; and monitor and verify the process of reorganization and retraining of the “quick reaction” police, including its activities. In addition, it would monitor the electoral campaign, together with other ONUMOZ components, and verify that political rights of individuals, groups and political organizations were respected.

The Secretary-General further noted that it would be beneficial to maintain the Operation’s forces at existing strength until the elections. However, in view of the additional costs associated with the establishment of its sizeable police contingent, as well as the evolution of political developments in the country, he intended to begin a gradual cut-back of its military elements in May 1994 when the demobilization of troops would be nearly completed. Moreover, the Mozambican Defence Force was expected to become fully operational by September 1994, and by that time it would be expected to assume

some of the major tasks then being performed by ONUMOZ.

At its 3338th meeting, on 23 February 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (Djibouti) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.³⁰

Addressing the issue of the disengagement of the UNOMOZ military contingent from his country, the representative of Mozambique stated that its reduction should be undertaken in connection with developments in the demobilization of troops and in the training and coming into operation of the Mozambican Defence Force. His Government was, however, aware that the financial resources of the Organization were limited, “if not already stretched beyond capacity”. That is why his delegation had accepted the draft resolution and, in particular, its operative paragraphs 2, 3, 4 and 19. Turning to the issue of assembly and demobilization of troops, he said that the Mozambican authorities had repeatedly explained that logistical and organizational difficulties did not affect the political will and good faith of the Government to honour fully its obligations under the Agreement. As indicated in the report of the Secretary-General, Government troops, fully equipped, had proceeded to the assembly areas in much larger numbers than the RENAMO forces. He stressed that the organizational and logistical problems faced by his Government in the assembly areas were similar to those in RENAMO assembly areas, which were under the full responsibility of ONUMOZ. He noted in that respect that the tripartite mission³¹ had visited some assembly areas in different parts of the country, from 25 January to 5 February 1994, to take an in-depth look at the problems in those areas. Overall, the mission had noted that the problems relating to logistical support and the provision of food and adequate conditions were common to both the Government and ONUMOZ, and

²⁹ For further details on the deployment of the United Nations police component, see the report of the Secretary-General (S/1994/89/Add.1, para. 18).

³⁰ S/1994/188.

³¹ Comprising representatives of the Government and RENAMO, the Special Representative, and representatives of the participants in the Monitoring and Supervisory Commission, namely France, Italy, Portugal, the United Kingdom, the United States and the Organization of African Unity (OAU).

that in a number of cases RENAMO areas were in a worse condition. The tripartite mission had also verified that another problem in the assembly areas was related to the inability of ONUMOZ military observers to register more than 50 combatants daily out of the thousands arriving in the assembly areas each day. Another matter of great concern to the Mozambican authorities was the issue of arms collection. Many RENAMO combatants still reported to the assembly areas without their weapons and the authorities had not been able to obtain any information concerning their remaining and most threatening weapons. Moreover, as noted by the mission, a significant portion of RENAMO personnel in the assembly areas was made up of aged people and youngsters. He hoped that the Council would put pressure on RENAMO to assemble all its combatants and surrender all its weapons. For its part, his Government was determined to abide fully by its commitments and to respect the deadlines agreed to in the revised timetable. He also expressed concern at recent pronouncements by the RENAMO leadership, already anticipating that an eventual loss in the general elections could be possible only under conditions of fraud and unfair elections. Those threats, he said, were taking place at a time when all the institutional mechanisms for the conduct of free and fair elections had been established and were fully operational. Moreover, the whole electoral process would be duly supervised by ONUMOZ and other international observers, with the possibility of appealing to the Electoral Tribunal, which would comprise, inter alia, three international judges to be proposed by the Security Council and appointed by the Secretary-General. He called on the Security Council and the Secretary-General to initiate consultations and mechanisms for the early appointment of the international judges in order to allow the establishment, as soon as possible, of the Electoral Tribunal. The Council should also seriously review how best to strengthen its authority among the parties, especially with regard to denouncing and acting upon systematic violations of the Agreement and the understandings reached thereafter.³²

Speaking before the vote, the representative of Nigeria stated that the Mozambique operation stood out as one of the few peacekeeping missions where there were positive indications of an early and smooth

³² S/PV.3338, pp. 3-12.

conclusion. The assembly and cantonment of both Government and RENAMO troops had begun, preparations for the elections seemed to be on schedule, the Electoral Law had been approved by the Mozambican National Assembly on 9 December 1993, despite occasional incidents, the general ceasefire had been holding. However, great difficulties still lay ahead, particularly the outstanding task of setting up a well-functioning national defence force, which was critical to the survival of a post-ONUMOZ Mozambique. In that context, he stressed the need for a United Nations police force to monitor all police activities in the country and provide technical support for the National Police Affairs Commission. Turning to the draft resolution, he stated that it represented a significant step forward in the collective effort to bring peace to Mozambique and to increase peace in the world. His delegation would support it for three reasons. Firstly, it urged both sides to continue to do all that was necessary to facilitate the full implementation of all commitments they had entered into, especially those relating to the assembly of troops and the formation of a national defence force. Secondly, it recognized the unassuaged humanitarian needs for increased international assistance, and thirdly, it underscored the time constraints in implementing the peace process.³³

The representative of China supported the dispatch of additional police monitors to Mozambique to assist in preparing for the general election and to enhance the peace process. He pointed out, however, that the successful implementation of the Agreement depended on the Mozambican people themselves and on a broad-based national reconciliation.³⁴

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 898 (1994), which reads:

The Security Council,

Reaffirming its resolution 782 (1992) of 13 October 1992 and all subsequent resolutions,

Having considered the report of the Secretary-General of 28 January 1994 on the United Nations Operation in Mozambique, and having completed the review of the status of the Operation called for in its resolution 882 (1993) of 5 November 1993,

³³ *Ibid.*, pp. 12-15.

³⁴ *Ibid.*, pp. 19-20.

Commending the efforts of the Secretary-General, his Special Representative and the personnel of the Operation in seeking to implement fully the mandate entrusted to it,

Commending also the role played by the Organization of African Unity, through the Special Representative of its Secretary-General, in the implementation of the General Peace Agreement for Mozambique,

Reiterating the importance it attaches to the General Peace Agreement and to the timely fulfilment in good faith by all parties of their obligations under the Agreement,

Noting that the people of Mozambique bear the ultimate responsibility for the successful implementation of the General Peace Agreement,

Welcoming recent positive developments in the implementation of the General Peace Agreement, but concerned none the less at delays in its full implementation,

Taking note of the request by the Government of Mozambique and the Resistência Nacional Moçambicana concerning the monitoring of all police activities and additional tasks set out in the agreements of 3 September 1993, and of the agreement of both parties to the general concept for the police contingent of the Operation,

Stressing the necessity, in this as in other peacekeeping operations, to continue to monitor expenditures carefully during this period of increasing demands on peacekeeping resources, without jeopardizing their purposes,

Noting with appreciation in this context that the Secretary-General, in proposing the establishment of a police component as an integral part of the Operation, has at the same time stated his intention to present specific proposals for the phased reduction of the military component of the Operation, without prejudice to the effective discharge of its mandate, in particular the tasks of its military component,

Reaffirming its conviction that the resolution of the conflict in Mozambique will contribute to peace and security,

1. *Welcomes* the report of the Secretary-General of 28 January 1994;

2. *Authorizes* the establishment of a United Nations police component of up to 1,144 personnel as an integral part of the United Nations Operation in Mozambique with the mandate and deployment described in paragraphs 9 to 18 of the addendum of 28 January 1994 to the report of the Secretary-General;

3. *Requests* the Secretary-General, as the police contingent is being deployed, to begin immediately preparing specific proposals for the drawdown of an appropriate number of military personnel with the objective of ensuring there is no increase in the cost of the Operation without prejudice to the effective discharge of its mandate;

4. *Further requests* the Secretary-General to prepare a timetable for (a) the completion of the mandate of the Operation,

withdrawal of its personnel and turnover of any remaining functions to United Nations agencies and programmes by the target date of the end of November 1994, by which time the elected government is expected to have assumed office and, in this context, (b) the phased drawdown of military forces in the transportation corridors, which should begin as soon as feasible and be completed when the new national defence force is operational and (c) the withdrawal of military observers after demobilization is completed;

5. *Welcomes* recent positive developments in the implementation of the General Peace Agreement for Mozambique, including the commencement of the assembly of troops and the dismantling of paramilitary forces, militia and irregular troops, the approval of the electoral law and the appointment of the National Elections Commission and of its chairperson;

6. *Expresses its concern*, however, at the continuing delay in the implementation of some major aspects of the General Peace Agreement, including the commencement of demobilization and the formation of a national defence force, and calls upon the parties to work towards the elimination of further delays;

7. *Calls upon* the Government of Mozambique and the Resistência Nacional Moçambicana to comply with all the provisions of the General Peace Agreement, in particular those concerning the ceasefire and the cantonment and demobilization of troops, and commends in this respect the commitments made by both President Chissano and Mr. Dhlakama to implement the General Peace Agreement;

8. *Further calls upon* the Government of Mozambique and the Resistência Nacional Moçambicana to comply fully and promptly with the decisions of the Monitoring and Supervisory Commission;

9. *Encourages* the Government of Mozambique to continue to fulfil its commitments in respect of the provision of logistic support and adequate food, and making outstanding payments, to the troops in the assembly areas and the training centres;

10. *Notes* the recent acceleration in the assembly of the troops of the Government of Mozambique, and calls upon the Government to redouble its efforts to achieve balance between the parties in the cantonment of troops and an expeditious and timely conclusion of this process as called for in the revised timetable;

11. *Underlines* the need for the troops of the Government of Mozambique and the Resistência Nacional Moçambicana to hand over all weapons to the United Nations at the assembly areas and for the parties to come to an immediate agreement on the transfer of all weapons to regional depots so as to ensure security in the assembly areas;

12. *Reiterates* the vital importance it attaches to the holding of general elections no later than October 1994 and to the early commencement of electoral registration and other

electoral preparations, and urges the parties to agree promptly on a specific election date;

13. *Appeals* to the international community to provide the necessary financial assistance to facilitate the implementation of the General Peace Agreement and also to make voluntary financial contributions to the trust fund to be set up to support electoral activities of the political parties;

14. *Notes* the decision of the Secretary-General to explore the possibility of establishing a more effective mechanism for the provision of resources, disbursement under which is subject to the scrupulous and timely implementation of the General Peace Agreement, as described in paragraph 35 of his report of 28 January 1994;

15. *Welcomes* the proposal to extend the present severance payment scheme to facilitate the reintegration of demobilizing soldiers into civil society, and encourages the international community to provide appropriate and prompt assistance for the implementation of this scheme as a complement to the existing efforts made in the framework of the humanitarian assistance programme;

16. *Expresses its appreciation* to the United Kingdom of Great Britain and Northern Ireland, France, Portugal and Italy for their offers of assistance in military training or in rehabilitating the training centres for the new army;

17. *Also notes with appreciation* the response of the international community to the humanitarian assistance needs of Mozambique, and encourages the international community to continue to provide appropriate and prompt assistance for the implementation of the humanitarian programme carried out in the framework of the General Peace Agreement;

18. *Urges* all parties to continue to facilitate unimpeded access to humanitarian assistance for the civilian population in need, and also to cooperate with the Office of the United Nations High Commissioner for Refugees and other humanitarian agencies operating in Mozambique to facilitate the speedy repatriation and resettlement of refugees and displaced persons;

19. *Requests* the Secretary-General to ensure maximum economy in the operations of the United Nations Operation in Mozambique, while remaining mindful of the importance of an effective discharge of its mandate;

20. *Looks forward* to the next report of the Secretary-General called for in paragraph 13 of resolution 882 (1993) of 5 November 1993 on whether the parties have made sufficient and tangible progress towards implementing the General Peace Agreement and in meeting the timetable set out in paragraphs 3 and 10 of that resolution, on the basis of which it will consider the mandate of the Operation;

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

Speaking after the vote, the representative of France stated that his delegation had voted in favour of

the resolution, which established a police contingent of more than a thousand observers, as it considered that it had an essential role in preparing for the electoral process and its successful progress. At the same time, France was pleased that, for reasons of economy, the Secretary-General had envisaged, in parallel with the deployment of the police force, a phased reduction of the ONUMOZ military component, while maintaining the efficiency and credibility of the Operation. Noting that the transformation of RENAMO into a true political party was one of the keys to the success of the peace process, he said that France was contributing to the funds created for that purpose. France was also assisting in establishing the new Mozambican army and was contributing to the financing of the electoral process.³⁵

The representative of the United Kingdom stated that his delegation had voted for the resolution because it strongly supported the establishment of a United Nations police component. It was equally important that the Secretary-General present specific proposals to the Council for the phased reduction of the military component of ONUMOZ, starting at the earliest date consistent with not compromising the effective discharge of the Operation's mandate. ONUMOZ was one of the most costly United Nations peacekeeping operations. When its mandate became due for renewal at the beginning of May, the Council would need to consider the degree of progress it had made towards the implementation of the Agreement. He contended that if the elections did not take place in October, then it would be doubtful whether the Operation could be maintained at its current strength. He therefore called on both parties to avoid becoming "bogged down in unnecessary wrangling".³⁶

Referring to the provision in the resolution just adopted which called upon the parties to meet fully their commitments, the representative of the United States said that it reflected the Council's determination that the October elections would be held as scheduled. He, therefore, urged the parties to set up soon a specific date for the elections. The speaker contended that the deployment of a sizeable police observer force in Mozambique would promote the stable security environment necessary for the holding of free and fair elections. Stressing the importance of taking advantage

³⁵ *Ibid.*, pp. 23-24.

³⁶ *Ibid.*, pp. 24-26.

of conditions on the ground allowing for economies in the United Nations operation, he said that his Government strongly supported the Council's decision to expand the police contingent in such a way as to avoid any increase in the Operation's cost.³⁷

The representative of Brazil stated that his delegation had supported the resolution because it reiterated the international community's commitment to helping Mozambique to achieve a peaceful and lasting internal settlement. The resolution also underlined the need to continue to monitor expenditures carefully, a concept to which his Government was firmly attached. However, of far greater importance was the fact that the Council had made it clear that, whatever adjustments were to be introduced, the purpose of those operations could never be put in jeopardy. His delegation was not convinced that a withdrawal of military troops should occur merely to offset cost increases generated by the deployment of the police contingent. Moreover, a premature withdrawal could put the whole peace process at risk and was likely to create far greater difficulties than any savings generated from military cutbacks. The Council, he said, must take into account prevailing circumstances facing the Operation, and should not be lured by possible savings which, in the long run, might be self-defeating.³⁸

**Decision of 21 April 1994: letter from the
President to the Secretary-General**

In a letter dated 21 April 1994,³⁹ the President of the Security Council informed the Secretary-General of the following:

I received earlier this month a letter from the Permanent Representative of Mozambique requesting the assistance of the Security Council in the appointment of the international members of the Mozambique Electoral Tribunal as provided for in the Mozambique Electoral Law. The letter advised that the Electoral Law provides that the international members of the tribunal shall be appointed by you on the recommendation of the Security Council.

Ambassador Afonso also called on me and explained that it was the view of his Government that the best assistance that the Security Council could provide on this matter would be for it to forward to you a list of potential candidates from which you could make your selection.

³⁷ Ibid., pp. 26-27.

³⁸ Ibid., pp. 27-31.

³⁹ S/1994/485.

The members of the Council considered this request and agreed that they should facilitate the Mozambique electoral process to the extent they were able. Council members undertook to consider a number of potential candidates and to submit to you such names as they considered appropriate.

Following their consideration of the matter, the members of the Council have asked me to forward to you the attached list of names of persons from which you might wish to choose three persons who would be suitable for appointment as international members of the Mozambique Electoral Tribunal.

Annex

**Possible candidates for appointment to the
Mozambique Electoral Tribunal**

Michel Coat (France)

Walter Ramos da Costa Porto (Brazil)

Mariano Fiallos Oyanguren (Nicaragua)

Juan Ignacio Garcia Rodriguez (Chile)

João Moreira Camilo (Portugal).

**Decision of 5 May 1994 (3375th meeting):
resolution 916 (1994)**

On 28 April 1994, pursuant to resolutions 882 (1993) of 5 November 1993 and 898 (1994) of 23 February 1994, the Secretary-General submitted to the Security Council a report on ONUMOZ.⁴⁰ The Secretary-General noted that despite a number of important advances made during the reporting period in the implementation of the peace process, including the beginning of demobilization on 10 March 1994 whereby 55 per cent of government and 81 per cent of RENAMO soldiers had been cantoned, the swearing into office of the new army high commanders and the training of some 2,000 soldiers, the process had been marked by substantial delays. On 8 April 1994, however, both parties had met and had agreed that the Government would expedite the assembly of its troops and that RENAMO would accelerate the pace of demobilization. The announcement on 11 April 1994 by the President of Mozambique that the general elections would be held on 27 and 28 October 1994 constituted a significant step forward. It also signified the intention of the Mozambican parties to adhere to the time frame set by the Security Council for the completion of the process. Despite some concerns relating to problems of logistics, finance, the identification of party representation and free access to

⁴⁰ S/1994/511.

all districts of Mozambique, the Secretary-General was confident that free and fair elections were possible, subject to a few minimal conditions, such as, *inter alia*, free access by the National Elections Commission and its subsidiary bodies to all areas in the country, the widest possible participation of political parties at all levels of the electoral process, and their total and unconditional commitment to accept the results of the elections.

The Secretary-General reported that considerable progress had been made in resettling internally displaced persons and Mozambican refugees returning from neighbouring countries. He indicated in that regard that he would speed up the mine-clearance programme to ensure sufficient progress in the coming months in the movement of internally displaced persons and returnees, and to facilitate the election campaign. Continued assistance for those schemes and for the reintegration of demobilized soldiers into civil society was crucial in the overall efforts to achieve long-lasting peace in Mozambique.

Stressing the vital role played by ONUMOZ, he recommended the extension of its mandate, at a reduced strength, until 31 October 1994.⁴¹ He also proposed that all military, police and most of the support personnel of the Operation should begin repatriation immediately after the expiration of the mandate, and the liquidation of the mandate would be completed by 31 January 1995.

At its 3375th meeting, on 5 May 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.⁴² He also drew their attention to a letter dated 12 April 1994 from the representative of Mozambique addressed to the Secretary-General,⁴³ informing him that the elections would be held in Mozambique on 27 and 28 October.

The representative of Mozambique said that as the target date approached, his Government's attention

was focused on what remained to be done in order to eliminate all obstacles to the full implementation of the provisions of the Agreement. The cantonment of the forces had yet to be completed, and RENAMO had yet to provide the number of its combatants to be demobilized *in situ*. With regard to the formation of the Mozambican Defence Force, the Mozambican authorities were still far from overcoming the consequences arising from systematic delays, and achieving the troop strength provided for under the Agreement. He stressed that the issue was of critical importance for the creation of the appropriate environment for the holding of general elections. He further stated that even the 30,000 troops, called for in the Agreement, were insufficient to discharge fully their responsibilities in a country as big as Mozambique; any further reduction of that figure might seriously affect the ability of the country to defend itself. His Government, he added, fully agreed with the principle of setting a firm deadline for the cantonment and demobilization of forces, taking into account the realities in the field, the calendar for the formation of the new Mozambican Defence Force, and the electoral campaign. That would require that both the Government and RENAMO work closely together with ONUMOZ to achieve consensus on those critical issues. He further said that his Government was particularly disturbed by the growing attempts by RENAMO to bring new and extraneous issues to the commitments under the Agreement which could undermine its implementation and lead to unforeseen consequences. In conclusion, he contended that despite all the challenging tasks ahead, the major political conditions for the timely completion of the Operation were in place. It was only necessary to assist and encourage the parties to translate their political will into practical steps.⁴⁴

Speaking before the vote, the representative of Brazil said that the role of ONUMOZ had been vital in the political and military areas, and expressed concern, about curtailing the Operation's military component, and thus jeopardizing a peace process which was very close to becoming a success story. His delegation shared the Secretary-General's assessment that the drawdown of the infantry component was also premature. Referring to resolution 898 (1994), which established that no reduction in the force total of ONUMOZ would be undertaken if that prevented its

⁴¹ For further information see S/1994/511, paras. 22, 24 and 25.

⁴² S/1994/538.

⁴³ S/1994/419.

⁴⁴ S/PV.3375, pp. 2-4.

mandate from being effectively discharged, he said that his delegation would have preferred a course of action different from the one envisaged in the draft resolution. His delegation would, nonetheless, vote in favour for two basic reasons: on the one hand, because of the great interest in and commitment of Brazil to the evolution of the political process in Mozambique and, on the other, because the draft resolution renewed the commitment of the international community to help Mozambique in its quest for peace and internal political stability.⁴⁵

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 916 (1994), which reads:

The Security Council,

Reaffirming its resolution 782 (1992) of 13 October 1992 and all subsequent resolutions,

Having considered the report of the Secretary-General of 28 April 1994 on the United Nations Operation in Mozambique,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique, and the timely fulfilment in good faith by all parties of their obligations under the Agreement,

Commending the efforts of the Secretary-General, his Special Representative, his Special Adviser and the personnel of the Operation in seeking to implement fully the mandate entrusted to it,

Commending also the role played by the Organization of African Unity through the Special Representative of its Secretary-General in the implementation of the General Peace Agreement,

Reaffirming that the people of Mozambique bear the ultimate responsibility for the successful implementation of the General Peace Agreement,

Reaffirming also its conviction that the resolution of the conflict in Mozambique would contribute to peace and security,

Welcoming the progress made in the implementation of the General Peace Agreement, and in particular the announcement by the President of Mozambique that elections will take place on 27 and 28 October 1994,

Expressing concern none the less at delays in the full implementation of some major aspects of the General Peace Agreement,

Emphasizing the need for the fullest possible cooperation by the Government of Mozambique and the Resistência

Nacional Moçambicana with the Operation, including with its police component,

1. *Welcomes* the report of the Secretary-General of 28 April 1994;

2. *Welcomes also* the maintenance of the ceasefire, the commencement of demobilization of all forces and the transfer of weapons to regional arms depots, the swearing into office of the High Command and the beginning of the training programme for the new Mozambican Defence Force;

3. *Welcomes further* the commencement of the deployment of the United Nations police observers as authorized in paragraph 2 of resolution 898 (1994) of 23 February 1994, and stresses the importance it attaches to the fullest cooperation of the parties with the police observers of the United Nations Operation in Mozambique;

4. *Urges* all the parties to respect fully their obligations under the General Peace Agreement, especially:

(a) To allow the Operation, including the police observers, unimpeded access to the areas under their control;

(b) To allow all political forces in the country unimpeded access to the areas under their control, in order to ensure free political activity in the whole territory of Mozambique;

5. *Notes* in particular the plan of the Secretary-General, as set out in paragraphs 21 to 25 of his report, for the redeployment of Operation personnel without prejudice to the effective discharge of its mandate;

6. *Welcomes* the announcement by the President of Mozambique on 11 April 1994 that elections will take place on 27 and 28 October 1994, the inauguration of the National Elections Commission and the establishment of its provincial offices throughout the country, and reiterates the importance it attaches to the elections taking place on these dates, with electoral registration commencing on 1 June 1994;

7. *Calls upon* the Mozambican parties to support the electoral process, including the work of the National Elections Commission, as described in paragraph 51 of the report of the Secretary-General;

8. *Expresses its concern*, however, at continuing delays in the implementation of major aspects of the General Peace Agreement, in particular assembly and demobilization of troops, militia and paramilitary forces, and the formation of the new Mozambican Defence Force in accordance with the revised timetable and in line with paragraph 10 of resolution 882 (1993) of 5 November 1993, and calls upon the parties to comply fully with all the provisions of the General Peace Agreement;

9. *Commends* in this respect the agreement between the President of Mozambique, Mr. Joaquim Chissano, and the President of the Resistência Nacional Moçambicana, Mr. Afonso Dhlakama, on 8 April 1994, that the Government of Mozambique would expedite the assembly of its troops and that

⁴⁵ Ibid., pp. 4-5.

the Resistência Nacional Moçambicana would accelerate the pace of its demobilization;

10. *Urges* the parties to meet the targets of 1 June 1994 for the completion of the assembly of forces and 15 July 1994 for the completion of demobilization;

11. *Underlines* the need for the parties to ensure that the Operation is provided with accurate information on the numbers of troops which remain to be assembled, to allow the Operation access to all their military bases to verify military equipment as well as the number of combatants still outside the assembly areas, and to provide the Operation with complete lists of such equipment;

12. *Calls upon* the parties to ensure that the maximum possible number of soldiers is trained for the new Mozambican Defence Force before the elections take place, and also calls upon the Government of Mozambique to provide logistical and technical support for the formation of the new Mozambican Defence Force, including regular remuneration for the troops, and to begin the transfer of central defence facilities to its command;

13. *Expresses its appreciation* to the United Kingdom of Great Britain and Northern Ireland, France and Portugal for their contribution to the establishment of the new Mozambican Defence Force and to Italy and Zimbabwe for their offers of additional assistance in this regard;

14. *Emphasizes* the importance of progress being made in the area of mine clearance and related training in Mozambique, welcomes the Secretary-General's intention to accelerate the implementation of the United Nations programme in this area, and expresses appreciation to those countries which have provided assistance in this regard;

15. *Appeals* to the international community to provide the necessary financial assistance to facilitate the implementation of the General Peace Agreement and also to make voluntary financial contributions to the technical assistance trust fund and the special trust fund for assistance to registered political parties;

16. *Notes with appreciation* the response of the international community to the humanitarian assistance needs of Mozambique, and appeals to the international community to continue to provide appropriate and prompt assistance for the implementation of the humanitarian programmes carried out in the framework of the General Peace Agreement;

17. *Reiterates its encouragement* to the international community to provide appropriate and prompt assistance for the implementation of the demobilization scheme as a complement to the existing efforts being made in the framework of the humanitarian assistance programme;

18. *Commends* the efforts of the United Nations, the specialized agencies and other humanitarian agencies operating in Mozambique, and urges all Mozambican parties to continue to facilitate their unimpeded access to the civilian population in

need and to continue to cooperate with the Office of the United Nations High Commissioner for Refugees and other humanitarian agencies in pursuing ongoing programmes to assist the remaining displaced persons and refugees to be resettled;

19. *Decides* to renew the mandate of the Operation for a final period until 15 November 1994 at the strength described in paragraphs 22, 24 and 25 of the report of the Secretary-General of 28 April 1994, subject to the proviso that the Security Council will review the status of the mandate of the Operation by 15 July 1994 based on a report by the Secretary-General, as described in paragraph 55 of his report of 28 April, and also by 5 September 1994 based on a further report by the Secretary-General;

20. *Requests* the Secretary-General to ensure that the Security Council is kept regularly informed about the implementation of the General Peace Agreement, in particular about assembly and demobilization;

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

Speaking after the vote, the representative of the United States stated that his Government expected both sides to cooperate with ONUMOZ in verifying the number of troops remaining to be processed both at the assembly areas and at the non-assembly sites and to do everything possible to hasten their demobilization. Also of concern were the difficulties being experienced with the formation of the new army. Since underdevelopment and a stagnant economy were the real threat to Mozambique's security, careful consideration should be given to creating a smaller new national army. Another matter of concern was the apparent lack of cooperation of the Mozambican police authorities with ONUMOZ civilian police observers. The United Nations police component, he said, had an essential role to play in assisting the Mozambican police to establish the conditions for free and fair elections, and therefore their deployment must be facilitated in every possible way.⁴⁶

The representative of the Russian Federation stated that the decision just taken by the Security Council clearly directed the Mozambican parties to expedite the full implementation of the Agreement. Of special significance were questions relating to the assembly and demobilization of troops and the creation of a new army. In that connection, he stressed the importance of the provisions of the resolution urging the parties effectively to correct the imbalances and disproportions and calling upon them to comply with the timetable to help strengthen the climate of trust and

⁴⁶ *Ibid.*, p. 7.

cooperation between them at that key stage in the settlement.⁴⁷

The President speaking in his capacity as the representative of Nigeria said that the resolution just adopted was not only timely but also very appropriate. First, it rightly extended the mandate of ONUMOZ beyond the election date, to allow sufficient time for the operations to wind down. Secondly, it called upon the parties, in particular RENAMO, to comply fully with all the provisions of the Agreement, expedite the assembly of troops and accelerate the pace of demobilization of troops. Thirdly, with regard to the FADM, the resolution called upon the parties to ensure that the maximum possible number of soldiers would be trained before the elections. Finally, the resolution welcomed the deployment of the United Nations police observers, as authorized in paragraph 2 of resolution 898 (1994) of 23 February 1994, and stressed the importance the Council attached to the fullest cooperation of the parties with the ONUMOZ police observers.⁴⁸

**Decision of 19 July 1994 (3406th meeting):
statement by the President**

On 7 July 1994, pursuant to resolution 916 (1994) of 5 May 1994, the Secretary-General submitted to the Security Council a report on ONUMOZ,⁴⁹ in which, inter alia, he elaborated upon the timetable for the closing of the Mission and the withdrawal of its military and civilian personnel.

The Secretary-General reported that significant progress had been made, especially in the electoral sphere where the preparations for the elections were generally proceeding in accordance with the established timetable. Registration of voters had begun on 1 June 1994 and was progressing satisfactorily. He was, however, concerned by the delays in the assembly and demobilization of troops and in the training and formation of the new army. He recalled that the Security Council in its resolution 916 (1994) had urged the parties to meet the target dates of 1 June and 15 July 1994, respectively, for the completion of the assembly of forces and demobilization. While RENAMO had accepted the deadlines, the Government had declared that it would not be able to meet the target

dates set by the Council and that it would conclude the assembly of its troops by 1 July and their demobilization by 15 August 1994. The Secretary-General stated, in that regard, that it was imperative that the assembly and demobilization of troops on both sides be accelerated dramatically to meet the established deadline. He warned that if they were not completed by the agreed date, and if a large number of the soldiers selected for the formation of the Mozambican Defence Force were left in the assembly areas, there was a danger of having three armies in the country during the election period. That in turn could pose a serious problem to stability and thus to the holding of free and fair elections and the peaceful formation of the new government.

The Secretary-General recalled that the withdrawal of ONUMOZ civilian and military personnel was scheduled to begin immediately after the October elections and to conclude before the end of January 1995. He noted, however, that the withdrawal plan was conditional upon (a) the successful holding of peaceful, free and fair elections on 27 and 28 October 1994; (b) the announcement of the election results no later than 12 November 1994; and (c) the timely establishment of a new Government. Should a second ballot be required for the election of the President, the Council might need to adjust the timetable for the withdrawal of certain elements of the Operation.

At its 3406th meeting, on 19 July 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (Pakistan) then drew the attention of the members of the Council to the text of a letter from the representative of Mozambique, addressed to the Secretary-General,⁵⁰ transmitting a statement by the Head of the Government Delegation to the Ceasefire Commission on 4 July 1994, in Maputo, on the ongoing peace process in Mozambique. The President stated that after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵¹

The Security Council notes with appreciation the report of the Secretary-General of 7 July 1994 on the United Nations

⁴⁷ Ibid., p. 13.

⁴⁸ Ibid., pp. 13-14.

⁴⁹ S/1994/803.

⁵⁰ S/1994/806.

⁵¹ S/PRST/1994/35.

Operation in Mozambique. It commends the Special Representative of the Secretary-General and the personnel of the Operation for their efforts in support of the implementation of the General Peace Agreement for Mozambique. They continue to have the full backing of the Council.

The Council welcomes the significant progress made in the implementation of the General Peace Agreement, in particular in the electoral sphere, but remains concerned at continuing delays in the implementation of some major aspects of the Agreement. The Council is especially concerned at the delays which continue to occur in the demobilization of forces and in the formation of the new Mozambican Defence Force. In this context, the Council reiterates its call in resolution 916 (1994) of 5 May 1994 to the parties to comply fully with all the provisions of the Agreement.

It is essential that the demobilization of all forces be completed by 15 August 1994, as agreed by the parties, and that the difficulties of forming, before the elections, the Mozambican Defence Force at the strength agreed in the General Peace Agreement be addressed quickly and with flexibility.

The Council is encouraged by the recent announcement of the decision of the Mozambican Government to turn over the assets, including equipment and facilities, of the Mozambique Armed Forces to the Mozambican Defence Force by 15 August 1994, and reiterates the importance of the Government providing all necessary support to the establishment of the Mozambican Defence Force.

The Council underlines the importance to the peace process of the rehabilitation of areas with a large returning population, including through an effective mine clearance programme. In this regard, it urges that high priority be given to mine-clearance activities and related training.

The Council, in its resolution 916 (1994), decided to renew the mandate of the Operation for a final period until 15 November 1994 and welcomed the announcement by the President of the Republic of Mozambique that elections would take place on 27 and 28 October 1994. It reaffirms the importance it attaches to the elections taking place on these dates and stresses the need for additional decisive steps to that end. In this context, the Council stresses that there is no margin for further delay in demobilization and in the formation of the Mozambican Defence Force. The Council expects the parties to continue to cooperate with the Operation and with each other to ensure full and timely implementation of the General Peace Agreement.

The Council reiterates the importance of the extension of civil administration throughout Mozambique, which is essential for the holding of free and fair elections. In this context, it reaffirms its call to all parties, especially the Resistência Nacional Moçambicana, to allow all political forces in the country unimpeded access to the areas under their control, in order to ensure free political activity throughout Mozambique.

The Council expresses its intention to endorse the results of the elections provided the United Nations reports them as free

and fair, and reminds all the Mozambican parties of their obligation under the General Peace Agreement fully to respect the results.

The Council will consider sending a mission, at an appropriate time, to Mozambique to discuss with the parties how best to ensure full and timely implementation of the General Peace Agreement and that the elections take place on the dates agreed and under the conditions set out in the Agreement.

The Council will continue to monitor developments in Mozambique closely and requests the Secretary-General to ensure that it is kept informed on a regular basis.

Decision of 4 August 1994: note by the President

In a note dated 4 August 1994,⁵² the President of the Security Council informed the Secretary-General of the following:

1. The President of the Security Council has the honour to refer to the statement made by the President at the Council's 3406th meeting, on 19 July 1994, in connection with the item entitled "The situation in Mozambique: report of the Secretary-General on the United Nations Operation in Mozambique".

2. The statement indicated, in particular, that the Council would consider sending a mission, at an appropriate time, to Mozambique to discuss with the parties how best to ensure fully and timely implementation of the General Peace Agreement for Mozambique.

3. In accordance with that decision, the President held consultations with the members of the Council. Following those consultations, the members agreed that the mission will depart for Mozambique on 6 August 1994, for a duration of approximately five days, and that it would be composed of the following nine members of the Council: Brazil, China, Czech Republic, Djibouti, New Zealand, Nigeria, Oman, Russian Federation and United States of America. The mission would, inter alia:

(a) Convey to the leaderships of the Government of Mozambique and the Resistência Nacional Moçambicana the concern of the Council at the delays in the implementation of major aspects of the General Peace Agreement;

(b) Underline the necessity of completing the demobilization of all forces by 15 August 1994, as agreed by the parties;

(c) Underline the need for the parties to ensure that the elections take place on the dates agreed and under the conditions set out in the Agreement;

(d) Stress the intention of the Council to endorse the results of the elections, provided that the United Nations reports them as free and fair;

⁵² S/1994/931.

(e) Remind all the parties of their obligation under the Agreement fully to respect the results of the elections;

(f) Stress the full support of the Council for the efforts of the Secretary-General and his Special Representative;

(g) Submit to the Council a report of the mission's findings during the visit.

**Decision of 7 September 1994 (3422nd meeting):
statement by the President**

On 26 August 1994, pursuant to resolution 916 (1994) of 5 May 1994, the Secretary-General submitted to the Security Council a further report on ONUMOZ,⁵³ in which he described the progress achieved in the implementation of the peace process and the situation in Mozambique. The Secretary-General also focused on the mission of the Security Council which had visited Mozambique from 7 to 12 August 1994, noting that it had had a very positive impact on the peace process and that he fully shared many of its observations and recommendations presented to the Council.

The Secretary-General noted that several of the difficulties he had mentioned in his earlier reports had been overcome. The process of assembly of soldiers from both parties had been concluded, and their demobilization was almost complete. A number of decisions had been taken with regard to the formation of the new army, and more than three quarters of the estimated eligible voter population had been registered for elections. At the same time, there was growing concern about the security situation in the country, which had deteriorated in recent months. He stated that rioting among soldiers had become frequent and violent, and that criminal activity and banditry had increased.

The Secretary-General stated that the transition period that lay ahead for Mozambique would not be an easy one. It would require, above all, statesmanship and a commitment to accommodate various interests. Equally important would be the need to ensure secure and stable conditions in the country. That would call for a determined effort to continue training and properly equipping the new national army and upgrading the national police. While stressing that the primary responsibilities in that regard rested with the Government, he called upon the donors to provide assistance in those areas, even after the elections. Also

⁵³ S/1994/1002.

of critical importance was the need to put in place adequate arrangements for the coordination of all humanitarian and rehabilitation programmes during the transition phase after the departure of ONUMOZ. In that connection, he indicated that consultations would be held between the United Nations Office for Humanitarian Assistance Coordination and United Nations agencies, as well as with the Government and donors to ensure the effective implementation of those programmes.

The Secretary-General further stated that, as the peace process approached its "final leg", it would be incumbent upon all concerned to redouble their efforts to ensure that the elections were conducted in a free and fair manner. He reminded all parties of their obligation to respect the results of the elections and said that the United Nations, for its part, was determined to continue to actively pursue the full implementation of the Agreement and to facilitate the efforts of the people of Mozambique to bring it to a successful conclusion.

In a letter dated 29 August 1994,⁵⁴ addressed to the President of the Security Council, the representatives of Brazil, China, the Czech Republic, Djibouti, New Zealand, Nigeria, Oman, the Russian Federation and the United States transmitted to the Council the report of the Security Council mission established pursuant to the statement made by the President of the Security Council at its 3406th meeting on 19 July 1994. The mission visited Mozambique from 7 to 12 August 1994 and carried out its work in accordance with the terms of reference decided upon by the Council.⁵⁵ Its programme of work included,⁵⁶ inter alia, meetings with the President of Mozambique, the leadership of RENAMO and FRELIMO and representatives of 16 other registered parties,⁵⁷ as well as with ONUMOZ senior staff, ambassadors of Security Council member countries and of African countries, and the representative of the Organization of African Unity. The mission touched on all issues affecting the implementation of the general peace agreement, including demobilization, formation of the Mozambican Defence Force, the elections, security problems, humanitarian and refugee issues, mine clearance, the relationship between ONUMOZ and the

⁵⁴ S/1994/1009.

⁵⁵ See S/1994/931.

⁵⁶ S/1994/1009, annex I.

⁵⁷ *Ibid.*, annex III.

Government and the Operation's role after the elections and beyond 15 November 1994. It also heard various requests for assistance.

The mission formed a positive impression of the pace of the peace process, especially with regard to demobilization but noted difficulties relating to the formation of the Mozambican Defence Force and delays in the mine clearance programme. In that regard, the Mission recommended that the international community assist with additional trainers for the Defence Force and that the mine-clearing equipment remained in the country. The Mission was also encouraged by the commitment of the parties to hold the elections as scheduled. It recommended that the Security Council reiterate its call on the parties to respect the results of the elections once declared free and fair by the international community and to further encourage them to reach an understanding to promote post-electoral stability and respect for the rules of democracy.

At its 3422nd meeting, on 7 September 1994, the Security Council included the reports of the Secretary-General and of the Security Council mission in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the members of the Council to the report of the mission and stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵⁸

The Security Council welcomes the report of the Secretary-General of 26 August 1994 on the United Nations Operation in Mozambique, and notes with appreciation the report and oral briefing of the mission it sent to Mozambique to discuss with the parties how best to ensure full and timely implementation of the General Peace Agreement for Mozambique. It commends the mission for accomplishing its objectives, as set forth by the President of the Council on 4 August 1994.

The Council is satisfied, at present, with the pace of the peace process, including demobilization of all forces, which will be completed shortly. It maintains a cautious optimism that Mozambicans will be able to fulfil the goals of the peace process, achieving democracy, lasting peace, and responsible, representative government in their country.

The Council welcomes the fact that the leaders of the main political parties in Mozambique and the National Elections Commission have confirmed their commitments to take all steps necessary to ensure the holding of elections on 27 and 28 October 1994, as scheduled. It underlines the importance of ensuring that the voter registration process reaches as many Mozambicans as possible. Those parties who have concerns about the implementation of aspects of the electoral process should pursue them through the National Elections Commission. The Council reiterates its intention to endorse the results of the Mozambican elections provided the United Nations declares them free and fair and reminds all the parties of their obligation under the General Peace Agreement fully to respect those results as well as the principles of democracy.

The Council reaffirms the importance of proceeding as expeditiously as possible with the formation and training of the new Mozambican Defence Force. It notes with satisfaction that both the Government of Mozambique and the Resistência Nacional Moçambicana have accepted the fact that the initial size of the Mozambican Defence Force will be consistent with training and recruitment constraints during the pre-election period. It encourages the Government of Mozambique speedily to complete the transfer of the requisite authority and assets from the Mozambique Armed Forces to the Mozambican Defence Force. The Council calls upon Member States to help provide military training and appropriate equipment to the Mozambican Defence Force.

The Council expresses its appreciation to the Secretary-General for providing a detailed revised timetable for the phased withdrawal of civilian and military personnel of the Operation as set out in his report. The Council concurs with the Secretary-General that the Operation should be deployed over a wider area of the country, keeping in mind the need to assist the Government in maintaining security, particularly in the crucial period before, during and immediately after the elections.

The Council notes the importance of ensuring that the Mozambican police have the resources required to maintain security in the country, in particular in the post-electoral period. It urges that the Mozambican police be provided with these resources, and calls upon Member States to assist in this regard by contributing to the training and equipment needs of the police.

The Council expresses concern at the limited progress made to date in the area of demining. It welcomes efforts to revitalize that programme and urges all concerned to accelerate training and mine-clearance activities and work with the relevant Mozambican authorities towards the establishment of a national demining capability, including the possibility of leaving demining equipment in Mozambique after the withdrawal of the Operation, subject to the appropriate arrangements.

The Council invites the Secretary-General to report on the final disposition of the assets of the Operation within the framework of the withdrawal of the Operation.

⁵⁸ S/PRST/1994/51.

The Council encourages the parties to continue their efforts in good faith to ensure post-electoral harmony on the basis of the observance of the democratic principles accepted by them in the General Peace Agreement as well as on the basis of the spirit and letter of that Agreement.

The Council notes that the post-election period will be an important and delicate time, during which the international community will need to assist the Mozambicans in the rehabilitation and development of their country, and in this regard calls upon the Secretary-General to report to the competent United Nations bodies on what further role the United Nations can perform.

The Council commends the efforts of the Secretary-General and his Special Representative in moving the peace process forward. It expresses its gratitude to the Special Representative and his dedicated staff for the assistance rendered to the mission sent by the Council to Mozambique.

**Decision of 21 October 1994 (3444th meeting):
statement by the President**

At its 3444th meeting, on 21 October 1994, the Security Council included in its agenda the item entitled "The situation in Mozambique". After the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (United Kingdom) then stated that after consultations among the members of the Council he had been authorized to make the following statement on behalf of the Council:⁵⁹

The Security Council has been following closely the progress made by the Government of Mozambique and the Resistência Nacional Moçambicana towards the implementation of the General Peace Agreement for Mozambique. It commends them and the people of Mozambique for what has been achieved.

The Council believes that the necessary conditions have now been established for the holding of free and fair elections on 27 and 28 October 1994 under effective national and international monitoring. These elections, by providing the Mozambican people with an opportunity fully to exercise their right to vote, hold out the prospect of securing for them lasting peace, stability and democracy.

The Council appeals to all concerned to ensure that the election campaign and the subsequent voting are conducted in a calm and responsible manner; that the elections are held freely and fairly; that those in authority act with complete impartiality in order to avoid any allegation of fraud; and that the election days and their aftermath are characterized by the absence of violence or the threat of violence. It also appeals to all parties to

⁵⁹ S/PRST/1994/61.

respect the safety and security of the officials of the National Elections Commission and the international election observers and to assist them in carrying out their mandate.

The Council reiterates its intention to endorse the results of the elections should the United Nations declare them free and fair, and reminds the parties of their obligation, under the General Peace Agreement, fully to abide by the results.

The Council trusts that the parties will be guided, after the elections, by the spirit of reconciliation as well as the principles of democracy and the need to work together in harmony to reconstruct their country, thereby enabling the international community to continue to support Mozambique as it pursues rehabilitation and reconstruction.

The Council takes this opportunity to express its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Operation in Mozambique, and calls upon the parties to continue to cooperate with them to ensure the fulfilment of the mandate of the Operation, including verification of their complete demobilization and disarmament.

**Decision of 15 November 1994 (3458th meeting):
resolution 957 (1994)**

In a letter dated 9 November 1994⁶⁰ addressed to the President of the Security Council, the Secretary-General transmitted to the Council the text of the preliminary statement by his Special Representative for Mozambique, dated 2 November 1994, on the first multiparty elections in Mozambique, which were held from 27 to 29 October 1994.⁶¹ According to the statement, the polling process had been peaceful and conducted in a well-organized manner, with few technical problems. The United Nations had not received any reports of major irregularities, incidents or breaches of the Electoral Law which could have adversely affected the validity of the elections. Voter turnout had been "massive", with more than 90 per cent of registered voters going to the polls in some provinces. The three-day poll had been characterized by a remarkable absence of violence, intimidation or coercion, and the extension of polling by one day had offered ample opportunity to all who wished to vote to do so. However, since the polling had been extended for an additional day until 29 October 1994, the

⁶⁰ S/1994/1282.

⁶¹ Subsequently, on 19 November 1994, immediately after the announcement of the election results, the Special Representative, in a press release, declared the elections "free and fair".

deadline for the publication of the final electoral results was now set for 13 November 1994.

The Secretary-General recalled that he had indicated that the withdrawal of ONUMOZ would begin after the elections and would be concluded by the end of January 1995. He had also mentioned that, in accordance with the provisions of the general peace agreement, the presence of the United Nations in Mozambique would be required until such time as the new Government took office. He therefore recommended that its mandate be extended for technical reasons until such time as the new Government was installed, which was expected to take place by 15 December 1994. During that period, ONUMOZ would continue its good offices functions, as well as its verification and monitoring activities.

At its 3458th meeting, on 15 November 1994, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (United States) then called the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations,⁶² and to the further report of the Secretary-General on ONUMOZ⁶³ and the report of the Security Council mission established pursuant to the statement made by the President of the Security Council at the 3406th meeting, on 19 July 1994.⁶⁴ The draft resolution was put to the vote and adopted unanimously as resolution 957 (1994), which reads:

The Security Council,

Reaffirming its resolution 782 (1992) of 13 October 1992 and all subsequent relevant resolutions,

Taking note of the letter dated 9 November 1994 from the Secretary-General to the President of the Security Council on the United Nations Operation in Mozambique,

Having considered the report of the Secretary-General of 26 August 1994 on the Operation,

Having considered also the report of the Security Council mission to Mozambique of 29 August 1994,

Commending the efforts of the Secretary-General, his Special Representative and all the staff of the Operation,

1. *Welcomes* the elections that took place in Mozambique on 27, 28 and 29 October 1994 in accordance with the General Peace Agreement for Mozambique;

2. *Reiterates its intention* to endorse the results of the elections should the United Nations declare them free and fair, and calls upon all Mozambican parties to accept and fully abide by the results of the elections;

3. *Also calls upon* all Mozambican parties to complete the process of national reconciliation based, as provided for in the General Peace Agreement, on a system of multiparty democracy and the observance of democratic principles which will ensure lasting peace and political stability;

4. *Decides* to extend the existing mandate of the United Nations Operation in Mozambique until the new Government of Mozambique takes office, as recommended by the Secretary-General in his letter dated 9 November 1994, but not later than 15 December 1994, and authorizes the Operation, in particular a limited number of civilian logisticians, mine-clearance and training personnel, military specialists, staff officers and a small detachment of infantry, to complete its residual operations prior to its withdrawal on or before 31 January 1995;

5. *Requests* the Secretary-General to advise the Security Council when the installation of the new Government has been accomplished;

6. *Approves* the withdrawal schedule, as described by the Secretary-General in his report of 26 August 1994 and in his letter dated 9 November 1994, for the safe and orderly withdrawal of all military and civilian personnel of the Operation before 31 January 1995;

7. *Invites* the Secretary-General to submit in a timely fashion a final report on the termination of the Operation;

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

**Decision of 21 November 1994 (3464th meeting):
resolution 960 (1994)**

At its 3464th meeting, on 21 November 1994, the Security Council resumed its consideration of the item entitled "The situation in Mozambique". After the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.⁶⁵

⁶² S/1994/1293.

⁶³ S/1994/1002.

⁶⁴ S/1994/1009.

⁶⁵ S/1994/1323.

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 960 (1994), which reads:

The Security Council,

Reaffirming its resolution 782 (1992) and all subsequent relevant resolutions,

Expressing its appreciation for the efforts of the Secretary-General, his Special Representative and the United Nations Operation in Mozambique and its staff for ensuring the successful completion of the electoral process,

1. *Welcomes* the elections that took place in Mozambique on 27, 28 and 29 October 1994 in accordance with the General Peace Agreement for Mozambique;

2. *Welcomes also* the statement issued by the Special Representative of the Secretary-General on 19 November 1994 on the results of the elections, declaring them free and fair;

3. *Endorses* the results of the elections;

4. *Calls upon* all Mozambican parties to stand by their obligation to accept and fully abide by the results of the elections;

5. *Also calls upon* all Mozambican parties to continue the process of national reconciliation based, as provided for in the General Peace Agreement, on a system of multiparty democracy and the observance of democratic principles which will ensure lasting peace and political stability;

6. *Urges* all States and relevant international organizations to contribute actively to the reconstruction and rehabilitation of Mozambique;

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

**Decision of 14 December 1994 (3479th meeting):
statement by the President**

By a letter dated 1 December 1994 addressed to the President of the Security Council,⁶⁶ the representative of Mozambique requested a meeting of the Council on the situation in Mozambique to be convened on 9 December or soon thereafter, but not later than 15 December. He also informed the Council that the new Assembly of the Republic of Mozambique and the President of Mozambique would be inaugurated on 8 and 9 December 1994.

At its 3479th meeting, on 14 December 1994, the Security Council included the letter from the representative of Mozambique in its agenda. Following the adoption of the agenda, the Council invited the representative of Mozambique, at his request, to

participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the members of the Council to a letter dated 13 December 1994 from the representative of Mozambique addressed to the Secretary-General.⁶⁷ The President also stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶⁸

The Security Council welcomes the installation of the President of the Republic of Mozambique and the inauguration of the new Assembly of the Republic of Mozambique following the first Mozambican multiparty elections, as provided for in the General Peace Agreement for Mozambique, that were held on 27, 28 and 29 October 1994, which were declared as having been free and fair and were endorsed by the Council in its resolution 960 (1994) of 21 November 1994.

The Council congratulates the people and the parties of Mozambique for their peaceful fulfilment of the goals set out in the General Peace Agreement. It encourages them to continue their efforts in good faith to ensure post-election harmony on the basis, *inter alia*, of the observance of democratic principles. It believes that, with the new governmental structure in place, the foundations have been laid to secure lasting peace, stability, national reconciliation and democracy.

The Council commends the Secretary-General, his Special Representative and the United Nations Operation in Mozambique and its staff for their fulfilment of the mandate of the Operation and for their efforts in assisting the successful achievement of the objectives of the General Peace Agreement.

The Council notes that, the Operation having completed its mission, its mandate has come to an end and the Operation will be finally withdrawn from Mozambique by 31 January 1995 in accordance with Council resolution 957 (1994) of 15 November 1994. In this connection, it looks forward to the report of the Secretary-General on the final disposition of the assets of the Operation within the framework of the withdrawal of the Operation, as requested in its statement of 7 September 1994. In that context, it also expresses the hope that effective arrangements for the disposition and, as appropriate, the destruction of weapons and the establishment, with the assistance of the United Nations, of a national demining capability will be in place prior to the final withdrawal of the Operation, and that consideration will be given to leaving demining and other equipment in Mozambique after the withdrawal, subject to the appropriate arrangements.

The Council emphasizes that the post-election period will be an important and delicate time, during which there is a continuing need for the international community to assist the Government and people of Mozambique in the reconstruction and redevelopment of their country. It notes the intention of the

⁶⁶ S/1994/1373.

⁶⁷ S/1994/1417.

⁶⁸ S/PRST/1994/80.

Secretary-General to report to the competent United Nations bodies on future United Nations activities in Mozambique. It urges all States and relevant international organizations to contribute actively to these efforts.

**Deliberations of 27 January 1995
(3494th meeting)**

At its 3494th meeting, on 27 January 1995, the Security Council included the item entitled “The situation in Mozambique” in its agenda. Following the adoption of the agenda, the Council invited the representatives of Brazil, Canada, Egypt, Japan, Mozambique and Portugal, at their request, to participate in the discussion without the right to vote.

The representative of Mozambique noted that that meeting was the last of a series of Security Council meetings on Mozambique during the past two years. His delegation was honoured to participate in those deliberations, especially because the participants were assembled not to express concerns but rather to state that at last their collective mission had been successfully accomplished, despite all the hurdles. It was time for a final assessment of the whole process, so as to draw lessons that would certainly help the United Nations address similar operations in future and to collectively exchange views on the Operation in Mozambique and on how best the role of the Organization in peacekeeping operations could be enhanced. His delegation was convinced that peacekeeping forces would be successful only if they enjoyed the support of the parties involved. He felt that they must strictly adhere to fundamental principles outlined by the General Assembly and to the terms of reference as approved by the Security Council and in line with the agreement reached by the parties. The speaker then outlined some areas of concern for which the support of the Council was required. Those included, *inter alia*, the issue of the formation of the Mozambican Force, the strengthening of the national police and the consolidation of the judicial system. He also drew the Council’s attention to growing concerns over a possible threat to peace that might result from the consequences of a new and renewed drought in Mozambique and in the southern African region as a whole. In that regard, he expressed the appreciation of his Government for the role played by the Security Council and the international community in mitigating the devastating consequences of man-made and natural calamities which had ravaged the region. He encouraged the Council to keep that issue under

permanent review. His Government believed that the holding of the first multiparty elections and the withdrawal of UNOMOZ should not be regarded as ends in themselves. They were only the culmination of an important phase of the whole peace process. In his Government’s view, the need for the international community to continue to assist the people and the Government of Mozambique in consolidating peace and stability was more acute than ever before.⁶⁹

The representative of Botswana, speaking on behalf of the 11 States members of the Southern African Development Community,⁷⁰ stated that the success story of Mozambique could not be told without acknowledging the pivotal role played by the United Nations and the international community as a whole. However, the end of the mandate of ONUMOZ and its complete withdrawal should not signal the end of their assistance to Mozambique. The recurring theme of post-conflict peacebuilding — that there was an inexorable link between peace and development — had great significance and relevance for that country. Continuous support should be given for social and economic development to ensure that there was no reversal of the gains made so far. There was an urgent need for enhanced cooperation with the Mozambican authorities in the reintegration of ex-combatants into civilian life. In addition, the country was littered with anti-personnel landmines. The idea that the mine-clearing equipment in use should be left behind when ONUMOZ finally withdrew was most welcome. The leaders of Southern Africa were working very hard to ensure that their region was not subjected to another war, after the resolution of conflicts in Mozambique, South Africa and Angola. The attainment of peace and democracy in Mozambique had consolidated the fundamental political changes which had swept the subregion in the past five years.⁷¹

The representative of the United States stated that the Operation’s success demonstrated that, with commitment and determination, peacekeeping could work and assist the transition from “the horrors of war to the blessing of peace”. The success also refuted the arguments of those who claimed that United Nations peacekeeping was “a needless expenditure of money

⁶⁹ S/PV.3494, pp. 2-5.

⁷⁰ Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

⁷¹ S/PV.3494, pp. 5-7.

and blood with nothing to show for it". He contended that after ONUMOZ had fulfilled its mandate and completed its withdrawal, the United Nations still had a role to play. In that connection, he urged the Government of Mozambique to collaborate with the United Nations in the destruction and disabling of weapons collected or found, so that they did not find their way into the black market and from there into neighbouring countries.⁷²

The representative of France, speaking on behalf of the European Union, said that the successful conclusion of the peace process would not have been possible without the determination of the two parties. He also noted the role of the United Nations, the countries of the region and the troop contributors. The European Union, for its part, had spared no effort and intended to continue to promote peacebuilding in Mozambique. He recalled that 80 per cent of the election expenses had been defrayed by the European Union, which also provided 200 observers in addition to those serving as United Nations observers. The speaker urged the Secretary-General to ensure that the United Nations specialized agencies would replace the blue helmets to coordinate the development and growth of the country. The European Union attached great importance to genuine national reconciliation, and it hoped that sincere cooperation between the majority and the opposition would be among the new Government's priorities.⁷³

The representative of Brazil recalled that his Government had consistently stressed its position that ONUMOZ, as well as any other peacekeeping operation, should be established and deployed in the name of the United Nations as a whole, and not of the Security Council alone. His delegation had repeatedly underscored the two main policy principles that had guided its position. First, peacekeeping operations must be aimed at contributing to alleviating tensions and promoting peace in regional conflicts that posed a

threat to peace and stability; and secondly, they must be absolutely impartial in order to implement their mandates successfully. The success story of ONUMOZ had allowed his country to draw some conclusions on ongoing and future United Nations efforts in the field of peacekeeping. To be effective, such operations had to be adequately staffed and equipped; and delays in their deployment were to be avoided at all costs. Most important was the need to persevere in the search for peace when the commitment to national reconciliation prevailed among the parties. No precipitate reduction or withdrawal of the personnel of any operation should occur without prior determination of the impact on the operation's capability to discharge its mandate successfully.⁷⁴

The representative of Canada stated that he was encouraged by the role that the United Nations had played in Mozambique. It had demonstrated once again the readiness of the international community to help implement the numerous and varied provisions of a comprehensive peace agreement. It also confirmed how much could be accomplished through multilateral action if the mandates set by the Council were achievable, the time frames remained realistic, the approach flexible and the commitment to peace among the parties involved was genuine. He also acknowledged and commended the contribution of Mozambique's neighbours. The informal cooperation that existed on security issues in the region and the conclusion of more formal economic cooperation arrangements had contributed significantly towards building confidence in the prospect of a more secure, democratic and prosperous future for southern Africa. Canada was encouraged by those developments and supported the efforts under way to enhance the capability of regional organizations and OAU, not only to contribute to the resolution of conflicts but, more importantly, to prevent other conflicts.⁷⁵

⁷² Ibid., pp. 12-14.

⁷³ Ibid., pp. 17-18.

⁷⁴ Ibid., pp. 18-19.

⁷⁵ Ibid., pp. 19-20.

9. The situation in Burundi

Initial proceedings

Decision of 25 October 1993 (3297th meeting): statement by the President

By a letter dated 25 October 1993 addressed to the President of the Security Council,¹ the representatives of Cape Verde, Djibouti and Morocco requested the convening of an urgent meeting of the Council to consider the situation in Burundi, following the military coup d'état of 21 October in that country. Similar requests were received from the representatives of Burundi and Zimbabwe, the latter in his capacity as Chairman of the Group of African States, by letters of the same date addressed to the President of the Council.² The representative of Burundi also asked the Council to take urgent and energetic measures to restore peace and ensure the return of constitutional order in his country.

At its 3297th meeting on 25 October 1993, the Security Council included those letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Burundi, Egypt, Mali and Zimbabwe, at their request, to participate in the discussion without the right to vote. The President (Brazil) then drew the attention of the members of the Council to several other documents,³ including a letter dated 22 October 1993 addressed to the Secretary-General in which the representative of Burundi informed him that, on the night of 20-21 October 1993, a group of soldiers had attacked the Presidential palace and the residences of a number of political leaders and that the President and other Government leaders had been executed.

The President then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴

¹ S/26625.

² S/26626 and S/26630, respectively.

³ Letters dated 22 October 1993 from the representative of Egypt (S/26623) and 22 October 1993 from the representative of Burundi (S/26628), both addressed to the President of the Security Council; and letter dated 25 October 1993 from the representative of Mali to the Secretary-General (S/26632).

⁴ S/26631.

The Security Council expresses its grave concern at the military coup of 21 October 1993 against the democratically elected Government of Burundi, and condemns it.

The Council deeply regrets and strongly condemns the acts of violence and the loss of life which have been caused by the perpetrators of the military coup. It demands that they desist forthwith from taking any action which would exacerbate tension and plunge the country into more violence and bloodshed, which could have serious implications for peace and stability in the region.

The Council demands that the perpetrators of the military coup cease all acts of violence, reveal the whereabouts and fate of Government officials, release all prisoners, return to their barracks and put an immediate end to their illegal act, with a view to the immediate reinstatement of democracy and constitutional rule in Burundi.

The Council pays tribute to the deceased President of Burundi, Mr. Melchior Ndadaye, and members of his Government for their supreme sacrifice for democracy. Those responsible for their violent deaths and other acts of violence should be brought to justice.

The Council requests the Secretary-General to monitor and follow closely the situation in Burundi, in close association with the Organization of African Unity, and report to the Council thereon urgently. In this context, it takes note with appreciation of the dispatch by the Secretary-General of a Special Envoy to Burundi.

The Council will remain seized of the matter.

Decision of 16 November 1993 (3316th meeting): statement by the President

By a letter dated 2 November 1993 addressed to the President of the Security Council,⁵ the Secretary-General informed the Council that his Special Envoy had arrived in Bujumbura on 27 October and had met with the surviving members of the Government which had taken refuge in the French Embassy compound. They had informed him that the coup d'état was continuing and that they had no intention of resuming their functions until an international force was deployed in the country to protect them and to ensure that the army, in which they no longer had any confidence, returned to barracks. His Special Envoy had subsequently met with the Army Command. As one of the confidence-building measures, he had suggested

⁵ S/26745.

the appointment of a Special Representative; the suggestion had received general support. On 29 October, his Special Envoy was informed that the Government had re-established its authority but would continue to operate from the French Embassy compound.

The Secretary-General recalled that, in a presidential statement issued on 25 October 1993,⁶ the Council had requested him to monitor the situation in Burundi, in close association with the Organization of African Unity (OAU). In that context, he informed the members of the Council that in a communiqué adopted by the Regional Summit on the situation in Burundi,⁷ held at Kigali on 28 October 1993, the Summit, *inter alia*, had asked him, in consultation with the Secretary-General of OAU, to set up an international force for confidence-building and for stabilizing the situation in Burundi, to be composed of forces drawn essentially from African countries chosen in consultation with the Government of Burundi. He therefore announced his intention to hold consultations with the Secretary-General of OAU, to explore common areas of cooperation, and to appoint a Special Representative for Burundi.

By a letter dated 4 November 1993 addressed to the President of the Security Council,⁸ the representative of Burundi reiterated his Government's request for the dispatch of an international force to Burundi. He contended that the presence of such force would help to dispel mistrust and would encourage the hundreds of thousands of Burundian refugees and the many displaced persons to return to their homes. He therefore requested the convening of an urgent meeting of the Council to examine his Government's request.

At its 3316th meeting, on 16 November 1993, the Security Council included the above letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Burundi and Rwanda, at their request, to participate in the discussion without the right to vote.

The President (Cape Verde) then stated that, after consultations with the members of the Council, he had

been authorized to make the following statement on behalf of the Council:⁹

The Security Council continues to follow with deep concern the developments in Burundi, which have threatened that country's nascent democracy, and caused widespread violence and bloodshed.

The Council reiterates its condemnation of the abrupt and violent interruption of the democratic process initiated in Burundi and demands the immediate cessation of acts of violence.

The Council warmly commends the Prime Minister and the other members of the Government of Burundi for their courage, and the spirit of reconciliation they have demonstrated at this very difficult moment.

The Council is alarmed at the grave humanitarian consequences of this tragedy, which has resulted in the movement of over 700,000 refugees into neighbouring countries and an increasing number of internally displaced persons throughout the country. The Council appeals to all States, international agencies and other humanitarian organizations to provide prompt humanitarian assistance to the affected civilian population in Burundi and neighbouring countries.

The Council notes with satisfaction the immediate response of the Secretary-General to this situation by the dispatch of a Special Envoy on a good offices mission to facilitate the return of the country to constitutional rule, and welcomes the appointment by the Secretary-General of a Special Representative for Burundi. The Security Council also welcomes the efforts of the Organization of African Unity to assist the Government of Burundi in its efforts to restore democratic institutions, rebuild confidence and stabilize the situation.

The Council expresses gratitude to the States which provided shelter in their diplomatic compounds to the members of the Government of Burundi and also expresses its gratitude for the technical assistance provided by those countries to ensure the security and safety of the members of the Government.

The Council encourages the Secretary-General to continue using his good offices through his Special Representative and to consider dispatching in his support as soon as possible a small United Nations team, within existing resources, to Burundi for fact-finding and advice with a view to facilitating the efforts of the Government of Burundi and the Organization of African Unity.

The Council requests the Secretary-General to keep it informed as appropriate on the situation and the progress of the United Nations good offices mission. It also requests the Secretary-General to report, at the earliest, with recommendations on the possible establishment of a voluntary fund to assist in the dispatch of an Organization of African Unity

⁶ S/26631.

⁷ S/26676.

⁸ S/26703.

⁹ S/26757.

mission as announced by the Secretary-General of this organization.

The Council will remain seized of the matter.

**Decision of 29 July 1994 (3410th meeting):
statement by the President**

At its 3410th meeting, on 29 July 1994, the Security Council resumed its consideration of the item. After the adoption of the agenda, the Council invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

The President (Pakistan) then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁰

For the last few months, the Security Council has been following closely the tense and volatile situation in Burundi, based on briefings by the Secretariat. The Council appreciates the efforts made in Burundi to maintain peace in the country under very difficult circumstances and, in this context, commends the civilian and military authorities concerned.

The Council welcomes the ongoing cooperation between the Organization of African Unity and the United Nations to assist in maintaining peace in Burundi. In this connection, the Council encourages the Secretary-General to continue using his good offices through his Special Representative.

The Council is deeply concerned by the humanitarian problems created as a result of the arrival of tens of thousands of refugees in the northern provinces of Burundi.

The Council supports the ongoing political dialogue in Burundi aimed at reaching an early agreement on presidential succession. It calls upon all parties to reach rapidly a settlement based on democratic principles.

The Council condemns those extremist elements who continue to reject the ongoing negotiations and seek to block progress towards a peaceful settlement. In this context, the Council is alarmed by the recent violence in Bujumbura and reiterates the terms of its presidential statements of 25 October and 16 November 1993. The Council demands that all parties cease immediately any incitement to violence or ethnic hatred.

The Council encourages all those who support a peaceful solution to persist in their efforts. It further calls upon all Burundians, especially political, military and religious leaders, to do their utmost for the success of the ongoing political dialogue.

The Council looks forward to reports on Burundi from the Secretary-General and will remain actively seized of the matter.

¹⁰ S/PRST/1994/38.

**Decision of 25 August 1994 (3419th meeting):
statement by the President**

At its 3419th meeting, on 25 August 1994, the Security Council continued its consideration of the item entitled "The situation in Burundi". After the adoption of the agenda, the Council invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

The President (Russian Federation) then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹¹

The Security Council considered the oral report of its fact-finding mission to Burundi which visited Bujumbura on 13 and 14 August 1994 and the subsequent briefing by the Secretary-General. The Council takes note of the observations and recommendations contained therein.

The Council welcomes the ongoing negotiations in Burundi aimed at reaching an early agreement on presidential succession, overcoming the long-lasting constitutional crisis and establishing stable democratic institutions in the country. The Council urges all parties to these negotiations to display maximum political will for a speedy settlement of existing differences and to make every effort to accomplish this objective by the scheduled date of 26 August 1994.

The Council follows closely the current negotiations and deplores the attempts of any party to block progress towards political settlement, which is essential for stability in the country and for the prevention of outbreaks of violence.

The Council reaffirms its condemnation of those extremist elements who attempt to undermine the national reconciliation. The Council calls upon all the parties in Burundi to reject any undemocratic or extremist solutions in the settlement of their political differences.

The Council considers that impunity from justice is one of the most serious problems which contributes to the deterioration of the security situation in Burundi. For this reason, it attaches importance to the strengthening of the national judicial system. The Council also attaches importance to the deployment in Burundi of civilian observers responsible for monitoring the establishment of a more secure environment.

The Council is alarmed at the extent of the humanitarian crisis in Burundi. It is concerned with recent attacks against foreigners in Burundi, including those involved in humanitarian relief operations and belonging to the diplomatic community. It calls upon the authorities and all parties in Burundi to provide safety and security for all personnel involved in the relief efforts and other international personnel.

¹¹ S/PRST/1994/47.

The Council encourages the Secretary-General to continue to keep under close review ways and means of using available resources to sustain and enhance the international humanitarian efforts in Burundi and to promote national reconciliation there. It likewise encourages the Organization of African Unity and States Members of the United Nations to redouble their efforts in this regard, including through political contacts.

The Council commends the Secretary-General and his Special Representative for Burundi, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, for their tireless efforts, within their respective competences, to contribute to the resolution of political, humanitarian and other problems of this country.

The Council will remain actively seized of the matter.

**Decision of 21 October 1994 (3441st meeting):
statement by the President**

On 11 October 1994, pursuant to a decision taken by the Security Council following informal consultations on 16 September 1994, the Secretary-General submitted to the Council a report on the situation in Burundi.¹² On the political level, the Secretary-General noted that since 6 April 1994, the date on which the Presidents of Burundi and Rwanda were killed in a plane crash when returning from a regional peace conference held in the United Republic of Tanzania, there had been constant rumours that Burundi was on the verge of succumbing to a crisis as serious as that which Rwanda had just experienced. He had therefore followed the situation very closely. His Special Representative had set himself the task of convincing the political class in Burundi that there was no advantage in giving an ethnic or political connotation to that accidental tragedy. He appeared to have succeeded since the situation, although still fragile, was not really explosive. Political life had revolved around the selection of a president. A forum of recognized political parties and representatives of the civil society, called Forum of the Negotiations, was established to deal with power-sharing and the modalities for the election of a new president and was able to reach, on 10 September, a first agreement on power-sharing. 10 of the 13 political parties signed a Convention of Government, which provided for a Government of 25 members (55 per cent from the Hutu majority) appointed by the President; a four-year transitional period; the appointment of a Prime

Minister from among the opposition; and the creation of a National Security Council of 10 members, equitably divided between the Front pour la démocratie au Burundi (FRODEBU) and the opposition. On 18 September, a second agreement was reached on the modalities for appointing a new president. Mr. Sylvestre Ntibantunganya was sworn in as President on 1 October, following his election by the National Assembly, and two days later, Mr. Anatole Kanyenkiko was confirmed as Prime Minister. A new coalition Government was constituted on 5 October 1994.¹³

The Secretary-General further reported that the security situation in the country remained extremely unstable. Clashes between security forces and armed Hutu rebels occurred very frequently and armed attacks on notables, especially Hutus, were common. He noted that the climate of insecurity was linked to the investigations and revenge in connection with the crisis of October 1993: the Hutu believed that the investigations were not impartial, were essentially directed against them and disregarded the civilian and military personnel involved in the coup d'état whereas the Tutsi believed that they were partial and did not take into account the perpetrators of the massacres subsequent to the coup d'état. In the meantime, a clandestine radio was operating intermittently, inciting hatred among the Hutu population and encouraging it to take up arms against the Tutsi.

The Secretary-General also noted that over one million people from Burundi and Rwanda needed humanitarian assistance. The Office of the United Nations High Commissioner for Refugees was continuing to look for lasting solutions. However, it was clear that those solutions could only be found within the framework of a comprehensive political solution and a regional approach. Therefore he had sent a mission to the area to examine the situation from a regional angle.

The Secretary-General observed that although the situation had stabilized somewhat with the election of a new President, it nevertheless remained precarious and the international community should therefore continue encouraging the moderates to re-establish democracy in Burundi. He therefore recommended the following: the maintenance in Zaire, with the Government's agreement, of a military presence capable of rapid

¹² S/1994/1152.

¹³ *Ibid.*, annex II.

intervention should the situation in Burundi deteriorate suddenly; deployment of a contingent of guards to protect personnel from the humanitarian organizations; stepping-up of technical assistance to enable the Government of Burundi to begin reconstruction; deployment of human rights observers to facilitate the process of national reconciliation; strengthening the office of his Special Representative; organization of a regional summit; and increased visits to Burundi by eminent persons to show the support of the international community.

At its 3441st meeting, on 21 October 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

The President (United Kingdom) then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁴

The Security Council has considered the situation in Burundi, on the basis of the report of the Secretary-General of 11 October 1994. It recalls its earlier presidential statements on this subject, most recently that made on 25 August 1994. It warmly welcomes the election and swearing in of the President, the confirmation in office of the Prime Minister and the formation of the new coalition Government. It believes that this represents an important step forward in the stabilization of the situation in Burundi. It calls upon all parties in Burundi to cooperate in the work of re-establishing democracy and stability.

The Council remains concerned that, despite the important political progress that has been made, much remains to be done if the climate of insecurity described by the Secretary-General in his report is to be dispelled and the country set firmly on the path of reconciliation and reconstruction. The Council deplores the fact that extremist elements continue to threaten national reconciliation, including through the operation of a clandestine radio station inciting ethnic hatred and violence. It reaffirms the importance of bringing to justice those responsible for the coup d'état of 21 October 1993 and subsequent inter-ethnic massacres and other violations of international humanitarian law. In this regard, it also encourages the Secretary-General to pursue his suggestion that United Nations assistance be provided to the Government of Burundi in strengthening its judicial system.

The Council commends the role played by the Special Representative of the Secretary-General, including in helping the new coalition Government to organize a national debate

early in 1995 on the problems of relations between the two communities. The Council attaches importance to the success of this initiative. In this regard, it welcomes the Secretary-General's intention to strengthen the office of the Special Representative.

The Council believes the international community must continue to give priority to the restoration of stability and the promotion of national reconciliation in Burundi. In this context, it recognizes the work of the United Nations High Commissioner for Human Rights and the office he has established in Burundi and notes the important role human rights monitors might play. It welcomes the recent increase in the number of Organization of African Unity military observers in Burundi. It encourages the Organization of African Unity, United Nations agencies and Member States to continue their involvement in Burundi and to intensify political contacts and visits. It notes the importance of increased technical assistance from the international community as the coalition Government tackles the critical tasks of reconciliation and reconstruction.

The Council remains deeply concerned at the plight of refugees and displaced persons in Burundi. It commends the continuing efforts of the United Nations High Commissioner for Refugees and other humanitarian bodies to address this problem. It welcomes the Secretary-General's sending of a special envoy to study the refugee crisis from a regional perspective and looks forward to any recommendations that the Secretary-General may have as a result of that initiative.

The Council calls upon the authorities and all parties in Burundi to ensure the safety and security of all personnel involved in the relief efforts and other international personnel.

In the statement made by the President of the Security Council on 14 October 1994 on the situation in Rwanda, the Council encouraged the Secretary-General to pursue consultations as to how the United Nations could assist in the preparation and convening of an international conference to look into the problems of the subregion. The Council believes that the holding of such a conference would be of real value in the context of Burundi.

The Council stands ready to consider further any detailed proposals which the Secretary-General may have. The Council will remain actively seized of the matter.

**Decision of 22 December 1994 (3485th meeting):
statement by the President**

By a letter of 26 October 1994 addressed to the Secretary-General,¹⁵ the representative of Burundi, referring to paragraph 48 of the report of the Secretary-General dated 11 October 1994, said that his Government welcomed the suggestion to establish a "humanitarian base" at Bujumbura airport, but that

¹⁴ S/PRST/1994/60.

¹⁵ S/1994/1218.

consideration should be given to those persons already displaced and to the question of coordinating humanitarian aid. Concerning the proposal to maintain a military presence in Zaire, it expressed confidence in its own ability to deal with any eventuality and contended that such presence should be designed to help the Government of Zaire to maintain peace and security in the Zairian province of Kivu, disarm the armed bands and deter any subversive elements from moving towards Burundi and Rwanda. His Government rejected the deployment of a contingent of guards to protect the humanitarian organization teams in Burundi, since the OAU observer mission in Burundi and the security forces were already performing that task. While it did not object in principle to the strengthening of the office of the Special Representative, it preferred that such action focus on logistical aspects and to have the human contribution in the form of missions by consultants. His Government supported the deployment of human rights observers in Burundi.

At its 3485th meeting, on 22 December 1994, the Security Council continued its consideration of the item on its agenda.

After the adoption of the agenda, the President (Rwanda) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁶

The Security Council continues to follow closely developments in Burundi. It is concerned about the escalation of violence in Burundi, both in Bujumbura and in the countryside, which threatens to destabilize further an already fragile situation and could endanger the stability of the subregion. It calls upon all those concerned to refrain from violence. It supports fully the efforts of the Burundian authorities in seeking to ensure that those committing or inciting the commission of acts of violence are held accountable for their actions and that the militias that are still operating both in Bujumbura and in the countryside are disarmed.

The Council encourages the Government, the National Assembly, the political parties and all others concerned in Burundi, and in particular the army, to respect and give support to the Convention on Governance of 10 September 1994 and thus avoid jeopardizing the delicate balance and relative stability in place since its implementation.

The Council welcomes the continuing efforts being made to bring about further political progress in Burundi, and underlines the importance of continuing to resolve all

¹⁶ S/PRST/1994/82.

outstanding issues through dialogue on the basis of the agreements reached thus far by the political parties. It urges all sides to reject confrontational tactics, violence or extremism and to work towards compromise and conciliation in a spirit of national unity which transcends ethnic origins.

The Council commends the Secretary-General for his efforts and expresses appreciation for the work done by his Special Representative, and the Organization of African Unity, the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, for their efforts, within their respective competences, to contribute to the resolution of the problems of Burundi.

The Council requests the Secretary-General to keep it fully informed of developments in Burundi.

The Council will remain actively seized of the matter.

**Decision of 31 January 1995 (3497th meeting):
statement by the President**

At its 3497th meeting, on 31 January 1995, the Security Council resumed its consideration of the item. After the adoption of the agenda, the President (Argentina) drew the attention of the members of the Council to a letter dated 25 January 1995 from the representative of Burundi, addressed to the President of the Security Council.¹⁷

He then stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁸

The Security Council, which has been following closely developments in Burundi, has learned with concern that the situation in the country has deteriorated considerably over the last few days.

In this context, the Council deeply deplores the pronouncements made by the leadership of one political party which calls for the withdrawal of the Prime Minister and the overthrow of his government by all means available.

The Council denounces such attempts to threaten by way of intimidation the coalition Government which was established in line with the Convention on Governance of 10 September 1994. It further condemns the extremist groups that continue to undermine the national reconciliation process.

The Council calls upon all parties and others concerned, in particular the national security forces, to refrain from committing acts of violence and to give support to the Government institutions established in line with the above-mentioned Convention.

¹⁷ S/1995/76.

¹⁸ S/PRST/1995/5.

The Council requests the Secretary-General to continue to keep it fully informed of developments in Burundi. The Council will remain actively seized of the matter.

**Decision of 9 March 1995 (3506th meeting):
statement by the President**

By a letter dated 28 February 1995 addressed to the President of the Security Council,¹⁹ the members of the Security Council mission to Burundi²⁰ transmitted the report on their mission to Bujumbura, on 10 and 11 February 1995, in accordance with a decision taken by the Security Council during informal consultations on 6 February 1995.²¹ The mission had followed up on work done by an earlier Council mission to Burundi.²²

The mission noted that the political and security situation in the country remained precarious and was potentially explosive due to the unwillingness of Tutsi and Hutu extremist elements, both within the coalition Government and outside it, to accept the power-sharing arrangements contained in the Convention on Governance. Those extremists had usurped the political initiative, at the expense of the moderate elements who constituted the majority of the population and had been silenced through threat and intimidation. Further aggravating the situation was the fact that the security forces, which were mainly Tutsi, formed an independent power centre, and their support of the coalition Government could not be taken for granted. Moreover, the culture of impunity persisted and there had been no political or judicial accountability of those directly involved in the coup attempt and subsequent massacres. In addition, the judicial system, which had largely collapsed, was often perceived as being partial. Those factors jeopardized the survival of the coalition Government, the Convention, and peace and security in Burundi and in the region as a whole.

The mission therefore recommended the prompt establishment of an international commission of inquiry into the October 1993 events, as proposed by the Government and augmenting the United Nations presence in Burundi to assist the Government in building an impartial judicial system, training civilian police forces and establishing an effective administrative presence in

the provinces. It also recommended that the number of OAU observers should be substantially increased and that human rights monitors should be deployed throughout the country, as requested by Burundi.

The mission supported the holding of a national debate with the participation of all segments of the society, as a means of fostering political dialogue. It further recommended the continuation of visits to Burundi of high-level international delegations to underscore international concern and diffuse tension. Some members of the mission were of the opinion that, in order to promote political stability and national reconciliation, the Security Council should explore the possibility of imposing selective sanctions against individuals believed to belong to extremist groups in Burundi.

At its 3506th meeting, on 9 March 1995, the Security Council included the report of the Security Council mission to Burundi in its agenda and invited the representative of Burundi, at his request, to participate in the discussion without the right to vote. The President (China) then drew the attention of the members of the Council to the following documents: a letter dated 23 February 1995 from the Secretary-General addressed to the President of the Security Council,²³ transmitting the report of the preparatory fact-finding mission to Burundi dated 20 May 1994; a letter dated 6 March 1995 from the representative of Burundi addressed to the President of the Security Council,²⁴ transmitting the reaction of his Government to the mission's report; and a letter dated 8 March 1995 from the representative of Burundi addressed to the Secretary-General,²⁵ transmitting a copy of the Agreement embodying the Convention on Governance of 10 September 1994.

The President then stated that, following consultations among the members of the Council, he

¹⁹ S/1995/163.

²⁰ Nigeria, China, Czech Republic, Germany, Honduras, Indonesia and United States.

²¹ For the mandate and terms of reference of the mission, see S/1995/112.

²² See S/1994/1039.

²³ S/1995/157. The preparatory fact-finding mission was sent by the Secretary-General in response to a request made by the Government of Burundi, to investigate the *coup d'état* of October 1993 and to consider what activities future missions or an expanded United Nations political presence could undertake to encourage a return to civil peace. For further details on the Commission of Inquiry, see chapter V, part I.B.

²⁴ S/1995/185.

²⁵ S/1995/190, annex.

had been authorized to make the following statement on behalf of the members of the Council:²⁶

The Security Council has considered the reports of its mission to Burundi which visited Bujumbura on 10 and 11 February 1995 and welcomes the observations and recommendations contained in the report of the mission of 28 February 1995. It expresses its appreciation to the mission members for their efforts.

The Council recalls its earlier statements on the situation in Burundi, in particular that of 31 January 1995. It remains deeply concerned that a climate of insecurity continues to prevail in Burundi. It condemns the activities of those, both within and outside the country, who seek to nullify the agreed power-sharing arrangements contained in the Convention on Governance of 10 September 1994 by resorting to undemocratic methods such as intimidation and incitement to violence, as well as guerrilla activities and subversive political activity. Such actions have threatened peace, stability and national reconciliation.

The Council reaffirms its support for the Convention on Governance and for the coalition Government established under it. In this connection, it notes the appointment of the Prime Minister and his Cabinet and urges all parties in Burundi to work together to ensure stability in the country.

The Council reaffirms the view that impunity is a fundamental problem in Burundi, one which seriously endangers security in the country, and stresses the importance it attaches to assistance being given to help to strengthen the national judicial system. In this context, it underlines the role that could be played by an international commission of inquiry into the 1993 attempted *coup d'état* and into the massacres that followed, established in accordance with the Convention on Governance.

The Council strongly reaffirms its support for the implementation of the provisions of the Convention on Governance calling for the holding of a national debate with the participation of all segments of the society in Burundi, as a means of fostering political dialogue.

The Council underlines the importance of assisting the Government of Burundi in its efforts to restore stability and promote national reconciliation. In this context, it encourages the Secretary-General, in consolidation with the Government of Burundi, to augment the United Nations presence in the country, in order to assist the Government of Burundi in strengthening the national judicial system, training civilian police forces and establishing an effective administrative presence in the provinces. It commends the important role played by the Special Representative of the Secretary-General.

The Council reiterates that improving the security situation in Burundi must be given high priority. It encourages the United Nations High Commissioner for Human Rights, in consultation with the Government of Burundi and in close

coordination with the Special Representative of the Secretary-General, to reinforce the office he has established in Burundi. Consideration could also be given to the role human rights monitors could play.

The Council also recognizes the significant contribution made by the military observers of the Organization of African Unity. It encourages the Organization of African Unity, in consultation with the Government of Burundi, to increase their number further and calls upon the international community to assist the Organization of African Unity in this regard.

The Council further calls upon all parties in Burundi to cooperate with international observers and other personnel by ensuring unimpeded access to all parts of the country.

The Council requests the Secretary-General to continue to keep it fully informed of developments in Burundi. The Council will remain actively seized of the matter.

**Decision of 29 March 1995 (3511th meeting):
statement by the President**

At its 3511th meeting on 29 March 1995, the Security Council resumed its consideration of the item on its agenda. Following the adoption of the agenda, the President (China) stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:²⁷

The Security Council is deeply concerned about the escalation of violence in Burundi. It condemns the murders of the Minister of Energy and Mines and the former Mayor of Bujumbura by extremists and deplores the ensuing ethnic killings of many people, which have caused thousands to flee their homes. It stresses the futility of resorting to violence and condemns the activities of the extremist elements who try to destabilize the country and threaten the whole region. It encourages all States to take the measures deemed necessary to prevent them from travelling abroad and receiving any kind of support. It reaffirms its determination to support the Convention on Governance of 10 September 1994; the provisions of which constitute the institutional framework for the necessary national reconciliation. The Council calls upon all political parties, military forces and all elements of civil society fully to respect and implement the Convention in a spirit of dialogue, moderation and compromise.

The Council urges all parties to work together to further the dialogue. It underlines the urgency of organizing, in accordance with the Convention on Governance, a national debate with the participation of all elements of the nation with a view to consolidating national reconciliation and restoring democracy. It invites the Secretary-General to help the various

²⁶ S/PRST/1995/10.

²⁷ S/PRST/1995/13.

political parties and elements of civil society to initiate this comprehensive consultation.

The Council warns that those who commit crimes against humanity are individually responsible for their crimes and will be brought to justice. The Council specifically warns that, if acts of genocide are committed in Burundi, it will consider taking appropriate measures to bring to justice under international law any who may have committed such acts.

The Council reaffirms its view that the perception of impunity is a fundamental problem in Burundi, one which seriously endangers security in the country. The Council expresses once again its grave concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian law have been committed in Burundi.

The Council recalls the statement by its President of 9 March 1995: in which the Council, *inter alia*, underlined the role that could be played in Burundi by an international commission of inquiry into the October 1993 attempted coup d'état and into the massacres that followed. It requests the Secretary-General to report to the Council on an urgent basis on what steps should be taken to establish such an impartial commission of inquiry.

The Council favours measures to restore a state of law and improve the functioning of the judicial system. It also favours the organization of a round table of donors. It urges States to provide for these projects financial contributions directly or through a trust fund to be created for this purpose.

The Council supports the reinforcement of the action decided by the United Nations High Commissioner for Human Rights and welcomes the dispatching of experts.

The Council pays tribute to the actions taken by the Organization of African Unity. It calls upon the Organization of African Unity and its members in the subregion to continue to use their influence to help to stabilize the situation in Burundi. It further calls upon all States, in particular neighbouring States, to refrain from supplying or allowing the transit of arms and to deny sanctuary and any other assistance to those extremist elements which seek to destabilize the situation in Burundi.

Aware of the close interconnection between various humanitarian and political problems in the region and of the risk of subsequent destabilization, the Council reaffirms its support for a regional conference on peace, stability and security and calls upon the countries of the region to convene such a conference as a matter of urgency.

The Council remains seized of the matter. It will consider taking action as the situation demands.

**Decision of 28 August 1995 (3571st meeting):
resolution 1012 (1995)**

By a letter dated 28 July 1995 addressed to the President of the Security Council,²⁸ the Secretary-General transmitted to the Council the report of the Special Envoy appointed to examine the feasibility of establishing either a commission on the truth or a judicial fact-finding commission in Burundi.²⁹ The report concluded that neither a commission on the truth on the Salvadorian model nor an international judicial commission of inquiry, with a mandate limited to purely judicial matters, would be an adequate response to put an end to impunity in Burundi. However, an international judicial commission of inquiry could be viable and useful if its mandate guaranteed that its conclusions and recommendations would be implemented. The commission would be empowered not only to undertake a judicial inquiry but also to make recommendations of an institutional nature in the legal, political, and/or administrative fields. The cooperation of the Burundian authorities, including their explicit commitment to implement the commission's recommendations would be required. Finally, the commission should be established by a resolution of the Security Council and the United Nations should verify that its recommendations were implemented.

On that basis, the Secretary-General recommended the establishment of a three-member commission of inquiry, appointed by him, with a threefold mandate: (a) to establish the facts relating to the assassination of the President of Burundi, the subsequent massacres, and other serious acts of violence and political crimes committed since that date; (b) to recommend modalities for the trial and punishment of persons it had identified as being responsible for those offences; and (c) to recommend measures of a legal, political or administrative nature, including those requiring legislative or constitutional reform, to prevent any repetition of those acts and eradicate impunity in Burundi. He further observed that the full cooperation of

²⁸ S/1995/631.

²⁹ In the statement by the President of the Security Council of 29 March 1995 (S/PRST/1995/13), the Council requested the Secretary-General to report to it on an urgent basis on what steps should be taken to establish an impartial commission of inquiry into the October 1993 attempted *coup d'état* in Burundi and into the massacres that followed.

the Government of Burundi would be needed and described the modalities for such cooperation.

At its 3571st meeting on 28 August 1995, the Security Council included the letter from the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

The President (Indonesia) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, Rwanda, the United Kingdom and the United States.³⁰ He also drew their attention to the following other documents: a letter dated 23 February 1995 from the Secretary-General addressed to the President of the Security Council,³¹ transmitting the report of the preparatory fact-finding mission to Burundi; the report of the Security Council mission to Burundi;³² and letters dated 8 and 23 August 1995 from the representative of Burundi addressed to the President of the Security Council on the establishment and the terms of reference of the international judicial commission of inquiry for Burundi.³³

The representative of Burundi said that the initiative for the establishment of the commission of inquiry came from his Government in search of an impartial international arbiter. He stated that, following the President's assassination in October 1993, the political parties that clung to the notion that he had been assassinated because of his Hutu origins, had shown themselves to be avid proponents of "ethnic cleansing" aimed at the Tutsi, who were wrongly accused of being allied with the army. That view had been firmly rejected by the opposition, which objected that the President had been elected Head of State of all the national groups. Faced with those opposing positions, Burundi's political leadership had decided to turn to an international forum in order to determine those guilty of murdering the President and part of the population. Clearly, the President's assassination was a political crime and the systematic annihilation of social and human groupings on the basis of their ethnic affiliation a crime against humanity. The speaker

further stressed that the success of the work of the commission would depend on close cooperation with the Government of Burundi, its security forces, and the national judicial system. The commission would have to resist any temptation to exceed its mandate, as delineated in the terms of reference proposed by the Government, and set out in the draft resolution before the Council. Moreover, it should avoid any compromise of national sovereignty and any interference in the internal affairs of his country.³⁴

Speaking before the vote, the representative of China stated that his delegation endorsed the proposed establishment of an international commission of inquiry in principle and would therefore support the draft resolution. The international community should, however, fully respect the independence and sovereignty of Burundi and should not interfere in its internal affairs. It must also heed and respect the views of the Burundian Government in connection with the establishment of the commission. In that context, he expressed his delegation's reservations in relation to some elements of the commission's mandate, which was rather extensive and, in certain aspects, touched upon Burundi's sovereignty and internal affairs.³⁵

The representative of Botswana contended that failure to deliver justice on time had now resulted in a self-perpetuating situation. His delegation was deeply distressed by the politically motivated killings that had become a feature of life in Burundi and shared the concern that the creeping culture of killings which threatened to take root in Burundi, must be stopped and reversed. He emphasized that the perpetrators of the coup attempt of October 1993 and the massacres which followed, had to be brought to justice. At the same time, he warned that the matter must be dealt with carefully. The work of an international, independent and impartial Commission should at the end of the day help foster national reconciliation and political stability in Burundi. He stressed that the cooperation of the Government of Burundi was not only vital but the key to the successful outcome of the commission's work and the follow-up mechanisms since it would have to implement the recommendations. Operative paragraph 1 (a) and (b) and operative paragraph 5 (a) to (f) constituted the spirit and essence of the work of the commission.³⁶

³⁰ S/1995/724.

³¹ S/1995/157.

³² S/1995/163.

³³ S/1995/673 and S/1995/731.

³⁴ S/PV.3571, pp. 2-4.

³⁵ *Ibid.*, pp. 5-6.

³⁶ *Ibid.*, pp. 6-7.

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1012 (1995), which reads:

The Security Council,

Having considered the report of the Preparatory Fact-finding Mission to Burundi of 20 May 1994,

Having further considered the report of the Security Council mission to Burundi of 28 February 1995,

Recalling the statement by the President of the Security Council of 29 March 1995, in which the Council, *inter alia*, underlined the role that could be played in Burundi by an international commission of inquiry into the 1993 attempted *coup d'état* and into the massacres that followed,

Welcoming the letter dated 28 July 1995 from the Secretary-General to the President recommending that such a commission of inquiry be created by resolution of the Council,

Taking into account the initiative of the Government of Burundi in calling for the establishment of an international judicial commission of inquiry as referred to in the Convention on Governance,

Recalling the letter dated 8 August 1995 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council, noting with interest the letter of the Secretary-General dated 28 July 1995,

Taking note of the fact that the parties in Burundi, in the Convention on Governance, agreed, without prejudice to the outcome of the independent national and international investigations, to call the massacres which followed the assassination of the President of Burundi on 21 October 1993 genocide,

Deeply concerned that impunity creates contempt for law and leads to violations of international humanitarian law,

Expressing once again its grave concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian law have been committed in Burundi,

Stressing the importance of strengthening, in cooperation with the Government of Burundi, the Burundian judicial system,

Reiterating its profound concern over the resumption of radio broadcasts inciting ethnic hatred and violence, and recognizing the need for ending such broadcasts,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for these violations and should be held accountable,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry, with the following mandate:

(a) To establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed;

(b) To recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the Commission and, in general, to eradicate impunity and promote national reconciliation in Burundi;

2. *Recommends* that the Commission of Inquiry be composed of five impartial and internationally respected, experienced jurists who shall be selected by the Secretary-General and shall be furnished with adequate expert staff, and that the Government of Burundi be duly informed;

3. *Calls upon* States, relevant United Nations bodies and, as appropriate, international humanitarian organizations to collate substantiated information in their possession relating to acts covered in paragraph 1 (a) above, to make such information available as soon as possible and to provide appropriate assistance to the Commission of Inquiry;

4. *Requests* the Secretary-General to report to the Council on the establishment of the Commission of Inquiry, and further requests the Secretary-General, within three months from the establishment of the Commission, to submit an interim report to the Council on its work and to submit a final report when it completes its work;

5. *Calls upon* the Burundian authorities and institutions, including all Burundian political parties, to cooperate fully with the Commission of Inquiry in the accomplishment of its mandate, including responding positively to requests from the Commission for security, assistance and access in pursuing investigations, including:

(a) Adoption by the Government of Burundi of any measures needed for the Commission and its personnel to carry out their functions throughout the national territory with full freedom, independence and security;

(b) Provision by the Government of Burundi of all information in its possession which the Commission requests or is otherwise needed to carry out its mandate and free access for the Commission and its staff to any official archives related to its mandate;

(c) Freedom for the Commission to obtain any information the Commission considers relevant and to use all sources of information which the commission considers useful and reliable;

(d) Freedom for the Commission to interview, in private, any persons the Commission judges necessary;

(e) Freedom for the Commission to visit any establishment or place at any time;

(f) Guarantee by the Government of Burundi of full respect for the integrity, security and freedom of witnesses, experts and any other persons who help the Commission in its work;

6. *Calls upon* all States to cooperate with the Commission in facilitating its investigations;

7. *Requests* the Secretary-General to provide adequate security for the Commission in cooperation with the Government of Burundi;

8. *Also requests* the Secretary-General to establish, as a supplement to financing as an expense of the Organization, a trust fund to receive voluntary contributions to finance the Commission of Inquiry;

9. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the Commission of Inquiry including the offer of expert personnel in support of the implementation of the present resolution;

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

Speaking after the vote, the representative of the United States pointed out that the resolution had been drafted in close consultation with the Burundian authorities. His delegation had acted out of its abiding humanitarian concern in stemming the systematic, widespread and flagrant violations of international humanitarian law which had plagued Burundi in the aftermath of the October 1993 assassination of its President. The continuing instability in the area demonstrated the importance and the urgency of fostering reconciliation and accountability for human rights abuses. He hoped that the commission would establish the facts and recommend measures to prevent any repetition of deeds similar to those being investigated and to eradicate impunity in Burundi. It was however up to the Government to decide on what measures were taken. He trusted that the Secretary-General would appoint commissioners from different judicial backgrounds and that all in Burundi would cooperate fully and openly with them.³⁷

The representative of France stated that the Commission's mandate would be to make recommendations so that the guilty would be brought to justice and that the acts of violence would not be repeated. However, attempting to break the cycle of impunity would not be enough to restore stability to Burundi and the rest of the region. National reconciliation in Burundi, as well as in other countries of the region, required the implementation of measures

on a vaster scale. The questions of refugees, regional overarmament, economic development and institutional consolidation in all those countries had to be viewed in a larger framework. He hoped that the Security Council would soon consider the idea supported by his Government of organizing a regional conference on peace, stability and development in the Great Lakes region, as a first step towards healing the wounds of that part of Africa.³⁸

The representative of the United Kingdom said that the resolution sent a clear message that those responsible for grave violations of humanitarian law would be held responsible for their actions. His Government therefore strongly supported the establishment of a Commission of Inquiry. It also believed that the strengthening of the Burundian judicial system was vital to the stability of the country and looked forward to receiving the Commission's recommendations on the measures necessary to prevent any repetition of the 1993 events. He announced that his country would make a 20,000 sterling pounds contribution to the Commission's Trust Fund.³⁹

The representative of Rwanda said that Burundi was part of the Great Lakes region and as such its problems could not be resolved without taking into account the current events in other countries of the subregion. Unlike the other subregions of Africa, the countries of the Great Lakes had experienced the institutionalization of a culture of impunity. The region was now considered a powder keg and a source of refugees. He reiterated that the United Nations and the Security Council could not solve the problems of the subregion without involving the regional and subregional organizations. It was therefore necessary to provide them with material, technical and financial support so that they could better fulfil their role which was indispensable and complemented that of the United Nations and the Security Council. Noting that Burundians bore primary responsibility for their future, he appealed to the United Nations and to the international community to support the existing institutions in the country. While having voted in favour of the resolution, his delegation had important questions on the role of the Commission and the results it would be able to achieve.⁴⁰

³⁸ *Ibid.*, pp. 10-11.

³⁹ *Ibid.*, p. 11.

⁴⁰ *Ibid.*, pp. 12-13.

³⁷ *Ibid.*, pp. 9-10.

10. Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994

Initial proceedings

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

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

the Governments of Chad and the Libyan Arab Jamahiriya to render to the team all practical assistance.

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

The Security Council,

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

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

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

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

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

2. *Requests* the Secretary-General to inform the Security Council Committee established pursuant to resolution

¹ S/1994/402 and S/1994/424.

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

³ S/1994/432.

⁴ S/1994/433.

748 (1992) concerning the Libyan Arab Jamahiriya of flights made to or from Libyan Arab Jamahiriya in accordance with the present resolution.

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

At its 3373rd meeting, on 4 May 1994, the Council included in its agenda a report of the Secretary-General dated 27 April 1994 on the agreement to implement the Judgment of the International Court of Justice of 3 February 1994.⁵ The Secretary-General recommended, on the basis of the conclusions of the reconnaissance team, the deployment of a group of United Nations observers in the Aouzou Strip for a period of approximately 40 days, to monitor the withdrawal of the Libyan administration and forces in accordance with the 4 April agreement.⁶ The reconnaissance team already in the area would become the advance party of the operation. A representative of the United Nations Development Programme would assist in assessing the potential humanitarian situation in the Aouzou Strip after the withdrawal.

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

The Security Council,

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

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

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

⁵ S/1994/512.

⁶ For details concerning the establishment and control of the United Nations Aouzou Strip Observer Group, see chapter V, part I.C.

⁷ S/1994/532.

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

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

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

A

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

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

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

B

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

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

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

C

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

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

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

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

⁸ S/1994/672.

Following the adoption of the agenda, the President (Oman) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁹ He also drew attention to a note verbale dated 2 June¹⁰ and a letter dated 7 June 1994¹¹ addressed to the Secretary-General by the representative of the Libyan Arab Jamahiriya. The draft resolution was then put to the vote and adopted unanimously as resolution 926 (1994), which reads:

The Security Council,

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

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

⁹ S/1994/700.

¹⁰ S/1994/657.

¹¹ S/1994/683.

11. The situation in Sierra Leone

Initial proceedings

**Decision of 7 February 1995: letter from the
President to the Secretary-General**

In a letter dated 1 February 1995 addressed to the President of the Security Council,¹ the Secretary-General informed the Council that the Head of State of Sierra Leone, by a letter dated 24 November 1994, had formally requested his good offices to facilitate negotiations between his Government and the forces of the Revolutionary United Front (RUF). To that effect, the Secretary-General dispatched, on 15 December 1994, an exploratory mission to Sierra Leone. The mission noted the serious deterioration of the situation

¹ S/1995/120.

in the country and warned that if it continued, the conflict in Sierra Leone would further complicate the problem of bringing peace to Liberia and could have a general destabilizing effect in the region. Based on the mission's findings, the Secretary-General decided to appoint Mr. Berhanu Dinka (Ethiopia) as his Special Envoy for Sierra Leone for an initial period of three months to work with the parties concerned towards a negotiated settlement of the conflict.

In a letter dated 7 February 1995,² the President of the Security Council informed the Secretary-General that his letter concerning the appointment of Mr. Dinka

² S/1995/121.

had been brought to the attention of the members of the Council and that they had welcomed the decision contained therein.

Decision of 27 November 1995 (3597th meeting): statement by the President

On 21 November 1995, pursuant to a number of requests from members of the Security Council, the Secretary-General submitted to the Council a report on the situation in Sierra Leone covering the period since the Government of that country had formally requested his good offices in November 1994.³

In summarizing the events that had occurred in Sierra Leone, the Secretary-General recalled, in his report, that the conflict in Sierra Leone had begun in March 1991, when the forces of RUF had launched attacks to overthrow the Government of the All Peoples' Congress (APC) headed by President Joseph S. Momoh, causing the death of thousands of civilians, while thousands more were internally displaced and were refugees in Guinea and Liberia. Later, on 29 April 1992, the Government of President Momoh was overthrown by a military coup and the National Provisional Ruling Council had been established with Captain Valentine E.M. Strasser as the Chairman of the Council and Head of State. After the coup, RUF had nevertheless continued its conflict with the new government and attacks on towns, villages and major highways had escalated to unprecedented levels and spread throughout the country. The Secretary-General further recalled that on 24 November 1994, Chairman Strasser had formally requested his good offices to bring the Government of Sierra Leone and RUF to negotiations, with the United Nations serving as an intermediary in that process.⁴

In his report, the Secretary-General further emphasized that in spite of the raging internal conflict, some positive trends were emerging which, if assisted, would contribute to the re-establishment of peace and stability. He referred, in particular, to the democratization of the political process, including transition to an elected civilian Government within a fixed time frame, which he deemed worthy of the international community's support. Since the Government of Sierra Leone had set out a programme of transition towards democratic constitutional rule in

November 1993, a number of steps had been taken, including the establishment of an Interim National Electoral Commission and the holding in August 1995 of a National Consultative Conference on Elections with the participation of all political parties, representatives of the Government and the civil society. As a result of the decisions of the Conference, the Electoral Commission was ready to begin voter registration and to finalize preparations for the elections to be held on 26 February 1996. Serious financial constraints, however, endangered that process. Concerned that the postponement of the elections might result in escalating violence and halt the process altogether, the Secretary-General urged Member States to respond generously to the appeal that would be made at a donors' conference on 30 November. For his part, he had instructed the Electoral Assistance Division to work closely with other United Nations agencies and programmes, in particular the United Nations Development Programme (UNDP), to assist the Electoral Commission in coordinating international observers during the elections and in strengthening national observer groups.

The Secretary-General also reported on the negotiation of a settlement with RUF, which was the second element of the two-track political approach of the Government of Sierra Leone. He noted that, since the meetings of 24 November and 4 and 7 December 1994 between representatives of the Government and RUF, the peace talks had not resumed. He stressed that his Special Envoy had spared no effort to establish contact with RUF in close coordination with the Organization of the African Unity (OAU), the Commonwealth and other organizations. The OAU and Commonwealth delegations and his Special Envoy had issued a joint statement in February 1995 calling on RUF to meet with them. Although his envoy had been able to communicate with RUF, he had not yet met face-to-face with its leader, Mr. Foday Sankoh. The Secretary-General therefore recommended that the international community urge RUF to take advantage of his good offices and to initiate a process of negotiation. Meanwhile, he intended to retain his Special Envoy whose efforts to establish a dialogue between the Government and RUF and to support the democratization process would be closely coordinated with OAU and the Commonwealth.

³ S/1995/975.

⁴ See S/1995/120.

The Secretary-General also dealt in his report with the economic, security and humanitarian situation in Sierra Leone. With respect to the security situation, he pointed out that the Government had expressed its desire to demobilize part of its army, whose strength had increased from 3,000 to around 14,000 as a result of a massive recruitment drive. That was imperative, but it was also vital to reintegrate the demobilized soldiers into society as productive citizens. The Secretary-General had instructed the Department of Humanitarian Affairs and UNDP to field a team of experts to prepare, in collaboration with the Government, an action plan for the demobilization and reintegration of combatants. International assistance was required to accomplish that task. As to the humanitarian situation, the Secretary-General noted that it remained critical. Nearly 2 million people out of 4,477 million had been internally displaced and only about 1.1 million received assistance with any degree of regularity, owing to security constraints. The gap between the resources made available by the international community for humanitarian assistance and the needs of the affected population was widening. Moreover, delivering relief assistance became almost impossible when humanitarian convoys were targeted. The Secretary-General therefore suggested that members of the Council might consider admonishing those responsible for attacking relief convoys and urging them to refrain from such deplorable actions.

In conclusion, the Secretary-General reiterated his call on Member States to provide the fullest possible material and financial support to the Electoral Commission so that the elections could be held on schedule. Although there were legitimate security concerns, experience had shown in other places, such as Cambodia and South Africa, that the democratic process should not be held hostage to the intransigence of any particular group.

At the 3597th meeting, on 27 November 1995, the Security Council included the report of the Secretary-General on the situation in Sierra Leone in its agenda. After the adoption of the agenda, the Security Council invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President (Oman) stated that, following consultations among members of the

Council, he had been authorized to make the following statement on behalf of the Council:⁵

The Security Council has considered the report of the Secretary-General of 21 November 1995 on the situation in Sierra Leone. It is deeply concerned at the conflict in that country and at the suffering resulting from it, in particular that of the nearly two million internally displaced Sierra Leoneans. It calls for an immediate end to the fighting.

The Council expresses its appreciation to the Secretary-General for his offer of good offices in Sierra Leone and urges the Revolutionary United Front to take advantage of that offer, thus enabling both parties to enter into negotiations. It thanks the Special Envoy of the Secretary-General for his efforts to that end, in close coordination with the Organization of African Unity, the Commonwealth, the Economic Community of West African States, and other organizations and neighbouring States supporting the negotiations and the process of democratization in Sierra Leone, and welcomes the Secretary-General's decision that his Special Envoy's mission should continue for the time being.

The Council stresses the importance it attaches to a coordinated international effort to alleviate the humanitarian situation in Sierra Leone. It welcomes the Secretary-General's efforts in this regard and his initiative in preparing, in collaboration with the Government of Sierra Leone, an action plan for the demobilization and reintegration of combatants.

The Council underlines the need for generous humanitarian assistance in a situation in which nearly half the population of the country have been internally displaced, and calls upon Member States to provide such assistance. The Council commends those humanitarian agencies active in Sierra Leone. The Council deeply deplores attacks on humanitarian convoys and demands that those responsible cease such actions immediately.

The Council welcomes the programme of transition to democratic constitutional rule set by the Government of Sierra Leone, which is crucial to the restoration of peace and stability in that country. It expresses its strong support for the work of the Interim National Electoral Commission in preparing for the elections to be held on 26 February 1996. It welcomes the assistance being given by the United Nations to the Commission at the request of the Government of Sierra Leone, and calls upon Member States to provide the fullest possible material and financial support to the Commission in order to ensure the success of the elections, with the broadest possible participation.

The Council urges the Secretary-General to continue to monitor closely the situation in Sierra Leone.

⁵ S/PRST/1995/57.

Americas

12. Central America: efforts towards peace

A. The situation in El Salvador

Decision of 9 February 1993 (3172nd meeting): statement by the President

On 23 December 1992, the Secretary-General submitted to the Security Council a report on the United Nations Observer Mission in El Salvador (ONUSAL),¹ in which he informed the Council that the armed conflict between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) had formally been brought to an end on 15 December 1992, in accordance with the adjustment in the timetable for implementing the Peace Accords for El Salvador which the two sides had agreed to on the basis of his proposal of 23 October 1992.² That had been preceded by the legalization of FMLN as a political party. The Secretary-General stated that, during the preceding weeks, the parties had, in general, complied with their commitments, as reported informally to the members of the Security Council. He stressed, however, that much remained to be done to implement, under ONUSAL supervision, a number of provisions of the Peace Accords, especially the programmes for effective land transfers and for the reintegration into civilian life of ex-combatants, the establishment and international supervision of the National Public Security Academy, the establishment and deployment of the National Civil Police with the corresponding phasing out of the existing National Police, the completion of the reduction of the Armed Forces and the concentration in the Forum for Economic and Social Consultation of long-term plans for the development of El Salvador. It was important that both parties, and the international community, persevere in their efforts to ensure punctual implementation of the remaining provisions of the Peace Accords. The National Commission for the Consolidation of Peace played a central role in that regard and had to be supported and strengthened by both parties. The Government of El Salvador and FMLN would also have a continuing responsibility to foster

political stability and the climate of détente and reconciliation referred to in the Accords, particularly in the former zones of conflict. In the Secretary-General's view, the presidential, legislative and municipal elections, due to be held in March 1994, would be the logical culmination of the peace process.

At its 3172nd meeting, on 9 February 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Morocco) drew the attention of the members of the Council to several letters from the Secretary-General to the President of the Council. By a letter dated 7 January 1993,³ the Secretary-General informed the Council of the measures taken by the Government of El Salvador to implement the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces relating to the status of 102 officers. He noted that the measures adopted in relation to 15 of those officers did not comply with the recommendations and were thus not in conformity with the Peace Accords. He had therefore asked the President of El Salvador to regularize the position of those 15 officers. By a letter dated 26 January 1993,⁴ the Secretary-General informed the Council that the Government of El Salvador had requested the United Nations to verify the forthcoming general elections in El Salvador and recommended the acceptance of that request. By a letter dated 29 January 1993,⁵ the Secretary-General reported to the Council, that despite prior assurances, FMLN had not completed the destruction of its weapons by the agreed deadline and

³ S/25078.

⁴ S/25241.

⁵ S/25200.

¹ S/25006.

² Signed at Mexico City on 16 January 1992; see S/23501, annex.

that it was therefore not yet in compliance with the Peace Accords.⁶

The President then made the following statement on behalf of the Council:⁷

The Security Council welcomes with satisfaction the important progress made thus far towards the full implementation of the peace accords for El Salvador and the cooperation shown by the parties to this end. The Council takes note of the report of the Secretary-General of 23 December 1992, in which he indicates that the armed conflict between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) was formally brought to an end on 15 December 1992. The Council emphasizes this event, which puts an end to more than 10 years of armed conflict.

However, the Council expresses concern at the observations made by the Secretary-General in his letter dated 7 January 1993 to the President of the Security Council, by which he reported on the situation with regard to the implementation of the recommendations of the Ad Hoc Commission concerning the purification of the armed forces of El Salvador and, basically, at the fact that those recommendations have yet to be fully complied with despite prior assurances by the Government of El Salvador. The Council also expresses concern at the indication in the letter dated 29 January 1993 from the Secretary-General to the President of the Security Council that the FMLN, despite prior assurances, did not complete the destruction of its weapons by the agreed deadline and that it is therefore not yet in full compliance with its undertakings under the peace accords.

In this connection, the Council emphasizes the solemn nature of the undertakings made by each of the parties when they signed the peace accords and reaffirms the obligation of the parties to comply fully and in a timely fashion with those undertakings.

The Council welcomes with satisfaction the decision of the Government of El Salvador to request the United Nations to verify the forthcoming general elections and the intention of the

⁶ In his report of 23 December 1992 (S/25006), the Secretary-General reported that the FMLN arms inventory had been presented and the FMLN arms concentrated in designated zones on time by 30 November 1992. After analysis by ONUSAL, the inventory was accepted as satisfactory. It included details of sophisticated weapons and of armament located outside El Salvador. For technical reasons, however, the destruction of the arms by FMLN could not be completed by 15 December as planned, by which time only 50 per cent of the inventory had been destroyed. The process continued under ONUSAL supervision and should finish by the end of December. The destruction of weapons located outside El Salvador was to be completed early in January 1993.

⁷ S/25257.

Secretary-General, communicated in his letter dated 26 January 1993 to the President of the Security Council, to recommend to the Council that it accede to this request.

The Council strongly urges the parties to persist in their determination to complete the process of bringing peace and national reconciliation to El Salvador and to continue cooperating with the Secretary-General in the efforts that he is making to ensure that the peace accords are implemented fully. To that end, the Council will follow closely the progress and results of those efforts.

Decision of 18 March 1993 (3185th meeting): statement by the President

At its 3185th meeting, on 18 March 1993, the Security Council included in its agenda the item entitled "Central America: efforts towards peace". After the adoption of the agenda, the President (New Zealand) made the following statement on behalf of the Council:⁸

The Security Council welcomes the recent efforts to apply fully the peace accords in El Salvador and acknowledges the sense of responsibility and cooperation demonstrated by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to reach this objective.

In this context, the Council welcomes the submission of the report of the Commission on the Truth and of its recommendations intended to prevent the repetition of the acts of violence committed during the twelve years of armed confrontation, as well as to create confidence in the positive changes caused by the peace process and stimulate national reconciliation.

The Council underlines the need for the parties, in accordance with the peace accords, to comply with the recommendations contained in the report of the Commission on the Truth, as well as all other obligations which remain to be implemented. In addition, it calls upon Salvadorian society to continue acting with the responsibility which it has demonstrated throughout this process, in order to contribute to the consolidation of internal peace and the maintenance of a genuine and lasting atmosphere of national harmony.

The Council invites the Secretary-General to keep it informed regarding the implementation of the parties' pending commitments. It reiterates that it will continue to follow closely the evolution of the peace process in El Salvador and that it stands ready to assist the parties as appropriate to achieve the successful completion of that process.

⁸ S/25427.

**Decision of 27 May 1993 (3223rd meeting):
resolution 832 (1993)**

On 21 May 1993, pursuant to resolution 791 (1992) of 30 November 1992, the Secretary-General submitted to the Security Council a report on all aspects of the operations of ONUSAL.⁹ The report also described the status of implementation of the Peace Accords by the Government of El Salvador and by FMLN.

The Secretary-General confirmed that the long-delayed implementation of the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces was on its way to completion as reported in his letter of 2 April 1993.¹⁰ He also reported that the release, on 15 March 1993, of the report of the Commission on the Truth, which was entrusted with the task of investigating serious acts of violence that had occurred since 1980, had led to the adoption of extreme positions and rising tension as the High Command of the armed forces, the President of the Supreme Court, highly placed Government officials and some political leaders, as well as segments of the media, rejected the findings and recommendations of the Commission. There was strident criticism of the United Nations and renewed publication of anonymous threats against ONUSAL. The President of El Salvador had stated his willingness to comply strictly with those recommendations of the Commission which fell within his competence, were consistent with the Constitution and in harmony with the Peace Accords, and contributed to national reconciliation. Meanwhile, spokesmen of the Government had accused the Commission of having exceeded its mandate. FMLN, on its part, had stated that, notwithstanding a number of reservations about the report, it accepted the recommendations in their entirety. In the light of that reaction, the Secretary-General had instructed that a detailed analysis be made of the Commission's recommendations and the actions required to carry them out. He was communicating the analysis¹¹ to the Government and FMLN as well as to the National Commission for the Consolidation of Peace. It was critical to the process that both parties exercised leadership in that regard.

⁹ S/25812 and Add.1-3.

¹⁰ S/25516.

¹¹ S/25812/Add.3.

The Secretary-General stated that, 16 months after the ceasefire had taken effect, the peace process in El Salvador had advanced significantly and was on course. Among its achievements were full respect by both parties for a prolonged ceasefire, the celebration of the formal end of the armed conflict on 15 December 1992, and the conversion of FMLN from an armed movement into a political party. That success had been accompanied by significant progress towards other principal objectives, including the establishment of civilian control over the military, the beginnings of the establishment of a civilian police force, the reunification of Salvadorean society and the democratization of national institutions, with full respect for human rights.

The path to national reconciliation had not been without difficulties, but the predominant characteristic of the Salvadorean peace process had thus been its irreversibility. However, intensified efforts were still required on both sides to accelerate the lands transfer programme, which was proceeding at a slow pace and with serious financial difficulties, the reintegration into civilian life of ex-combatants, the establishment of the National Civil Police with the corresponding phasing out of the present National Police, and the recovery of assault weapons, of which large numbers remained in unauthorized hands.

The Secretary-General emphasized that the successful conclusion of the peace process could be achieved only if the necessary financing was forthcoming. He noted that the programmes relating to land and the new police, which were central to the Peace Accords, lacked financial support and required an urgent response from both the international community and the Government.

In his view, the elections in 1994 were likely to be the culminating point of the entire peace process. It was only through free and fair elections that peace would be consolidated in El Salvador. Following a request made by the Government of El Salvador for observation of the elections by the United Nations and in the expectation that the Council would accede to that request, the Secretary-General had sent a mission to El Salvador in April to assess requirements. On the basis of the mission's findings, he recommended that the Council enlarge the mandate of ONUSAL to include the observation of the electoral process and authorize the addition to the Mission of an Electoral

Division.¹² He also recommended that the Council renew the mandate of ONUSAL until 30 November 1993. It would be his intention to recommend, by that date, a further renewal of the Mission's mandate to enable it to complete its verification of the elections and to remain in El Salvador for a short transition period immediately thereafter.

At its 3223rd meeting, on 27 May 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's consultations.¹³

Speaking before the vote, the representative of Spain supported the recommendations of the Secretary-General, particularly the addition to ONUSAL of an Electoral Division, so that the United Nations could closely follow and assist the entire electoral process until after the elections of March 1994. What was being carried out in El Salvador was what the Secretary-General in his Agenda for Peace had called "post-conflict peacebuilding", which involved the strengthening of governmental institutions and national reconstruction. That required not only commitment by the parties concerned, but also the active and continuing assistance of the international community. For its part, Spain would continue to support the peace process, both individually and collectively, with the other Friends of the Secretary-General.¹⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 832 (1993), which reads:

The Security Council,

Recalling its resolution 637 (1989) of 27 July 1989,

Recalling also its resolutions 693 (1991) of 20 May 1991, 714 (1991) of 30 September 1991, 729 (1992) of 14 January 1992, 784 (1992) of 30 October 1992 and 791 (1992) of 30 November 1992,

Having studied the report of the Secretary-General of 21, 24 and 25 May 1993,

Noting with appreciation the continuing efforts of the Secretary-General to support the full implementation of the agreements signed by the Government of El Salvador and the

Frente Farabundo Martí para la Liberación Nacional to re-establish peace and promote reconciliation in El Salvador,

Welcoming the observation by the Secretary-General that sixteen months after the ceasefire, the peace process in El Salvador has advanced significantly and is on course, and that significant progress has also been made towards other principal objectives of the peace accords,

Emphasizing that determined efforts are required of both parties to ensure that the remaining problems do not become obstacles to the continuing fulfilment of their undertakings,

Noting that the Government of El Salvador has requested the United Nations to verify the next general elections, scheduled to be held in March 1994, and that the Secretary-General has recommended that this request be accepted,

Stressing the necessity, in this as in other peacekeeping operations, to continue to monitor expenditures carefully during this period of increasing demands on peacekeeping resources,

1. *Approves* the report of the Secretary-General;
2. *Welcomes* the continuing adaptation by the Secretary-General of the activities and strength of the United Nations Observer Mission in El Salvador, taking into account progress made in implementing the peace process;
3. *Decides*, on the basis of the report of the Secretary-General and in accordance with the provisions of resolution 693 (1991), to enlarge the mandate of the Observer Mission to include the observation of the electoral process due to conclude with the general elections in El Salvador in March 1994, and requests the Secretary-General to take the necessary measures to this effect;
4. *Also decides* that the mandate of the Observer Mission, enlarged in accordance with the present resolution, will be extended until 30 November 1993 and that it will be reviewed at that time on the basis of recommendations to be presented by the Secretary-General;
5. *Endorses* the view of the Secretary-General, contained in his letter dated 26 January 1993 to the President of the Security Council, that the general elections of March 1994 should constitute the logical culmination of the entire peace process in El Salvador;
6. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to respect and implement fully all the commitments they assumed under the peace accords, including, inter alia, those related to the transfer of lands, the reinsertion into civilian society of ex-combatants and war wounded, the deployment of the National Civil Police and the phasing out of the National Police, and the recommendations of the Ad Hoc Commission on the purification of the armed forces and the Commission on the Truth;
7. *Reaffirms* its support for the Secretary-General's use of his good offices in the El Salvador peace process;

¹² See also S/25812/Add.1.

¹³ S/25851.

¹⁴ S/PV.3223, pp. 2-7.

8. *Calls upon* both parties to cooperate fully with the Secretary-General's Special Representative and the Observer Mission in their task of assisting and verifying the parties' implementation of their commitments, and requests the parties to continue to exercise utmost moderation and restraint, especially in the former zones of conflict, in order to promote the process of national reconciliation;

9. *Urges* all States, as well as the international institutions in the fields of development and finance, to contribute generously in support of the execution of the peace accords and the consolidation of peace in El Salvador;

10. *Requests* the Secretary-General to keep the Security Council fully informed of further developments in the El Salvador peace process and to report on the operations of the Observer Mission, at the latest before the expiry of the new mandate period;

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

Speaking after the vote, the representative of the United States, stressing that the growth of democracy enhanced the security of all, strongly supported the resolution which extended the ONUSAL mandate and expanded it to include supervision of the upcoming elections in El Salvador. She urged both sides to implement fully their respective obligations under the Accords and noted in this regard the importance of full compliance with those provisions regarding the proper disposition of weapons. In conclusion she reaffirmed her country's commitment to help the people of El Salvador to consolidate the peace they had created and called upon others to also pledge assistance.¹⁵

Noting that the elections would probably represent the culmination of the whole peace process, the representative of France called on the parties to continue to cooperate in order to ensure that the Peace Agreement lead to total success, that is, the restoration of democracy. In this regard it was essential that a number of measures be carried out in full and as quickly as possible such as the land transfer programme, the reinsertion of former combatants into civilian life, the replacement of the national police force by the new police, the destruction of weapons and the implementation of the recommendations of the Ad Hoc Commission and the Commission on the Truth.¹⁶

As a member of the Group of Friends of the Secretary-General, the representative of Venezuela welcomed the extension of United Nations cooperation

until completion of the electoral process in March 1994. He stressed that national reconciliation would require the full cooperation of the parties and their compliance with the political, economic, social and legal aspects of the commitments assumed under the Peace Accords, which were clearly set forth in operative paragraph 6 of resolution 832 (1993). Peace would also require the generous support of friendly countries and international organizations to the economic reconstruction of the country.¹⁷

**Decision of 11 June 1993 (3236th meeting):
statement by the President**

By a letter dated 8 June 1993 addressed to the President of the Security Council,¹⁸ the Secretary-General informed the Council about developments relating to the discovery of a weapons cache in Managua on 23 May. At the invitation of the Nicaraguan Government, the Secretary-General's Special Representative in El Salvador and members of ONUSAL had travelled to Managua to assist in the disposal of the arms and in the investigation launched by the Nicaraguan authorities. The Secretary-General stated that evidence collected so far, together with the explicit acknowledgement by the leadership of the responsible FMLN group, had confirmed that the arms were the property of that group and that some of its members were involved in their maintenance. Leaders of the same FMLN group had also provided information about the existence in Nicaragua of other clandestine deposits containing considerable amounts of weapons. Specialists from ONUSAL were working with a Nicaraguan team to itemize the war materiel found in those deposits and dispose of it.

The Secretary-General emphasized that the maintenance of clandestine arms deposits, for whatever reason, was a cause of serious concern and that the non-inclusion of those arms in the final inventory presented by the FMLN to ONUSAL raised serious questions of confidence and trust. He noted, however, that the FMLN was cooperating with ONUSAL to locate and eliminate possible remaining arms caches in El Salvador and had agreed to the destruction of the last remaining sophisticated weapons on its inventory on 4 June, scheduled to coincide with full compliance

¹⁷ *Ibid.*, pp. 11-12.

¹⁸ S/25901.

¹⁵ *Ibid.*, pp. 7-8.

¹⁶ *Ibid.*, pp. 8-10.

by the Government with the recommendations of the Ad Hoc Commission, at the end of June.

At its 3236th meeting, on 11 June 1993, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Spain) made the following statement on behalf of the Council:¹⁹

The Security Council takes note with concern of the letter of the Secretary-General dated 8 June 1993 regarding the existence in Nicaragua of a weapons cache belonging to the Frente Farabundo Martí para la Liberación Nacional (FMLN), discovered on 23 May 1993.

The Council considers that the maintenance of clandestine arms deposits is the most serious violation to date of the commitments assumed under the peace accords signed at Mexico City on 16 January 1992 and agrees with the Secretary-General that this is a cause of serious concern.

The Council reiterates its demand that the peace accords be complied with fully and promptly. In this context, the Council again urges the FMLN to comply fully with its obligation to provide a complete inventory of its arms and munitions both inside and outside El Salvador and surrender them in accordance with the provisions of the peace accords, and to continue to cooperate in this regard with the United Nations Observer Mission in El Salvador.

The Council notes with satisfaction the cooperation of the Government of Nicaragua in itemizing and disposing of the war materiel found.

The Council expects that the parties to the peace accords will continue their efforts to complete the peace process and achieve national reconciliation in El Salvador.

Decision of 12 July 1993: letter from the President to the Secretary-General

On 29 June 1993, the Secretary-General submitted to the Security Council a further report on ONUSAL,²⁰ regarding the discovery, at locations inside and outside El Salvador, of illegal arms deposits belonging to FMLN. The Secretary-General stated that ever since the discovery of the first illegal arms cache in Managua on 23 May, he had made continuous efforts, directly and through ONUSAL to establish the facts, to ensure that all remaining clandestine caches were declared to it and their contents destroyed, and to limit the repercussions on the peace process of that very serious violation of the Peace Accords. On 12 June 1993, in a letter addressed to FMLN, he had

expressed his distress at learning that the final inventory of weapons presented to ONUSAL by FMLN had been grossly inaccurate and had urged FMLN to take action to ensure that all arms caches inside and outside El Salvador were located and their contents destroyed, and that any weapons still in possession of FMLN militants were similarly handed over to ONUSAL for destruction. In reply, FMLN had informed him that it would cooperate with ONUSAL in locating and destroying all its remaining weapons within a period of 45 days beginning on 21 June 1993, that is by 4 August.²¹

The Secretary-General also informed the Council that, on 11 June 1993, he had received a letter from the President of El Salvador in which he stated, *inter alia*, that the conduct of FMLN had violated not only the commitments it had assumed, but also the constitutional provision prohibiting the existence of armed groups, which might be a reason to disband FMLN as a political party. The President had also expressed the view that the gravity of the breach by FMLN of its commitments warranted a resolution by the Security Council.

The Secretary-General further stated that the seriousness of the situation could not be over-emphasized. It had raised questions of confidence and trust and could seriously undermine the peace process. In his view, however, the cancellation or suspension of FMLN's status as a political party could itself deal a severe blow to the peace process. The transformation of FMLN into a political party and the full reintegration of its members into the civil, political and institutional life of the country were at the very core of the Peace Accords. It was, likewise, imperative to avoid a disruption of the electoral process, in which it was essential that FMLN had every opportunity to participate. While welcoming FMLN's acceptance of its responsibility in the events and its full cooperation in the ensuing investigation, the Secretary-General noted that FMLN would have to demonstrate anew its commitment to the peace process and that confidence would only be fully restored upon the complete disclosure by FMLN of all its holdings in arms and munitions and their subsequent destruction by the date indicated. The Secretary-General concluded by saying

¹⁹ S/25929.

²⁰ S/26005.

²¹ See the report of the Secretary-General of 30 August 1993 informing the Council that the process of verification had been completed on 18 August 1993 (S/26052).

that it was an indication of the strength and irreversibility of the peace process and a credit to both parties that a serious incident of that nature had not been allowed to derail the implementation of the Peace Accords.

By a letter dated 12 July 1993,²² the President of the Security Council informed the Secretary-General of the following:

I have the honour to inform you that the members of the Security Council have taken note with appreciation of your report of 29 June 1993 regarding the recent discovery, at locations inside and outside El Salvador, of illegal arms deposits belonging to the Frente Farabundo Martí para la Liberación Nacional (FMLN).

The members of the Council express their continuing concern regarding this grave violation of the peace accords and agree with your opinion that the maintenance of clandestine arms deposits by the FMLN has raised questions of confidence and trust and that the seriousness of this situation cannot be overemphasized.

The members of the Council reiterate their view that both parties should comply fully with their respective obligations under the peace accords, and especially that the FMLN should provide a complete inventory of all its arms and munitions both inside and outside El Salvador and deliver them to the United Nations Observation Mission in El Salvador for their destruction in accordance with the provisions of the peace accords.

The members of the Council note the FMLN's promise to disclose all its holdings of arms and munitions and subsequently to destroy them by 4 August 1993. They stress that the complete disarmament of the FMLN and the reintegration of its members into the civil, political and institutional life of the country form an essential part of the peace process.

The members of the Council share your assessment that it is an indication of the strength and irreversibility of the peace process that a serious incident of this nature has not been allowed to derail the implementation of the peace accords. They also agree with your view that the cancellation or suspension of the FMLN's status as a political party could deal a severe blow to the peace process.

²² S/26071.

The members of the Council welcome the letter²³ dated 22 June 1993 from the Minister for Foreign Affairs of the Republic of Nicaragua addressed to you and expect that the Government of Nicaragua will comply with its international obligations to prevent the use of its territory for the illegal storage or trans-shipment of arms and other war materiel and to investigate fully all the illegal arms deposits discovered in Nicaragua, including possible links to international terrorism.

The members of the Council welcome your intention to keep the Council informed of further developments, especially the actions the FMLN has promised to complete by 4 August 1993.

Decision of 13 July 1993: letter from the President to the Secretary-General

By a letter dated 7 July 1993 addressed to the President of the Security Council,²⁴ the Secretary-General referred to his letter of 2 April 1993,²⁵ by which he had informed the Council about recent developments in the implementation of the provisions of the Peace Accords relating to the purification of the armed forces. In that letter, he had informed the Council that the President of El Salvador had agreed to a plan to regularize the situation of the last 15 high-ranking officers in respect of whom the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces had not yet been implemented. The arrangement would, when implemented, bring the Government of El Salvador into broad compliance with the Ad Hoc Commission's recommendations. Following verification by ONUSAL, the Secretary-General was in a position to confirm that the Government of El Salvador had taken the steps that it had promised to comply with those recommendations.

By a letter dated 13 July 1993,²⁶ the President informed the Secretary-General that his letter dated 7 July 1993 had been brought to the attention of the

²³ S/26008. In that letter, the Minister for Foreign Affairs of Nicaragua stated, *inter alia*, that "by adopting domestic or international legislation; by inviting international bodies to verify the itemizing and disposal of war materiel; and by instituting criminal proceedings against those accused, the Government of the Republic of Nicaragua is demonstrating its indisputable devotion to peace and its attachment to international law, as a contribution to the peace process in the Central American region".

²⁴ S/26052.

²⁵ S/25516.

²⁶ S/26077.

members of the Security Council who had welcomed his confirmation that the Government of El Salvador had complied with the Ad Hoc Commission's recommendations. They believed that the actions taken by the Government of El Salvador represented a significant achievement in the consolidation of the peace process in El Salvador.

**Decision of 5 November 1993 (3306th meeting):
statement by the President**

By a letter dated 3 November 1993 addressed to the President of the Security Council,²⁷ the Secretary-General informed the Council of the assassination of two leaders of FMLN on 25 and 30 October, respectively. The killings substantiated the concerns referred to in the last report of the Division of Human Rights of ONUSAL, dated 15 September 1993,²⁸ which had noted, in particular, that politically motivated human rights violations had become more open, as well as in his report of 14 October 1993 on the implementation of the recommendations of the Commission on the Truth.²⁹ They also confirmed the need for immediate implementation of the recommendation of the Commission that a thorough investigation of private armed groups be undertaken immediately. Consequently, the Secretary-General had instructed the Director of the Division of Human Rights of ONUSAL, with supplementary expert assistance to work with those concerned in order to assist the Government in the implementation of the recommendation. While responsibility for the investigation lay with the Government, it was the Secretary-General's view that the National Counsel for the Defence of Human Rights could also play an important role. The implementation of other recommendations of the Commission on the Truth also needed to be accelerated.

In addition, the Secretary-General recalled the difficulties relating to the formation and deployment of the National Civil Police described in his report of 14 October 1993. He stressed, in particular, that it was essential that the provisions of the Peace Accords regarding the National Academy for Public Security and the National Civil Police be scrupulously fulfilled and that ONUSAL be allowed to carry out its verification mandate unimpeded. He also recalled the

delays and difficulties in the electoral process, described in his report of 20 October 1993,³⁰ and expressed the hope that the Government and the institutions involved would make every effort, with the assistance of ONUSAL, to overcome existing deficiencies and to ensure that the registration of voters was as comprehensive as possible. In the Secretary-General's view, the recent murders had brought into sharper focus the need to step up the implementation of the Peace Accords in order to set the stage for a genuinely free and fair electoral process, as had been recognized by the Government and FMLN at their high-level meeting of 8 September.

At its 3306th meeting, on 5 November 1993, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Cape Verde) made the following statement on behalf of the Council:³¹

The Security Council has learned with shock and concern of the violent deaths in recent days in El Salvador of two leaders and other members of the Frente Farabundo Martí para la Liberación Nacional (FMLN), as well as one member of the Alianza Republicana Nacionalista party. It notes, in this respect, that the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL) has referred in his last two reports to what appears to be a pattern of politically motivated murders, a development all the more serious in light of the upcoming electoral process. The Council insists that this violence has to stop.

The Council deems it essential that the authorities of El Salvador take all necessary measures so that those responsible for the killings be promptly brought to justice, with a view to preventing such events from occurring in the future. It welcomes the technical cooperation that Member States are extending to the competent Salvadorian authorities, at their request, in order to assist them in the investigation of these criminal acts.

The Council notes with particular concern that the Secretary-General, in his report of 14 October 1993 on the implementation of the recommendations of the Commission on the Truth, underscored the significance of cases of killings over the past few months that seemed to follow patterns that could indicate a resurgence of illegal armed groups, whose activities had diminished following the signature of the peace accords in January 1992.

In this regard, the Council takes note with approval of the Secretary-General's decision, as reported in his letter dated 3 November 1993 to the President of the Council, to direct the Human Rights Division of ONUSAL to work with the

²⁷ S/26689.

²⁸ See S/26416, annex, and S/26416/Add.1.

²⁹ S/26581.

³⁰ See S/26606.

³¹ S/26695.

El Salvador Human Rights Prosecutor in order to assist the Government of El Salvador in implementing the recommendation of the Commission on the Truth that a thorough investigation of illegal armed groups be undertaken immediately.

The Council further underlines the importance of full and timely implementation of all the provisions of the peace accords. It remains concerned about delays occurring in several instances, namely, the phasing out of the National Police and full deployment of the National Civil Police, the implementation of the recommendations of the Commission on the Truth and the transfer of lands and other reintegration programmes, which are essential for the development of a solid framework and a new climate for the respect of human rights in El Salvador.

The Council also calls upon all parties to continue their efforts to make the March 1994 elections representative and successful. It recognizes the progress that has been made in registering thousands of voters, but, taking into account the delays and problems reported by the Secretary-General in his report of 20 October 1993, it calls upon the Government and all concerned to ensure that all qualified voters who have applied will receive the necessary documents in time to vote. It welcomes the steps taken by the Secretary-General to assist in this process through the Electoral Division of ONUSAL.

The Council welcomes the agreement reached between the Government and the FMLN on the need to speed up the implementation of the provisions of the peace accords and, accordingly, urges all parties concerned to accelerate the fulfilment of their commitments under those accords before the electoral campaign gets under way. It expects ONUSAL to be allowed fully to carry out its verification mandate unimpeded. The Council will continue to follow developments in El Salvador with close attention.

**Decision of 30 November 1993 (3321st meeting):
resolution 888 (1993)**

On 23 November 1993, pursuant to resolution 832 (1993) of 27 May 1993, the Secretary-General submitted to the Security Council a further report on ONUSAL activities during the period 22 May to 20 November 1993, and the status of implementation of the Peace Accords.³² He stated that while the implementation of the Peace Accords had, on the whole, progressed well, several key aspects, such as the land transfer and reintegration programmes, continued to suffer serious delays. Moreover difficulties affected the operations of the National Public Security Academy, the deployment of the National Civil Police and the phasing-out of the National Police. The collection of weapons previously

issued for the exclusive use of personnel of the Armed Forces of El Salvador and held by private individuals had also been very seriously delayed.

While acknowledging the complexity of establishing a completely new police force and transferring responsibility for public order to it in the aftermath of a long civil war and in the middle of a crime wave, the Secretary-General noted that ONUSAL reports created the impression that, at some levels in the Government, there might be a lack of commitment to the objective enshrined in the Peace Accords. That was reflected in the denial to the National Civil Police of the necessary logistical and technical resources, the introduction into that force of military personnel, the prolongation of the existence of the National Police and the denial to ONUSAL of the information it required for verification purposes. The Secretary-General also warned that the severe delays in fulfilling the promises of land and other benefits that were made to ex-combatants of both sides had given rise to tension, which could become a dangerous source of instability.

Furthermore, he reported that a number of murders and assaults in recent weeks had raised fears about the possible resurgence of illegal armed groups with political objectives, including the so-called death squads. It was therefore essential that there should be, as soon as possible, an impartial, independent and credible investigation into illegal armed groups, as recommended by the Commission on the Truth.

The Secretary-General was concerned that the electoral campaign should have begun in the climate described above and at a time when very important elements of the Peace Accords remained only partially implemented. He recalled that the timetable that formed part of the Accords had been drafted on the basis that the vast majority of the provisions would have been implemented well before the elections. He informed the Council that he had asked his Special Representative to obtain the agreement of the Government and of FMLN to a new timetable that would set the firmest possible dates for completing the implementation of the most important outstanding points in the Peace Accords. Even so, however, it was clear that it would not be possible to complete implementation of all such points before the elections. It was important, therefore, that the new Government should maintain its predecessor's commitment to implement the Accords in their entirety.

³² S/26790.

The Secretary-General further stated that the elections and the transition to the administration of the newly elected President would be a critically important period throughout which it was clearly necessary for ONUSAL to continue to carry out its verification and good offices functions. He accordingly recommended that the Security Council extend the ONUSAL mandate for a further period of six months, until 31 May 1994. He noted that beyond that date, it would probably be desirable to keep the Mission in existence, at reduced strength, for a further period of a few months to verify the full implementation of any major points in the Peace Accords which remained outstanding at that time.

At its 3321st meeting, on 30 November 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of El Salvador, at his request, to participate in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.³³

Before the vote, the representative of Spain took note of the Secretary-General's view that a reduced ONUSAL presence would probably be necessary after the elections so as to allow it to fulfil its mandate.³⁴ Similarly the representative of Venezuela stated that ONUSAL could and should continue to cooperate in the El Salvador process of peace and national reconciliation, even beyond the term of its renewed mandate.³⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 888 (1993), which reads:

The Security Council,

Recalling its resolution 637 1989 of 27 July 1989,

Recalling also its resolutions 693 (1991) of 20 May 1991, 714 (1991) of 30 September 1991, 729 (1992) of 14 January 1992, 784 (1992) of 30 October 1992, 791 (1992) of 30 November 1992 and 832 (1993) of 27 May 1993,

Recalling further the statements by the President of the Security Council of 18 March, 11 June and 5 November 1993,

³³ S/26820.

³⁴ S/PV.3321, pp. 4-7.

³⁵ *Ibid.*, pp. 7-10.

Having studied the further report of the Secretary-General of 23 November 1993,

Noting with appreciation the continuing efforts of the Secretary-General to support the full and timely implementation of the agreements signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to maintain and consolidate peace and promote reconciliation in El Salvador,

Welcoming the Secretary-General's observation that the peace process in El Salvador has advanced and that significant progress has been made towards other objectives of the peace accords,

Concerned at the continuing problems and delays in implementing several important components of the peace accords, including, inter alia, those related to the transfer of lands, the reintegration into civilian society of ex-combatants and war disabled, the deployment of the National Civil Police and the phasing out of the National Police, and the recommendations of the Commission on the Truth,

Noting with concern the recent acts of violence in El Salvador, which may indicate renewed activity by illegal armed groups and which could, if unchecked, negatively affect the peace process in El Salvador, including the elections scheduled for March 1994,

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador towards the establishment of a mechanism to investigate illegal armed groups and their possible connection with renewed political violence,

Also noting with concern the seemingly politically motivated murders of members of the different political parties, including the Frente Farabundo Martí para la Liberación Nacional and the Alianza Republicana Nacionalista,

Noting that El Salvador has entered a critical phase in the peace process and that political parties have just begun a campaign for the March 1994 elections, which should take place in a peaceful environment,

Stressing the importance of free and fair elections as an essential element of the entire peace process in El Salvador,

Noting recent progress in voter registration, and stressing the importance of all registered voters being issued relevant credentials so as to enable broad participation in the elections,

Welcoming the commitment of the presidential candidates to peace and stability in El Salvador, of 5 November 1993, as referred to in paragraph 92 of the further report of the Secretary-General,

Welcoming also the recent announcement by the Government of El Salvador to expedite the implementation of the land transfer programme,

Welcoming further the work of the United Nations Observer Mission in El Salvador and noting its vital importance to the entire peace and reconciliation process in El Salvador,

Reiterating the need, in this as in all peacekeeping operations, to continue to monitor expenditures carefully during this period of increasing demands on peacekeeping resources,

1. *Welcomes* the further report of the Secretary-General of 23 November 1993;

2. *Condemns* recent acts of violence in El Salvador;

3. *Expresses concern* that important elements of the peace accords remain only partially implemented;

4. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to make determined efforts to prevent political violence and accelerate compliance with their commitments under the peace accords;

5. *Reaffirms its support* for the Secretary-General's use of his good offices in the El Salvador peace process;

6. *Also reaffirms its support*, in this context, for the efforts of the Secretary-General, in cooperation with the Government of El Salvador, aimed at the immediate launching of an impartial, independent and credible investigation into illegal armed groups, and urges all sectors of society in El Salvador to cooperate in such an investigation;

7. *Calls upon* all parties concerned to cooperate fully with the Secretary-General's Special Representative and the United Nations Observer Mission in El Salvador in their task of verifying the parties' implementation of their commitments, and urges them to complete such implementation within the framework of the agreed calendar and the new timetable proposed by the Observer Mission;

8. *Stresses* the need to ensure that the police and public security provisions of the peace accords are scrupulously observed, with full Observer Mission verification, and that necessary steps are taken to complete the recovery of all weapons held by private individuals in contravention of the peace accords;

9. *Urges* the Government of El Salvador and the Frente Farabundo Martí to remove all obstacles facing implementation of the land transfer programme, and stresses the need to accelerate reintegration programmes for ex-combatants of both sides in conformity with the peace accords;

10. *Reaffirms* the need for full and timely implementation of the recommendations of the Commission on the Truth;

11. *Calls upon* the relevant authorities in El Salvador to take all necessary measures to ensure that the elections to be held in March 1994 be free and fair and requests the Secretary-General to continue to provide assistance in this regard;

12. *Urges* all States, as well as the international institutions engaged in the fields of development and finance, to

contribute promptly and generously in support of the implementation of all aspects of the peace accords;

13. *Decides* to extend the mandate of the Observer Mission to 31 May 1994;

14. *Requests* the Secretary-General to keep the Security Council fully informed of further developments in the El Salvador peace process;

15. *Requests* the Secretary-General to report by 1 May 1994 on the operations of the Observer Mission so that the Council may review the Mission's size and scope for the period after 31 May 1994, taking into account the Secretary-General's relevant recommendations for the fulfilment and completion of its mandate;

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

Speaking after the vote, the representative of France deemed it too early to say what should be the role of the United Nations in El Salvador after the elections and the installation of the new Government but stressed that it would be especially useful to continue to provide assistance in the area of human rights, so as to ensure the necessary transition, along the lines of what was done in Cambodia. In France's view the Centre for Human Rights should be entrusted with that mission. The establishment of an integrated United Nations Office could also be considered.³⁶

All speakers called for the full and speedy implementation of the Peace Accords. They expressed concern at the human rights situation and called for a thorough investigation of illegal armed groups.³⁷

Decision of 10 December 1993: letter from the President to the Secretary-General

In a letter dated 7 December 1993 addressed to the President of the Security Council,³⁸ the Secretary-General referred to his letter of 3 November 1993,³⁹ in which he had expressed concern over recent cases of arbitrary execution in El Salvador and the need for the immediate implementation of the recommendation of the Commission on the Truth regarding the investigation of illegal armed groups, as well as to his decision to instruct the Director of the Human Rights Division of ONUSAL to work with those concerned in

³⁶ *Ibid.*, pp. 11-12.

³⁷ *Ibid.*, pp. 10-11 (United States); pp. 11-12 (France); pp. 13-15 (Brazil); pp. 15-16 (Japan); and pp. 16-18 (Russian Federation).

³⁸ S/26865.

³⁹ S/26689.

order to assist the Government in implementing that recommendation. Recalling the statement by the President of 5 November 1993, the Secretary-General reported that in November he had dispatched a mission to El Salvador which had held extensive consultations with all concerned. Considerable progress had been made towards an agreement on the principles for the establishment of a Joint Group for the investigation of politically motivated illegal armed groups.⁴⁰ The Secretary-General further indicated that it had been later agreed that the members of the Joint Group would be two independent representatives of the Government of El Salvador nominated by the President of the Republic, the National Counsel for the Defence of Human Rights and the Director of the Human Rights Division of ONUSAL. The President of El Salvador had nominated the two representatives with the approval of the National Counsel, and the Special Representative of the Secretary-General was satisfied that they were well qualified for the task. The mechanism for the investigation of illegal armed groups had thus been duly conformed and might commence its work immediately. The text of the principles for the establishment of the Joint Group was attached to his letter.

By a letter dated 10 December 1993,⁴¹ the President informed the Secretary-General of the following:

The members of the Security Council welcome your letter of 7 December 1993 concerning the establishment of a Joint Group for the investigation of politically motivated illegal armed groups, composed of two independent representatives of the Government of El Salvador nominated by the President of the Republic, the National Counsel for the Defence of Human Rights and the Director of the Division of Human Rights of the United Nations Observer Mission in El Salvador (ONUSAL).

The members of the Council support the "Principles", attached to your letter, which will give the Group an independent, impartial and non-political character. The members of the Council also support your role in ensuring the effectiveness and credibility of the investigation.

The members of the Council consider it of the utmost importance that all necessary measures are taken to facilitate the task of the Joint Group so that the recommendation of the Commission on the Truth regarding the full investigation of the illegal armed groups is promptly implemented. They call upon all parties in El Salvador to cooperate fully in this respect.

⁴⁰ S/26865, annex.

⁴¹ S/26866.

The members of the Council will continue to follow closely the situation in El Salvador and request you to keep them informed on developments in this matter.

**Decision of 7 April 1994 (3360th meeting):
statement by the President**

By a letter dated 28 March 1994, addressed to the President of the Security Council,⁴² the Secretary-General raised with the members of the Council continuing concerns regarding the implementation of certain aspects of the Peace Accords. These concerns which he had already conveyed to the Council in his report of 23 November 1993, related to public security, including the deployment of the National Civil Police and the phasing out of the National Police; the reintegration into society, through transfers of land and other programmes, of estranged groups including former combatants; and the constitutional reforms recommended by the Commission on the Truth. The Secretary-General stressed that four months later, little progress had been achieved in those areas. He believed it essential to have an updated agreement between the parties on a timetable for the implementation of pending matters so that the process should suffer no further delays during the transition to the new Government. He expressed the hope that the Council could support his efforts in those areas on which action was urgently required.

On 31 March 1994, the Secretary-General submitted to the Council a report on the activities of the Electoral Division of ONUSAL, providing a general assessment of Election Day, 20 March 1994.⁴³

The Secretary-General stated that the general conduct of the electoral process and the campaign had many positive aspects: massive expansion of the electoral rolls; participation by the political parties throughout the process and at all levels of the electoral authorities; peaceful exercise of the right to organize, of the right to freedom of expression and of the right of assembly; publicity by the parties in all the media; conduct of campaign activities without violent incident; and proper functioning on the part of the security forces and the armed forces. There were serious difficulties, however, in organizing the voting and preparing the electoral roll. The training provided to polling stations teams and to party monitors had also

⁴² S/1994/361.

⁴³ S/1994/375.

been inadequate. Since there was going to be a second round of voting for the presidential election, the anomalies recorded should be eliminated. In that regard he introduced a series of practical recommendations based on the views expressed by ONUSAL in a letter dated 24 March addressed to the Supreme Electoral Tribunal.

Although the high visibility and frequency of the problems observed on Election Day may have helped to leave a negative impression of the overall process, the Secretary-General stressed that the irregularities noted should not be mistaken for significant manipulation of the election. In fact where the presidential election was concerned, no party had rejected the results and the ONUSAL observers had not recorded any fraudulent acts that could have had a significant impact on the outcome. With respect to assembly and municipal elections, local challenges should not affect the overall validity of the electoral process. According to a statement made by the Special Representative of the Secretary-General on 21 March, the elections had taken place under appropriate conditions in terms of freedom, competitiveness and security and could be considered acceptable, despite serious flaws regarding organization and transparency.

At its 3360th meeting, on 7 April 1994, the Security Council included in its agenda the report of the Secretary-General and the letter from the Secretary-General to the President of the Council. The President (New Zealand) made the following statement on behalf of the Council:⁴⁴

The Security Council has received the report of the Secretary-General of 31 March 1994 on the observation of the elections in El Salvador on 20 March 1994 by the United Nations Observer Mission in El Salvador. It has also received the letter from the Secretary-General dated 28 March 1994 in which he draws to the attention of the Council his continuing concerns regarding problems in the implementation of the peace accords in El Salvador.

The Council congratulates the people of El Salvador on the peaceful and historic elections held on 20 March 1994. It notes that the Special Representative of the Secretary-General stated on 21 March 1994 that in general the elections on 20 March 1994 had taken place under appropriate conditions in terms of freedom, competitiveness and security and that, despite serious flaws regarding organization and transparency, the elections could be considered acceptable. The Council calls upon those concerned to take the necessary measures, as recommended by the Secretary-General, to correct those

shortcomings which appeared in the first round and thus to guarantee a genuine and indisputable expression of the will of the people in the second round of the presidential elections to be held on 24 April 1994.

The Council calls for the full implementation of the peace accords. It shares the concerns expressed by the Secretary-General that progress is still required regarding the implementation of the points highlighted in his letter of 28 March 1994, particularly in relation to public security, including the deployment of the new National Civil Police and the phasing out of the National Police; the reintegration into society through transfers of land and other programmes of estranged groups, including former combatants; and the constitutional reforms recommended by the Commission on the Truth, especially as they relate to the reform of the judiciary. The Council urges those concerned to make every effort to ensure that further delays in those areas are avoided and distortions corrected, so that the process can gain momentum, the provisions of the peace accords be duly implemented and the goals of the peace process fully achieved.

**Decision of 26 May 1994 (3381st meeting):
resolution 920 (1994)**

On 11 May 1994, pursuant to resolution 888 (1993) of 30 November 1993, the Secretary-General submitted to the Security Council a further report on ONUSAL activities covering the period 21 November 1993 to 30 April 1994.⁴⁵ The report also gave an account of the implementation of the Peace Accords.

The Secretary-General recalled that intensive consultations with the parties concerned had culminated in the establishment on 8 December 1993 of a Joint Group for the Investigation of Politically Motivated Illegal Armed Groups. The Joint Group was to present a report with its findings and recommendations at the end of May 1994. The Secretary-General noted that, according to the most recent report of the Division of Human Rights, murders analogous to those committed during the final months of 1993 had not recurred. He added, however, that notwithstanding the relative improvement in the human rights situation, violations of the right to life, due process and other fundamental rights had continued. He also recalled that the first post-conflict elections had been held on 20 March 1994 under generally acceptable conditions, without major acts of violence, although serious flaws regarding organization and transparency had been detected. Those flaws, however, had not had an effect on the final outcome. A second

⁴⁴ S/PRST/1994/15.

⁴⁵ S/1994/561.

round had been held on 24 April 1994 and had resulted in the election of Mr. Armando Calderón Sol, who would take office on 1 June 1994.

While acknowledging that there had been notable advances, above all in the integration of FLMN into the political life of El Salvador and in the completion of the elections, the Secretary-General stated that there were serious shortcomings in the implementation of the Peace Accords because of delays in the agreed timetable. He recalled that the timetable that formed part of the Peace Accords provided that almost all aspects of the Accords would have been implemented before the new Government assumed office. The main exceptions were deployment of the National Civil Police and demobilization of the National Police to be completed on 28 July and 31 October 1994, respectively and the land transfer programme which would have to be extended into 1995. That would have required at least a vestigial presence of ONUSAL after 1 June 1994.

The unresolved issues were of such importance, however, as to make it even more necessary for ONUSAL to remain in existence for a further period with sufficient capacity to verify implementation of the outstanding provisions of the Accords and to make its good offices available to help resolve difficulties that might arise in that regard. In that connection, the Secretary-General recalled that when the Government of El Salvador and FMLN had asked the Secretary-General, in early 1990, to assist them in their efforts to achieve a negotiated solution to their conflict, they had set as goals not only the cessation of the armed confrontation but also the promotion of democracy, unrestricted respect for human rights and the reunification of Salvadorean society. He also noted that ONUSAL had been established to verify and promote compliance with the agreements entered into by the parties, which included not only the Peace Accords taken as a whole, but also the recommendations of the Commission on the Truth. He believed therefore that the mandate of ONUSAL should be extended for a further six months until 30 November 1994. During that period, the size of the Mission was to be reduced as rapidly as implementation of the outstanding agreements permitted.

Meanwhile, the Secretary-General appealed to the Government of El Salvador and to all those concerned to make the effort necessary to ensure that their remaining commitments were implemented with the

least possible delay. In that regard, four areas required urgent attention: agreement on measures to enhance the civilian character of the National Civil Police and to increase its strength; accelerated demobilization of the National Police and its completion by the end of 1994; a solution to the problem of human settlements; and arrangements to ensure that those entitled to land under the land transfer programme had access to agricultural credit and technical assistance. Turning to the financial needs of post-conflict peacebuilding, the Secretary-General once again appealed to the international community for continued financial support for the peace-related programmes.

By a letter dated 24 May 1994 addressed to the President of the Security Council,⁴⁶ the Secretary-General informed the Council that on 19 May the two parties in the El Salvador peace process had reached agreement on a new "Timetable for the implementation of the most important outstanding agreements".⁴⁷ He also informed the Council that the President-elect of El Salvador had reiterated his personal commitment to the terms of the Peace Accords and his desire to see them implemented without delay.

At its 3381st meeting, on 26 May 1994, the Security Council included in its agenda the report of the Secretary-General and the letter from the Secretary-General to the President of the Council. After the adoption of the agenda, the President (Nigeria) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁴⁸

Speaking before the vote, the representative of the United States stated that the step taken by the Council in renewing the mandate of ONUSAL signified not only the continued success of that operation for the international community but, moreover, a triumph for the people of El Salvador. Welcoming the commitment made by the President-elect of El Salvador to the Peace Accords, he stressed that much remained to be done in implementing important elements of those Accords. It was his delegation's belief that ONUSAL could and would continue to provide important assistance and advice during the final stage of implementation of that process. Welcoming also the intent of the Secretary-

⁴⁶ S/1994/612.

⁴⁷ *Ibid.*, annex.

⁴⁸ S/1994/613.

General to continue reducing ONUSAL as it met its objectives, the speaker stressed the importance of continued monitoring of the Mission's expenses, a key element in the sound management of any peacekeeping operation.⁴⁹

According to the representative of China, the United Nations experience in El Salvador proved that the success of a peacekeeping operation depends, first and foremost, on the parties' sincerity and political will to resolve the conflict and achieve reconciliation. In the final analysis, the role of peacekeeping operations was one of complementing and promoting the process.⁵⁰

The representatives of Brazil, Spain and Argentina supported the renewal, with the necessary adjustments, of the verification and good offices activities of ONUSAL, at that crucial moment in the consolidation of peace in El Salvador. They called on the parties to fully comply with the new timetable they had agreed upon.⁵¹

The representative of the Russian Federation believed that, with the holding of elections, ONUSAL had in principle carried out its major task. At the same time, the draft resolution was needed because unresolved problems remained after the election. He attached great importance, inter alia, to the submission by the Secretary-General, by 1 November 1994, of a report on the fulfilment and the completion of the ONUSAL mandate, on the modalities for its progressive withdrawal and on the preparation by the Secretary-General, in consultation with competent specialized agencies, of modalities for assistance to El Salvador, within the framework of the Peace Accords, for the post-ONUSAL period. That would allow for a smooth transition from a peacekeeping operation to the normal activity of the United Nations specialized agencies to render assistance to that country.⁵²

The draft resolution was then put to the vote and adopted unanimously as resolution 920 (1994), which reads:

The Security Council,

Recalling its resolution 637 (1989) of 27 July 1989,

⁴⁹ S/PV.3381, p. 2.

⁵⁰ Ibid., pp. 2-3.

⁵¹ Ibid., p. 3 (Brazil); pp. 3-5 (Spain); and p. 5 (Argentina).

⁵² Ibid., pp. 5-6.

Recalling also its resolutions 693 (1991) of 20 May 1991, 714 (1991) of 30 September 1991, 729 (1992) of 14 January 1992, 784 (1992) of 30 October 1992, 791 (1992) of 30 November 1992, 832 (1993) of 27 May 1993 and 888 (1993) of 30 November 1993,

Recalling further its presidential statements of 18 March 1993, 11 June 1993, 5 November 1993 and 7 April 1994,

Having considered the report of the Secretary-General of 11 May 1994,

Having considered also the reports of the Secretary-General of 31 March 1994 and 4 May 1994 on the observation of the electoral process,

Noting with satisfaction the successful completion of the electoral process in El Salvador, despite irregularities that had no impact on the election results as a whole,

Noting with appreciation the continuing efforts of the Secretary-General to support the full and early implementation of the agreements signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to maintain and consolidate peace and promote reconciliation in El Salvador,

Welcoming the Secretary-General's observation that there have been notable advances in the process of national reconciliation, particularly the integration of the Frente Farabundo Martí para la Liberación Nacional into the political life of El Salvador,

Concerned at the continuing delays in fully implementing several important components of the peace accords, including, inter alia, the deployment of the National Civil Police and the phasing out of the National Police, the questions related to the transfer of lands, the reintegration into civilian society of ex-combatants and war disabled and several recommendations of the Commission on the Truth,

Noting with satisfaction, in this context, the conclusion on 19 May 1994 of an agreement between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional on a timetable for the implementation of the most important outstanding agreements,

Welcoming the commitment of the President-elect of El Salvador, reiterated before the Secretary-General, to comply fully with all peace accords and to consolidate national reconciliation, as reported in the letter from the Secretary-General dated 24 May 1994,

Welcoming also the work of the United Nations Observer Mission in El Salvador, and noting its vital importance to the peace and reconciliation process in El Salvador,

Reiterating the necessity, in this as in all peacekeeping operations, to continue to monitor expenditures carefully during this period of increasing demands on peacekeeping resources,

1. *Welcomes* the reports of the Secretary-General of 31 March, 4 May and 11 May 1994;

2. *Welcomes* the fact that both the first and the second round of the elections took place under appropriate conditions in terms of freedom, competitiveness and security;

3. *Expresses concern* that important elements of the peace accords remain only partially implemented;

4. *Reaffirms its support* for the Secretary-General's use of his good offices towards the early completion of the El Salvador peace process;

5. *Calls upon* all concerned to cooperate fully with the Special Representative of the Secretary-General and the United Nations Observer Mission in El Salvador in their task of verifying implementation by the parties of their commitments;

6. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional strictly to comply with the agreement on a timetable for the implementation of the most important outstanding agreements;

7. *Requests* the Secretary-General, in this context, to keep the Security Council informed, as appropriate, on progress made in the implementation of the agreement mentioned in paragraph 6 above, and to report no later than 31 August 1994 on compliance with the timetable and on other relevant issues, including measures taken to contain the costs of the Mission;

8. *Stresses* the need to ensure that, under appropriate verification by the United Nations, the police and public security provisions of the peace accords are scrupulously observed, in particular the completion of the demobilization of the National Police, as well as the enhancement of the civilian character of the National Civil Police, in accordance with the timetable agreed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional;

9. *Urges* all concerned to remove all obstacles facing implementation of all aspects of the land transfer programmes, so that they are completed within the timetable agreed by the parties;

10. *Stresses* the need to accelerate reintegration programmes for ex-combatants of both sides in conformity with the timetable agreed by the parties;

11. *Reaffirms* the need for full and timely implementation of the recommendations of the Commission on the Truth;

12. *Urges* all States, as well as the international institutions engaged in the fields of development and finance, to contribute promptly and generously in support of the implementation of all aspects of the peace accords;

13. *Decides* to extend the mandate of the Mission until 30 November 1994 in the terms recommended by the Secretary-General in his report of 11 May 1994;

14. *Requests* the Secretary-General to report by 1 November 1994 on the Mission, including on the fulfilment and completion of its mandate and on modalities for its progressive withdrawal, and invites the Secretary-General, in

consultation with competent specialized agencies, to prepare modalities for assistance to El Salvador, within the framework of the peace accords, for the post-Mission period;

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

Speaking after the vote, the representative of France stated that ONUSAL enjoyed the full confidence of the parties to continue to supervise certain aspects of the Peace Accords, especially in the field of public security. On the other hand, he believed that the economic and social aspects of the Accords, some of which might be concluded after 1995, could be dealt with by specialized agencies of the United Nations. France therefore urged the Secretariat to approach those institutions, particularly the United Nations Development Programme, in order to take measures which would allow for a takeover from ONUSAL in El Salvador during the stage of consolidating peace. He noted that the United Nations was in demand throughout the globe. Its resources were scarce and valuable and should be preserved for those situations which were truly relevant to peacekeeping. Therefore, the Security Council needed to know how to put an end to an operation when circumstances no longer justified its continuation.⁵³

The representative of the United Kingdom stated that, while the international community could and should continue to assist El Salvador in the implementation of the Peace Accords, it could not and should not become a substitute for action by the people of El Salvador themselves. ONUSAL had important tasks to perform in the coming months but it was working itself out of a job, and the process of winding down had to also move ahead. The United Nations future role in El Salvador would not be in peacekeeping but in the fields of development and human rights. His Government would back international efforts to establish a coordinated framework for continued United Nations assistance to El Salvador once ONUSAL had withdrawn.⁵⁴

The President, speaking in his capacity as representative of Nigeria, stated that the issue was not whether to terminate a mission whose task was completed but how to wind up a successful operation, or what appeared to be a successful operation, in such a

⁵³ Ibid., pp. 6-7.

⁵⁴ Ibid., p. 7.

way and at such a time that the actions taken by the Security Council would not be self-defeating.⁵⁵

Decision of 16 September 1994 (3425th meeting): statement by the President

On 26 August 1994, pursuant to resolution 920 (1994) of 26 May 1994, the Secretary-General submitted to the Security Council a further report on ONUSAL.⁵⁶ The report contained an account of the status of implementation of outstanding commitments under the Peace Accords as well as the steps taken to reduce the size of ONUSAL and contain its costs.

As regards the implementation of the Peace Accords, the Secretary-General stated that since his inauguration on 1 June 1994, the President of El Salvador had taken steps to ensure compliance with the outstanding provisions of the accords. A turning point appeared to have been reached in the area of public security. After recent events had revealed the involvement in criminal activities of individuals or groups within the public security apparatus, the Government had promptly denounced the existence of organized crime and expressed its determination to take decisive action against all those involved. In addition, the appointment of a new Vice-Minister for Public Security and a new Director-General of the National Civil Police should help strengthen that institution and improve its performance. The President of El Salvador had also decided to accelerate the demobilization of the National Police. After a two-month extension of its mandate, the Joint Group established to investigate politically motivated illegal armed groups had completed its work and submitted its report. Despite a four-week delay, the election by consensus of the new Supreme Court was a laudable achievement and paved the way for the much-needed reform of the judicial system. The Secretary-General further stated that since 1 May 1994, the Legislative Assembly had functioned with the participation of FLMN as the country's second political force and that of other political parties. He noted that the establishment of FMLN as a fully legal party in the political and civil life of the country provided striking evidence of El Salvador's transformation from a country riveted by conflict into a nation on the path to reconciliation.

⁵⁵ Ibid., pp. 7-8.

⁵⁶ S/1994/1000.

The Secretary-General also reported that while the new Government's attitude was an encouraging indication of its commitment to the peace process, several difficult issues remained to be resolved in order to ensure compliance with pending obligations under the Peace Accords. The justice and police sectors would continue to require careful attention, as well as the armed forces had to abide fully by their new mandate under the constitution. Moreover, the virtual paralysis of the land-transfer programme, delays and distortions in other reintegration programmes and the unresolved problem of the human settlements were a source of increasing concern.

Concerning the measures taken to contain the costs of ONUSAL, the Secretary-General reported on the phasing-out of military and police personnel and announced his intention to start reducing the substantive civilian staff in the light of developments over the coming months. Air transport expenses had also been drastically reduced and a substantial reduction of the vehicle fleet was under way. He stated that the phasing out of personnel and equipment was being closely correlated with the needs of existing missions, as well as with the planning for new missions.

He concluded by observing that the conditions necessary to ensure the full and final implementation of the Peace Accords for El Salvador seemed to be in place, although difficulties in carrying out outstanding obligations should not be underestimated. The Security Council should be in a position to evaluate progress in that regard on the basis of the report that he would present to it at the end of October 1994.

At its 3425th meeting, on 16 September 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of El Salvador, at his request, to participate in the discussion without the right to vote.

The President (Spain) then made the following statement on behalf of the Council:⁵⁷

The Security Council has received the report of the Secretary-General of 26 August 1994 on the United Nations Observer Mission in El Salvador, submitted pursuant to resolution 920 (1994) of 26 May 1994. The Council is encouraged by the Secretary-General's observation regarding

⁵⁷ S/PRST/1994/54.

El Salvador's transformation from a country riven by conflict into a nation on the path to reconciliation.

The Council welcomes the steps taken by the President of El Salvador, since his inauguration on 1 June 1994, to ensure compliance with the outstanding provisions of the peace accords. It notes that, while some delays and difficulties still persist, progress has been achieved in areas of the agreement on a timetable for the implementation of the most important outstanding agreements, of 19 May 1994, relevant to the strengthening and modernization of the democratic institutions of El Salvador.

The Council reaffirms the need to ensure that, under appropriate verification by the Mission, the police and public security provisions of the peace accords are scrupulously observed. In particular, the Council expects that the Government of El Salvador will accelerate the demobilization of the National Police, as foreseen in the peace accords and as announced by the President of El Salvador.

The Council also shares the Secretary-General's concern at the limited progress of the land-transfer programme, delays and distortions in other reintegration programmes and the unresolved problem of the human settlements, which was originated in the course of the conflict. The Council calls for the removal of remaining obstacles and the prompt fulfilment of the programmes, in conformity with the timetable agreed by the parties. It calls upon States, as well as international institutions, to contribute promptly and generously in support of those programmes.

The Council reiterates the need for full implementation of the recommendations of the Commission on the Truth. In this regard, it welcomes the unanimous election of an independent Supreme Court of Justice as an important step in the process of reform of the judicial system.

The Council welcomes the steps taken by the Secretary-General to reduce the size of the Mission to the lowest possible level of personnel and to contain its costs, consistent with the effective performance of its duties. The Council reaffirms the commitment undertaken by the United Nations to verify the implementation of the peace accords and, in this context, expresses the hope that significant further progress will be made in implementing the accords.

Decision of 23 November 1994 (3465th meeting): resolution 961 (1994)

On 31 October 1994, pursuant to resolution 920 (1994) of 26 May 1994, the Secretary-General submitted to the Security Council a further report on ONUSAL,⁵⁸ in which he provided an overall assessment of the peace process in its political, institutional and socio-economic dimensions and

evaluated the effort required to ensure, as far as possible, its irreversibility. He stated that, despite real progress towards democracy and development, certain issues remained to be resolved before all pending commitments under the Peace Accords were met. Those issues related to the full deployment of the National Civil Police; the completion of the demobilization of the National Police; the reform of the judicial and electoral systems; the transfer of land to former combatants and the conclusion of some important economic reintegration programmes for their benefit; the implementation of the recommendations of the Commission on the Truth; and the completion of the ongoing process to extend all public services to the former zones of conflict. The Government, as well as the leadership and a large majority of the Armed Forces, had expressed their commitment to comply with the outstanding elements of the Peace Accords. That evidence of sustained political will was encouraging, but had to be matched by concrete action and the capacity to activate still recalcitrant sectors within the administration. The joint declaration made on 4 October 1994 by the Government and FMLN, which reconfirmed the commitment of both signatories to complete implementation of the Peace Accords, bore witness to that political will. The parties intended to work out promptly specific agreements on outstanding issues and to send a joint mission to donor countries to seek the funds required to finance the programmes.

He further stated that the United Nations undertaking in El Salvador had been innovative in a variety of ways. The Organization had played a central role in the negotiation of the Peace Accords and overseen a multidimensional peacekeeping and peacebuilding operation in the design of which it had played a key part. It remained engaged in the transition from peacekeeping to post-conflict peacebuilding. That involved not only security-related aspects, such as the replacement of the old police by a new national civil police following reform of the Armed Forces, but also key institutional reforms designed to entrench the rule of law and provide a solid framework to guarantee respect for human rights. The United Nations also supported a complex set of reintegration programmes. In endorsing the Secretary-General's negotiating efforts and subsequently the Peace Accords themselves, the Security Council had accepted the request of the parties that the United Nations verify compliance with all the agreements reached therein. The Council had confirmed that acceptance and had done so again

⁵⁸ S/1994/1212 and Add.1.

recently in the presidential statement of 16 September 1994. It was thus essential to retain ONUSAL for one further mandate period, albeit at a much reduced strength, to ensure that the incomplete undertakings were fully implemented, particularly until the National Police was completely disbanded and the National Civil Police fully deployed and operational. Those goals should be accomplished in about five months. At that time, it would be possible to consider how best to approach the remaining verification duties incumbent upon the Organization which, although not involving United Nations military or police personnel, would nevertheless concern critical and sensitive components of the Peace Accords. The Secretary-General therefore recommended to the Council the extension of ONUSAL until 30 April 1995, at which date that part of its functions which required military and police personnel would have been completed. Before the Mission's termination, he would present to the Council his thoughts on possible mechanisms to maintain United Nations verification thereafter, as well as information on technical assistance programmes in various fields that would contribute to the long-term political and social stability in the country. This approach responded to a widely held view that the termination of ONUSAL should not mark the end of United Nations efforts to consolidate peace in El Salvador.

At its 3465th meeting, on 23 November 1994, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of El Salvador, at his request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to the text of a draft resolution submitted by Colombia, Mexico, Spain, the United States of America and Venezuela.⁵⁹ She also drew their attention to two letters from the Secretary-General addressed to the President of the Council dated 11 August and 6 October 1994,⁶⁰ transmitting, respectively, the report by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups and the Joint Declaration signed on 4 October by the Government of El Salvador and FMLN in which they had agreed to cooperate to ensure compliance with all the Peace Accords by 30 April

⁵⁹ S/1994/1332.

⁶⁰ S/1994/989 and S/1994/1144.

1995 at the latest, and to reiterate their request that ONUSAL be extended until that date.

The representative of El Salvador gave a historical account of the Central American and Salvadorean crisis, of the peace process in Central America and of the United Nations' involvement therein. He noted that the United Nations had entered into an historic phase in Central America by becoming involved and participating in the solution of internal conflicts in sovereign States. He further noted that, at the time of the adoption of the Geneva Agreement on 4 April 1990, the peace process in El Salvador had entered a new stage, in which the United Nations would not only be an observer but also a major player as the Secretary-General was asked to exercise his good offices. After the conclusion of the Peace Accords, pursuant to a sovereign decision of the Government of El Salvador and the political will of the FMLN, the participation of the United Nations included the delicate function of international verification on the ground that the commitments entered into by the parties following the end of the armed conflict were being complied with. Under Security Council resolution 693 (1991) of 20 May 1991, ONUSAL was established with a mandate initially limited to verification of compliance with the San José agreement on human rights, and later expanded, under resolution 729 (1992) of 14 January 1992, to include verification of the cessation of the armed conflict and cooperation in the field of law and order. The representative of El Salvador stated that ONUSAL had performed an extraordinary and praiseworthy role and was generally considered as one of the most successful peacekeeping operations ever developed by the United Nations. He concluded by pointing out that the peace process had not yet been completed and expressed his country's confidence that it would continue to enjoy the cooperation and solidarity of the international community, which were essential to the transition from peacekeeping to post-conflict peacebuilding.⁶¹

Speaking before the vote, the representative of Spain proposed that the Council should maintain ONUSAL until 30 April 1995, albeit with a considerable reduction of its strength, which should not, however, impede the effective fulfilment of its responsibilities. He hoped that, by that date, the

⁶¹ S/PV.3465, pp. 2-7.

National Civil Police would have been fully deployed and the former National Police demobilized. The implementation of other components of the Peace Accords might require a longer period of time. The speaker shared the view of the Secretary-General that it was essential that the United Nations fulfil its commitment to the people of El Salvador to verify full compliance with the Peace Accords. The coming end of ONUSAL should thus in no way signify the end of the efforts by the United Nations in El Salvador nor its turning its back on those commitments. The next report of the Secretary-General should, inter alia, contain his analysis of the ways and means by which the United Nations would continue its verification activities.⁶²

The draft resolution was then put to the vote and adopted unanimously as resolution 961 (1994), which reads:

The Security Council,

Recalling its resolution 637 (1989) of 27 July 1989,

Recalling also its resolutions 693 (1991) of 20 May 1991, 714 (1991) of 30 September 1991, 729 (1992) of 14 January 1992, 784 (1992) of 30 October 1992, 791 (1992) of 30 November 1992, 832 (1993) of 27 May 1993, 888 (1993) of 30 November 1993 and 920 (1994) of 26 May 1994, and recalling also the statement by its President of 16 September 1994,

Having considered the report of the Secretary-General of 31 October 1994,

Having considered also the report of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups of 28 July 1994, as contained in the annex to the letter from the Secretary-General dated 22 October 1994,

Noting the request of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for a further extension of the United Nations Observer Mission in El Salvador in the joint declaration dated 4 October 1994, as contained in the annex to the letter from the Secretary-General dated 10 October 1994,

Concerned by delays in implementing several important elements of the peace accords, particularly those regarding the National Civil Police and the completion of demobilization of the National Police, as well as those related to the transfer of lands, the implementation of programmes to facilitate the reintegration into civilian society of ex-combatants and war disabled, the problems of human settlements, the reform of the judicial and electoral systems, and several recommendations of the Commission on the Truth,

⁶² Ibid., pp. 8-9.

Noting with appreciation the accomplishments of the Mission to date and the continuing efforts of the Secretary-General, his Special Representative and the Mission to support the full implementation of the agreements signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to maintain and consolidate peace and promote reconciliation in El Salvador,

Welcoming the ongoing efforts of the Secretary-General to contain the costs of the Mission,

Welcoming also the continuing commitment by all concerned directed towards reconciliation, stability and development in political life in El Salvador, as noted by the Secretary-General in his report of 31 October 1994,

1. *Welcomes* the report of the Secretary-General of 31 October 1994;

2. *Reaffirms* the importance of full and timely implementation of all aspects of the peace accords, including the recommendations of the Commission on the Truth, and appropriate follow-up to the findings of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups;

3. *Expresses concern* that important elements of the peace accords remain only partially implemented;

4. *Calls upon* all concerned to cooperate fully with the Special Representative of the Secretary-General and the United Nations Observer Mission in El Salvador in their task of verifying implementation by the parties of their commitments;

5. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to redouble their efforts to comply with the agreement on a timetable for the implementation of the most important outstanding agreements so as to complete implementation of all aspects of the peace accords within the period of the timetable, and requests the Secretary-General to keep the Security Council informed on a regular basis of the status of implementation of outstanding commitments and Mission operations;

6. *Urges* all States and the international institutions engaged in the fields of development and finance to contribute promptly and generously in support of the implementation of all aspects of the peace accords, as requested jointly by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional;

7. *Approves* the recommendations by the Secretary-General in his report of 31 October 1994 regarding the implementation by the Mission of its mandate;

8. *Decides* to extend the mandate of the Mission for one final period until 30 April 1995;

9. *Requests* the Secretary-General to report by 31 March 1995 on the Mission, including on the fulfilment and completion of its mandate and on modalities for its withdrawal, to be completed by 30 April 1995, in a manner consistent with the effective performance of its duties;

10. *Reaffirms* the commitment undertaken by the United Nations to verify full implementation of the peace accords, welcomes the intention of the Secretary-General to consider ways for the United Nations to discharge its remaining verification duties, and invites the Secretary-General, in consultation with competent specialized agencies, regional organizations and Member States, to prepare modalities for further assistance to El Salvador, within the framework of the peace accords, for the period after 30 April 1995;

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

After the vote, the representative of Argentina stated that the fact that the peace process had attained the degree of maturity needed to obviate the need for the direct attention of the Security Council was, from any standpoint, a healthy sign. The commitment of the United Nations to that process stood, however, irrespective of the Council's direct involvement. Resolution 961 (1994) provided for mechanisms to address the future of cooperation and assistance by the Organization prior to the end of the ONUSAL mandate.⁶³

The representative of Brazil also underlined that United Nations assistance would be required after the completion of the ONUSAL mandate.⁶⁴

The representative of China pointed out that the land transfer and reintegration programmes were essential to the consolidation of the peace process. He called on the parties to enter immediately into negotiations for concrete solutions. The international community and the United Nations agencies should fulfil their commitments, so as to ensure the successful completion of the peace process.⁶⁵

The representative of France stated that the end of the ONUSAL mandate did not mean that the United Nations would no longer take an interest in El Salvador. Rather, during the new phase of consolidating peace, it would be up to the United Nations specialized agencies to assist in the recovery of the country and particularly in the strengthening of its institutions.⁶⁶

The President, speaking in her capacity as representative of the United States, urged all parties to act on the Council's call to redouble efforts to see all aspects of the Peace Accords implemented before the end of March 1995. She stated that the end of the

United Nations peacekeeping operation did not mean that the international community was abandoning its responsibilities to ensure full implementation of the Peace Accords. The Council was simply acknowledging that in El Salvador a new phase had been reached. The resolution made it clear that that final extension would be sufficient to complete the peacekeeping mandate in El Salvador, that the personnel staffing ONUSAL would be withdrawn by the end of the five-month period and that such assistance as may be appropriate after the Mission ended on 30 April 1995 would be developed through consultations among the appropriate technical agencies and the Member States. Noting that it was time to consider what would come after peacekeeping, the speaker welcomed the intent of the Secretary-General to consider the proper mechanism by which the United Nations would comply with its obligation to verify full implementation of the Peace Accords.⁶⁷

Decision of 17 February 1995: letter from the President to the Secretary-General

By a letter dated 6 February 1995, addressed to the President of the Security Council,⁶⁸ the Secretary-General stated his conviction that, in view of lingering discontent at the failure to implement some parts of the peace agreements, it was essential to put in place, following the disbandment of ONUSAL per se, a mechanism to continue the verification responsibilities and the good offices function that ONUSAL had carried out to date. He proposed to arrange for the establishment of a small team, which would have the capability to provide good offices, to verify implementation of the outstanding points on the peace agreements and to provide a continuing flow of accurate and reliable information in order to keep the Security Council informed as necessary. He would ensure that close cooperation with the Resident Representative of the United Nations Development Programme (UNDP) in El Salvador continued so as to maintain a truly integrated approach in the post-conflict peacebuilding phase. He noted, however, that the team would have to maintain a separate identity, given its inherently political tasks and responsibilities and the fact that verification and good offices required an independence and impartiality that could prove

⁶³ *Ibid.*, pp. 8-9.

⁶⁴ *Ibid.*, pp. 9-10.

⁶⁵ *Ibid.*, p. 10.

⁶⁶ *Ibid.*, pp. 10-11.

⁶⁷ *Ibid.*, p. 11.

⁶⁸ S/1995/143.

difficult to reconcile with the role of UNDP as a partner of the Government.

By a letter dated 17 February 1995,⁶⁹ the President of the Security Council informed the Secretary-General that his letter dated 6 February 1995 concerning the arrangement that he proposed to put in place following the termination of ONUSAL had been brought to the attention of the members of the Security Council. They had welcomed his proposal that verification responsibilities and the good offices function be carried out under his authority, in the manner proposed by him.

**Decision of 28 April 1995 (3528th meeting):
resolution 991 (1995)**

On 24 March 1995, pursuant to resolution 961 (1994) of 23 November 1994, the Secretary-General submitted to the Security Council a report on the fulfilment and completion of the mandate of ONUSAL and modalities for its withdrawal, and on ways for the United Nations to discharge its remaining verification duties.⁷⁰ He described ONUSAL activities during the period 1 November 1994 to 20 March 1995, and assessed the status of implementation of various aspects of the Peace Accords. The Secretary-General stated that preparations to dismantle ONUSAL were well under way. The United Nations would shortly be closing down a paradigmatic, multifunctional peacekeeping operation 45 months after the opening of the pioneering human rights-monitoring mission that had been its initial stage, and 39 months after the formal ceasefire that had accompanied full deployment. While much had been achieved, a number of commitments remained to be honoured. They pertained to such important aspects of the Peace Accords that they could call into question the irreversibility of the peace process as a whole as long as they were unfulfilled. In that regard, the Secretary-General referred, in particular, to the completion of agreements regarding land transfer and other reintegration programmes, the approval of legislative measures recommended by the Commission on the Truth and the strengthening of the National Civil Police, the National Counsel for the Defence of Human Rights, the judiciary and the electoral system.

⁶⁹ S/1995/144.

⁷⁰ S/1995/220.

On that basis, the Secretary-General stated that a strong case could have been made for maintaining ONUSAL after the date of final expiry of its mandate. He had refrained, however, from making such a recommendation in the light of clear indications from members of the Council that the time had come to bring ONUSAL to a close. It was against that background that he had submitted to the Council on 6 February 1995 his proposal to put in place in El Salvador a small team that would conduct the remaining verification and good offices responsibilities following the withdrawal of ONUSAL.⁷¹ He stressed that the need to put that mechanism in place and to make sure that it was able to carry out its difficult task was critical to the consolidation of peace. At the time he had put his intention to the Council, assurances had been given that substantial progress would take place before 30 April 1995. Subsequent delays and new difficulties might warrant a somewhat larger team.

At its 3528th meeting, on 28 April 1995, the Security Council included the report of the Secretary-General in its agenda. The Council invited the representatives of Brazil, Colombia, El Salvador, Mexico, Spain and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁷²

The representative of El Salvador stated that ONUSAL constituted a successful management operation by the United Nations and a historic landmark for his country and the Organization. He recalled that in 1990 the Salvadorean war was at a crucial point. It was the will of both parties and the active mediation of the United Nations that had made it possible to reach the necessary political solution. He commended the Secretary-General's effort and initiative to maintain a significant high-level presence in El Salvador and noted that the implementation of the few aspects of the Peace Accords still pending was closely linked to institutional development, in particular, the judicial and electoral reforms. From then onwards, it was a matter of bringing to a proper conclusion, through the Peace Accords, the specific issues still pending, such as the granting of land to

⁷¹ See S/1995/143.

⁷² S/1995/335.

ex-combatants and landholders, and of fulfilling with a lesser sense of urgency the timetable set for the more institutional aspects.⁷³

During the debate, other speakers praised the contribution of ONUSAL to the peace process but expressed concerns about the fact that a number of commitments under the Peace Accords remained still to be fulfilled. They stressed the importance for the United Nations and the international community of continuing to assist the peace process, and supported the Secretary-General's proposal to maintain a small team to carry out the remaining verification of the implementation of the Peace Accords, as well as to provide good offices, after the termination of the ONUSAL mandate.⁷⁴

Before the vote, the representative of the Russian Federation stated that his country attached great importance to the fact that, within the context of the continuing United Nations presence in El Salvador after the end of the peacekeeping operation, provision had been made for a combined approach to the tasks that needed to be done during the post-conflict peacebuilding stage. In that effort, close cooperation would be needed between El Salvador and UNDP, and also with the specialized agencies and the international financial institutions.⁷⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 991 (1995), which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President on the question of El Salvador,

Having considered the report of the Secretary-General of 24 March 1995,

Having considered also the report of the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador of 18 April 1995,

Recognizing with satisfaction that El Salvador has evolved from a country riven by conflict into a democratic and peaceful nation,

Paying tribute to those Member States which contributed personnel to the Mission,

Recalling the letters from the Secretary-General dated 6 February 1995 and the President of the Security Council dated 17 February 1995,

1. *Pays tribute* to the accomplishments of the United Nations Observer Mission in El Salvador, under the authority of the Secretary-General and his Special Representatives;

2. *Welcomes* the continued commitment of the Government and people of El Salvador to reconciliation, stabilization and the development of political life in El Salvador;

3. *Urges* the Government of El Salvador, the Frente Farabundo Martí para la Liberación Nacional and all concerned in El Salvador to accelerate the pace of implementation of the peace accords and to work together to achieve fulfilment of outstanding commitments in order to ensure the irreversibility of the peace process;

4. *Reiterates its call* that States and international institutions continue to provide assistance to the Government and people of El Salvador as they consolidate the gains made in the peace process;

5. *Affirms*, in accordance with paragraph 8 of resolution 961 (1994), that the mandate of the United Nations Observer Mission in El Salvador will terminate as of 30 April 1995.

After the vote, the representative of the United States stated that the end of the exceptional work of ONUSAL in El Salvador was not a sign of flagging international interest but a vote of confidence that the Salvadorean people could complete the implementation of the Peace Accords without direct international supervision. Resolution 991 urged both former combating sides to accelerate their efforts to implement fully the remaining chapters of the Peace Accords. They had a solemn responsibility to do so. The international community would continue to assist with those efforts.⁷⁶

Welcoming the Secretary-General's proposal to set up a small political team, the representative of the United Kingdom made it clear that that did not represent a continuation of the peacekeeping mission but was part of a wider effort by the United Nations and the international community to consolidate the achievements of ONUSAL, to help with the rebuilding of El Salvador's institutions and to address El Salvador's development needs.⁷⁷

⁷³ S/PV.3528., pp. 6-8.

⁷⁴ *Ibid.*, p. 2 (Mexico); p. 3 (Colombia); pp. 3-5 (Spain); p. 5 (Venezuela); p. 6 (Brazil); p. 8 (Germany); pp. 8-9 (China); pp. 9-10 (Indonesia); p. 10 (Botswana); pp. 10-11 (Nigeria); pp. 11-12 (Honduras); pp. 13-14 (Argentina); pp. 14-15 (France); and pp. 15-16 (Italy).

⁷⁵ *Ibid.*, pp. 12-14.

⁷⁶ *Ibid.*, pp. 13-15.

⁷⁷ *Ibid.*, p. 15.

B. The situation in Guatemala

Decision of 31 January 1994: letter from the President to the Secretary-General

By a letter dated 17 January 1994 addressed to the President of the Security Council,⁷⁸ the Secretary-General transmitted the text of the “Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca” signed in Mexico City on 10 January 1994,⁷⁹ in the presence of the United Nations observer to the peace process. Among the changes introduced by that new agreement, was the parties’ request that the Secretary-General appoint a representative to serve as Moderator of the bilateral talks, a request which he intended to accept. The parties had also concurred that the United Nations should be requested to verify the implementation of all agreements reached by them. It had been made clear to them at the meeting in Mexico City that the latter request would in due course require decisions by the

⁷⁸ S/1994/53.

⁷⁹ *Ibid.*, annex.

relevant intergovernmental bodies of the United Nations. Should the forthcoming negotiations succeed in producing an agreed settlement of the conflict in Guatemala, the Secretary-General would recommend that the United Nations agree to verify implementation of the relevant agreements.

By a letter dated 31 January 1994,⁸⁰ the President of the Council informed the Secretary-General of the following:

The members of the Security Council take note with appreciation of your letter dated 17 January 1994 and the annex thereto, concerning the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca.

The members of the Council welcome the agreement reached by the parties and express the hope that an early and fair settlement of the conflict in Guatemala can be attained.

The members of the Council will welcome any further communications on developments regarding the matter.

⁸⁰ S/1994/104.

13. The question concerning Haiti

Decision of 16 June 1993 (3238th meeting): resolution 841 (1993)

By a letter dated 7 June 1993 addressed to the President of the Security Council,¹ the representative of Haiti stated that, despite the international community’s efforts, constitutional order had not been re-established in Haiti because the *de facto* authorities continued to obstruct all the initiatives that had so far been proposed. He requested that the Security Council make universal and mandatory the sanctions against the *de facto* authorities, adopted at the Ad Hoc Meeting of Ministers for Foreign Affairs of the Organization of American States (OAS), and recommended in various General Assembly resolutions, giving priority to the embargo on petroleum products and the supply of arms and munitions.

At its 3238th meeting, on 16 June 1993, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the

¹ S/25958.

representatives of the Bahamas, Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the members of the Council to a draft resolution submitted by France, the United States and Venezuela.² He further drew their attention to a letter dated 14 June 1993, addressed to the President of the Council from the representative of Cuba,³ in which the latter informed the Council of his Government’s view on the draft resolution before the Council. In that letter, he recalled that, at the time when repeated efforts had been made to secure the Security Council’s authorization of electoral assistance to Haiti, in September 1990, the unanimous opinion of the Group of Latin American and Caribbean States had been that such assistance was not an issue related to international peace and security and could not, therefore, come under the aegis of the Council. On that occasion and subsequently, when further attempts had been made in

² S/25957.

³ S/25942.

1991 to involve the Council in Haiti following the *coup d'état* there, it had been determined, pursuant to the Charter, that the General Assembly was responsible for action on the matter, concerning the approval of electoral assistance for Haiti as well as support for the measures taken by the appropriate regional organization in accordance with its constituent charter. With reference to the draft resolution before the Council and its characterization of the situation of the Haitian refugees as a threat to peace and security in the region, Cuba considered the matter to be a purely humanitarian question, which had to be solved through the relevant international organizations and bodies. Accordingly, that question did not fall within the mandate accorded to the Council under the Charter. Cuba's support for a return to constitutional order in Haiti and for its sole legitimate representative, President Aristide, did not prevent it from categorically repudiating the adoption of measures concerning the internal situation of Haiti by the Council, whose primary responsibility was the maintenance of international peace and security as set forth in Article 24 of the Charter, a context which did not embrace the situation prevailing in Haiti. In his delegation's view, the actions that were being sought of the Council were illegal under the Charter and established a dangerous precedent, which only served to buttress the repeated attempts to extend the authority and mandate of the Council beyond those laid down in the Charter.

The representative of Canada noted that the overthrow of the democratically elected Government of President Aristide had been universally condemned by the international community and that only a firm and unequivocal response from the international community would produce the conditions necessary for the return of democracy to Haiti. While OAS had demonstrated patience and resolve in condemning the interruption of the democratic process and in implementing concrete measures designed to restore that process, it had to be recognized that there were limits to the tools available to it. The OAS embargo on trade with Haiti was not binding on countries which were not members of the organization, thus reducing its impact and allowing the illegal regime in Port-au-Prince to cling to power. Acknowledging that reality, OAS had found it necessary to seek the support of the United Nations. Canada strongly supported the efforts of the past six months of the Special Envoy of OAS and the United Nations to reach a negotiated settlement. She further stated that the

international community shared the responsibility to create the conditions necessary to ensure the success of the mediation mission of the Special Representative of OAS and of the United Nations. By supporting the limited sanctions in the draft resolution, the purpose of which was to advance the negotiating process, the Council would send a clear message. She added that the situation in Haiti was a threat to peace and security in the region and Haiti's neighbours were daily subjected to the consequences of it. The Government of Canada therefore considered it legitimate and necessary that the Council respond positively to the call by President Aristide and impose an embargo on the delivery of oil supplies in order to bring about a speedy conclusion to that situation. There was no other way to bring about the end of the illegal regime. She noted that the principal elements of the draft resolution — an embargo on the delivery of petroleum and petroleum products, arms and munitions, and the freezing of the assets of the Haitian State — had already been covered by the embargo earlier decreed by OAS.⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 841 (1993), which reads:

The Security Council,

Having received a letter dated 7 June 1993 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council requesting that the Council make universal and mandatory the trade embargo on Haiti recommended by the Organization of American States,

Having heard a report of the Secretary-General on 10 June 1993 regarding the crisis in Haiti,

Taking note of resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and MRE/RES.4/92 adopted by the Ministers for Foreign Affairs of the member countries of the Organization of American States, and resolution CP/RES.594 (923/92) and declarations CP/DEC.8 (927/93), CP/DEC.9 (931/93) and CP/DEC.10 (934/93) adopted by the Permanent Council of the Organization of American States,

Taking note in particular of resolution MRE/RES.5/93 adopted on 6 June 1993 at Managua by the Ministers for Foreign Affairs of the member countries of the Organization of American States,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A of 24 November 1992, 47/143 of 18 December 1992 and 47/20 B of 20 April 1993,

⁴ S/PV.3238, pp. 6-8.

Strongly supportive of the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States and of the efforts of the international community to reach a political solution to the crisis in Haiti,

Commending the efforts undertaken by the Special Representative for Haiti of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, Mr. Dante Caputo, to establish a political dialogue with the Haitian parties with a view to resolving the crisis in Haiti,

Recognizing the urgent need for an early, comprehensive and peaceful settlement of the crisis in Haiti in accordance with the provisions of the Charter of the United Nations and international law,

Recalling its statement of 26 February 1993, in which it noted with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security,

Deploring the fact that, despite the efforts of the international community, the legitimate Government of President Jean-Bertrand Aristide has not been reinstated,

Concerned that the persistence of this situation contributes to a climate of fear of persecution and economic dislocation, which could increase the number of Haitians seeking refuge in neighbouring Member States, and convinced that a reversal of this situation is needed to prevent its negative repercussions on the region,

Recalling, in this respect, the provisions of Chapter VIII of the Charter, and stressing the need for effective cooperation between regional organizations and the United Nations,

Considering that the above-mentioned request of the representative of Haiti, made within the context of the related actions previously taken by the Organization of American States and by the General Assembly of the United Nations, defines a unique and exceptional situation warranting extraordinary measures by the Council in support of the efforts undertaken within the framework of the Organization of American States,

Determining that, in these unique and exceptional circumstances, the continuation of this situation threatens international peace and security in the region,

Acting, therefore, under Chapter VII of the Charter,

1. *Affirms* that the solution of the crisis in Haiti should take into account the above-mentioned resolutions of the Organization of American States and of the General Assembly of the United Nations;

2. *Welcomes* the request of the General Assembly that the Secretary-General take the necessary measures in order to assist, in cooperation with the Organization of American States, in the solution of the crisis in Haiti;

3. *Decides* that the provisions set forth in paragraphs 5 to 14 below, which are consistent with the trade embargo recommended by the Organization of American States, shall come into force at 0001 hours eastern standard time on 23 June 1993, unless the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, has reported to the Council that, in the light of the results of the negotiations conducted by the Special Representative for Haiti of the Secretary-General of the United Nations and Secretary-General of the Organization of American States, the imposition of such measures is not warranted at that time;

4. *Decides also* that if at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, reports to the Council that the de facto authorities in Haiti have failed to comply in good faith with their undertakings in the above-mentioned negotiations, the provisions set forth in paragraphs 5 to 14 below shall come into force immediately;

5. *Decides further* that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of petroleum or petroleum products or arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, whether or not originating in their territories, to any person or body in Haiti or to any person or body for the purpose of any business carried on in or operated from Haiti, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

6. *Decides* to prohibit any and all traffic from entering the territory or territorial sea of Haiti carrying petroleum or petroleum products, or arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, in violation of paragraph 5 above;

7. *Decides also* that the Committee of the Security Council established by paragraph 10 below may authorize, on an exceptional case-by-case basis under a no-objection procedure, the importation, in non-commercial quantities and only in barrels or bottles, of petroleum or petroleum products, including propane gas for cooking, for verified essential humanitarian needs, subject to acceptable arrangements for effective monitoring of delivery and use;

8. *Decides further* that States in which there are funds, including any funds derived from property, (a) of the Government of Haiti or of the de facto authorities in Haiti, or (b) controlled directly or indirectly by such Government or authorities or by entities, wherever located or organized, owned or controlled by such Government or authorities, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the de facto authorities in Haiti;

9. *Calls upon* all States and all international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 23 June 1993;

10. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 13 below;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the present resolution;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by the present resolution and to recommend appropriate measures in response thereto;

(d) To consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products for essential humanitarian needs in accordance with paragraph 7 above;

(e) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the present resolution, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(f) To promulgate guidelines to facilitate implementation of the present resolution;

11. *Calls upon* all States to cooperate fully with the Committee in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

12. *Also calls upon* States to bring proceedings against persons and entities violating the measures imposed by the present resolution and to impose appropriate penalties;

13. *Requests* all States to report to the Secretary-General by 16 July 1993 on the measures they have initiated for meeting the obligations set out in paragraphs 5 to 9 above;

14. *Requests* the Secretary-General to provide all necessary assistance to the Committee, and to make the necessary arrangements in the Secretariat for that purpose;

15. *Also requests* the Secretary-General to report to the Security Council, not later than 15 July 1993, and earlier if he considers it appropriate, on progress achieved in the efforts jointly undertaken by him and the Secretary-General of the Organization of American States with a view to reaching a political solution to the crisis in Haiti;

16. *Expresses its readiness* to review all the measures in the present resolution with a view to lifting them if, after the provisions set forth in paragraphs 5 to 14 above have come into force, the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, reports to the Council that the de facto authorities in Haiti have signed and have begun implementing in good faith an agreement to reinstate the legitimate Government of President Jean-Bertrand Aristide;

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

After the vote, the President stated that he had been asked by the members of the Council to say that the adoption of resolution 841 (1993) was warranted by the unique and exceptional situation in Haiti and should not be regarded as constituting a precedent.

The representative of France qualified the situation before the Council as one of “total blockage” and expressed the hope that the adoption of sanctions against Haiti would make it possible to bring the perpetrators of the *coup d’état* to the negotiating table, in order to restore constitutional order in Haiti. He also hoped that it would not be necessary for the Council to tighten those measures if no tangible result emerged from the talks that the Special Representative wished to continue with the parties.⁵

The representative of Venezuela stated that the situation in Haiti was undoubtedly a threat to international peace and security, in particular in the Caribbean basin. It was not a question of interference in Haiti’s internal affairs. The legitimate and constitutional Government of Haiti — that of President Aristide — had asked the members of the Council to act. Efforts must not flag until the lawful authorities of Haiti were restored to power and were accorded the same consideration and support which the United Nations had shown in other extreme cases elsewhere in the world. He further noted that the provisions of the embargo imposed by OAS had not been respected because they were not binding. The action on which the Council had decided was unquestionably a sign of cooperation between the United Nations and a regional organization, namely OAS. It was also the first time that the Council had adopted a resolution implementing Chapter VII in connection with a country in the American hemisphere. The speaker contended that OAS had attempted to apply measures aimed at bringing about a negotiated settlement since the beginning of the crisis in Haiti. There had not been any

⁵ *Ibid.*, pp. 9-10.

initiative, mission, meeting or declaration that had not been undertaken within the framework of OAS. All that remained, therefore, was recourse to the Security Council. The only way to strengthen the embargo was to make it binding and universal, which in turn required action on the part of the Council. In that respect, he emphasized that the embargo was not being pursued as an end in itself, but as a means to give the Special Representative an additional deterrent so that the negotiations would continue and would achieve the goal sought by all.⁶

The representative of Pakistan explained that his delegation voted in favour of resolution 841 (1993) in the belief that the mandatory measures contained therein were in conformity with the recommendations made by OAS and that such extraordinary measures by the Council were necessary due to the threat to international peace and security emanating from the continuation of the situation in Haiti. In his delegation's view, the Council had acted under exceptional circumstances in that particular case. His delegation's vote was therefore without prejudice to the position which it might take on future resolutions of the Council in a similar situation.⁷

Similarly, the representative of Brazil contented that resolution 841 (1993) made it clear that the situation in Haiti was unique and exceptional due to a conjunction of factors, including the request by the legitimate Government of Haiti that the Council make universal and mandatory the measures recommended by OAS and the fact that action had already been taken in that same direction by OAS and by the General Assembly. That prior action provided a framework which warranted the extraordinary consideration of the matter by the Council and the equally extraordinary application of measures provided for in Chapter VII of the Charter.⁸

The representative of the United States stated that the Council had acted decisively to underline the international community's demand for a return to democratic legitimacy in Haiti. In taking the extremely serious step of imposing mandatory sanctions, it was sending a clear and resounding message. At the same time, her delegation was aware that sanctions alone were not a solution to the Haitian tragedy. Rather, the

adoption of tough sanctions represented a further step by the international community to put pressure on those who stood in the way of a solution. In the final analysis, however, the international community could not solve the Haitian crisis. Only the Haitians themselves could do that. She called on all sides to negotiate seriously for a settlement.⁹

The representative of China contended that the crisis in Haiti was essentially a matter which fell within the internal affairs of that country, and therefore should be dealt with by the Haitian people themselves. The Haitian crisis had, however, acquired a new dimension with the latest developments. Under those circumstances, the representative of Haiti, acting within the context of the related actions previously taken by OAS and by the General Assembly, had requested the Council to take urgent measures to redress the crisis in Haiti. Similar requests had been made by OAS and by Latin American and Caribbean countries to support the efforts made by the regional organization. The resolution just adopted had also made it clear that the Council, in dealing with the Haitian crisis, would fully heed and respect the views of the relevant regional organization and countries in the region, and that any action by the Council should be complementary to, and supportive of, the actions by the relevant regional organization. He concluded by pointing out that his delegation's support for resolution 841 (1993) did not in any way alter China's consistent position, according to which it did not favour the Council's handling of matters which were essentially internal affairs of a Member State and disapproved of resorting lightly to such mandatory measures as sanctions by the Council.¹⁰

Decision of 15 July 1993: letter from the President to the Secretary-General

On 12 July 1993, pursuant to resolution 841 (1993), the Secretary-General submitted to the Council a report on the situation of democracy and human rights in Haiti,¹¹ in which he reported on progress achieved in the efforts jointly undertaken by him and the Secretary-General of OAS with a view to reaching a political solution to the crisis in Haiti. The Secretary-General informed the Council that his Special Envoy had obtained the agreement of the President of Haiti

⁶ Ibid., pp. 10-14.

⁷ Ibid., pp. 14-15.

⁸ Ibid., pp. 16-18.

⁹ Ibid., pp. 18-19.

¹⁰ Ibid., pp. 19-21.

¹¹ S/26063.

and of the Commander-in-Chief of the Armed Forces of Haiti to meet with him at Governors Island, New York. The meeting took place from 27 June to 3 July 1993 and concluded with the signing of a 10-point Agreement containing the following arrangements: (1) organization under the auspices of the United Nations and OAS of a political dialogue between representatives of the political parties represented in the Parliament, with the participation of representatives of the Presidential Commission; (2) nomination of a Prime Minister by the President of the Republic; (3) confirmation of the Prime Minister by the legally reconstituted Parliament and his assumption of office in Haiti; (4) suspension, on the initiative of the United Nations Secretary-General, of the sanctions adopted under resolution 841 (1993) and the suspension, on the initiative of the Secretary-General of OAS, of the other measures adopted at the OAS Ad Hoc Meeting of Ministers of Foreign Affairs, immediately after the Prime Minister was confirmed and assumed office in Haiti; (5) implementation, following the agreements with the constitutional Government, of international cooperation, including assistance for modernizing the Armed Forces of Haiti and establishing a new Police Force with the presence of United Nations personnel in those fields; (6) granting of an amnesty by the President of the Republic within the framework of the National Constitution; (7) adoption of a law establishing the new Police Force and appointment, within that framework, of the Commander-in-Chief of the Police Force by the President of the Republic; (8) exercise by the Commander-in-Chief of the Armed Forces of Haiti of his right to early retirement and appointment of a new Commander-in-Chief of the Armed Forces by the President of the Republic; (9) return to Haiti of President Aristide on 30 October 1993; and (10) verification by the United Nations and OAS of fulfilment of all the commitments contained in the Governors Island Agreement.¹² With regard to the last point, the Secretary-General intended to entrust verification of the Agreement to his Special Envoy. Concerning human rights, he would propose that the arrangements for the International Civilian Mission in Haiti (MICIVIH) remain in effect.¹³ Regarding

sanctions, he recommended that the Council endorse the proposal to suspend the sanctions immediately after the Prime Minister was confirmed and assumed office in Haiti. He also recommended that the Council decide that the suspension of the sanctions should be automatically terminated if at any time he, having regard to the views of the Secretary-General of OAS, reported to the Council that the parties to the Agreement or any authorities in Haiti had failed to comply in good faith with the Agreement. In that respect, he specified that failure to comply with the undertakings would include, *inter alia*, numerous violations of the human rights and fundamental freedoms set forth in the international instruments to which Haiti was a party and in the Constitution of Haiti. He added that, immediately after the return of President Aristide to Haiti, he would report to the Council with a view to the sanctions being lifted definitively and that the Secretary-General of OAS had informed him that he would take parallel action with respect to the measures adopted by that organization. On the question of a United Nations presence in Haiti to assist in the modernization of the armed forces and the establishment of a new police force provided for in the Agreement, the Secretary-General would report to the Council with his recommendations after the necessary consultations with the constitutional Government of Haiti.

By a letter dated 15 July 1993,¹⁴ the President of the Council (United Kingdom) informed the Secretary-General of the following:

The members of the Council have considered those parts of your report of 12 July 1993 which are within the competence of the Council. They expressed their deep appreciation for your efforts and those of your Special Representative to achieve a peaceful settlement to the crisis in Haiti and declared their readiness to give the fullest possible support to the Agreement signed on Governors Island, New York, on 3 July 1993.

The members of the Council earnestly hope that the inter-Haitian dialogue which is beginning in New York this week will facilitate rapid progress towards the achievement of the objectives of the Agreement. They look forward to the full implementation of all stages of that Agreement and confirm their readiness to suspend the measures imposed by resolution 841 (1993) of 16 June 1993 immediately after the confirmation of the Prime Minister and his assumption of his functions in Haiti. They agree that provision will also need to be made for the

¹² S/26063, para. 5.

¹³ The United Nations component of the joint United Nations/OAS International Civilian Mission in Haiti (MICIVIH), which had been in operation in the country since February 1993, was authorized by the General Assembly on 20 April 1993 to verify compliance with

Haiti's human rights obligations (see General Assembly resolution 47/20 B).

¹⁴ S/26085.

automatic termination of such suspension if at any time you, having regard for the views of the Secretary-General of the Organization of American States, report to the Council that the parties to the Agreement, or any authorities in Haiti, have failed to comply in good faith with the Agreement. They declare their readiness to terminate the measures imposed by resolution 841 (1993), on receipt of a report from you, immediately after the return of President Aristide to Haiti.

The members of the Council stand ready to take the necessary action urgently upon receipt of your recommendations for the presence of United Nations personnel in Haiti to assist in the modernization of the armed forces and the establishment of a new police force, in accordance with point 5 of the Agreement.

**Decision of 27 August 1993 (3271st meeting):
resolution 861 (1993)**

On 13 August 1993, pursuant to resolution 841 (1993), the Secretary-General submitted to the Council a follow-up report to his report of 12 July 1993.¹⁵ The Secretary-General reported that following the signature of the Governors Island Agreement, the Special Envoy had invited the representatives of the main political forces in Haiti and of the political blocs in Parliament to participate, together with the members of the Presidential Commission, at a political dialogue to discuss the agenda set forth in point 1 of the Agreement. The dialogue had taken place in New York from 14 to 16 July 1993 at the conclusion of which the participants had signed a document known as the New York Pact.¹⁶ That document provided for a political truce of six months' duration, a procedure to enable Parliament to resume its normal functioning, and agreements for the early confirmation of the Prime Minister nominated by the President to head a Government of national concord, and for the adoption of the legal instruments necessary for ensuring the transition. Those undertakings were subject to verification by the United Nations and by OAS. The Secretary-General further reported that, on 24 July 2003, President Aristide had informed the Presidents of the two chambers of Parliament of his intention to nominate Robert Malval as Prime Minister.

On 26 August 1993, the Secretary-General submitted to the Council a follow-up report to his report of 13 August 1993,¹⁷ in which he informed the Council that, the process of confirmation of the Prime Minister-designate of Haiti, Mr. Robert Malval, had

been completed and that the latter had assumed his functions. Accordingly, the Secretary-General recommended that the measures imposed in resolution 841 (1993) be suspended immediately. He also recalled that the suspension would automatically be terminated and sanctions reimposed if at any time he, having regard to the views of the Secretary-General of OAS, reported to the Council that the parties to the Governors Island Agreement or any authorities in Haiti had failed to comply in good faith with the Agreement. Some of the circumstances that would lead him to conclude that such a breach had occurred had been spelled out in his reports of 12 July and 13 August 1993. He further recalled that, immediately after the return of President Aristide to Haiti on 30 October 1993, he would report to the Council with a view to the sanctions being lifted definitively.

At its 3271st meeting, on 27 August 1993, the Council included the report of the Secretary-General dated 26 August 1993 in its agenda. Following the adoption of the agenda, the Council invited the representative of Haiti, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to the reports of the Secretary-General dated 12 July and 13 August 1993,¹⁸ as well as to a letter dated 15 July 1993 addressed to the Secretary-General from the President of the Council.¹⁹ She also drew their attention to a draft resolution prepared in the course of the Council's prior consultations.²⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 861 (1993), which reads:

The Security Council,

Recalling its resolution 841 (1993) of 16 June 1993,

Commending the efforts undertaken by the Special Representative for Haiti of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States,

Having considered the relevant parts of the report of the Secretary-General of 12 July 1993,

Taking note with approval of the Governors Island Agreement between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti, including the provisions of point 4, under which the parties

¹⁵ S/26297.

¹⁶ *Ibid.*, annex.

¹⁷ S/26361.

¹⁸ S/26063 and S/26297.

¹⁹ S/26085.

²⁰ S/26364.

agreed that the sanctions should be suspended immediately after the Prime Minister is confirmed and assumes office in Haiti,

Having also considered the report of the Secretary-General of 13 August 1993 on the New York Pact of 16 July 1993,

Having received the report of the Secretary-General of 26 August 1993 indicating that the Prime Minister of Haiti has been confirmed and has assumed office in Haiti,

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

1. *Decides* that the measures set out in paragraphs 5 to 9 of resolution 841 (1993) are suspended with immediate effect, and requests all States to act consistently with this decision as soon as possible;

2. *Confirms its readiness*, as noted in the letter dated 15 July 1993 addressed to the Secretary-General from the President of the Security Council, to terminate immediately the suspension of the measures referred to in paragraph 1 above if at any time the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, informs the Council that the parties to the Governors Island Agreement or any other authorities in Haiti have not complied in good faith with the Agreement;

3. *Expresses its readiness* to review all the measures in paragraphs 5 to 14 of resolution 841 (1993) with a view to lifting them definitively once the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, informs the Council that the relevant provisions of the Agreement have been fully implemented;

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

After the vote, the representative of France stated that his Government was pleased that the progress of democracy in Haiti had enabled the Council to suspend the sanctions imposed by resolution 841 (1993), as set out in the resolution itself and as stipulated in the Governors Island Agreement. He expressed the hope that the process towards democracy would be completed and that the Council would then finally be able to lift the sanctions. In that way, the Council would be demonstrating to all that it could act in accordance with the developments it observed. He also noted that Haiti's progress towards democracy was in large part the result of cooperation between the United Nations and OAS, which set an example whose repetition and extension would benefit all.²¹

The President, speaking in her capacity as representative of the United States, stated that, at the

time the Council imposed sanctions on Haiti, the goal had clearly been to help restore the democratic Government that had been stolen from the people of Haiti. The Governors Island Agreement, signed two weeks later, was a clear demonstration that sanctions had worked. Both at OAS and at the United Nations, the ratification of President Aristide's chosen Prime Minister was a triumph for multilateral diplomacy, which had been put at the service of democracy and human dignity. The suspension of sanctions was not only a success, but also a first in recent years for the Security Council members had shown that they would be serious in responding to serious progress. That was a message to those who continued to stonewall the Council. In suspending sanctions, Council members had also shown that that economic tool was both flexible and effective, and that the Council could act quickly and decisively. She added that the success also provided a glimpse into the future of a greater vision her Government saw for the United Nations. That vision was not only to reform those States which had spurned the community of nations and to embrace the new democracies that so wished to become good citizens in that community, but also to restore failed States so that they too could rejoin it.²²

The representative of Haiti stated that the ratification of President Aristide's designated Prime Minister was a major victory for OAS and for the United Nations, and in particular for the Security Council, whose resolution 841 (1993) was decisive in the development of the matter. However, the situation in Haiti was still extremely precarious, with a renewed outbreak of human rights violations, as indicated by the last report of the International Civilian Mission. His delegation hoped that the Council would remain vigilant against any attempts to wreck the process of establishing democracy in Haiti.²³

Other speakers also highlighted the importance of the cooperation between the United Nations and OAS, and the need to continue such a partnership until a definite solution to the crisis in Haiti had been achieved. Some expressed concern at the human rights situation in Haiti.²⁴ Others emphasized the role that

²² *Ibid.*, pp. 16-17.

²³ *Ibid.*, pp. 18-19.

²⁴ *Ibid.*, pp. 5-6 (Venezuela); and pp. 6-8 (Brazil).

²¹ S/PV.3271, pp. 8-9.

should be played by other United Nations organs with regard to economic and social assistance to Haiti.²⁵

Decision of 31 August 1993 (3272nd meeting): resolution 862 (1993)

On 25 August 1993, the Secretary-General submitted to the Council a report concerning Haiti,²⁶ in which he put forward recommendations for the consideration of the Council concerning United Nations assistance in the modernization of the Armed Forces as well as in the establishment of a new police force, as provided for under the Governors Island Agreement. Those recommendations had been made pursuant to a letter of 24 July 1993 from President Aristide and were based on advice from his Special Envoy and the “Friends of the Secretary-General for Haiti”. Pending adoption of the necessary legislation for the creation of the new police force, including the appointment of a Commander-in-Chief of the Police, an estimated 567 United Nations police monitors would assist the Government in monitoring the activities of those members of the Armed Forces who were carrying out police functions. In consultation with the Government of Haiti, the United Nations would, at a later stage, assist in the establishment of a Police Academy and in the training of a new generation of police officers there. The task of modernizing the Armed Forces would be discharged by training teams of 12 trainers each, with an average of 60 trainers being present in Haiti at any given time. In addition, a military construction unit with a strength of approximately 500 people would be deployed to work with the Haitian military to carry out construction projects. Those tasks would be carried by the mission to be known as the United Nations Mission in Haiti (UNMIH). The Secretary-General recommended therefore that the Council authorize the establishment of UNMIH for an initial period of six months, to be dispatched as soon as the conditions set up in the Governors Island Agreement were met. The duration of the Mission would be subject to periodic review, in the light of the progress achieved in the restoration of democracy in Haiti.

At its 3272nd meeting, on 31 August 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the

²⁵ *Ibid.*, pp. 8-9 (Spain).

²⁶ S/26352.

President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 862 (1993), which reads:

The Security Council,

Recalling its resolutions 841 (1993) of 16 June 1993 and 861 (1993) of 27 August 1993,

Recalling also the Governors Island Agreement between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti, of 3 July 1993, contained in the report of the Secretary-General of 12 July 1993, and the letter dated 24 July 1993 from the President of the Republic of Haiti to the Secretary-General,

Commending the efforts undertaken by the Special Representative for Haiti of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States,

Noting that point 5 of the Agreement calls for international assistance in modernizing the armed forces of Haiti and establishing a new police force with the presence of United Nations personnel in these fields,

Reaffirming the international community’s commitment to a resolution of the crisis in Haiti, including a restoration of democracy,

Recalling the situation in Haiti and the continuing responsibility of the Council, under the Charter of the United Nations, for the maintenance of international peace and security,

1. *Takes note* of the report of the Secretary-General to the Security Council of 25 August 1993, which contains recommendations concerning United Nations assistance in the modernization of the armed forces as well as in the establishment of a new police force in Haiti under a proposed United Nations mission in Haiti;

2. *Approves* the dispatch, as soon as possible, of an advance team of not more than thirty personnel to assess requirements and prepare for the possible dispatch of both the civilian police and military assistance components of the proposed United Nations mission in Haiti;

3. *Decides* that the mandate of the advance team will expire within one month, and contemplates that this advance team could be incorporated into the proposed United Nations mission in Haiti if and when such a mission is formally established by the Council;

4. *Looks forward* to a further report of the Secretary-General on the proposed establishment of the United Nations mission in Haiti, including in particular a detailed estimate of

²⁷ S/26384.

the cost and scope of the operation, a time-frame for its implementation and its projected conclusion, and how to ensure coordination, *inter alia*, between it and the work of the Organization of American States, with a view to establishing the proposed mission on an expeditious basis, if the Council so decides;

5. *Urges* the Secretary-General to enter expeditiously into discussions with the Government of Haiti on a status-of-mission agreement to facilitate the early dispatch of the United Nations mission in Haiti, if and when the Council so decides;

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

After the vote, the representative of France stated that resolution 862 (1993) allowed the international community once again to note its will to ensure the return of democracy to Haiti. He hoped that the advance team provided in the resolution could be sent immediately to its theatre of operations to prepare for the arrival of a larger United Nations mission. It was important for the Council to be provided quickly with the additional information it had requested, in order to take a final decision concerning the United Nations Mission in Haiti.²⁸

The representative of Venezuela noted that the measures in resolution 862 (1993) had been identified and agreed to by the Haitians themselves. The Council was therefore working in accordance with those understandings and with full respect for the sovereignty of Haiti. Emphasizing the need to follow up on the recommendations of the advance team, he noted that that initiative by the Council was part of a process which, as a result of the express will of the Government of Haiti, had involved the United Nations and OAS from the beginning. Unlike other similar operations, that one had reflected the security measures and the guarantees that had been found suitable and agreed upon by the parties in the process which guided the Special Envoy. For that reason, he believed that the organizational and budgetary safeguards in paragraphs three, four and five of resolution 862 (1993) should not be interpreted as restrictive or as conditions of the commitment to set up UNMIH expeditiously.²⁹

The representative of Spain stated that, with the adoption of resolution 862 (1993), the Council was demonstrating its determination to actively assist the legitimate Government of Haiti and the Haitian people in their task of restoring and consolidating their

democratic institutions. In that respect, he noted that the democratization of the police forces and the military establishment was related to the international civil mission which was already functioning in Haiti under the auspices of the United Nations to supervise genuine respect for human rights. The assistance of the United Nations in those matters, in cooperation with OAS, and coordinated by the Special Envoy, was important for two reasons: firstly, the United Nations was responding promptly to a request by the legitimate Government of Haiti and supporting that Government's desire to modernize and professionalize its security and armed forces, in accordance with the provisions of the Governors Island Agreement; and secondly, the democratization of those institutions was an essential element in lending a seal of permanence to the period of democracy which was beginning.³⁰

The President, speaking in her capacity as representative of the United States, stated that the provision of United Nations military and police personnel was a tangible sign that the Council's commitment would not end with the restoration of constitutional government, but would continue until democratic institutions were firmly in place. It was also a calming presence during the transition period. Noting that the Secretary-General's report of 15 August 1993 provided a well-considered formula to cultivate an enduring solution, she looked forward to the speedy dispatch of the United Nations advance team and to its assessment of the situation, followed by the establishment of UNMIH.³¹

**Decision of 17 September 1993 (3278th
meeting): statement by the President**

At its 3278th meeting, on 17 September 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President (Venezuela) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:³²

The Security Council deplores the recent upsurge in violence in Haiti, particularly the events of 11 and 12 September 1993, when at least a dozen people were assassinated, including a prominent supporter of President Aristide, during a church service.

²⁸ S/PV.3272, p. 3.

²⁹ *Ibid.*, pp. 5-6.

³⁰ *Ibid.*, pp. 8-9.

³¹ *Ibid.*, pp. 9-11.

³² S/26460.

The Council is deeply concerned at these developments as well as at the existence of organized armed civilian groups in the capital which are attempting to interfere with the new constitutional Government's proper assumption of its functions.

The Council considers it imperative that the constitutional Government of Haiti assume control over the security forces of the country, and that those responsible for the activities of the organized armed civilian groups throughout the country, and particularly in Port-au-Prince, be held personally accountable for their actions and removed from their functions. It also urges the Haitian authorities to take immediate measures with a view to disarming these groups.

The Council strongly calls upon the Commander-in-Chief of the Armed Forces, also in his capacity as signatory to the Governors Island Agreement, to carry out his responsibilities to the fullest by ensuring immediate compliance with the letter and the spirit of the Agreement.

The Council will hold the Haitian military and security authorities personally responsible for the safety of all United Nations personnel in Haiti.

Unless there is a clear and immediate effort by the security forces to put an end to the present levels of violence and intimidation, and unless the above requirements are met, the Council will have no alternative but to consider that the authorities responsible for public order in Haiti are not complying in good faith with the Agreement.

Therefore, should the Secretary-General, in accordance with resolution 861 (1993) of 27 August 1993, and having received the views of the Secretary-General of the Organization of American States, inform the Council that, in his opinion, there is a serious and consistent non-compliance with the Agreement, the Council will immediately reinstate those measures provided for in its resolution 841 (1993) of 16 June 1993 appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for the non-compliance with the Agreement.

The Council reaffirms that all the parties in Haiti are bound to comply with their obligations under the Agreement, as well as with those embodied in the relevant international treaties to which Haiti is party and in all relevant Council resolutions.

The Council will closely monitor the situation in Haiti in the coming days.

Decision of 23 September 1993 (3282nd meeting): resolution 867 (1993)

On 21 September 1993, pursuant to resolution 862 (1993), the Secretary-General submitted to the Council a report on Haiti, in which he provided additional information on the proposed establishment of UNMIH.³³ The Secretary-General reported that, in

accordance with resolution 862 (1993), an advance team of military, police and civilian specialists, led by his Special Envoy, had been dispatched to Haiti on 8 September 1993. First, the team had been instructed to undertake a detailed survey as a basis for the preparation of the report, and secondly, a small group of military and police officers were to remain in Haiti, after the return of the main body of the advance team on 12 September 1993, with the task of making preparations for the eventual deployment of the Mission in Haiti. His Special Envoy had met with a number of Haitian officials representing the Constitutional Government as well as the Armed Forces, including the Prime Minister and Commander-in-Chief of the Haitian Armed forces. Both sides had confirmed their desire to pursue the implementation of the Governors Island Agreement, including those provisions which foresaw the participation of the United Nations. He noted that notwithstanding the assurances given by both sides regarding their readiness to cooperate with the United Nations in the implementation of the relevant provisions of the Governors Island Agreement, they continued to be divided by deep mistrust and suspicion. Meanwhile, the political and social climate in Haiti continued to be characterized by widespread violations of human rights and other instances of violence. The Secretary-General fully concurred with the opinion of his Special Envoy, according to which there was an urgent need to demonstrate through concrete steps the commitment of the international community to the solution of the Haitian crisis. He hoped, therefore, that the Council would agree to the urgent establishment of UNMIH in line with his earlier recommendations.

The Secretary-General recalled that the main objective of United Nations cooperation in the police sector was to assist in the establishment and organization of a national police force separate from the Armed Forces. In the first phase, pending the creation of such a police force, the police members of UNMIH would monitor the performance of the existing security forces. In particular, they would verify that the existing security forces respected human rights as well as the letter and spirit of the political accord. That initial phase of the Mission was estimated to require six months. As soon as feasible, and if possible before the completion of the initial phase, the scope of UNMIH activities in the police sector would be expanded to include training of the members of the

³³ S/26480. See also S/26480/Add.1.

new police force.³⁴ Concerning assistance for the modernization of the Armed Forces, the Secretary-General stated that the military operation would be carried out in three phases: the first consisting of the movement of military units and the installation of a base camp; the second covering training of military personnel in various disciplines and the initiation of engineering and medical assistance projects; and the third phase involving expanded training, as well as engineering and medical projects enabling the Haitian military personnel to apply their newly acquired skills. It was estimated that all those activities could be conducted simultaneously and be completed within six months.³⁵ The training which would be provided to the Haitian Armed Forces was intended to enhance their capabilities in non-combat skills essentially in the areas relating to disaster preparedness and relief.³⁶ The strength of the military component of UNMIH, including military trainers, would need to be increased to approximately 700 personnel. Finally, his Special Representative in Haiti would be responsible for coordinating the work of UNMIH and of MICIVIH, both of which would function under his overall authority.

The Secretary-General noted that his recommendations for the deployment of UNMIH had been developed with a view to ensuring that the operation was cost effective. Some elements of the activities envisaged for UNMIH would have to be funded separately through the establishment of trust funds or other arrangements.³⁷ He reiterated his recommendation that the Council approve the establishment of UNMIH for an initial period of six months.

At its 3282nd meeting, on 23 September 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by the United States³⁸ and read out revisions to be made to the draft in its provisional form. He also drew their attention to several other documents.³⁹

³⁴ S/26480, para. 9.

³⁵ *Ibid.*, para. 16.

³⁶ *Ibid.*, para. 17.

³⁷ *Ibid.*, para. 26.

³⁸ S/26484.

³⁹ Reports of the Secretary-General dated 12 July and 13 August 1993 (S/26063 and S/26297); letter dated

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 867 (1993), which reads:

The Security Council,

Recalling its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993 and 862 (1993) of 31 August 1993,

Recalling also the relevant resolutions adopted by the General Assembly of the United Nations and the Organization of American States,

Taking note of the report of the Secretary-General of 21 and 22 September 1993 and the reports of the Secretary-General of 25 August and 26 August 1993, submitted pursuant to his reports to the Council of 12 July and 13 August 1993,

Taking note also of the letter dated 24 July 1993 from the Secretary-General to the President of the Security Council conveying a proposal from the Government of Haiti requesting the United Nations to provide assistance in creating a new police force and in modernizing the Haitian armed forces,

Stressing the importance of the Governors Island Agreement of 3 July 1993 between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti towards promoting the return of peace and stability in Haiti, including the provisions of point 5, under which the parties call for assistance for modernizing the armed forces of Haiti and establishing a new police force with the presence of United Nations personnel in those fields,

Strongly supportive of the efforts to implement that Agreement and to permit the resumption of the normal operations of government in Haiti, including police and military functions, under civilian control,

Recalling the situation in Haiti and the continuing responsibility of the Council under the Charter of the United Nations for the maintenance of international peace and security,

Concerned about the escalation of politically motivated violence in Haiti at this time of critical political transition, and recalling in this respect the statement of the President of the Security Council of 17 September 1993,

26 July 1993 from the Secretary-General to the President of the Security Council (S/26/80), transmitting a letter dated 24 July 1993 from the President of Haiti to the Secretary-General; letter dated 14 September 1993 from the Secretary-General to the President of the General Assembly (S/26471), transmitting a declaration on the situation in Haiti adopted by the Permanent Council of OAS on 8 September 1993; and letter dated 21 September 1993 from the representative of Belgium to the Secretary-General (S/26482), transmitting a statement on Haiti issued by the European Community on 20 September 1993.

Considering that there is an urgent need to ensure conditions for the full implementation of the Governors Island Agreement and the political accords contained in the New York Pact as contained in the annex to the report of the Secretary-General of 13 August 1993,

1. *Approves* the recommendation of the Secretary-General contained in his reports of 25 August and 21 and 22 September 1993 to authorize the establishment and immediate dispatch of the United Nations Mission in Haiti for a period of six months subject to the proviso that it will be extended beyond seventy-five days only upon a review by the Council to be based on a report from the Secretary-General on whether or not substantive progress has been made towards the implementation of the Governors Island Agreement and the political accords contained in the New York Pact;

2. *Decides* that in accordance with the report of the Secretary-General of 21 and 22 September 1993, the Mission shall be comprised of up to five hundred and sixty-seven United Nations police monitors and a military construction unit with a strength of approximately seven hundred, including sixty military trainers;

3. *Determines* that the United Nations police monitors shall provide guidance and training to all levels of the Haitian police and monitor the way in which the operations are implemented in accordance with paragraph 9 of the report of the Secretary-General of 21 and 22 September 1993;

4. *Also determines* that the military component of the Mission in charge of modernization of the armed forces shall have the following roles:

(a) The military training teams shall provide non-combat training, as outlined in paragraph 17 of the report of the Secretary-General of 21 and 22 September 1993, to meet requirements determined through coordination between the chief of the Mission and the Government of Haiti;

(b) The military construction unit will work with the Haitian military to carry out projects, as specified in paragraph 15 of the report of the Secretary-General of 25 August 1993 and as described in paragraph 16 of his report of 21 and 22 September 1993;

5. *Welcomes* the intention of the Secretary-General to place the peacekeeping Mission under the oversight of the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, who also oversees the activities of the International Civilian Mission in Haiti, so that the peacekeeping Mission may benefit from the experience and information already obtained by the Civilian Mission;

6. *Calls upon* the Government of Haiti to take all appropriate steps to ensure the safety of United Nations personnel, as well as to ensure the freedom of movement and communication of the United Nations Mission in Haiti and its members as well as the other rights necessary for the

performance of its task, and in this regard, urges the conclusion at the earliest possible stage of a status-of-mission agreement;

7. *Notes* that such safety and freedoms are a prerequisite for the successful implementation of the Mission, and requests the Secretary-General to report to the Council in the event that such conditions do not exist;

8. *Calls upon* all factions in Haiti explicitly and publicly to renounce, and to direct their supporters to renounce, violence as a means of political expression;

9. *Requests* the Secretary-General to dispatch the Mission on an urgent basis;

10. *Encourages* the Secretary-General to establish a trust fund or make other arrangements to assist in the financing of the Mission, along the lines and conditions outlined in paragraph 26 of the report of the Secretary-General of 21 and 22 September 1993, and to seek for this purpose pledges and contributions from Member States and others, and encourages Member States to make voluntary contributions to this fund;

11. *Requests* the Secretary-General to seek contributions of personnel from Member States for the civilian police and military components of the Mission, as specified in paragraph 18 of his report of 25 August 1993;

12. *Expresses the hope* that States will assist the legally constituted Government of Haiti in carrying out actions consistent with the restoration of democracy as called for by the Governors Island Agreement, the New York Pact and other relevant resolutions and agreements;

13. *Expresses its appreciation* for the constructive role of the Organization of American States in cooperation with the United Nations in promoting the solution of the political crisis and the restoration of democracy in Haiti, and in this context stresses the importance of ensuring close coordination between the United Nations and the Organization of American States in their work in Haiti;

14. *Requests* the Secretary-General to submit progress reports to the Security Council on the implementation of the present resolution by 10 December 1993 and 25 January 1994, thus keeping the Council fully informed on actions taken to implement the Mission;

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

Speaking after the vote, the representative of the United States noted the role played by both the United Nations and OAS in Haiti. He said that the country was entering a period of fundamental change, during which its most important institutions had to be refashioned as the building blocks of a democratic society. Those institutions could not, however, be imposed from the outside. But with the consent of Haitian leaders, outsiders could help Haitian citizens. Furthermore, the establishment and maintenance of civil order by

democratic means was essential to the future of Haiti, and helping that to occur was a central purpose of the United Nations mission. The international community expected the Governors Island signatories to meet their obligations in full, especially with respect to safeguarding the human rights of Haitian citizens and ensuring the safety of United Nations mission personnel in Haiti.⁴⁰

The representative of France stated that it was a matter of urgency for his delegation to vote for resolution 867 (1993). Noting that the positive developments, which were taking place in Haiti since July, reflected a spirit of compromise on the part of the leaders of the various factions, he said that it would be unfortunate if the atmosphere in Haiti were to deteriorate in an enduring way that would compromise the initial achievements in the process of national reconciliation. His country strongly condemned the recent acts of violence and human rights violations in Haiti, and called on those responsible to show restraint and to respect the rules of democracy. He noted that the decision to dispatch a military construction unit, while not specifically provided for in the Governors Island Agreement, would help involve the armed forces in the civilian work of rebuilding the country. He pointed out that the projects to be carried out in that framework would have to be financed by a special fund, which should be funded largely by the participants in the military construction unit.⁴¹

The President, speaking in his capacity as representative of Venezuela, stated that the establishment and immediate deployment of a United Nations mission in Haiti was an urgent operation because of the grave situation of violence and political intimidation that had re-emerged in Haiti. That situation impeded the effective functioning of the legitimate Government and the creation of a climate of tranquillity and stability, and hindered United Nations efforts to re-establish democracy in Haiti. The international community had committed itself to guaranteeing the implementation of the Governors Island Agreement and the New York Pact, and would not tolerate acts of defiance whose continuance would force it to reimpose the sanctions provided for in resolution 841 (1993). He reiterated his delegation's support for the presidential statement of 17 September

1993, which declared that anyone attempting to harm United Nations personnel in Haiti would be held personally responsible. In conclusion, he noted that the adoption by the Council of resolution 867 (1993) was but one of the steps necessary to restore democracy in Haiti.⁴²

**Decision of 11 October 1993 (3289th meeting):
statement by the President**

At its 3289th meeting, on 11 October 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President (Brazil) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴³

The Security Council is deeply concerned with the situation in Haiti and deeply deplores the events of 11 October 1993, when organized armed civilian groups ("attachés") threatened journalists and diplomats waiting to meet a contingent of the United Nations Mission in Haiti dispatched pursuant to resolution 867 (1993) of 23 September 1993. Moreover, the disturbance created by these armed groups and a lack of dock personnel prevented the landing at Port-au-Prince of the ship carrying the contingent. The Council considers it imperative that the armed forces of Haiti carry out their responsibilities to ensure that obstructions such as these to the safe and successful dispatch of the Mission end immediately.

The Council reiterates, in accordance with the statement of the President of 17 September 1993, that serious and consistent non-compliance with the Governors Island Agreement will prompt the Council to reinstate immediately those measures provided for in its resolution 841 (1993) of 16 June 1993 appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for this non-compliance. In that context, the Council requests the Secretary-General to report urgently to the Council whether the incidents of 11 October constitute such non-compliance by the armed forces of Haiti with the Agreement.

The Council looks forward to the report of the Secretary-General and will closely monitor the situation in Haiti in the coming days.

**Decision of 13 October 1993 (3291st meeting):
resolution 873 (1993)**

On 13 October 1993, pursuant to the presidential statement of 11 October 1993, in which the Security Council had requested the Secretary-General to report to it whether the incidents of 11 October constituted

⁴⁰ S/PV. 3282, p. 11-12.

⁴¹ Ibid., pp. 15-16.

⁴² Ibid., pp. 22-23.

⁴³ S/26567.

serious and consistent non-compliance by the Armed Forces with the Governors Island Agreement, the Secretary-General submitted a report on the question concerning Haiti.⁴⁴ The Secretary-General noted that the incidents of 11 October 1993, which had prevented the deployment of a contingent of the military component of UNMIH arriving on board the vessel *Harlan County*, had been the culmination of a situation characterized by the repeatedly observed refusal on the part of the command of the Haitian authorities to facilitate the operation of UNMIH, to follow the instructions of the constitutional Government, and to put an end to the violence perpetrated by armed civilians with the complicity of the police. He also cited the attack on 5 October on the Prime Minister's office by armed civilians with the participation of members of the police force and the general strike declared on 7 October against UNMIH on the proposal of a group known as the Front pour l'avancement et le progres d'Haiti. Accordingly, he was compelled to inform the Council that the Commander-in-Chief of the Armed Forces of Haiti, as one of the parties to the Agreement, and the police chief and commander of the Port-au-Prince metropolitan area, as one of the "authorities in Haiti", had failed to fulfil the commitments entered into under the Governors Island Agreement. In the light of all the foregoing facts, which reflected serious and consistent non-compliance with the Governors Island Agreement, and having regard to the views of the Secretary-General of OAS, he considered it necessary, in accordance with resolution 861 (1993), to terminate the suspension of the measures set out in paragraphs 5 to 9 of resolution 841 (1993).

At its 3291st meeting, on 13 October 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Barbados, Belize, Dominica, Grenada, Haiti and Saint Vincent and the Grenadines, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁵

Before the vote, the representative of the United States, referring to the incidents of 11 October 1993,

⁴⁴ S/26573.

⁴⁵ S/26578.

stated that the military leaders of Haiti had violated a solemn agreement which sought to resolve peacefully the governmental crisis in their country. United States troops on a United Nations mission had been prevented from entering Haiti by armed demonstrators acting with police and military support. Those troops, which had been invited by Haiti's Prime Minister, had not been sent to confront the military or police, but to provide technical and training assistance, as called for by the Governors Island Agreement. The United States had said from the outset that its participation depended upon the willingness of the Haitian military to provide a cooperative and secure environment. It had never suggested or threatened an intervention in Haiti over the opposition of the military, nor had that course of action ever been endorsed or proposed by President Aristide. Turning to the draft resolution, the speaker said that the decision to reimpose economic sanctions had not been taken lightly. Her Government would maintain the pressure for democratic change in Haiti in every manner possible, short of an armed intervention that no one wanted. It would continue to explore every avenue for a peaceful solution.⁴⁶

The representative of Venezuela took note of the fact that the military authorities of Haiti had not carried out in good faith the commitments assumed in the Governors Island Agreement. That lack of compliance with the obligations imposed in the Agreement obviously reflected a situation that was a threat to peace and security in the region and required the Council to take action under Chapter VII of the Charter. Accordingly, his delegation supported the reimposition of sanctions on Haiti. It was essential to send an unambiguous message to those who were challenging the authority of the Council and the international community, which had committed itself to guaranteeing the implementation of the Governors Island Agreement. The purpose of assisting in the return of democracy to Haiti was firm and there would be no hesitation to take all measures to ensure that that goal be attained.⁴⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 873 (1993), which reads:

⁴⁶ S/PV.3291, pp. 3-5.

⁴⁷ *Ibid.*, pp. 5-7.

The Security Council,

Recalling its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993 and 867 (1993) of 23 September 1993,

Deeply disturbed by the continued obstruction of the arrival of the United Nations Mission in Haiti, dispatched pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work,

Having received the report of the Secretary-General of 13 October 1993 informing the Council that the military authorities of Haiti, including the police, have not complied in good faith with the Governors Island Agreement,

Determining that their failure to fulfil obligations under the Agreement constitutes a threat to peace and security in the region,

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

1. *Decides*, in accordance with paragraph 2 of resolution 861 (1993), to terminate the suspension of the measures set out in paragraphs 5 to 9 of resolution 841 (1993) as of 2359 hours eastern standard time on 18 October 1993, unless the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, reports to the Council that the parties to the Governors Island Agreement and any other authorities in Haiti are implementing in full the agreement to reinstate the legitimate Government of President Jean-Bertrand Aristide and have established the necessary measures to enable the United Nations Mission in Haiti to carry out its mandate;

2. *Decides also* that funds that are required to be frozen pursuant to paragraph 8 of resolution 841 (1993) may be released at the request of President Aristide or Prime Minister Malval of Haiti;

3. *Decides further* that the Committee of the Security Council established pursuant to paragraph 10 of resolution 841 (1993) shall have the authority, in addition to that set forth in the aforementioned paragraph, to grant exceptions to the prohibitions (other than those referred to in paragraph 2 above) referred to in paragraph 1 above on a case-by-case basis under the no-objection procedure in response to requests by President Aristide or Prime Minister Malval;

4. *Confirms its readiness* to consider urgently the imposition of additional measures if the Secretary-General informs the Security Council that the parties to the Governors Island Agreement or any other authorities in Haiti continue to impede the activities of the Mission or interfere with the freedom of movement and communication of the Mission and its members as well as the other rights necessary for the performance of its mandate, or have not complied in full with relevant Council resolutions and the provisions of the Agreement;

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

Speaking after the vote, the representative of France saw no alternative to re-imposing the sanctions that had been lifted on 27 August 1993. He noted that a few days had been granted before the sanctions took effect, during which time he hoped that those in charge of the army and police in Haiti would decide to comply fully with the Governors Island Agreement, which should lead to the reinstating of the legal authorities and the return of President Aristide on 30 October 1993. If sanctions were to be lifted, those responsible for the impasse would have to give formal guarantees of their full cooperation with UNMIH, demonstrate that they were committed to strict compliance with the orders received from the constitutional Government, and immediately implement points 7, 8 and 9 of the Governors Island Agreement, which provided, in particular, that before the return of President Aristide, the Commander-in-Chief of the Armed Forces should be replaced. He made it clear that if those provisions were not implemented within the necessary time frame, France would not hesitate to adopt additional measures against those responsible for the failure of the process.⁴⁸

The President, speaking in his capacity as representative of Brazil, stated that it was clearly the duty of the military and security authorities in Haiti to ensure conditions for UNMIH personnel to arrive safely in Haiti and afterwards to perform their tasks without any obstacles. OAS had condemned the acts of intimidation of 11 October 1993 as well as the lack of cooperation on the part of the military and police authorities to enable United Nations contingents to disembark in Haiti. He recalled that by resolution 861 (1993), the Council had indicated that the sanctions which had then been suspended would be reimposed should the Haitian security authorities fail to implement in good faith the provisions of the Governors Island Agreement. The Council had to thus respond appropriately, while making clear that it would continue to firmly support the restoration of legitimacy, democracy and the rule of law in Haiti. To do otherwise would not be consistent with the goals and principles of the Organization.⁴⁹

⁴⁸ *Ibid.*, pp. 7-8.

⁴⁹ *Ibid.*, pp. 10-12.

**Decision of 16 October 1993 (3293rd meeting):
resolution 875 (1993)**

At its 3293rd meeting, on 16 October 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to a draft resolution submitted by Canada, France, the United States and Venezuela⁵⁰ and to a letter dated 15 October 1993 addressed to the Secretary-General from the President of Haiti⁵¹ in which he noted the violations of the Governors Island Agreement, as certified in the Secretary-General's report of 13 October 1993, and requested the Council, under the authority vested in it by Chapter VII of the Charter, to call on Member States to take the necessary measures to strengthen the provisions of resolution 873 (1993).

The representative of Haiti contended that, since the signing of the Governors Island Agreement, groups of armed civilians, commonly known as "attachés" who were auxiliary personnel of the Armed Forces and the police were waging a terror campaign to intimidate anyone who wanted to help restore democracy in Haiti. The assassination of the Minister of Justice was very revealing of that sector's systematic opposition to the transition process and to the return of President Aristide. Calling on the international community to condemn that act and those responsible for it, he further stated that the international community had to make it clear that it was determined to carry out to the end the process of restoring democracy in Haiti. It was important that the Council monitor strictly the application of measures reimposed under resolution 873 (1993). The more those measures were respected, the faster and surer would be the results. The international community had to bring pressure to bear so that all the provisions of the Governors Island Agreement and the New York Pact would be complied with and Haiti would finally regain peace.⁵²

Speaking in explanation of vote, the representative of the United States noted that for the second time in four days, the Council was meeting to restate its commitment to the Governors Island

Agreement and to the peaceful return of elected President Aristide. The members of the Council had recognized the need to act promptly and firmly. The draft resolution under consideration called upon all States to cooperate in ensuring that no ships arrived in Haiti in violation of the economic sanctions previously adopted. While that decision might cause additional suffering to the Haitian people, the purpose of those sanctions was ultimately to relieve hardship and to liberate Haiti from the stranglehold being inflicted by a small group of men. Noting that the economic sanctions would not enter into effect until 18 October, she called upon Haiti's military leaders to take immediate steps to reaffirm their commitment to the Agreement. Noting also that there should be no doubt about the determination of the United States and the community of nations, she added that her Government would use its diplomatic and military power to see that economic sanctions worked and to ensure that those sanctions served to shield the flickering flame of Haitian democracy.⁵³

The representative of Venezuela stated that the international community had an irrevocable commitment to democracy in Haiti. That commitment would appear to be on the verge of coming to naught as a result of the behaviour of the military and police authorities of Haiti who continued to promote and encourage acts of harassment and aggression against the legitimate Government of Haiti and against the international community, as represented by OAS and the United Nations missions in Haiti. The recent events in Haiti and the general insecurity prevailing in that country constituted open contempt for the will of the international community, as expressed in Council resolutions, in its efforts to restore democratic order and its determination to ensure the conditions for the consolidation of democratic legality in that country. In particular, the grave new developments suggested the impossibility of translating into reality the commitment to ensure the return of President Aristide on 30 October 1993 and jeopardized the entire international effort to restore democracy in Haiti. In the face of those developments, there was no alternative but to exercise the options afforded by the Charter. In so doing, the Council adopted resolution 873 (1993), thus showing the international community's resolute determination. The draft resolution under consideration was aimed at

⁵⁰ S/26586.

⁵¹ S/26587.

⁵² S/PV.3293, pp. 3-4.

⁵³ *Ibid.*, p. 5-7.

complementing that resolution and at ensuring its effective implementation.⁵⁴

The representative of Spain stated that the draft resolution before the Council was based on Chapters VII and VIII of the Charter; its sole purpose being to ensure the effective enforcement of the embargo measures adopted under resolutions 841 (1993) and 873 (1993). He emphasized that the measures were not aimed at the people or the lawful Government of Haiti, whose President had requested the Council to ask Member States to take the necessary action to implement those measures, but rather at a minority that were oppressing the people of Haiti and standing in the way of compliance with the Agreements to which they had lent their assent. He further stressed the continuing validity of the presidential statement of 17 September 1993, in which the Council put the de facto authorities on notice that they would be held responsible for the security and safety of United Nations personnel in Haiti.⁵⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 875 (1993), which reads:

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993 and 873 (1993) of 13 October 1993,

Taking note of resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and MRE/RES.4/92 adopted by the Ministers for Foreign Affairs of the member countries of the Organization of American States, and resolution CP/RES.594 (923/92) and declarations CP/DEC.8 (927/93), CP/DEC.9 (931/93), CP/DEC.10 (934/93) and CP/DEC.15 (967/93), adopted by the Permanent Council of the Organization of American States,

Deeply disturbed by the continued obstruction to the dispatch of the United Nations Mission in Haiti, pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the mission to begin its work,

Condemning the assassination of officials of the legitimate Government of President Jean-Bertrand Aristide,

Taking note of the letter dated 15 October 1993 from President Aristide to the Secretary-General, in which he requested the Council to call on Member States to take the

necessary measures to strengthen the provisions of resolution 873 (1993),

Mindful of the report of the Secretary-General of 13 October 1993 informing the Council that the military authorities in Haiti, including the police, have not complied in full with the Governors Island Agreement,

Reaffirming its determination that, in these unique and exceptional circumstances, the failure of the military authorities in Haiti to fulfil their obligations under the Agreement constitutes a threat to peace and security in the region,

Acting under Chapters VII and VIII of the Charter of the United Nations,

1. *Calls upon* Member States, acting nationally or through regional agencies or arrangements, cooperating with the legitimate Government of Haiti, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Council to ensure strict implementation of the provisions of resolutions 841 (1993) and 873 (1993) relating to the supply of petroleum or petroleum products or arms and related materiel of all types, and in particular to halt inbound maritime shipping as necessary in order to inspect and verify their cargoes and destinations;

2. *Confirms* that it is prepared to consider further necessary measures to ensure full compliance with the provisions of relevant Council resolutions;

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

After the vote, the representative of France stated that the unanimous adoption of resolution 875 (1993), which strengthened the measures contained in resolution 873 (1993), attested to the Council's unswerving determination to secure full implementation of the Governors Island Agreement. Those measures were part of a clear-cut political strategy that would also form the basis of the international community's reaction to subsequent developments in the situation in Haiti. He recalled that it was incumbent upon the military authorities in Haiti to restore public order, to ensure the safety of members of the legal Government, and to make it possible for UNMIH to be deployed without delay. It was not the first time that the Security Council had implemented measures calling for the use of maritime monitoring of the implementation of sanctions. In his delegation's view, those rules of engagement, which had proved their effectiveness, had to be based on established rules. He added that the withdrawal of the Commander-in-Chief of the Police Force and of the Commander-in-Chief of the Armed Forces of Haiti had to occur immediately, in keeping with items 7 and 8 of the Governors Island Agreement. His Government would

⁵⁴ *Ibid.*, pp. 9-11.

⁵⁵ *Ibid.*, pp. 11-13.

continue to take steps to help bring about the return of President Aristide on 30 October and the full restoration of the rule of law in Haiti.⁵⁶

According to the representative of China, the Council, in handling the Haitian question, should fully solicit and respect the views of OAS and the Latin American countries and bring their full role into play. He stressed that the measures authorized in resolution 875 (1993) were special actions taken under the unique and exceptional circumstances in Haiti and should not establish a precedent. China's support for resolution 875 (1993) did not imply any change in its position, which held that all international disputes should be settled by peaceful means and opposed the use or threat of force. In carrying out measures authorized by the resolution, countries should only take actions commensurate with the specific situations prevailing at the time, strengthen coordination with the efforts of the Secretary-General and his Special Representative and keep the Council informed on a regular basis.⁵⁷

The representative of the Russian Federation noted that the military authorities in Haiti had followed a course of direct resistance to United Nations efforts to restore democracy in that country. Resolution 875 (1993) was an essential step to the expression of the Council's determination to complete the political settlement in Haiti, to ensure implementation of its previous decisions and to realize the international community's efforts to settle the protracted crisis in Haiti. That step was aimed above all at preventing an exacerbation of the situation in Haiti, which threatened to deteriorate even further. Calling upon the military authorities to return to a strict implementation of the terms of the Governors Island Agreement, he demanded the immediate removal of the obstacles to the deployment of the United Nations Mission and the establishment of all the conditions necessary for the Mission to begin its work.⁵⁸

The President, speaking in his capacity as representative of Brazil, stated that Council members had faced the need to address a unique and exceptional situation with equally exceptional and unique measures, particularly the authorization for Member States to use measures that might include the halting of inward maritime traffic, with the exclusive purpose of

enforcing the sanctions related to oil and arms established in resolutions 841 (1993) and 873 (1993). That unique and exceptional character was not only a result of the extraordinarily deplorable political and humanitarian situation that prevailed in Haiti. It was embodied, above all, in the fact that the action decided upon by the Council was taken in response to a formal and explicit request by the legitimate Government of Haiti for the strengthening of the provisions of resolution 873 (1993). That request was essential for the Council to act as it did. In addition, the *sui generis* nature of resolution 875 (1993) had also been reflected in the fact that the measures, which it was intended to enforce, emanated originally from OAS, which had recommended to the United Nations that it give mandatory effect to the sanctions adopted at the regional level. Brazil supported resolution 875 (1993) on the understanding that it did not and would not constitute a precedent for the work of the United Nations. He added that the adoption of resolution 875 (1993) could be understood only as a means to ensure the strict implementation of the sanctions measures previously imposed by the Council in relation to the supply to Haiti of petroleum, petroleum products, arms and related materiel. It was thus clear that the authorization given in operative paragraph 1 of the resolution was restricted in scope, space and time by the clearly limited purpose, which constituted its *raison d'être* and was intended to have effect only until those sanctions measures were suspended or terminated.⁵⁹

**Decision of 25 October 1993 (3298th meeting):
statement by the President**

At its 3298th meeting, on 25 October 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶⁰

The Security Council reaffirms the necessity of full compliance with the Governors Island Agreement. It condemns the acts of the military authorities in Haiti, who continue to hamper the full implementation of the Agreement, in particular by permitting the development of acts of violence in violation of their obligations under the Agreement. It gives full support to the efforts of the Special Representative of the Secretary-General, Mr. Dante Caputo, to put an end to the crisis and to

⁵⁶ Ibid., p. 16.

⁵⁷ Ibid., p. 18.

⁵⁸ Ibid., pp. 19-21.

⁵⁹ Ibid., pp. 22-24.

⁶⁰ S/26633.

ensure the return, without delay, of democracy and the rule of law in Haiti.

The Council, recalling points 7 and 8 of the Agreement concerning the departure of the Commander-in-Chief of the Haitian Armed Forces and the appointment of a new Commander of the police force, insists that these provisions be implemented without further delay.

The Council reiterates its support for the legitimate Government of Haiti and recalls that it holds the military authorities responsible for the security of that Government and of the members of Parliament. It also continues to hold the military authorities responsible for the safety and security of all United Nations personnel in Haiti.

The Council warns that, should the Agreement not be fully implemented, it will consider imposing measures additional to those imposed by resolutions 841 (1993) of 16 June 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993.

The Council underlines the importance of the full implementation of the measures contained in the above-mentioned resolutions by all States, including nearby countries.

The Council will continue to monitor closely the situation in Haiti in the coming days.

**Decision of 30 October 1993 (3301st meeting):
statement by the President**

At its 3301st meeting, on 30 October 1993, the Council resumed its consideration of the item. After the adoption of the agenda, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶¹

The Security Council continues to insist on full and unconditional compliance with the Governors Island Agreement and the early return of President Aristide and full democracy to Haiti, in accordance with the relevant resolutions and statements by the President of the Council. It reaffirms that the Agreement remains fully in force as the only valid framework for the solution of the crisis in Haiti, which continues to threaten peace and security in the region.

The Council is deeply concerned by the suffering of the Haitian people, which is a direct result of the refusal by the military authorities to comply with the Governors Island process.

The Council stresses that the signatories to the Agreement remain obligated to comply in full with its provisions. The Council condemns the fact that General Cedras and the military authorities have not so far fulfilled their obligations under that Agreement. It moreover deplores the fact that the Haitian

military leaders have fostered and perpetuated in Haiti a political and security environment which prevents the return of President Aristide to Haiti as provided for in point 9 of the Agreement.

The Council expresses its support for the invitation by the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to all parties to meet next week solely to resolve the remaining obstacles to full implementation of the Agreement. Further, it reaffirms its determination to maintain and effectively enforce sanctions on Haiti until the commitments made on Governors Island are honoured, and to consider strengthening them, in accordance with its resolutions 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993 and the statement of the President of the Council of 25 October 1993, if the military authorities continue to interrupt the democratic transition. In this regard, it requests the Secretary-General to report urgently to the Council.

**Decision of 15 November 1993 (3314th
meeting): statement by the President**

On 11 November 1993, pursuant to the presidential statement of 30 October 1993, the Secretary-General submitted to the Council a report on the question concerning Haiti,⁶² in which he described the developments following the departure of the *Harlan County* and the withdrawal of UNMIH and MICIVIH. On 23 October 1993, a "Crisis Committee" led by the President of the Chamber of Deputies and comprising parliamentarians opposed to President Aristide, had proposed an 11-point compromise calling, inter alia, for a simultaneous vote on the acts concerning the amnesty and the police, the expansion of the Government and the elaboration by the Government of a protocol governing the presence of international missions. On 26 October, the Front National pour le Changement et la Démocratie (FNCD) parliamentary bloc, which supported President Aristide, had offered its own eight-point compromise. On 28 October 1993, President Aristide had addressed the General Assembly, calling, inter alia, for a complete and total blockade of Haiti and for the departure of the Haitian military leaders, upon which he would convene the parliament to vote on the bills on the police and the amnesty. In a statement to the press made on behalf of the Secretary-General, on 29 October 1993, the Special Representative had expressed regret that the timetable provided for in the Governors Island Agreement had not been respected, had announced that resort to article 149 of the Haitian

⁶¹ S/26668.

⁶² S/26724.

Constitution would compel the Secretary-General to recommend to the Council the strengthening of the sanctions, and had proposed that a meeting be held to discuss the implementation of paragraphs 5 to 9 of the Governors Island Agreement. Such a meeting was later convened by the Special Representative but adjourned on 5 November 1993, due to the non-attendance of the army. Subsequently, in a statement to the press, the Special Representative had described as regrettable the absence of Haiti's armed forces. He had also pointed out that the Governors Island Agreement remained the basis for any settlement of the Haitian crisis and had reaffirmed the determination of the international community to persevere in seeking a negotiated settlement in the context of the Agreement.

At its 3314th meeting, on 15 November 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Cape Verde) drew the attention of the members of the Council to a letter dated 12 November 1993 addressed to the President of the Council from the representative of Haiti,⁶³ transmitting the report of a meeting held from 9 to 11 November 1993 between President Aristide and a Government delegation, at which, *inter alia*, affirmed that the Government of Prime Minister Robert Malval remained in power with the absolute and complete confidence of the President of Haiti and that the Governors Island Agreement remained the sole framework for the resolution of the crisis and had to be implemented in its entirety; requested that the international community ensure the immediate return of MICIVIH and the deployment without delay of UNMIH; and insisted that the Haitian armed forces scrupulously honour their commitments undertaken within the framework of the Governors Island Agreement. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶⁴

The Security Council takes note of the report of the Secretary-General of 11 November 1993 on the question concerning Haiti and the letter dated 12 November 1993 addressed to the President of the Security Council from the representative of Haiti.

The Council commends the efforts of the Special Representative of the Secretary-General of the United Nations

⁶³ S/26725.

⁶⁴ S/26747.

and the Secretary-General of the Organization of American States, Mr. Dante Caputo, takes note of his oral report made to the Council on 12 November 1993, and confirms its full support for his continued active diplomacy for resolving the crisis in Haiti.

The Council condemns the military authorities in Port-au-Prince for failing to comply fully with the Governors Island Agreement and in particular with points 7 to 9. It reaffirms that the Agreement constitutes the only valid framework for resolving the crisis in Haiti, which continues to threaten peace and security in the region.

The Council also reaffirms its support for the democratically elected President of Haiti, Mr. Jean-Bertrand Aristide, and for the legitimate Government of Mr. Robert Malval. It recalls that it holds the military authorities responsible for the security of the members of that Government and for the security of the personnel of the United Nations and the Organization of American States in Haiti.

The Council is deeply concerned by the plight of the Haitian people. It reaffirms that the military authorities in Haiti are fully responsible for this suffering which directly results from their non-compliance with their public commitments to the Agreement. It expresses its determination to minimize the impact of the present situation on the most vulnerable groups and calls upon Member States to continue and to intensify their humanitarian assistance to the people of Haiti. It welcomes in this regard the decision of the Secretary-General to dispatch a team of additional humanitarian personnel to Haiti.

The Council encourages the Secretary-General, in consultation with the Secretary-General of the Organization of American States, to work for the earliest possible return of the International Civilian Mission in Haiti. It requests the Secretary-General to continue planning for additional measures, including for an appropriate United Nations mission in Haiti to be deployed as conditions permit, consistent with the Agreement.

The Council stresses that the sanctions contained in resolutions 841 (1993) of 16 June 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993 will remain in force until the objectives of the Agreement are fulfilled, including the departure of the Commander-in-Chief of the Haitian Armed Forces, the creation of a new police force permitting the restoration of constitutional order to Haiti and the return of the democratically elected President.

The Council reaffirms its determination, expressed in the above-mentioned resolutions, to ensure the full and effective enforcement of current sanctions. It welcomes measures taken to this effect by States on a national basis in accordance with the Charter of the United Nations and the relevant Council resolutions. In this regard, the Council is prepared to consider additional mechanisms and practical measures to help verify the full compliance with its decisions.

The Council reaffirms its determination to consider strengthening the measures regarding Haiti in accordance with its resolutions 873 (1993) and 875 (1993) and the statements of

its President of 25 October and of 30 October 1993 if the military authorities continue to obstruct full compliance with the Agreement, thus preventing the restoration of lawful order and democracy in Haiti.

**Decision of 10 December 1993: letter from the
President to the Secretary-General**

On 26 November 1993, pursuant to resolution 867 (1993), the Secretary-General submitted to the Council a report on UNMIH, in which he addressed the issue whether or not substantive progress had been made towards the implementation of the Governors Island Agreement and the New York Pact.⁶⁵ The Secretary-General recalled that the mandate of UNMIH had been seriously undermined by various developments in Haiti which had constituted non-compliance by the Armed Forces of Haiti with the Governors Island Agreement and had, *inter alia*, prevented the disembarkation on 11 October 1993 of a contingent of the military component of the Mission. He also recalled that as a result of subsequent developments, including the withdrawal from Haiti of the advance elements of UNMIH, it had been decided to evacuate the bulk of MICIVIH from Haiti on 15 October 1993. The Secretary-General noted that the success of UNMIH depended on the full and active cooperation of both parties to the Governors Island Agreement. So far, the necessary cooperation had not been forthcoming from the Haitian military authorities as they had failed to live up to the commitments solemnly entered into under the Governors Island Agreement. In those circumstances, he was compelled to conclude that the mandate entrusted to UNMIH by resolution 867 (1993) could not be implemented until there was a clear and substantial change of attitude on the part of the Haitian military leaders. With the assistance of his Special Representative, he intended to continue the efforts, as requested by the Council, to bring about such a change of attitude with a view to ensuring the implementation of the Governors Island Agreement and the participation of the United Nations in the peace process, as envisaged in that Agreement.

By a letter dated 10 December 1993,⁶⁶ the President of the Council (China) informed the Secretary-General of the following:

The members of the Council welcome your report of 26 November 1993. Pursuant to resolution 867 (1993) of

⁶⁵ S/26802.

⁶⁶ S/26864.

23 November 1993, they are continuing their review, on the basis of your report, and have found no reason why the mandate of the United Nations Mission in Haiti should not be continued for the full six-month period authorized by resolution 867 (1993).

**Decision of 10 January 1994 (3328th meeting):
statement by the President**

At its 3328th meeting, on 10 January 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter dated 15 December 1993 addressed to the Secretary-General from the representatives of Canada, France, the United States and Venezuela,⁶⁷ transmitting the text of the statement of conclusions adopted at the meeting of the "Friends of the Secretary-General for Haiti", held in Paris on 13 and 14 December 1993. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶⁸

The Security Council reiterates its deep concern for the plight of the Haitian people in the ongoing crisis and reaffirms its determination to minimize the impact of this crisis on the most vulnerable groups in Haiti.

In this context, the Council welcomes the imminent arrival in Haiti of a shipment of fuel approved by the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti.

The Council also welcomes the role being played by the Pan-American Health Organization in the management, delivery and distribution of fuel for humanitarian purposes.

The Council attaches great importance to humanitarian assistance in Haiti, including the unimpeded delivery and distribution of fuel used for humanitarian purposes. It will hold responsible any authorities and individuals in Haiti who might in any way interfere with the delivery and distribution of humanitarian assistance under the overall responsibility of the Pan-American Health Organization or who fail in their responsibility to ensure that this delivery and distribution benefits the intended recipients, those in need of humanitarian assistance. The Council will also hold responsible any authorities or individuals in Haiti who endanger the personal security and safety of all personnel involved in such assistance.

The Council reaffirms once again its determination to ensure the return to constitutional legality in Haiti, on the basis of the implementation of its relevant resolutions. In this context,

⁶⁷ S/26881.

⁶⁸ S/PRST/1994/2.

it shares the understanding of the Friends of the Secretary-General on the question of Haiti that the process as defined by the Governors Island Agreement, which provides, inter alia, for the return of President Aristide, constitutes the only viable framework for Haiti to emerge from the crisis and to lead to the establishment of a State under the rule of law.

**Decision of 23 March 1994 (3352nd meeting):
resolution 905 (1994)**

On 18 March 1994, further to his report of 19 January 1994,⁶⁹ the Secretary-General submitted a report on UNMIH,⁷⁰ in which he informed the Council that notwithstanding the continued efforts made on his behalf by his Special Representative and the Friends of the Secretary-General on the question of Haiti, there had been no change in the prevailing situation in Haiti that would have allowed the reactivation of UNMIH. Nevertheless, efforts to reach a solution to the political impasse continued unabated. Recent political developments in Haiti had shed encouraging light. Members of the Parliament had reached an agreement on 19 February 1994 on a plan to break the impasse and resume progress in implementing the Agreement.⁷¹ President Aristide, on the other hand, had expressed his concerns that such a plan would be contradictory to the Agreement and therefore could not be accepted by him. In those circumstances, the Secretary-General recommended that the Council consider authorizing the extension of the mandate of UNMIH in its existing form for a period of three months, which would allow for the possibility of reactivating the Mission with a minimum of delay, should the political impasse be breached and implementation of the Governors Island Agreement be resumed.

At its 3352nd meeting, on 23 March 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to a draft resolution prepared in the

course of the Council's prior consultations.⁷² The draft resolution was then put to the vote and adopted unanimously as resolution 905 (1994), which reads:

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993,

Deeply disturbed by the continued obstruction to the dispatch of the United Nations Mission in Haiti, pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work,

Having considered the reports of the Secretary-General of 26 November 1993, 19 January 1994 and 18 March 1994,

Stressing the continuing importance of the Governors Island Agreement of 3 July 1993 between the President of the Republic of Haiti and the Commander in Chief of the Armed Forces of Haiti towards promoting the return of peace and stability in Haiti, including the provisions of paragraph 5, under which the parties call for assistance for modernizing the armed forces and establishing a new police force with the presence of United Nations personnel in these fields,

1. *Takes note* of the above-mentioned reports of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Mission in Haiti until 30 June 1994;
3. *Requests* the Secretary-General to report to the Council at such time as conditions may exist in Haiti for the deployment of the Mission for purposes consistent with paragraph 5 of the Governors Island Agreement and to make specific recommendations, taking into account circumstances at the time of the report, on the composition of the Mission and the scope of its activities within the overall personnel levels established in resolution 867 (1993);
4. *Decides* to remain actively seized of the matter.

**Decision of 6 May 1994 (3376th meeting):
resolution 917 (1994)**

At its 3376th meeting, on 6 May 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Nigeria) drew the attention of the members of the Council to a draft resolution submitted by Argentina,

⁷² S/1994/325.

⁶⁹ S/1994/54. In that report, the Secretary-General informed the Council that, notwithstanding the efforts made by his Special Representative and the Friends of the Secretary-General for Haiti, there had been no substantial change of attitude on the part of the Haitian military leaders towards the implementation of the Governors Island Agreement that would have allowed the reactivation of UNMIH.

⁷⁰ S/1994/311.

⁷¹ The plan was transmitted to the Council on 20 February 1994 (S/1994/203).

Canada, France, the United States and Venezuela,⁷³ and read out revisions that had been made to the draft in its provisional form.

The representative of Haiti stated that his Government welcomed the submission to the Council of a draft resolution containing measures along the lines of those requested by President Aristide, in particular in his address to the General Assembly on 28 October 1993 and in his letter of 9 March 1994 to the Secretary-General. The aim of the draft resolution was to force the leadership of the Haitian Armed Forces to abide by the commitments they made when they signed the Governors Island Agreement. He contended that the sudden arrival on the political scene in Haiti of a paramilitary organization known as the *Front révolutionnaire pour l'avancement et le progrès en Haïti (FRAPH)* coincided not only with a worsening of crime but also with unprecedented human rights violations. He expressed the hope that the draft resolution would have the desired result, even before it entered into force: the departure of the military and the immediate restoration of President Aristide to his legitimate functions. He concluded by launching an appeal to the international community to ensure that the sanctions provided for in the draft resolution were fully implemented, stressing that the success of that initiative depended on strict compliance with the draft resolution.⁷⁴

The representative of Canada stated that the existing sanctions had proved insufficient for achieving compliance by the Haitian military authorities with their obligations under the Governors Island Agreement. For that reason, Canada co-sponsored the draft resolution under consideration, which would impose a comprehensive commercial embargo and a number of measures aimed specifically at the military authorities and other supporters of the 1991 coup d'état. Noting that the effectiveness of the existing sanctions and the new measures in the draft resolution depended on full compliance by all States, she indicated that Canada was participating in the maritime interdiction force aimed at achieving full implementation of the sanctions. Also noting that sanctions violations across the land border between Haiti and the Dominican Republic reduced the impact of the measures adopted by the Council, the speaker

⁷³ S/1994/541.

⁷⁴ S/PV.3376, pp. 2-3.

supported the request by the Dominican authorities for United Nations assistance. In his view, international technical assistance, possibly including the deployment of international monitors, would help ensure that the Dominican Republic could effectively carry out its responsibilities. While some had argued that tougher sanctions would only aggravate the abysmal humanitarian situation in Haiti, the speaker was of the view that the plight of the Haitian population was due solely to the failure of the military authorities to fulfil their commitments. He also warned against any attempt to interfere with the delivery of international humanitarian assistance or to endanger the personal security and safety of those involved in such efforts.⁷⁵

The representative of Venezuela stated that the protection of human rights and the rejection of dictatorship could allow no settlement nor negotiations that might allow guilty parties to go unpunished. Although it was wise to bear realities in mind, and to look for ways out of a crisis, such efforts should not be prolonged to the point of becoming weakness. If the international community weakened its support or began to interpret the Governors Island Agreement and the New York Pact in such a way as to limit their scope, it would only prolong the crisis and the suffering of the Haitian people. He warned that any delay, any vacillation, any distortion of the fundamental objectives could have terrible consequences, such as human rights violations. He called upon all countries not to violate the sanctions regime and to punish any violations, so that the sanctions could be kept brief and would have greater impact on the guilty parties than on the Haitian people. Furthermore, the international community had to be ready to offer Haiti technical, administrative and material assistance in forging its political, economic and social democracy.⁷⁶

Speaking in explanation of vote, the representative of Argentina stated that the international community could not stand by in the face of horrendous violations of human rights, arguing that there had to be a reaction, which should come under the Charter. Because of its scope, the tragedy of Haiti went beyond the country's borders. The international community could not regard the serious, systematic violation of human rights within the territory of a given State as a purely internal matter. He noted that, for the

⁷⁵ *Ibid.*, pp. 3-4.

⁷⁶ *Ibid.*, pp. 4-5.

first time, the measures provided in the draft resolution were personalized sanctions. Recent history showed that, with time and perseverance, economic sanctions could be effective. They isolated a country and, in that case, they pinned responsibility on those who had seized power. The draft resolution reflected the clear objective of the international community, with the united support of the Latin American and Caribbean region, of restoring democracy in Haiti. In that respect, he argued that democracy and human rights were closely related because democracy was the only system of government which, by definition, required respect for human rights and, furthermore, had internal mechanisms by which human rights abuses could be corrected. He added that, in order for the sanctions to make their fullest impact, there had to be appropriate monitoring on the high seas as well as on land.⁷⁷

The representative of Spain noted that the adoption of the draft resolution was set against the background of Haiti's deteriorating human rights situation. The embargo measures contained in it were not an end in themselves; rather they were an instrument to be used for the political objectives enshrined in the Governors Island Agreement and the New York Pact, which continued to be the obligatory frame of reference for a solution to Haiti's political and social crisis. Those measures were not directed against the Haitian people. On the contrary, the draft resolution was designed so that the burden of the sanctions would fall on those responsible for the crisis. The ultimate objective of the sanctions was to facilitate the restoration of democracy in Haiti and the return of President Aristide. He further recalled that the effectiveness of the sanctions would also depend on the scrupulous compliance by States with the Council's resolutions. As in other cases, it had to be recognized that the neighbouring countries would have to make a special effort and suffer considerable economic damage. It was, therefore, natural that the draft resolution should provide for the consideration of requests for assistance under Article 50 of the Charter.⁷⁸

The representative of the United States stressed that the draft resolution was the product of full cooperation among the Latin American and Caribbean States, the members of the Council, and the democratically elected Government of Haiti. Conscious that sanctions were a blunt instrument and the

measures provided in the draft resolution had the potential of aggravating the suffering of the Haitian people, the United States and the international community were undertaking humanitarian-assistance measures on a massive scale. Sanctions were, however, one of the most potent weapons the international community had. The adoption of the draft resolution imposed upon member States a significant moral obligation — to persevere and enforce the sanctions so that they achieved their objective in the shortest possible time. At the same time, she recognized that the burden of enforcement did not fall equally on all States.⁷⁹

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 917 (1994), which reads:

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993 and 905 (1994) of 23 March 1994,

Recalling its presidential statements of 11 October 1993, 25 October 1993, 30 October 1993, 15 November 1993 and 10 January 1994,

Noting resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92, MRE/RES.4/92 and MRE/RES.5/93, adopted by the Ministers for Foreign Affairs of the countries members of the Organization of American States, and resolutions CP/RES.575 (885/92) and CP/RES.594 (923/92) and declarations CP/DEC.8 (927/93), CP/DEC.9 (931/93), CP/DEC.10 (934/93) and CP/DEC.15 (967/93), adopted by the Permanent Council of the Organization of American States,

Noting in particular resolution CP/RES.610 (968/93), adopted by the Permanent Council of the Organization of American States on 18 October 1993,

Bearing in mind the statement of conclusions adopted at the meeting of the four Friends of the Secretary-General on the question of Haiti, held in Paris on 13 and 14 December 1993,

Having examined the reports of the Secretary-General of 19 January and 18 March 1994 regarding the United Nations Mission in Haiti,

Commending the continuing efforts undertaken by the Special Envoy of the Secretaries-General of the United Nations and the Organization of American States to bring about compliance with the Governors Island Agreement and the full restoration of democracy in Haiti,

⁷⁷ Ibid., pp. 5-6.

⁷⁸ Ibid., pp. 6-7.

⁷⁹ Ibid., p. 7.

Reaffirming that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement,

Stressing in this context the importance of a proper and secure environment for all legislative action agreed to in the Governors Island Agreement and the New York Pact, as well as preparations for free and fair legislative elections in Haiti, as called for in the Constitution, in the framework of the full restoration of democracy in Haiti,

Concerned at the continued failure of the military authorities in Haiti, including the police, to comply with their obligations under the Governors Island Agreement and at the violations of the related New York Pact committed by political organizations party thereto in relation to the disputed elections of 18 January 1993,

Strongly condemning the numerous instances of extrajudicial killings, arbitrary arrests, illegal detentions, abductions, rape and enforced disappearances, the continued denial of freedom of expression and the impunity with which armed civilians have been able to operate and continue operating,

Recalling that in its resolution 873 (1993), the Council confirmed its readiness to consider the imposition of additional measures if the military authorities in Haiti continued to impede the activities of the Mission or failed to comply in full with its relevant resolutions and the provisions of the Governors Island Agreement,

Reaffirming its determination that, in these unique and exceptional circumstances, the situation created by the failure of the military authorities in Haiti to fulfil their obligations under the Governors Island Agreement and to comply with relevant Security Council resolutions constitutes a threat to peace and security in the region,

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

1. *Calls upon* the parties to the Governors Island Agreement and any other authorities in Haiti to cooperate fully with the Special Envoy of the Secretaries-General of the United Nations and the Organization of American States to bring about the full implementation of the Governors Island Agreement and thus end the political crisis in Haiti;

2. *Decides* that all States shall without delay deny permission to any aircraft to take off from, land in, or overfly their territory if it is destined to land in, or has taken off from, the territory of Haiti, with the exception of regularly scheduled commercial passenger flights, unless the particular flight has been approved, for humanitarian purposes or for other purposes consistent with the present resolution and other relevant resolutions, by the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti;

3. *Decides* that all States shall without delay prevent the entry into their territories of:

(a) All officers of the Haitian military, including the police, and their immediate families;

(b) The major participants in the coup d'état of 1991 and in the illegal governments since the coup d'état, and their immediate families;

(c) Those employed by or acting on behalf of the Haitian military, and their immediate families;

unless their entry has been approved, for purposes consistent with the present resolution and other relevant resolutions, by the Committee established pursuant to resolution 841 (1993), and requests that Committee to maintain an updated list, based on information provided by States and regional organizations, of the persons falling within this paragraph;

4. *Strongly urges* all States to freeze without delay the funds and financial resources of persons falling within paragraph 3 above, to ensure that neither these nor any other funds and financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons or of the Haitian military, including the police;

5. *Decides* that the provisions set forth in paragraphs 6 to 10 below, which are consistent with the embargo recommended by the Organization of American States, shall, to the extent that these measures are not already in effect under its earlier relevant resolutions, take effect no later than 2359 hours eastern standard time on 21 May 1994, and requests that the Secretary-General, having regard for the views of the Secretary-General of the Organization of American States, report to the Council not later than 19 May 1994 on steps the military have taken to comply with actions required of them by the Governors Island Agreement as specified in paragraph 18 below;

6. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Haiti and exported therefrom after the aforementioned date;

(b) Any activities by their nationals or in their territories which would promote the export or trans-shipment of any commodities or products originating in Haiti, and any dealings by their nationals or their flag vessels or aircraft or in their territories in any commodities or products originating in Haiti and exported therefrom after the aforementioned date;

7. *Decides* that all States shall prevent the sale or supply by their nationals or from their territories or using their flag vessels or aircraft of any commodities or products, whether or not originating in their territories, to any person or body in Haiti or to any person or body for the purpose of any business carried on in, or operated from, Haiti and any activities by their nationals or in their territories which promote such sale or supply of such commodities or products, provided that the prohibitions contained in this paragraph shall not apply to:

(a) Supplies intended strictly for medical purposes and foodstuffs;

(b) With the approval of the Committee established pursuant to resolution 841 (1993), under the no-objection procedure, other commodities and products for essential humanitarian needs;

(c) Petroleum or petroleum products, including propane gas for cooking, authorized in accordance with paragraph 7 of its resolution 841 (1993);

(d) Other commodities and products authorized in accordance with paragraph 3 of its resolution 873 (1993);

8. *Decides* that the prohibitions in paragraphs 6 and 7 above shall not apply to trade in informational materials, including books and other publications, needed for the free flow of information, and further decides that journalists may bring in and take out their equipment subject to conditions and terms agreed by the Committee established pursuant to resolution 841 (1993);

9. *Decides* to prohibit any and all traffic from entering or leaving the territory or territorial sea of Haiti carrying commodities or products the export of which from Haiti or the sale or supply of which to Haiti would be prohibited under paragraphs 6 and 7 above, excepting regularly scheduled maritime shipping lines calling in Haiti with goods permitted under paragraph 7 and which are also carrying other commodities or products in transit to other destinations, subject to formal monitoring arrangements established with States cooperating with the legitimate Government of Haiti, as provided in paragraph 1 of resolution 875 (1993) and paragraph 10 below;

10. *Acting also* under Chapter VIII of the Charter of the United Nations, *calls upon* Member States cooperating with the legitimate Government of Haiti, acting nationally or through regional agencies or arrangements, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to ensure strict implementation of the provisions of the present resolution and earlier relevant resolutions, and in particular to halt outward as well as inward maritime shipping as necessary in order to inspect and verify their cargoes and destinations and also to ensure that the Committee established pursuant to resolution 841 (1993) is kept regularly informed;

11. *Decides* that all States, including the authorities in Haiti, shall take the necessary measures to ensure that no claim shall lie at the instance of the authorities in Haiti, or of any person or body in Haiti, or of any person claiming through or for the benefit of any such person or body, in connection with the performance of a bond, financial guarantee, indemnity or engagement, issued or granted in connection with or related to the performance of any contract or transaction, where the performance of that contract or transaction was affected by the measures imposed by or pursuant to the present resolution or resolutions 841 (1993), 873 (1993) and 875 (1993);

12. *Calls upon* all States, including States not members of the United Nations, and all international organizations to act strictly in accordance with the provisions of the present resolution and the earlier relevant resolutions, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the effective date of the measures in the present resolution or earlier relevant resolutions;

13. *Requests* all States to report to the Secretary-General by 6 June 1994 on the measures they have instituted in implementation of the measures contained in the present resolution and earlier relevant resolutions;

14. *Decides* that the Committee established pursuant to resolution 841 (1993) shall undertake the following tasks in addition to those set out in resolutions 841 (1993) and 873 (1993) and in paragraph 3 above:

(a) To examine reports submitted pursuant to paragraph 13 above;

(b) To seek from all States, in particular neighbouring States, further information regarding the action taken by them concerning the effective implementation of the measures contained in the present resolution and earlier relevant resolutions;

(c) To consider any information brought to its attention by States concerning violations of the measures contained in the present resolution and earlier relevant resolutions and, in that context, to make recommendations to the Council on ways to increase their effectiveness;

(d) To make recommendations in response to violations of the measures contained in the present resolution and earlier relevant resolutions and provide information on a regular basis to the Secretary-General for general distribution to Member States;

(e) To consider and to decide upon expeditiously any application by States for the approval of flights or entry in accordance with paragraphs 2 and 3 above;

(f) To amend the guidelines referred to in paragraph 10 of resolution 841 (1993) to take into account the measures contained in the present resolution;

(g) To examine possible requests for assistance under the provisions of Article 50 of the Charter of the United Nations and to make recommendations to the President of the Security Council for appropriate action;

15. *Reaffirms its request* to the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

16. *Decides* that, until the return of the democratically elected President, it will keep under continuous review, at least on a monthly basis, all the measures in the present resolution and earlier relevant resolutions, and requests the Secretary-General, having regard for the views of the Secretary-General of

the Organization of American States, to report on the situation in Haiti, the implementation of the Governors Island Agreement, legislative actions including preparations for legislative elections, the full restoration of democracy in Haiti, the humanitarian situation in that country, and the effectiveness of the implementation of sanctions, with the first report to be submitted not later than 30 June 1994;

17. *Expresses its readiness* to consider progressive suspension of the measures contained in the present resolution and earlier relevant resolutions, based on progress in the implementation of the Governors Island Agreement and the restoration of democracy in Haiti;

18. *Decides* that, notwithstanding paragraph 16 above, measures in the present resolution and earlier relevant resolutions will not be completely lifted until:

(a) The retirement of the Commander-in-Chief of the Armed Forces of Haiti, and the resignation or departure from Haiti of the Chief of the Metropolitan Zone of Port-au-Prince, commonly known as the Chief of Police of Port-au-Prince, and the Chief of Staff of the Armed Forces of Haiti;

(b) Completion of the changes by retirement or departure from Haiti in the leadership of the police and military high command called for in the Governors Island Agreement;

(c) Adoption of the legislative actions called for in the Governors Island Agreement, as well as the creation of a proper environment in which free and fair legislative elections can be organized in the framework of the full restoration of democracy in Haiti;

(d) The creation by authorities of the proper environment for the deployment of the United Nations Mission in Haiti;

(e) The return in the shortest time possible of the democratically elected President and maintenance of constitutional order;

these conditions being necessary for the full implementation of the Governors Island Agreement;

19. *Condemns* any attempt illegally to remove legal authority from the legitimately elected President, declares that it would consider illegitimate any purported government resulting from such an attempt, and decides, in such an event, to consider reimposing any measures suspended under paragraph 17 above;

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

After the vote, the representative of France stated that his Government wished to ensure that the imposition of new sanctions was seen first of all as a means to achieve a political result, and not as an end in itself. The objective was clear: to ensure that democracy regained its course in Haiti and to foster the return of President Aristide to his country. The Council had seen to it that that objective would not be achieved

at the cost of the infliction of intolerable suffering on the Haitian people. Its intention had been to censure a minority, including through the use of measures that were exceptional in that they were aimed at individuals. It was in that spirit that the Council would conduct a regular review of the implementation of the sanctions, especially in regard to the humanitarian situation in Haiti. The speaker emphasized that the effectiveness of the sanctions would depend, to a large extent, on the manner in which the Dominican Republic applied resolution 917 (1994). He also considered it very important that the economy of Haiti not be brought to collapse by the sanctions regime, which had been why the Council had ensured that there were several exceptions to the sanctions. Lastly, his country believed that the restoration of democracy in Haiti, while presupposing the return of the duly elected President, also required the existence of a parliamentary institution designed and functioning in accordance with full respect for democratic constitutional principles.⁸⁰

The representative of Brazil stated that the action of the Council could only be understood in the light of the unique and exceptional character of the situation still prevailing in Haiti. Expressing concern that a comprehensive embargo might create additional suffering for the Haitian people, he stressed the importance of keeping under constant review any adverse consequences that the extremely serious measures taken by the Council might entail. He further stated that a sanctions regime could never be an end in itself and that it would be hard to conceive of the imposition of measures that affected an entire population being adopted in a political vacuum. He thus welcomed the firm and sound political basis of resolution 917 (1994) which aimed at the re-establishment of full democracy and the reinstatement of President Aristide. In that respect, the cooperation between the United Nations and OAS, which had proven to be a major tool in the international response to the illegal actions taken by the *de facto* authorities, should be effectively maintained until a final solution to the crisis was reached.⁸¹

According to the representative of China, the history of the United Nations had taught that sanctions

⁸⁰ *Ibid.*, pp. 7-8.

⁸¹ *Ibid.*, pp. 8-9.

were not a panacea that could be applied whenever and wherever suitable, for want of a better solution. His country, based on its consistent position, did not favour the use of sanctions as a means of resolving conflicts. The sanctions regime contained in resolution 917 (1994) was, in the absence of other effective measures, an exceptional step taken under the highly unique circumstances then prevailing in Haiti and one which should not constitute any precedent. China's support for the resolution did not presuppose any change in its position vis-à-vis sanctions in general. Noting that the suffering inflicted upon the Haitian people was at least partially attributable to the sanctions already applied to Haiti by the Council and by other bodies, the speaker expressed concern about whether the newly introduced sanctions regime, if applied, could possibly increase that suffering. In that connection, the Council, the Secretary-General and OAS should, as they were bound to do by their moral duty, monitor closely the humanitarian situation in Haiti and take the necessary measures to alleviate the adverse effects of sanctions, should such concern translate into reality.⁸²

Decision of 11 May 1994: statement by the President

On 11 May 1994, the President issued the following statement to the media on behalf of the members of the Council:⁸³

The members of the Security Council strongly condemn the attempt to replace the legitimate President of Haiti, Jean Bertrand Aristide.

The members of the Council reaffirm, as stated in paragraph 19 of resolution 917 (1994) of 6 May 1994, that they condemn any such attempt illegally to remove President Aristide. They stress that participants in illegal governments in Haiti are subject to the measures provided for in paragraphs 3 and 4 of resolution 917 (1994), concerning travel restrictions and freezing of funds and financial resources.

The members of the Council reaffirm their determination to ensure full and effective compliance with measures contained in all relevant Council resolutions and reaffirm as well their commitment to the restoration of democracy in Haiti and the return of President Aristide, under the framework of the Governors Island Agreement.

⁸² Ibid., pp. 9-10.

⁸³ S/PRST/1994/24.

Decision of 30 June 1994 (3397th meeting): resolution 933 (1994)

On 20 June 1994, pursuant to resolution 917 (1994), the Secretary-General submitted to the Council a further report on the question of Haiti.⁸⁴ The Secretary-General stated that since the adoption of resolution 917 (1994) on 6 May 1994, no progress had been made towards the implementation of the Governors Island Agreement. On the contrary, tensions had increased as a result of the installation of an illegitimate government, the growing impact of economic sanctions, the continued repression and the humanitarian crisis. The OAS Ad Hoc Meeting of Ministers of Foreign Affairs, held from 6 to 7 June, had reiterated the need for States members of OAS and the United Nations to support and reinforce such embargo measures as suspension of commercial flights and freezing of assets of the Haitian de facto regime and its supporters, and to suspend international financial transactions with Haiti. Further sanctions had been considered or implemented by individual Member States. On 10 June, the United States had banned all commercial flights with Haiti, as well as financial transfers to and from that country. Canada and Panama also had suspended their commercial flights with Haiti. Steps had also been taken on land to enforce the sanctions. At the request of the Dominican Republic, the Secretary-General had dispatched a team of technical experts to that country to assess the situation on its border with Haiti and make recommendations. On 15 June, the Committee, established by the Council under resolution 841 (1993), had adopted consolidated guidelines on the conduct of its work together with a comprehensive list of persons falling under the provisions of paragraph 3 of resolution 917 (1994). In a related development, the President of the Dominican Republic and the Secretary-General's Special Representative had announced that technical assistance in enforcing the embargo would be provided by several countries, under bilateral arrangements.

On 28 June 1994, the Secretary-General submitted to the Council a report on UNMIH.⁸⁵ He recalled the statement of conclusions issued by the Friends of the Secretary-General for Haiti on 3 June 1994,⁸⁶ whereby they had expressed their determination to promote the full deployment of

⁸⁴ S/1994/742.

⁸⁵ S/1994/765.

⁸⁶ S/1994/686, annex.

UNMIH when conditions permitted and envisaged the reconfiguration and strengthening of the Mission. They had also invited the Secretariat to prepare for the quick return of UNMIH to Haiti. The Secretary-General further noted the resolution adopted on 9 June 1994 by the OAS Foreign Ministers,⁸⁷ which called on all member States to support measures by the United Nations to strengthen UNMIH in order for it to assist in the restoration of democracy through the professionalization of the Armed Forces and the training of a new police force, as well as to help maintain essential civil order and protect the personnel of international and other organizations involved in human rights and humanitarian efforts in Haiti. The Secretary-General also stated that the further deterioration of the situation in Haiti had substantially changed the circumstances under which UNMIH had been planned. In the light of the recommendations adopted by the OAS Foreign Ministers, as well as the conclusions drawn by the Friends of the Secretary-General on Haiti, and bearing in mind the changing realities on the ground, he suggested that the Council might wish to consider modifying the original mandate established for UNMIH. In that case, it would be necessary to estimate the additional resources which would be required for the Mission to accomplish its new tasks. Meanwhile, in view of the continuing determination of the international community to remain actively involved in the efforts to resolve the crisis in Haiti, the Secretary-General recommended that the existing mandate of UNMIH be extended for a period of one month. That extension would enable the Friends of the Secretary-General on Haiti and the members of the Council respectively to undertake consultations among themselves and with the parties concerned on the possible strengthening of UNMIH and its role in the overall attempts of the international community to find a long over-due solution to the crisis.

At its 3397th meeting, on 30 June 1994, the Council included the report of the Secretary-General dated 28 June 1994 in its agenda. Following the adoption of the agenda, the Council invited the representatives of Canada and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Oman) drew the attention of the members of the Council to the report of the Secretary-General dated 20 June 1994,⁸⁸ as well as to a

letter dated 7 June 1994 addressed to the President of the Council from the representatives of Argentina, Canada, France, the United States and Venezuela,⁸⁹ transmitting the statement of conclusions issued on 3 June 1994 by the Friends of the Secretary-General on Haiti. He further drew their attention to a draft resolution submitted by Argentina, Canada, France, the United States and Venezuela.⁹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 933 (1994), which reads:

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994 and 917 (1994) of 6 May 1994,

Deeply concerned by the continued obstruction to the dispatch of the United Nations Mission in Haiti, pursuant to resolution 867 (1993), and the failure of the armed forces of Haiti to carry out their responsibilities to allow the Mission to begin its work,

Having considered the reports of the Secretary-General of 20 June and 28 June 1994,

Noting resolution MRE/RES.6/94, adopted unanimously by the ad hoc meeting of Ministers for Foreign Affairs of the countries members of the Organization of American States on 9 June 1994, which, inter alia, calls for a strengthening of the mandate of the Mission,

Recalling the terms of the Governors Island Agreement and the related New York Pact,

Recalling also the statement of conclusions of the Friends of the Secretary-General on the question of Haiti of 3 June 1994,

Welcoming the measures taken by Member States at the national level aimed at further strengthening the impact of sanctions,

Noting the importance of the rapid dispatch of the Mission as soon as conditions permit,

Condemning the recent escalation of violations of international humanitarian law and the naming of the so called "de facto III government",

Deeply concerned by the deteriorating humanitarian situation in Haiti, and stressing the need for increased assistance from the international community to meet the humanitarian needs of the Haitian people,

⁸⁷ MRE/RES.6/94.

⁸⁸ S/1994/742.

⁸⁹ S/1994/686.

⁹⁰ S/1994/776.

Noting with concern that the situation in Haiti continues to constitute a threat to peace and security in the region,

1. *Decides* to extend the present mandate of the United Nations Mission in Haiti until 31 July 1994;

2. *Strongly deplotes* the refusal of the military authorities to implement the Governors Island Agreement;

3. *Requests* the Secretary-General to report to the Council as soon as possible, but no later than 15 July 1994, with specific recommendations on the strength, composition, cost and duration of the Mission, appropriate to its expansion and deployment, as recommended by the Secretary-General, after the departure of the senior Haitian military leadership as called for in resolution 917 (1994); such recommendations should include, inter alia, means by which the Mission could, in due course, assist the democratic Government of Haiti in fulfilling its responsibility to provide security for the international presence, senior Haitian government officials and key installations, and in assisting Haitian authorities to assure public order and in the holding of legislative elections to be called by the legitimate constitutional authorities;

4. *Authorizes* the Secretary-General to identify personnel, plan and make prior arrangements to enable the Security Council to authorize the rapid deployment of the Mission, once the Secretary-General reports to the Council and the proper environment for such a deployment has been created;

5. *Invites* Member States to prepare to provide promptly the troops, police, civilian personnel, equipment and logistical support required for the appropriate configuration of the Mission;

6. *Decides* to keep the situation in Haiti under constant review, and expresses its readiness to consider promptly any recommendations for a future United Nations mission in Haiti that the Secretary-General, as requested, may make concerning the deployment of the Mission in the light of developments;

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

After the vote, the representative of the United States stated that the resolution just adopted reaffirmed the international community's determination to provide assistance to restore democracy in Haiti and rebuild the country. It also reaffirmed its message that the military leaders had to go. To reinforce that message, the United States had taken additional steps, including a ban on all flights to and from Haiti, the freeze of Haitian assets and the cancellation of travel visas. It called upon all Member States to adopt similar measures. The speaker further noted that the adoption of resolution 933 (1994) acknowledged that the composition of UNMIH had to change and welcomed the Council's willingness to consider a strengthened United Nations mission. Her delegation looked forward

to the Secretary-General's reporting as soon as possible to the Council on the specific means by which the United Nations mission could assist a restored democratic Government in Haiti to assure public order and ensure the protection of both the international presence and the legitimate Government.⁹¹

The representative of Brazil stated that while his delegation supported the thrust of resolution 933 (1994), which was a technical extension of the UNMIH mandate, it would have preferred an extension for a period longer than one month. He contended that sanctions against Haiti already imposed by the Council and by individual Member States would have benefited from more time to have been proven effective. The measures adopted by the United Nations and OAS had succeeded in putting pressure on the main target, namely the Haitian military authorities and their supporters. The Council should remain committed to the option chosen, while keeping under constant review the humanitarian situation. The speaker further expressed his belief that any decision regarding a modification in the original mandate of UNMIH should be carried out within the framework of a multilateral effort aimed at assisting the legitimate Government and the Haitian people in the transition period towards a normal life under constitutional rule.⁹²

The representative of the Russian Federation stated that while his delegation had joined the consensus on the question of UNMIH, it did have questions with regard to the mission, particularly in relation to specific recommendations regarding the strength, composition, cost and duration of the future activities of the Mission, as well as the question of financing of the measures proposed by the Secretary-General. He stressed that resolution 933 (1994) did not provide a basis for any action whatever, except for the submission of a report, without any preliminary decision by the Council on that score.⁹³

The representative of China stated that the first order of business was to take effective measures to deploy UNMIH as soon as possible, as authorized by resolution 867 (1993), so as to enable it to play its mandated role. Accordingly, his delegation had supported the Secretary-General recommendation that the mandate of UNMIH be extended and had voted in

⁹¹ S/PV.3397, pp. 2-3.

⁹² *Ibid.*, p. 3.

⁹³ *Ibid.*, p. 3.

favour of resolution 933 (1994). At the same time, however, it had important reservations about the future expansion of the mandate and the scope of UNMIH provided for in the resolution and its vote in no way implied that China was undertaking any obligations in advance in that respect.⁹⁴

**Decision of 12 July 1994 (3403rd meeting):
statement by the President**

At its 3403rd meeting, on 12 July 1994, the Council resumed its consideration of the item. After the adoption of the agenda, the President (Pakistan) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁹⁵

The Security Council condemns the decision of the illegal de facto regime and the military leadership in Haiti to expel from the country the joint United Nations/Organization of American States International Civilian Mission in Haiti, whose work has the highest approbation of the Council and whose mandate was extended by the General Assembly on 8 July 1994.

The Council considers this action a serious escalation in the defiant stance of Haiti's illegal de facto regime towards the international community.

The Council condemns this attempt by the illegal de facto regime and the military authorities to avoid appropriate international scrutiny at a time of increasing indiscriminate violence against the civilian population in Haiti.

The Council rejects this attempt by the illegal de facto regime and the military authorities to defy the will of the international community. This provocative behaviour directly affects the peace and security of the region.

The Council continues to hold the military authorities and the illegal de facto regime individually and collectively responsible for the safety and security of the international presence in Haiti.

The Council stresses that this latest action by the Haitian military and the illegal de facto regime further reinforces the continued determination of the Council to bring about a rapid and definitive solution to this crisis.

The Council will remain actively seized of the matter.

⁹⁴ Ibid., p. 4.

⁹⁵ S/PRST/1994/32.

**Decision of 19 July 1994: letter from the
President to the Secretary-General**

By a letter dated 12 July 1994 addressed to the President of the Council,⁹⁶ the Secretary-General informed the Council that, following the decision of the de facto authorities in Haiti on 11 July 1994 to expel the international staff of MICIVIH from the country, he had decided, in consultation with the Acting Secretary-General of OAS and taking into consideration the security of the MICIVIH staff, that they would have to be evacuated from Haiti as of 13 July 1994.

By a letter dated 19 July 1994,⁹⁷ the President of the Council informed the Secretary-General that his letter dated 12 July 1994, has been brought to the attention of the members of the Security Council.

**Decision of 31 July 1994 (3413th meeting):
resolution 940 (1994)**

On 15 July 1994, pursuant to resolution 933 (1994), the Secretary-General submitted to the Council a report on UNMIH,⁹⁸ in which he put forward his proposals for an expanded UNMIH. Such a force would need a maximum strength of just over 15,000 military personnel and about 550 civilian police personnel, with a mandate from the Security Council, acting under Chapter VII of the Charter that would permit the force to use coercive means, as necessary, in assisting the legitimate authorities to carry out public order functions. It would also require civilian personnel in support functions. The Secretary-General introduced three options. Under option one, the Council, with the consent of the legitimate authorities and acting under Chapter VII, would expand UNMIH and give it a revised mandate covering the additional tasks envisaged in resolution 933 (1994). In option two, the Council, at the request of the legitimate Government and also acting under Chapter VII, would authorize a group of Member States to establish and deploy a multinational or inter-American force to carry out the envisaged tasks. The force would be under the command and control of the Member States contributing to it and those Member States would be

⁹⁶ S/1994/829. The letter was also addressed to the President of the General Assembly as document A/48/967.

⁹⁷ S/1994/847.

⁹⁸ S/1994/828.

responsible for financing it. Alternatively, under option three, the Council could decide to divide the work between an international or inter-American force and UNMIH. As soon as the multinational or inter-American force had created a secure and stable environment, UNMIH would be deployed to carry out its mandate as envisaged. The Secretary-General noted that the assembly, equipment and deployment of a very large international force, for a period of unforeseen duration, would be beyond the then existing capability of the United Nations. He therefore did not recommend the first option. He further noted that if the Council were to choose the second or third option, it might wish to authorize the establishment of a small group of United Nations military and police observers to monitor the operations of the multinational force and as appropriate to make their good offices available.⁹⁹

The Secretary-General pointed out that the activities discussed in his report would form only part of the support and assistance which Haiti would need from the international community as soon as the legitimate authorities were restored. As provided for in the Governors Island Agreement, a major effort would be necessary to provide humanitarian assistance; to facilitate the return and reintegration of the refugees; to help the Haitian authorities to rehabilitate an economy damaged by sanctions and rebuild institutions and infrastructure; to promote respect for human rights; and to foster the economic and social development in Haiti. If his proposals were accepted, the Council would implicitly commit the international community to a long-term continuing programme of support to Haiti.

On 26 July 1994, pursuant to resolution 917 (1994), the Secretary-General submitted a report on the question of Haiti.¹⁰⁰ The Secretary-General noted that since his report of 20 June 1994, the situation in Haiti had deteriorated further as a result of actions taken by the illegal government there. He recalled that, on 11 July 1994, the *de facto* authorities had declared MICIVIH presence undesirable and had given 48 hours to its staff to leave the country, which they had done on the following day. With regard to the preparation of the legislative elections due in November 1994, the situation remained unchanged and the Chamber of Deputies, which had been due to resume its session on 13 June 1994, had not yet been able to meet. With

regard to sanctions, France had announced on 12 July that it would suspend its commercial flights to and from Haiti. An observer group was expected to be deployed along the border between the Dominican Republic and Haiti to help implement the sanctions. The Secretary-General further noted that the humanitarian situation in the country had become more difficult, according to information received from the United Nations humanitarian affairs coordinator in Haiti. The human rights situation also remained worrisome, with reports coming out of the country indicating a continuation of abuses being committed against Haitians.

At its 3413th meeting, on 31 July 1994, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Canada, Cuba, Haiti,¹⁰¹ Mexico, Uruguay and Venezuela, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to a letter dated 29 July 1994 addressed to the Secretary-General from the representative of Haiti, transmitting a letter from President Aristide, in which he called on the international community to take prompt and decisive action, under the authority of the United Nations, to allow for the full implementation of the Agreement. The President further drew their attention to a draft resolution submitted by Argentina, Canada, France and the United States,¹⁰² as well as to a letter dated 30 July 1994 addressed to the President of the Council from the representative of Haiti,¹⁰³ informing him of the agreement of the Government of President Aristide with that draft resolution, which it considered an appropriate framework for the implementation of the Governors Island Agreement.

The representative of Haiti pointed out that despite the Security Council's re-imposition and strengthening of sanctions to compel the military leadership to respect its commitment, no progress had been made to that end. To the contrary, in recent months the military regime had become harder and it had increased repression and taken measures to limit civil liberties. Human rights violations had increased considerably and a state of emergency had been declared. Moreover, in defiance of the international

⁹⁹ *Ibid.*, para. 23.

¹⁰⁰ S/1994/871.

¹⁰¹ S/1994/905.

¹⁰² S/1994/904.

¹⁰³ S/1994/910.

community, the illegitimate Government had expelled MICIVIH and installed a provisional President. He further stated that, in the existing situation, his delegation believed that additional measures were necessary to put an end to the delaying tactics and arrogance of the military leadership in Haiti, which posed a direct threat to the authority of the Council. The draft resolution before the Council contained elements that would enable the international community to respond appropriately to the challenge presented by the Haitian military leaders. By stating the consent of the Government of President Aristide to the draft resolution, his delegation was calling on the international community to join it in defending its national sovereignty.¹⁰⁴

The representative of Mexico contended that although the Haitian military leadership had resisted the sanctions, there were signs that those were beginning to have their effect and should therefore be given enough time to produce the desired results. For that reason, Mexico had doubts about the timeliness of the draft resolution under consideration and regretted that the Council had decided that it was necessary to have recourse to the use of force to resolve the crisis in Haiti. History had shown that military intervention in that hemisphere had invariably been traumatic without necessarily attaining its objectives. It was unfortunate that the Secretary-General's report did not contain a full political expression of, or even a reference to the option of persevering in political and diplomatic efforts. More seriously, the report recognized that the Organization was not able to assume the role it should in an action of that kind, as reflected in the draft resolution. Accordingly, the actions proposed in the draft resolution were not provided for in the Charter. It was the speaker's view that, the crisis in Haiti was not a threat to peace, a breach of the peace or an act of aggression such as would warrant the use of force in accordance with Article 42 of the Charter. The foundations for the actions proposed, as could be seen from the Secretary-General's report, appeared to be previous practice or precedent. Every situation, however, was different. In the case of Haiti, it seemed contradictory to insist on the one hand on the unique character of the situation and, on the other, to cite precedents and concepts applied in other circumstances and geographical areas. The relevance of those precedents in the case of Haiti therefore appeared to be

highly questionable. It was also troubling that the draft resolution did not contain any reference to the time-frame for the proposed action, as if *carte blanche* had been awarded to an undefined multinational force to act when it deemed appropriate. That seemed to be an extremely dangerous practice in international relations. Moreover, the draft resolution made scarcely any reference to Haiti's long-term needs in terms of institutional reconstruction and economic and social development and lacked the specific recommendations in that regard. While the Council might not be competent to make such recommendations, it should nevertheless invite the competent bodies of the United Nations system to adopt the necessary measures to that end. The speaker further noted that the Council had, since the beginning of the matter, been acting at the request of the lawful Government and that President Aristide was not opposed to the use of force to re-establish his rights and those of the Haitian people. However, while Mexico was aware of the difficulties and of the need to restore constitutional order and democracy to Haiti, it also believed that there were not sufficient elements to justify the use of force and, still less, to justify across-the-board authorization for the action of ill-defined multinational forces. In its opinion, the continuation of political and diplomatic efforts to achieve solutions consistent with the Charter continued to be the best alternative to bring about the return of constitutional law and the exercise of self-determination for the Haitian people.¹⁰⁵

Similarly, the representative of Cuba expressed concern about the draft resolution under consideration and the relevant reports of the Secretary-General, as well as with the formulation, which described the situation in Haiti as a threat to regional peace and security, something that was new and removed from the precepts established by the Charter concerning the authority of the Council. He also pointed out the extemporaneous forms and the stereotypes that were used as precedents in paragraph 4 of the draft resolution, the misuse of Chapter VII of the Charter, the omission of the fact that the return of President Aristide was a prerequisite for the restoration of democratic order, and the lack of any time-limits for the operation. Cuba considered that all avenues for finding a peaceful solution to the Haitian conflict had not yet been explored. In principle, it was resolutely opposed to military intervention as a means of solving

¹⁰⁴ S/PV.3413, pp. 2-4.

¹⁰⁵ *Ibid.*, pp. 4-5.

internal conflicts. History had shown that military operations could not truly solve internal conflicts because they could not resolve the causes of conflict. Decisions of that nature went beyond the mandate of the Council, in accordance with Chapter VII of the Charter, which only authorized such powers in cases of an express threat to international peace and security. He argued that the mechanisms for the peaceful settlement of disputes contained in the Charter had to be retained, because a world policy that was sustained by the use of force was infeasible and extremely dangerous to international peace and security. If anything might signify in and of itself a fundamental threat to peace and security, it was military action of that kind in the Caribbean region. He also warned of the threat to the security and sovereignty of Cuba posed by that military deployment. For those reasons and because of its commitment to the principles of non-intervention and non-use of force or threat of force, Cuba was opposed to the draft resolution.¹⁰⁶

The representative of Uruguay affirmed the universal validity and the constant consolidation in relations between States of the principles of non-intervention and peaceful settlement of disputes, as complemented by the fundamental principle of the rule of international law. Uruguay's compliance with those principles had always prompted it to support and advocate a restrictive view of the application of the enforcement measures provided for in the Charter. Although it had supported the imposition of economic sanctions in accordance with Article 41 of the Charter, it did not support the application of military action provided for in Article 42. Neither did it believe that the internal political situation in Haiti projected externally in such a way as to represent a threat to international peace and security. It believed that the search for a peaceful solution had not been exhausted and that that was precisely the objective of the application of sanctions. For those reasons, while Uruguay pledged support for all measures directed towards restoring and strengthening democracy in Haiti by peaceful means, it would not support, within the framework of a restrictive interpretation of the principle of non-intervention, any military intervention in that country, whether of a unilateral or multilateral nature.¹⁰⁷

¹⁰⁶ *Ibid.*, pp. 5-6.

¹⁰⁷ *Ibid.*, pp. 6-7.

The representative of Canada recalled that from the outset of the Haitian crisis, the United Nations had sought to restore democracy in that country through mediation and other diplomatic means as well as through a gradually more severe set of sanctions. Canada had supported and participated in those efforts at every step, as one of the Secretary-General's "Friends of Haiti". It had throughout the crisis stood at the side of the democratically elected President of Haiti, Jean-Bertrand Aristide, whose restoration it saw as a key element of the restoration of democracy in that country. The speaker noted, in that regard, the appeal by President Aristide to the international community for swift and determined action under the authority of the United Nations in order to permit the implementation of the Governors Island Agreement. Because living conditions in Haiti continued to decline seriously and brutal repression continued, the status quo could not be allowed to persist. It was for that reason that his Government had co-sponsored the draft resolution before the Council.¹⁰⁸

The representative of Venezuela stated that his Government, faithful to the tradition of defending the principle of non-intervention, could not support unilateral or multilateral military actions in any nation of the hemisphere, nor could it interfere with the sovereign will of any country. It believed, however, that not all the means of finding a peaceful solution to the situation in Haiti had been exhausted and associated itself with the efforts which the President of the Council could make to ensure that an operation of war be forestalled by an operation of peace.¹⁰⁹

Speaking in explanation of vote, the representative of Brazil considered that the crisis in Haiti was of a unique and exceptional character and could not be put on a par with other situations in which international peace and security had been threatened. That was a matter which had to be considered under the dual approach of strengthening democracy in the hemisphere and of the principles enshrined in both the United Nations and the OAS Charters. It was essential, therefore, to respect not only the democratic solidarity which had been built in the region but also the personality, sovereignty and independence of States within it. Peace and cooperation in the region had been possible because of strict observance of the principles

¹⁰⁸ *Ibid.*, pp. 7-8.

¹⁰⁹ *Ibid.*, p. 8.

of the peaceful settlement of disputes and non-intervention. Brazil considered that the draft resolution before the Council was not felicitous in the invocation of the criteria and the choice of means for attaining the goal of restoring democracy and reinstating the legitimately elected Government of Haiti under President Aristide. The situation in Haiti would warrant an expansion of UNMIH in order to implement fully the ideas originating from resolution 933 (1994), along the lines of the first option outlined in the Secretary-General's report of 15 July 1994. That option was put aside, perhaps too hastily, on the grounds that it would require additional time to take shape, the very time that could allow the sanctions to yield the desired effects. Brazil considered it indispensable that consultations be held among all members of the Council and the parties directly or indirectly concerned with a given situation, in order to enhance the legitimacy and effectiveness of the Council's decisions. Such consideration should have been paramount particularly in the case of Haiti, in view of its unique nature. For the first time in history, the Council was holding a discussion on the use of force under Chapter VII of the Charter in connection with a country of the Western Hemisphere. He observed that the issue under discussion in the Council had changed from that of the formation of a reconfigured United Nations peacekeeping force, which could be deployed with the aim of assisting in the recovery of Haiti once the de facto authorities had left, to that of the immediate establishment of a multinational force with the purpose of intervening in Haiti. Due to that abrupt shift, Brazil had serious difficulties with the draft resolution, in particular with operative paragraph 4, which contained language similar to that in resolution 678 (1990) regarding the Gulf War. That, however, was a situation of a totally distinct political and legal nature, in a different political and regional context. The speaker concluded by stating that the defence of democracy should always be consistent with principles governing relations between States and did not entail the recourse to force under the terms being considered by the Council. Those terms constituted a worrisome departure from the principles and customary practices adopted by the United Nations as regarded peacekeeping. For those reasons, his delegation would abstain in the voting.¹¹⁰

¹¹⁰ Ibid., pp. 8-10.

The representative of China stated that his delegation shared the view that the problem of Haiti constituted an element of instability in the region and therefore endorsed greater peaceful efforts on the part of the international community, especially the countries in the region, to facilitate an appropriate solution through political means. He could not, however, agree to the provision in the draft resolution before the Council concerning the authorization for Member States to adopt mandatory means under Chapter VII of the Charter to resolve the problem of Haiti. China did not agree with the adoption of any means of solution based on the resort to pressure at will or even the use of force. In his view, resolving problems such as that of Haiti through military means did not conform with the principles enshrined in the Charter and lacked sufficient and convincing grounds. The practice of the Council's authorizing certain Member States to use force was even more disconcerting because it would obviously create a dangerous precedent. For those reasons, his delegation would abstain in the voting.¹¹¹

According to the representative of Nigeria, the draft resolution under consideration took Council members to an entirely new level of external action to deal with the situation in Haiti and also to an entirely new territory in the Charter, in particular with regard to the use of Chapter VII. Several of his delegation's concerns had been addressed in the draft resolution, including, firstly, that the sovereignty and territorial integrity of Haiti should not be compromised. Respect for the sovereignty and territorial integrity of Member States was the minimum basis of association by Members of the United Nations and should be observed in the case of all nations. Secondly, any collective action authorized in the draft resolution was country-specific. In view of the special character of the situation in Haiti, the adoption of the draft resolution should not be seen as a global license for external interventions through the use of force or any other means in the internal affairs of Member States. The overriding rationale for the proposed action under Chapter VII of the Charter in the draft resolution was predicated on the failure of the military Government in Haiti to honour the Governors Island Agreement and to fully implement Security Council resolutions, both failures of which threatened peace and security in the region. The adoption of the draft resolution by the Council should not, however, be construed as an

¹¹¹ Ibid., p. 10.

abandonment of collective faith in the efficacy of diplomatic means and/or sanctions to help solve the problems in Haiti and elsewhere. With regard to the operation of the multinational force, he hoped that it would be a temporary one that was focused and subject-specific, and that the second phase of operations to be undertaken by UNMIH would commence soon enough so that the process of rehabilitation and reconstruction could begin in earnest.¹¹²

The draft resolution was then put to the vote and adopted by 12 votes in favour to none against, with 2 abstentions¹¹³ as resolution 940 (1994), which reads:

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994 and 933 (1994) of 30 June 1994,

Recalling the terms of the Governors Island Agreement and the related New York Pact,

Condemning the continuing disregard of those agreements by the illegal de facto regime, and the regime's refusal to cooperate with efforts by the United Nations and the Organization of American States to bring about their implementation,

Gravely concerned by the significant further deterioration of the humanitarian situation in Haiti, in particular the continuing escalation by the illegal de facto regime of systematic violations of civil liberties, the desperate plight of Haitian refugees and the recent expulsion of the staff of the International Civilian Mission in Haiti, which was condemned in its presidential statement of 12 July 1994,

Having considered the reports of the Secretary-General of 15 July and 26 July 1994,

Taking note of the letter dated 29 July 1994 from the legitimately elected President of Haiti and the letter dated 30 July 1994 from the Permanent Representative of Haiti to the United Nations,

Reiterating its commitment for the international community to assist and support the economic, social and institutional development of Haiti,

Reaffirming that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand

Aristide, within the framework of the Governors Island Agreement,

Recalling that in its resolution 873 (1993) the Council confirmed its readiness to consider the imposition of additional measures if the military authorities in Haiti continued to impede the activities of the United Nations Mission in Haiti or failed to comply in full with relevant Council resolutions and the provisions of the Governors Island Agreement,

Determining that the situation in Haiti continues to constitute a threat to peace and security in the region,

1. *Welcomes* the report of the Secretary-General of 15 July 1994, and takes note of his support for action under Chapter VII of the Charter of the United Nations in order to assist the legitimate Government of Haiti in the maintenance of public order;

2. *Recognizes* the unique character of the present situation in Haiti and its deteriorating, complex and extraordinary nature, requiring an exceptional response;

3. *Determines* that the illegal de facto regime in Haiti has failed to comply with the Governors Island Agreement and is in breach of its obligations under the relevant resolutions of the Security Council;

4. *Acting* under Chapter VII of the Charter, authorizes Member States to form a multinational force under unified command and control and, in this framework, to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti, and to establish and maintain a secure and stable environment that will permit implementation of the Governors Island Agreement, on the understanding that the cost of implementing this temporary operation will be borne by the participating Member States;

5. *Approves* the establishment, upon adoption of the present resolution, of an advance team of the United Nations Mission in Haiti of not more than sixty personnel, including a group of observers, to establish the appropriate means of coordination with the multinational force, to carry out the monitoring of the operations of the multinational force and other functions described in paragraph 23 of the report of the Secretary-General of 15 July 1994, and to assess requirements and to prepare for the deployment of the United Nations Mission in Haiti upon completion of the mission of the multinational force;

6. *Requests* the Secretary-General to report on the activities of the team within thirty days of the date of deployment of the multinational force;

7. *Decides* that the tasks of the advance team as defined in paragraph 5 above will expire on the date of termination of the mission of the multinational force;

¹¹² *Ibid.*, pp. 10-11.

¹¹³ Brazil and China. Rwanda was not present at the meeting.

8. *Decides* that the multinational force will terminate its mission and the United Nations Mission in Haiti will assume the full range of its functions described in paragraph 9 below when a secure and stable environment has been established and the Mission has adequate force capability and structure to assume the full range of its functions; the determination will be made by the Security Council, taking into account recommendations from the States members of the multinational force, which are based on the assessment of the Commander of the multinational force, and from the Secretary-General;

9. *Decides* to revise and extend the mandate of the Mission for a period of six months to assist the democratic Government of Haiti in fulfilling its responsibilities in connection with:

(a) Sustaining the secure and stable environment established during the multinational phase and protecting international personnel and key installations;

(b) The professionalization of the Haitian armed forces and the creation of a separate police force;

10. *Requests* that the Mission assist the legitimate constitutional authorities of Haiti in establishing an environment conducive to the organization of free and fair legislative elections to be called by those authorities and, when requested by them, monitored by the United Nations, in cooperation with the Organization of American States;

11. *Decides* to increase the troop level of the Mission to 6,000 and establishes the objective of completing the Mission, in cooperation with the constitutional Government of Haiti, not later than February 1996;

12. *Invites* all States, in particular those in the region, to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present resolution and other relevant Security Council resolutions;

13. *Requests* the Member States acting in accordance with paragraph 4 above to report to the Council at regular intervals, the first such report to be made not later than seven days following the deployment of the multinational force;

14. *Requests* the Secretary-General to report on the implementation of the present resolution at sixty-day intervals starting from the date of deployment of the multinational force;

15. *Demands* strict respect for the persons and premises of the United Nations, the Organization of American States, other international and humanitarian organizations and diplomatic missions in Haiti, and that no acts of intimidation or violence be directed against personnel engaged in humanitarian or peacekeeping work;

16. *Emphasizes* the necessity that, inter alia:

(a) All appropriate steps be taken to ensure the security and safety of the operations and personnel engaged in such operations;

(b) The security and safety arrangements undertaken extend to all persons engaged in the operations;

17. *Affirms* that the Council will review the measures imposed pursuant to resolutions 841 (1993), 873 (1993) and 917 (1994), with a view to lifting them in their entirety, immediately following the return to Haiti of President Jean Bertrand Aristide;

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

After the vote, the representative of the United States noted that resolution 940 (1994) built on earlier actions designed to relieve suffering in Haiti and promote the rule of law. The purpose was not to impinge upon the sovereignty of Haiti, but to restore the power to exercise that sovereignty to those who rightfully possessed it. The purpose was to enable Haiti, in the words of the Charter, to pursue "social progress and better standards of life in larger freedom". Resolution 940 (1994) authorized a two-phased approach. In the first phase, a multinational force, acting under Chapter VII of the Charter, was empowered to restore legitimate authority to Haiti. That force, which the United States was prepared to organize and lead, would begin to professionalize the police and military and establish a stable and secure environment within which democratic officials and institutions could operate. In the second phase, UNMIH would assume the full range of its functions; continue professionalizing the Haitian armed forces and help build a new civilian police; assume responsibility for assisting the Government in assuring public order; assist in establishing an environment conducive to free and fair elections; and strive to complete its assigned tasks no later than February 1996. The timing of the transition from phase one to phase two would be determined by the Council after appropriate consultation, after a stable and secure environment had been established and the means for fulfilling the United Nations mission were at hand. She added that resolution 940 (1994) meshed well with her Government's policy, and that of the Council, of subjecting proposed new peace operations to rigorous review. Phase one built on the precedents of Kuwait and Rwanda while phase two established a United Nations mission of modest size with a clear and achievable mandate, operating in a relatively secure environment, with the consent of the Government, for a finite period of time. Moreover, the resolution was fully consistent with the views expressed by OAS.¹¹⁴

¹¹⁴ S/PV.3413, pp. 12-13.

The representatives of France and the United Kingdom noted that resolution 940 (1994) authorized, in a first phase, the establishment of a multinational force mandated to facilitate the departure from Haiti of the rebel military authorities, as provided for in the Governors Island Agreement, and, in a second phase, the deployment of a peacekeeping force mandated to ensure a stable, secure environment to enable Haiti to return to the path of progress and democracy. The representative of France added that recourse to Chapter VII of the Charter as the basis for multinational action demonstrated a determination to complete successfully, by all necessary means, the tasks the Council had set itself. The intentions of the Council had not changed since 3 July 1993. It desired the complete implementation of the Governors Island Agreement, including the return of the lawfully elected President of Haiti, a radical reform of the Haitian military structure, and the resumption of economic assistance to Haiti. Also needed were the consolidation of institutions and the holding of new elections that would make it possible to restore democracy.¹¹⁵

The representative of Argentina stated that the mechanisms provided for by the Charter were clearly applied gradually and patiently — first the measures provided for in Chapter VI of the Charter and then those provided for in Chapter VII which did not imply the use of force. Neither the calls of the General Assembly in connection with human rights and the restoration of democracy, nor the enforcement measures provided for by the Council, nor the various efforts to negotiate had had any impact on the usurpers of power in Haiti. Every alternative available had been exhausted one by one. The maintenance of international peace and security, the strengthening and consolidation of democracy, and the full enjoyment of human rights in the region required resolute action to liberate the Haitian people from the oppression of the de facto Government, as specifically suggested in the Secretary-General's report of 15 July 1994. Although his delegation might have preferred a traditional peacekeeping operation, the options fell within the framework of the Charter and addressed that difficult situation. Of decisive and key importance was the fact that those options were in keeping with what the President of Haiti had requested. Argentina would therefore support the action stipulated in resolution 940 (1994). The speaker added that the Council was well

aware that the solution to the Haitian crisis lay in the restoration of the democratic regime, which required respect and support for the sovereignty of the Haitian people. Moreover, an end must be put to a humanitarian crisis so vast, and atrocities so unspeakable, that the Council had determined that they could no longer be hidden behind a border. Noting that the situation in Haiti was a unique and exceptional one which could no longer be put off, he concluded that it was also a question of restoring to the people of Haiti — within the framework of the Charter and with the unequivocal support of the legitimate Government — the sovereignty of which it had been stripped.¹¹⁶

The representative of New Zealand underlined that the international community had not been precipitate in the matter of Haiti. Time had been given for sanctions to work. Clearly, they were not going to produce a quick departure by the illegal military regime. In the meantime, their effect was being felt mostly by the people of Haiti. That was why New Zealand supported the formal request by the legitimate Government of Haiti for decisive action to be taken by the United Nations to enable the legitimate Government of Haiti to be restored and constitutional order in that country to be re-established. However, it had a number of broad concerns about the manner in which the Council had come to deal with that and other recent situations. Firstly, New Zealand's preference had been for collective security to be undertaken by the United Nations itself. It provided the reassurance that small countries sought from the United Nations when Chapter VII of the Charter was being invoked. That did not mean that his delegation had reservations about the use of Chapter VII, either in the case of Haiti, or other specific cases where it was appropriate. His delegation also did not agree with the Secretary-General's conclusion that that was not feasible by the Organization in the case of Haiti. The resource and management difficulties that the United Nations faced were undeniable, but should be seen as challenges to be overcome, not as excuses for throwing in the towel and abrogating the responsibilities for international dispute settlement under United Nations auspices, which New Zealand and other Governments expected the Organization to fulfil. Secondly, in supporting a multinational intervention in Haiti, New Zealand hoped and expected that when the next call would come for

¹¹⁵ Ibid., pp. 13-14 (France); and p. 18 (United Kingdom).

¹¹⁶ Ibid., pp. 14-18.

international assistance to restore democracy or to protect people in a humanitarian disaster in some other small and distant country, the United Nations and all the members of the Council would not be found wanting.¹¹⁷

The representative of the Russian Federation stated that, in voting for resolution 940 (1994), his country took into account the fact that the resolution enjoyed the support of President Aristide. The Russian Federation attached great importance to the total transparency of the operation authorized by the Council for a multinational force in Haiti. Such transparency was essential to ensure complete confidence in the actions of the multinational force by the international community and support by the international community for that operation. In that connection, he noted that resolution 940 (1994) provided for close coordination between the multinational force and the advance team of UNMIH, for monitoring by United Nations observers of the operations of the multinational force and for verifying, as provided for in the Secretary-General's report of 15 July 1994, "the manner in which that force carried out the mandate conferred upon it by the Council". Of great importance also was the request contained in the resolution to the Secretary-General to report to the Council on the activities of the advance team of UNMIH. With regard to the concept of a two-phase operation, which the Russian Federation supported, his delegation emphasized that the Council would have to return to the question of the mandate and size of UNMIH and other issues of deployment and activities of the mission in phase two of the operation, which had financial implications when it adopted the corresponding decisions on the transition from phase one to phase two.¹¹⁸

Having noted that the situation in Haiti constituted a real and growing threat to peace, security and stability in the region, the representative of the Czech Republic stated that the effort by the international community to restore democracy to Haiti through peaceful, political means and through the imposition of economic sanctions had clearly failed. Resolution 940 (1994) was unique in so far as, for the first time in its history, the Council had authorized Member States to use all necessary means to restore democracy in a Member State and to create

conditions for a better and more dignified life in its population. Attention had been given to the clarity of the mandate and the clear definition of both phases of the envisaged operation, the role of the United Nations observers in the operation, as well as its time frame. While his delegation believed that all important aspects of the mission should have been addressed in the resolution in a clear and satisfactory manner, it was pleased that the Council's actions had the full support of democratically elected representatives of Haiti. He noted also that the Council had committed itself to a long-term programme of support for Haiti, in respect of which there should be continuous close cooperation and coordination between the United Nations and OAS.¹¹⁹

The President, speaking in his capacity as representative of Pakistan, stated that the deteriorating situation in Haiti was both unique and exceptional and constituted a threat to peace and security in the region, requiring an exceptional response by the international community. He recalled a communiqué of the OAS Ministers dated 7 July 1994 urging all Member States to support measures by the United Nations to strengthen UNMIH, *inter alia* to assist in the restoration of democracy, as well as the letter dated 29 July 1994 addressed to the Secretary-General from President Aristide, in which the latter called for "prompt and decisive" action by the international community in the implementation of the Governors Island Agreement. He expressed regret, however, that, for well understood reasons, the Secretary-General could not recommend the first option contained in his report of 15 July 1994. He concluded by stating that resolution 940 (1994) was a warning to States that were using their state apparatus to carry out systematic campaigns of gross violations of fundamental human rights and civil liberties, particularly where such violations gave rise to tensions in the region and threatened regional peace and security.¹²⁰

Decision of 30 August 1994: statement by the President

On 30 August 1994, following consultations among the members of the Council, the President issued the following statement to the media on behalf of the members of the Council:¹²¹

¹¹⁷ *Ibid.*, pp. 21-22.

¹¹⁸ *Ibid.*, pp. 23-24.

¹¹⁹ *Ibid.*, pp. 24-25.

¹²⁰ *Ibid.*, pp. 25-26.

¹²¹ S/PRST/1994/49.

The members of the Security Council deplore the rejection by the illegal *de facto* regime in Haiti of the initiative carried out under the instructions of the Secretary-General. Once again, the regime has discarded a possibility of peacefully implementing the Governors Island Agreement and the relevant resolutions of the Security Council, particularly resolutions 917 (1994) of 6 May 1994 and 940 (1994) of 31 July 1994.

Furthermore, the members of the Council reiterate their condemnation of the systematic repression, violence and violations of international humanitarian law carried out against the Haitian people. The recent assassination of Father Jean-Marie Vincent once again shows the climate of violence in Haiti, which continues to deteriorate under the illegal *de facto* regime.

Decision of 29 September 1994 (3430th meeting): resolution 944 (1994)

By a letter dated 27 September 1994 addressed to the President of the Security Council,¹²² the representative of the United States transmitted the first report of the multinational force in Haiti, dated 26 September 1994. The report covered the first week of operations of the force. It noted that the force, which had entered Haiti on 19 September 1994 without bloodshed, had taken several important steps towards establishing a secure and stable environment for the return of President Aristide and the full implementation of resolution 940 (1994). First, the Force had taken control of the Heavy Weapons Company of the Haitian armed forces and its armament. Secondly, it had initiated a weapons control programme and, lastly, military police units of the force were working with Haitian police headquarters, conducting mobile patrols and monitoring Haitian police activity. The force had also initiated a number of programmes to ameliorate potential causes of unrest and build a relationship of trust and friendship with the Haitian people, including by facilitating the pursuit of substantial humanitarian efforts and coordinating several civic operations to improve the Haitian people's quality of life.

At its 3429th meeting, on 29 September 1994, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the following: at the 3429th meeting, the representative of Haiti, at the 3430th meeting, the representatives of Canada and Venezuela. The Council considered the item at its 3429th and 3430th meetings.

At the 3429th meeting, on 29 September 1994, the President (Spain) drew the attention of the

¹²² S/1994/1107.

members of the Council to the following documents: two letters dated respectively 13 and 14 September 1994 addressed to the Secretary-General from the representative of the Libyan Arab Jamahiriya,¹²³ in which it was stated that the threat of the use of force by the United States and its preparations for the invasion of Haiti, using to that end the Security Council and its resolutions as a cover for its policy of aggression towards Haiti, constituted a grave precedent that threatened international peace and security, a flagrant violation of the Charter, blatant intervention in the internal affairs of States and a threat to their security and independence, adding that what was taking place in Haiti was an internal affair which constituted neither a threat to or breach of the peace, nor an act of aggression justifying the use of force; a letter dated 20 September 1994 addressed to the Secretary-General from the representative of Germany,¹²⁴ transmitting the text of a statement by the European Union on Haiti, issued on 19 September 1994; and a letter dated 26 September 1994 addressed to the President of the Council from the representative of Haiti,¹²⁵ transmitting the text of a statement by President Aristide dated 25 September 1994, in which he called upon the Council to take the necessary measures to rehabilitate Haiti's communication and information systems in accordance with the provisions of resolution 841 (1994). He also called for the immediate easing of sanctions, while maintaining the measures specifically targeted at those obstructing the restoration of democracy and for an increase its humanitarian assistance to Haiti and a speedy distribution of aid.

The representative of the United States stated that with the coalition's deployment, the time had come to prepare for the resumption of normal economic activities in Haiti. The United States and Haiti had introduced a draft resolution in the Council to lift completely United Nations sanctions when President Aristide returned. The United States would also act expeditiously, consistent with resolution 917 (1994) and the "all necessary means" provision of resolution 940 (1994), to allow goods essential to the coalition's efforts to enter Haiti. In addition, it would lift all unilateral sanctions on Haiti, except those targeted on the coup leaders and their named supporters. In that regard, the speaker urged other nations that might have had unilateral sanctions, to take

¹²³ S/1994/1051 and S/1994/1054.

¹²⁴ S/1994/1077.

¹²⁵ S/1994/1097.

similar steps. He further stated that a top priority for the coalition was to enable the United Nations mission to enter Haiti promptly and under conditions that would allow it to assume its full responsibilities. Twelve observers from the United Nations Mission were already in Haiti to plan for the coordination of the transition of authority from the coalition to the United Nations Mission. Just as the coalition was fulfilling its mandate in Haiti, so the United Nations Mission had to be ready to assume responsibility when a safe environment had been secured. The support of the Council, of Member States and of the Secretary-General would be essential to ensure that the transition was seamless and effective. The mission in Haiti was a reminder of the importance of United Nations peacekeeping operations, in respect of which the United States had proposed reforms to improve the way in which they were financed, equipped and organized. In that connection, he noted that when the United Nations was asked to act, it had to be provided with the means for mounting successful missions in a timely manner. While the multinational coalition would establish, and the United Nations Mission would help maintain, a secure environment in Haiti, the broader international community had to provide Haiti with economic, humanitarian and technical aid that would spur and consolidate democracy. He stressed that the coalition's mission was not to reinvent or to provide new institutions, but to create conditions that would allow Haiti's legitimate institutions to return. The coalition, the United Nations Mission and economic assistance could not and should not be a substitute for determined efforts by the Government of Haiti and by its people to rebuild their country.¹²⁶

The representative of France stated that the time had come for Haiti to regain its rightful place in the international community. France believed that a very clear political signal needed to be sent out by a decision to lift the sanctions in accordance with the Council resolutions, to take effect the day after the return of President Aristide to Haiti. France, for its part, was prepared to lift the unilateral sanctions that it had imposed as soon as technical conditions made it possible.¹²⁷

The representative of Brazil reiterated that whatever action was taken should be fully consistent with the Charter of the United Nations and of OAS, and

especially with the basic principle of non-intervention. Although his delegation had taken note that a traumatic military operation had been avoided in Haiti, his Government was concerned over the very fact that foreign military forces had been deployed in the territory of a Latin American country, which was a disturbing precedent. His country would support the democratic reconstruction of Haiti in full respect of its sovereignty and in compliance with the principles of non-intervention and self-determination.¹²⁸

At the 3430th meeting, on 29 September 1994, the President drew the attention of the members of the Council to a draft resolution submitted by Argentina, Canada, France, Haiti, Spain, the United States and Venezuela.¹²⁹

The representative of Haiti stated that the arrival at Port-au-Prince on 19 September 1994 of the first components of the multinational force authorized by resolution 940 (1994) had permitted a resumption of the process of restoration of democracy, in conformity with the Governors Island Agreement. The Parliament had met on 28 September 1994, for the first time since the *coup d'état*, to consider a draft amnesty law. The disarmament of the Army and the paramilitary forces had begun. High-calibre weapons had been confiscated, and the conduct of police had markedly improved. Those positive developments had prompted the Council to consider the lifting of the sanctions imposed by resolutions 841 (1993), 873 (1993) and 917 (1994), a measure which his Government supported. However, such measures should take effect after the return of President Aristide to Haiti. He noted that, despite the presence of the multinational force, acts of violence directed against the population continued. That demonstrated the need for the multinational force to speed up disarmament in order to create a stable and secure environment, which would make possible Haiti's national reconciliation.¹³⁰

Speaking in explanation of vote, the representative of Brazil stated that his delegation strongly upheld the objective of bringing to an end the sanctions regime imposed against the *de facto* authorities as soon as President Aristide was reinstated. The immediate end to the suffering of the Haitian people should be a clear priority and had to remain at

¹²⁶ S/PV.3429, pp. 2-5.

¹²⁷ Ibid., pp. 5-6.

¹²⁸ Ibid., pp. 6-7.

¹²⁹ S/1994/1109.

¹³⁰ S/PV.3430, pp. 2-3.

the core of concerns. Nevertheless, his delegation was not in a position to support the draft resolution before the Council. To do otherwise would be inconsistent with Brazil's position regarding, in particular, full respect for the principle of non-intervention. The seriousness of the crisis in Haiti required the continued attention of the international community but did not justify any recourse to force. In that sense, his delegation had reservations on certain elements of the draft resolution that went beyond the question of the termination of sanctions.¹³¹

The representative of the United States reaffirmed that sanctions would be lifted only when President Aristide returned to Haiti and resumed his duties. His Government believed that by voting on that day, the early departure of the coup leaders, the early return of President Aristide and thus the early restoration of democracy to Haiti. The draft resolution before the Council reinforced Haitian democracy by taking a crucial step towards those goals.¹³²

The representative of the Russian Federation stated that his delegation, while supporting the humanitarian direction of the draft resolution, still had doubts regarding its hasty adoption. It would not object or vote against the draft resolution, however, since it was a question of improving an acutely difficult humanitarian situation and alleviating the extreme suffering of the Haitian people. Furthermore, although the draft resolution was linked to the return of President Aristide, there was still no clear indication as to the timeframe for his return. He added that his delegation was convinced of the need to adhere to a unified, single approach, without exception, to the lifting of the sanctions regime, as regards the observance of general conditions and requirements for everyone. Such an approach would make it possible to clarify the question that naturally arose as to why some resolutions on the lifting of sanctions were discussed in a series of meetings while others were adopted in just over two days, in advance, and without confirmation that those demands had been accepted as put forward by the Council. All that stressed the need, in principle, to work within the United Nations and to develop a flexible mechanism for the gradual mitigation and then the lifting of sanctions, on the basis of political realities. His delegation intended to promote such an

approach in the consideration of questions relating to the lifting of the sanctions regime, based on the conviction that double standards were inadmissible in the work of the Council.¹³³

The draft resolution was then put to the vote and adopted by 13 votes in favour to none against, with 2 abstentions (Brazil, Russian Federation) as resolution 944 (1994), which reads:

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994 and 940 (1994) of 31 July 1994,

Reaffirming the objectives of the urgent departure of the de facto authorities, the prompt return of the legitimately elected President Jean Bertrand Aristide and the restoration of the legitimate authorities of the Government of Haiti,

Recalling the terms of the Governors Island Agreement and the related New York Pact,

Welcoming the fact that initial units of the multinational force were peacefully deployed in Haiti on 19 September 1994,

Looking forward to the completion of the mission of the multinational force and to the timely deployment of the United Nations Mission in Haiti as foreseen in resolution 940 (1994),

Noting the statement of President Jean-Bertrand Aristide dated 25 September 1994,

Having received the report of 26 September 1994 of the multinational force in Haiti,

Recalling that, in paragraph 17 of its resolution 940 (1994), the Security Council affirmed its willingness to review the measures imposed pursuant to its resolutions 841 (1993), 873 (1993) and 917 (1994) with a view to lifting them in their entirety immediately following the return to Haiti of President Jean Bertrand Aristide,

Noting that paragraph 11 of resolution 917 (1994) remains in force,

1. *Requests* the Secretary-General to take steps to ensure the immediate completion of the deployment of the observers and other elements of the sixty person advance team of the United Nations Mission in Haiti established under resolution 940 (1994);

2. *Urges* Member States to respond promptly and positively to the Secretary-General's request for contributions to the Mission;

¹³¹ Ibid., p. 4.

¹³² Ibid., pp. 4-5.

¹³³ Ibid., p. 5.

3. *Encourages* the Secretary-General, in consultation with the Secretary-General of the Organization of American States, to continue his efforts to facilitate the immediate return to Haiti of the International Civilian Mission in Haiti;

4. *Decides*, acting under Chapter VII of the Charter of the United Nations, to terminate the measures regarding Haiti set out in resolutions 841 (1993), 873 (1993) and 917 (1994), at 0001 hours eastern standard time on the day after the return to Haiti of President Jean-Bertrand Aristide;

5. *Also decides* to dissolve the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti, with effect from 0001 hours eastern standard time on the day after the return to Haiti of President Jean-Bertrand Aristide;

6. *Requests* that the Secretary-General consult with the Secretary-General of the Organization of American States regarding the consideration of appropriate measures which might be taken by that organization consistent with the present resolution and report to the Council on the results of those consultations;

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

After the vote, the representative of France recalled that his delegation had always held that the sanctions imposed on Haiti, which had been voted on in several stages up to the level of a general embargo, with the exception of humanitarian products, would be lifted definitively following the return of the legitimate President, as provided for in the Governors Island Agreement and in all the relevant resolutions of the Council. The time had come to signal the fact that the return of the legitimate authorities would mark the beginning of normalization with Haiti; first political normalization, then economic normalization. The lifting of the sanctions regime would make it possible to consolidate democracy by ensuring the development of the country.¹³⁴

According to the representative of China, the timely lifting of sanctions, after reaching their projected goals in accordance with the relevant provisions of the Council resolutions was in the interests of all the parties, and especially that of the Haitian people. His delegation believed that the Council should, in handling other, similar cases, adopt a practical attitude to facilitate an appropriate solution as it had done in lifting the sanctions against Haiti. He had reservations, however, on some elements in resolution 944 (1994) concerning the sending of a multinational force to Haiti, which was unacceptable to

China. China had always abided to the purposes and principles of the Charter and was opposed to interfering in the internal affairs of other countries and resorting to force or the threat of force in international relations.¹³⁵

**Decision of 15 October 1994 (3437th meeting):
resolution 948 (1994)**

On 28 September 1994, pursuant to resolution 917 (1994), the Secretary-General submitted to the Council a report on the question concerning Haiti.¹³⁶ The Secretary-General reported that, on 18 September 1994, the United States and the *de facto* authorities in Haiti had reached an agreement which provided for “close cooperation” of the Haitian military and police forces with the United States military mission. It also referred to “an early and honourable retirement” of “certain military officers of the Haitian armed forces” when a general amnesty would be voted into law by the Haitian Parliament, or on 15 October 1994, whichever was earlier. The agreement further provided for the immediate lifting of the economic embargo and the economic sanctions. The Secretary-General further reported that the Multinational Force had continued its deployment and was estimated to have reached 15,697 troops. On 23 September 1994, an advance team of 12 United Nations military observers had been deployed in Port-au-Prince and that their operations were proceeding without incident. The rest of the advance team authorized by resolution 940 (1994) would be deployed shortly. Regarding MICIVIH, the Secretary-General intended, in coordination with the Secretary-General of OAS to redeploy the core group of observers in Santo Domingo as soon as their security was ensured. On 22 September 1994, the Permanent Council of OAS had requested the Secretary-General of OAS to take, in coordination with the Secretary-General of the United Nations, the necessary measures for the return of MICIVIH, and to present recommendations for the enhancement and, if applicable, modification of the mission’s mandate during the reconstruction period, in keeping with the resolutions of the Ad Hoc Meeting of Foreign Ministers of OAS on Haiti.

At its 3437th meeting, on 15 October 1994, the Council resumed its consideration of the item.

¹³⁵ *Ibid.*, p. 6.

¹³⁶ S/1994/1143.

¹³⁴ *Ibid.*, pp. 5-6.

Following the adoption of the agenda, the Council invited the representatives of Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President (United Kingdom) drew the attention of the members of the Council to a letter dated 15 October 1994 addressed to the President of the Council from the Secretary-General,¹³⁷ transmitting a letter of the same date addressed to the Secretary-General by the representative of the United States, in which she confirmed that President Aristide had returned to Haiti on that date. He also drew their attention to the report of the Secretary-General dated 28 September 1994,¹³⁸ to a letter dated 10 October 1994 addressed to the President of the Council from the representative of the United States,¹³⁹ transmitting the second report of the multinational force in Haiti, and to a draft resolution submitted by Argentina, Canada, Djibouti, France, Pakistan, Spain, the United States and Venezuela.¹⁴⁰

The representative of Canada noted that the peaceful deployment of the multinational coalition under the authority of the United Nations had played a decisive role in establishing conditions which had allowed the return of President Aristide. Canada supported a rapid transition from the multinational operation to UNMIH when a secure and stable climate had been established in Haiti. It also welcomed the return of the joint United Nations/OAS civilian mission.¹⁴¹

The representative of Haiti stated that the return of President Aristide to his country had once again demonstrated that when consensus was reached, the international community had the means to have its decisions implemented. Stating that peace and development were related, he stressed that there could be no true peace if the living conditions of the population were not improved and appealed to the international community to help rebuild Haiti.¹⁴²

Speaking in explanation of vote, the representative of Brazil recalled that, at the time of the adoption of resolution 940 (1994), his delegation had stated that the issue of using force under Chapter VII in

relation to a country in the western hemisphere was a matter of the utmost seriousness. Its main reservations related to the authorization for the establishment and deployment of a multinational force with a broad and vague mandate. The speaker noted that reservations had also been expressed by Latin American countries non-members of the Council. Similarly, the draft resolution under consideration contained concepts that his delegation could not support. His delegation was not prepared to give retroactive endorsement to provisions of a draft resolution about which it had expressed reservations.¹⁴³

The draft resolution was then put to the vote and adopted by 14 votes in favour to none against, with 1 abstention (Brazil), as resolution 948 (1994), which reads:

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994 and 944 (1994) of 29 September 1994,

Recalling the terms of the Governors Island Agreement and the related New York Pact,

Recalling also the different positions taken by its members when resolution 940 (1994) was adopted,

Looking forward to the completion of the mission of the multinational force in Haiti and to the deployment of the United Nations Mission in Haiti as soon as a secure and stable environment is established, as foreseen in resolution 940 (1994),

Having received the reports of the multinational force of 26 September and 10 October 1994,

Having also received the report of the Secretary-General of 28 September 1994, submitted pursuant to paragraph 16 of resolution 917 (1994),

Welcoming the letter from the Secretary-General dated 15 October 1994, confirming that President Jean-Bertrand Aristide has returned to Haiti,

1. *Welcomes with great satisfaction* the return to Haiti of President Jean-Bertrand Aristide on 15 October 1994, and expresses its confidence that the people of Haiti can now begin to rebuild their country with dignity and consolidate democracy in a spirit of national reconciliation;

2. *Welcomes* in particular the fact that, with the convening of the Haitian Parliament and the departure of the

¹³⁷ S/1994/1169.

¹³⁸ S/1994/1143.

¹³⁹ S/1994/1148.

¹⁴⁰ S/1994/1163.

¹⁴¹ S/PV.3437, pp. 2-3.

¹⁴² *Ibid.*, p. 3.

¹⁴³ *Ibid.*, p. 4.

military leadership, the process of implementing the Governors Island Agreement, the New York Pact and the objectives of the United Nations as expressed in the resolutions of the Council is well under way;

3. *Expresses its full support* for efforts by President Aristide, democratic leaders in Haiti and the legitimate organs of the restored Government to bring Haiti out of crisis and return it to the democratic community of nations;

4. *Commends* the efforts of all States, organizations and individuals who have contributed to this outcome;

5. *Recognizes* in particular the efforts of the multinational force in Haiti, authorized under resolution 940 (1994) and those of the Member States participating in the multinational force on behalf of the international community, in creating the conditions necessary for the return of democracy to the people of Haiti;

6. *Expresses its support* for the deployment of the advance team of the United Nations Mission in Haiti and the continued efforts of the Secretary-General to complete the composition of the Mission;

7. *Notes* that under the terms of resolution 940 (1994), the Mission will replace the multinational force in Haiti when the Security Council determines that a secure and stable environment has been established;

8. *Welcomes* the appointment of the new Special Representative of the Secretary-General, and thanks the former Special Envoy of the Secretaries-General of the United Nations and the Organization of American States for his efforts;

9. *Urges* that cooperation continue between the Secretaries-General of the United Nations and the Organization of American States, especially regarding the rapid return to Haiti of the members of the International Civilian Mission in Haiti;

10. *Welcomes* the fact that, now that President Aristide has returned to Haiti, sanctions will be lifted in accordance with resolution 944 (1994);

11. *Reaffirms* the willingness of the international community to provide assistance to the people of Haiti, with the expectation that they will do their utmost to rebuild their country;

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

The representative of France expressed regret at the fact that the Council had not been able to hail with unanimity the clear success of the international community in Haiti. Whatever reservations were expressed when resolution 940 (1994) was adopted, no one could refuse to acknowledge that without the deployment of the multinational force in Haiti President Aristide would not have returned to his

country and the Haitian people would have continued to suffer military dictatorship and to live in poverty.¹⁴⁴

The representative of the Russian Federation expressed the hope that the multinational force in Haiti would carry out its mandate in accordance with resolution 940 (1994). His delegation proceeded on the basis that, in due course, the Council would have to analyse the situation in connection with the requirements of paragraph 8 of that resolution, a necessary condition for a decision by the Council to proceed to the second stage of the United Nations operation in Haiti. In that regard, his delegation intended to give special attention to the criteria for conducting peacekeeping operations, criteria which were becoming a regular feature of the Council's consideration of such problems.¹⁴⁵

Other speakers also emphasized the need for the international community to assist Haiti in its efforts for reconstruction.¹⁴⁶

Decision of 29 November 1994 (3470th meeting): resolution 964 (1994)

On 18 October 1994, pursuant to resolution 940 (1994), the Secretary-General submitted to the Council a report on the question concerning Haiti,¹⁴⁷ in which he reported on the activities of the advance team of UNMIH since the deployment of the multinational force in Haiti. He noted that the deployment of the advance team, whose tasks included coordination with the multinational force in preparation for full deployment of UNMIH, monitoring the operations of the force, and making its good offices available, as required, had been successfully implemented with the full support of the Dominican Republic and the multinational force. The civilian police component of the advance team was coordinating its activities with the Commander of the international police monitors, which formed part of the multinational force, in order to work out criteria for the transition from the force to UNMIH. As part of the planning process for that transition, the military component of the advance team had established a joint working group with the force. Under the terms of resolution 940 (1994), it was clear

¹⁴⁴ *Ibid.*, p. 7.

¹⁴⁵ *Ibid.*, p. 9.

¹⁴⁶ *Ibid.*, p. 5 (Rwanda); pp. 5-6 (United States); pp. 6-7 (Argentina); and pp. 7-8 (Spain).

¹⁴⁷ S/1994/1180.

that the transition from the multinational force to UNMIH could take place only when a secure and stable environment had been established and UNMIH had adequate force capability and structure to assume the full range of functions envisaged for it. The Secretary-General concluded by noting that the advance team of UNMIH was fully operational. Its tasks would expire when the mission of the multinational force ended and when UNMIH assumed "the full range of its functions".

On 21 November 1994, pursuant to resolution 940 (1994), the Secretary-General submitted to the Council a report on the implementation of that resolution since the deployment of the multinational force in Haiti.¹⁴⁸ The Secretary-General reported that, following the deployment of the multinational force, President Aristide had returned to Haiti on 15 October 1994. The new Government had taken office on 8 November. During his visit to Haiti on 15 November, the Secretary-General had assured the President of Haiti that the United Nations, in collaboration with OAS, would continue to assist the country in national reconstruction, political stability and reconstruction. The Secretary-General also reported that the multinational force continued to operate smoothly towards achieving its objectives under resolution 940 (1994). The military and police personnel of the advance team had also been engaged in on-site planning for the transition from the multinational force to UNMIH. He had instructed that a technical team be dispatched to Haiti to work with the advance team in establishing the operational and logistical plans for the deployment of the Mission. The Secretary-General further noted that the salient issues that would need to be addressed in order to assure a smooth transition from the multinational force to UNMIH, such as training the Haitian police, a timetable of forthcoming legislative elections and the establishment of a secure and stable environment, continued to be the subject of discussions between the United Nations, Haiti, the United States and other interested parties. Of particular concern was the creation of the new Haitian police. While training of the interim Haitian police had commenced, time would be required for it to reach the strength necessary to enforce law and order effectively so that UNMIH could assist the Government of Haiti in fulfilling its responsibilities. In accordance with resolution 940 (1994) a United Nations electoral team

had been dispatched to Haiti on 26 October to evaluate possibilities for UNMIH assistance as it had been requested to do by resolution 940 (1994) in establishing an environment conducive to the organization of free and fair elections. Regarding the expulsion by the Haitian *de facto* regime of members of MICIVIH which had occurred on 12 July 1994, the Secretary-General had decided, in coordination with the Secretary-General of OAS, to redeploy the core group of MICIVIH. Finally, in accordance with resolution 940 (1994) a team from the Department of Humanitarian Affairs had visited Haiti from 25 September in order to establish a comprehensive list of critical emergency needs. Additionally, a survey team had travelled to Haiti on 4 November with a view to updating the Emergency Economic Recovery Programme to that country. The Secretary-General concluded by stating that the head of the UNMIH advance team had recommended that the strength of the team, including United Nations military and police observers and military planners, should be increased in order to further facilitate planning of UNMIH, identification of conditions required for the transition and, most important, preparation for the actual transition. To accomplish those tasks, a substantial expansion of the advance team was required. He recommended that the Council authorize expansion of the advance team up to 500 members to allow it to be progressively strengthened so that it was fully prepared to enter the transition period when UNMIH took over responsibilities from the multinational force.

At its 3470th meeting, on 29 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to the above-mentioned reports of the Secretary-General, as well as to letters dated 27 September, 10 and 24 October and 7 and 21 November 1994, addressed to the President of the Council by the representative of the United States,¹⁴⁹ transmitting further reports of the multinational force in Haiti. She also drew their attention to a draft resolution submitted by Argentina, Canada, France, the

¹⁴⁹ S/1994/1107, S/1994/1148, S/1994/1208, S/1994/1258 and S/1994/1321.

¹⁴⁸ S/1994/1322.

United States and Venezuela,¹⁵⁰ and read out a revision that had been made to the draft in its provisional form.

Speaking in explanation of vote, the representative of Brazil recalled that his country had always advocated that, in all cases, diplomatic and other political resources should be exhausted before coercive measures were adopted. In particular, his delegation had more than once expressed its reservations on actions not undertaken under the direct control of the United Nations. Since the Council had considered the options available to establish an expanded force of UNMIH, Brazil had upheld the view that a United Nations presence in Haiti would warrant a strengthening of UNMIH in order to fully implement the mandate emanating from resolution 867 (1993), in accordance with established principles and practices of United Nations operations. As a result, the objective of expanding the advance team of UNMIH would seem a justifiable development in the light of the situation in Haiti. While concurring with the objective of advancing the process of future deployment of UNMIH as soon as the security situation in Haiti permitted, his delegation expressed concern at the terms under which that measure was being taken by the Council. While it could have supported an objective, procedural resolution expanding the advance team of UNMIH, without entering into considerations of a political nature, the draft resolution before the Council still contained elements over which his delegation had expressed reservations on all prior occasions. Since it could not allow for a retroactive endorsement of provisions authorizing recourse to all necessary means in its region, its concerns remained unchanged. Brazil would therefore abstain in the vote.¹⁵¹

The representative of the Russian Federation stated that his delegation had serious doubts as to the advisability and timeliness of the adoption of the draft resolution before the Council authorizing a significant increase in the numbers of the advance team of UNMIH. The adoption of the draft resolution could mean that there was a kind of creeping, de facto transition from the multinational force in Haiti towards a United Nations stage of the operation when the requirements laid down in resolution 940 (1994) had basically not been met or implemented and when the Council had not yet taken the appropriate decision. His

delegation saw a direct contradiction in that regard with the assurances given by the sponsors of resolution 940 (1994), upon its adoption, that there would be no automatic shift from a multinational force operation to a United Nations operation. The draft resolution, as originally submitted, gave a very vague idea of the mandate of the advance team, and his delegation was unable to glean any clear notion of the composition of the additional contingent that was to be sent to beef up the advance team. In addition, the speaker observed that there was a clear disproportion in the amount of attention given and reaction evidenced by the Council to one specific situation, even under conditions when the requirements set by the Council had certainly not been implemented and met, while at the same time, in other circumstances, the adoption of decisions relating to very acute situations that actually posed a threat to international peace and security was dragged out. That was a demonstration of double standards, which was simply intolerable in the activities of the Council. The Russian delegation would therefore abstain in the vote. Such a position was dictated exclusively by its desire to ensure respect for what had been established by way of standards and procedures in the Council.¹⁵²

The draft resolution was then put to the vote and adopted by 13 votes in favour to none against, with 2 abstentions (Brazil, Russian Federation), as resolution 964 (1994), which reads:

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994 and 948 (1994) of 15 October 1994,

Recalling also the terms of the Governors Island Agreement and the related New York Pact,

Having considered the reports of the multinational force in Haiti of 26 September, 10 October, 24 October, 7 November and 21 November 1994,

Having considered also the reports of the Secretary-General of 18 October 1994 and 21 November 1994,

Noting the progress made in establishing a secure and stable environment in Haiti,

¹⁵⁰ S/1994/1354.

¹⁵¹ S/PV.3470, pp. 2-3.

¹⁵² *Ibid.*, pp. 3-4.

1. *Welcomes* the positive developments in Haiti since the deployment of the multinational force in peaceful conditions;

2. *Commends* the efforts made by the multinational force in Haiti to establish, in accordance with resolution 940 (1994), a secure and stable environment conducive to the deployment of the United Nations Mission in Haiti;

3. *Pays tribute* to President Jean-Bertrand Aristide for his efforts to promote national reconciliation;

4. *Welcomes* the establishment by the advance team of the Mission and the multinational force of a joint working group to prepare for the transition;

5. *Authorizes* the Secretary-General progressively to strengthen the advance team of the Mission up to 500 personnel in order to further facilitate planning of the Mission, identification of conditions required for the transition from the multinational force to the Mission and preparation for the actual transition, as well as to make good offices available for the achievement of the purposes approved by the Security Council in its resolution 940 (1994);

6. *Requests* the Secretary-General to inform the Council at regular intervals of prospective increases in the strength of the advance team of the Mission; such increases should take place in close coordination with the Commander of the multinational force;

7. *Invites* the Secretary-General to expedite planning for the full deployment of the Mission;

8. *Encourages* continuous close coordination between the multinational force and the advance team of the Mission;

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

After the vote, the representative of France expressed his delegation's belief that thought should be given to the transition period and to the replacement of the multinational force by UNMIH. Because of its concern that they should be prepared in the best possible conditions, his delegation voted in favour of resolution 964 (1994), by which it had been decided to strengthen the advance team of UNMIH. Special emphasis should be placed on the training of the police and on the preparation for free and regular legislative elections. His delegation recalled the importance that it attached to that crucial moment in the political life of Haiti and in the restoration of democracy. The United Nations should step up its preparations for the holding of that poll, and the Government of Haiti should take without delay the measures which were within its competence.¹⁵³

¹⁵³ Ibid., p. 4.

The representative of China stated that his delegation wished to put on record its reservations with regard to elements of resolution 964 (1994) concerning the multinational force. While that force might have contributed to the establishment of a secure environment in Haiti, his delegation's reservations were based on China's principled position concerning the peaceful settlement of disputes. China had consistently complied with the purposes and principles of the Charter and opposed interference in the internal affairs of other countries and the use or threat of the use of force in international relations. It expounded that position when the Council adopted resolution 940 (1994), which authorized military action in Haiti. Resolution 964 (1994) should, therefore, be understood even less as an affirmation of that so-called formula.¹⁵⁴

The President, speaking in her capacity as representative of the United States, took note of the Secretary-General's observation that no acts of intimidation or violence against the United Nations or any other international presence had been reported. She stated that the operation in Haiti was poised to become a model for peacekeeping and international cooperation. As noted in the report of the Secretary-General, the advance team was working closely with the multinational force to prepare for the transition to UNMIH under the provisions of resolution 940 (1994). Expanding the size of the advance team would provide the planning flexibility necessary for that transition. In asking that the Secretary-General inform the Council of increases, and that those increases be coordinated with the commander of the multinational force, resolution 964 (1994) underscored the good planning and coordination that, already, characterized the operation. Increasing the size of the UNMIH advance team in the careful fashion called for in resolution 964 (1994) made a key contribution to the transition. She added that it was the task of the multinational force to establish a secure and stable environment so that the phase of political, economic and social rebuilding under the eye of UNMIH could occur.¹⁵⁵

**Decision of 30 January 1995 (3496th meeting):
resolution 975 (1995)**

On 17 January 1995, pursuant to resolution 940 (1994), the Secretary-General submitted to the Council

¹⁵⁴ Ibid., pp. 4-5.

¹⁵⁵ Ibid., pp. 5-6.

a report on the question concerning Haiti, which assessed the security situation in the country, the threats that might be confronted in the future and the means needed for the international community to assist the Government of Haiti to counter them.¹⁵⁶ It also contained recommendations on the future of UNMIH. The Secretary-General observed that the security situation had improved considerably since the peaceful deployment of the multinational force, the end of the *de facto* regime and the return of President Aristide. No serious danger to the existence of the Government could be identified. The Armed Forces of Haiti no more existed as an organized force. He noted, however, that there was no room for complacency. Although not politically motivated, too many crimes were still taking place. The Secretary-General further observed that, notwithstanding the actions by the multinational force and interested governments, an effective Haitian police force would not yet exist by the time UNMIH took over. In those circumstances, the task of the civilian police of UNMIH would be quantitatively greater and qualitatively more demanding than had been the case in previous peacekeeping operations in which United Nations civilian police had been deployed. In the early stages, therefore, UNMIH, like the existing multinational force, might itself have to take coercive action from time to time, in the closest consultation with the Government of Haiti and in accordance with UNMIH's rules of engagement. The Secretary-General was confident that UNMIH could accomplish its mission if it was given the resources it needed. In that connection, he recommended that the police component of UNMIH be increased to 900 civilian police officers¹⁵⁷ and that the Council authorize the extension of UNMIH's mandate for a period of six months to 31 July 1995. He expected that UNMIH would be able to take over on or around 31 March 1995. That meant that part of the forthcoming election campaign would take place during the multinational force phase, while the rest of the campaign and the actual election would take place after the handover to UNMIH. The Secretary-General was also confident that UNMIH would be able to fulfil its mandate satisfactorily and give all necessary assistance to the Government of Haiti to sustain a secure and stable environment. To do so, however, it would need both the continued commitment of all those who provided

its human and material resources and the continued cooperation of the people of Haiti. He concluded by stating that the goodwill of the international community was no substitute for the Haitian people's own efforts to build their future.¹⁵⁸

At its 3496th meeting, on 30 January 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Belize, Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Argentina) drew the attention of the members of the Council to a draft resolution submitted by Argentina, Canada, France, Germany, Honduras, Italy, Rwanda, the United Kingdom, the United States and Venezuela.¹⁵⁹ He further drew their attention to the following documents: letters dated 5 and 19 December 1994 and 9 and 23 January 1995 addressed to the President of the Council by the representative of the United States,¹⁶⁰ transmitting further reports of the multinational force in Haiti; a letter dated 18 January 1995 addressed to the President of the Council by the representatives of Antigua and Barbuda, Argentina, Australia, the Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Costa Rica, Denmark, Dominica, Grenada, Guatemala, Guyana, Israel, Jamaica, Jordan, the Netherlands, the Philippines, Poland, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, the United Kingdom and the United States,¹⁶¹ conveying, in accordance with paragraph 8 of resolution 940 (1994), the recommendation of the Member States participating in the multinational force in Haiti and the assessment of the Commander of the force that a secure and stable environment had been established in Haiti; and a letter dated 27 January 1995 addressed to the President of the Council by the representative of Haiti.¹⁶²

The representative of Haiti expressed his Government's support for the draft resolution before the Council, as well as for the recommendations contained in the report of the Secretary-General of 17 January 1995. Recalling that the mandate of the multinational force was to create conditions for the

¹⁵⁶ S/1995/46 and Add.1.

¹⁵⁷ S/1995/46, para. 87.

¹⁵⁸ *Ibid.*, para. 91.

¹⁵⁹ S/1995/85.

¹⁶⁰ S/1995/1377, S/1995/1430, S/1995/15 and S/1995/70.

¹⁶¹ S/1995/55 and Add.1.

¹⁶² S/1995/90.

implementation of the Governors Island Agreement, in particular the creation of an environment conducive to the deployment of UNMIH, he stated that such an environment existed in Haiti. He also noted that, since the deployment of the multinational force on 19 September 1994, the Governors Island Agreement had been progressively implemented. Those who had usurped political power had withdrawn; the legitimate authorities had resumed their functions; constitutional order had been re-established; and President Jean-Bertrand Aristide had resumed his position as Head of State. An electoral commission was preparing for the forthcoming legislative and municipal elections. Furthermore, the human rights situation had improved considerably, as noted by the joint United Nations/OAS International Civilian Mission in Haiti. At the same time, the confidence of the Haitian people in a better future was tempered by what they saw as the possible survival of the *coup d'état* regime, the activities of a network of their former oppressors, the widespread availability of weapons and the inability of the Haitian judicial system to satisfy the demands of the victims of the *coup d'état*. The Haitian Government was aware that urgent measures needed to be taken to address that problem. It was only waiting for UNMIH to be deployed in order to assist it in such tasks, as promised under the Governors Island Agreement and resolution 861 (1993). His delegation therefore hoped that the Council would unanimously adopt the draft resolution before it, as a sign of the continued support of the international community for the democratization of Haitian society.¹⁶³

The representative of Canada stated that the time had come to begin the transition from the multinational coalition to UNMIH, as envisaged in resolution 940 (1994). The draft resolution before the Council affirmed the existence of the secure and stable environment required for the deployment of UNMIH and envisaged that the transfer from the multinational force in Haiti to UNMIH would be completed by 31 March 1995. That transition underlined the continuity of the international community's commitment to Haiti. While his delegation supported the increase in UNMIH's civilian police component for the purpose of providing additional training and monitoring the interim public security force, it stressed that UNMIH's responsibility remained to assist, not to replace, Haitian efforts in sustaining a secure and

stable environment. Stating that continued assistance from the international community aimed at helping rebuild the economy remained key in consolidating stability, he contended that the link between economic and social development, on the one hand, and peace and security, on the other, was nowhere more evident than in Haiti.¹⁶⁴

Speaking on behalf of the Caribbean Community (CARICOM) and Suriname, the representative of Belize expressed support for the draft resolution before the Council. Referring to the Secretary-General's observation that the relative security being enjoyed by the Haitians people remained fragile, and that the political and social environment contained many factors that could lead to future instability, he stated that it was vital that the security situation should be sustainable after the departure of the multinational force and the full deployment of UNMIH. For that reason, CARICOM Governments and Suriname stressed the need for effective deterrence to continue after the handover to UNMIH and to respond to any residual threat to the Government of Haiti. A capability for swift, coordinated and overwhelming action anywhere in the country was therefore a necessity. In that regard, he noted the indications in the Secretary-General's report that the military component of UNMIH would include a quick-reaction force. He trusted that it would be of a strength and capacity adequate to satisfy that vital security need.¹⁶⁵

Speaking in explanation of vote, the representative of Nigeria said that the draft resolution before the Council was timely, balanced and constructive. His delegation would support it for the following reasons. First, the draft resolution, in authorizing the phase of United Nations operations in Haiti, had secured the consent of the Government of Haiti, which was a vital prerequisite for all Chapter VI United Nations peacekeeping operations. His delegation's understanding was that the troops to be deployed in Haiti would use force only in exercise of the right of self-defence and in fulfilment of other objectives defined in the mandate. Secondly, his delegation agreed with the six-month mandate period provided for the United Nations operation in the first instance. However, it was important that the force level of UNMIH be kept under constant review, as provided

¹⁶⁴ Ibid., pp. 3-4.

¹⁶⁵ Ibid., pp. 4-5.

¹⁶³ S/PV.3496, pp. 2-3.

for in the preambular part of the draft resolution. In that respect, his delegation was in favour of establishing a uniform standard for all peacekeeping operations authorized by the Council and, hence, would support the insertion of the substance of the language of the draft resolution in all future resolutions which dealt with mandate extensions and reviews of force levels of United Nations peacekeeping operations. Lastly, his delegation welcomed the import of operative paragraph 10 of the draft resolution concerning assistance and support for the economic, social and constitutional development of Haiti. That provision accorded with what should be the international community's commitment to assisting all States in post-conflict peacebuilding situations.¹⁶⁶

According to the representative of Honduras, the case of Haiti had proved to be an exception in all its forms. In his view, while the crisis in that country was of an internal nature and did not constitute a threat to international peace and security, at the same time it had serious political and legal implications for democracy. Serious violations of human rights and the mass exodus of a considerable portion of the Haitian population for political and economic reasons called for prompt and resolute action on the part of the international community, the United Nations and OAS. His Government was of the view that force should be used as a last resort in maintaining international peace and security and believed that that type of decision should be adopted by the Council in any event with the support of all its members, that was to say, in a collegial manner. The concept of a multinational force under the leadership and control of one country should not be regarded as an alternative to the mechanisms that were established in the Charter for the maintenance of international peace and security, especially at a time when very developed concepts and instruments, such as preventive diplomacy, peacebuilding and peacekeeping, were available. His Government also recognized the importance of joint activities undertaken by the United Nations, OAS and the multinational force deployed in Haiti, in particular the commitment of the Secretariat to work together with OAS in assisting Haiti in the fields of national reconciliation, political stability and social and economic reconstruction. With regard to the organization of free and fair elections in Haiti, he hoped that the Secretariat had begun the relevant

consultations with OAS to work on those tasks in a coordinated way. He concluded by stating that Haiti could soon provide the third example — after Central America and Mozambique — of the Organization's intervening through a peacekeeping operation under Council resolutions to make progress from conflict to peace and from peace to a stable and lasting democracy.¹⁶⁷

The representative of China recalled that his delegation had consistently stood for the peaceful settlement of disputes and opposed the use or threat of use of force in international relations. Considering the possible changes in Haiti's situation, and particularly, the security situation following the completion of the deployment of UNMIH by the end of March, his delegation deemed it necessary that the Council should at that time reconsider such questions as the mandate and size of UNMIH, just as it reconsidered those questions for the peacekeeping operations in Georgia and Tajikistan and for some of the operations in Africa. He regretted that amendments proposed by his delegation in that regard were not accepted; therefore it would abstain on the draft resolution.¹⁶⁸

The representative of the Russian Federation stated that the situation in Haiti no longer posed a threat to peace and security. While his delegation continued to have certain concerns, it considered that it was possible to allow the transition to the United Nations phase of the operation. Both in respect to Haiti and in a broader context, his delegation's approach to the matter of United Nations peacekeeping operations was set out during the Council's discussion of the Secretary-General's Supplement to the Agenda for Peace. Specifically, it considered that there had to be a substantive discussion of what the real requirements for United Nations peacekeeping activities were and what resources were needed to meet those requirements. Every peacekeeping operation was unique and the questions involved had to be addressed in the light of each specific situation. But a single, clear-cut set of criteria should be fashioned for launching and conducting such operations. That would avoid double standards in the approach of the United Nations and the division of conflicts into "priority" and "secondary" conflicts.¹⁶⁹

¹⁶⁷ *Ibid.*, pp. 7-8.

¹⁶⁸ *Ibid.*, p. 10.

¹⁶⁹ *Ibid.*, p. 10.

¹⁶⁶ *Ibid.*, pp. 5-6.

The draft resolution was then put to the vote and adopted by 14 votes in favour to none against, with 1 abstention (China), as resolution 975 (1995), which reads:

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994, 948 (1994) of 15 October 1994 and 964 (1994) of 29 November 1994,

Recalling also the terms of the Governors Island Agreement and the related New York Pact,

Recalling further its determination in resolution 940 (1994) that the situation in Haiti constituted a threat to peace and security in the region which required the successive deployment of the multinational force in Haiti and the United Nations Mission in Haiti,

Having considered the reports of the Secretary-General of 18 October 1994, 21 November 1994 and 17 January 1995, and having considered the reports of the multinational force of 26 September 1994, 10 October 1994, 24 October 1994, 7 November 1994, 21 November 1994, 5 December 1994, 19 December 1994, 9 January 1995 and 23 January 1995,

Noting in particular the statement of the Commander of the multinational force of 15 January 1995 and the accompanying recommendation, based on the Commander's report, of the States participating in the force regarding the establishment of a secure and stable environment in Haiti,

Noting the recognition in these reports and recommendations that a secure and stable environment has been established in Haiti,

Taking note of the letter dated 27 January 1995 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council,

Underlining the importance of ensuring that force levels of peacekeeping operations are suited to the tasks involved, and noting the need for the Secretary-General to keep the force levels of the Mission under constant review,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation and reconstruction of their country,

1. *Welcomes* the positive developments in Haiti, including the departure from Haiti of the former military leadership, the return of the legitimately elected President and the restoration of the legitimate authorities, as envisaged in the Governors Island Agreement and consistent with resolution 940 (1994);

2. *Commends* the efforts of the States participating in the multinational force in Haiti to work closely with the United Nations to assess requirements and to prepare for the deployment of the United Nations Mission in Haiti;

3. *Expresses its appreciation* to all Member States which have contributed to the multinational force;

4. *Also expresses its appreciation* to the Organization of American States and for the work of the International Civilian Mission in Haiti, and requests that the Secretary-General of the United Nations, bearing in mind the expertise and potential of the Organization of American States, consult with the Secretary-General of the Organization of American States regarding other appropriate measures which might be taken by the two organizations consistent with the present resolution and to report to the Council on the results of these consultations;

5. *Determines*, as required by resolution 940 (1994) and based on the recommendations of the Member States participating in the multinational and in concurrence with paragraph 91 of the report of the Secretary-General of 17 January 1995, that a secure and stable environment, appropriate to the deployment of the United Nations Mission in Haiti as foreseen in resolution 940 (1994), now exists in Haiti;

6. *Authorizes* the Secretary-General, in order to fulfil the second condition specified in paragraph 8 of resolution 940 (1994) for the termination of the mission of the multinational force and the assumption by the United Nations Mission in Haiti of its functions specified in that resolution, to recruit and deploy military contingents, civilian police and other civilian personnel sufficient to allow the Mission to assume the full range of its functions as established by resolution 867 (1993) and as revised and extended by paragraphs 9 and 10 of resolution 940 (1994);

7. *Also authorizes* the Secretary-General, working with the Commander of the multinational force, to take the necessary steps in order for the United Nations Mission in Haiti to assume these responsibilities as soon as possible, with the full transfer of responsibility from the multinational force to the Mission to be completed by 31 March 1995;

8. *Decides* to extend the existing mandate of the United Nations Mission in Haiti for a period of six months, that is, until 31 July 1995;

9. *Authorizes* the Secretary-General to deploy in Haiti, in accordance with resolution 940 (1994), up to 6,000 troops and, as recommended in paragraph 87 of his report of 17 January 1995, up to 900 civilian police officers;

10. *Recalls* the commitment of the international community to assist and support the economic, social and institutional development of Haiti, and recognizes its importance for sustaining a secure and stable environment;

11. *Recognizes* that the situation in Haiti remains fragile, and urges the Government of Haiti, with the assistance of the United Nations Mission in Haiti and the international

community, to establish without delay an effective national police force and to improve the functioning of its justice system;

12. *Requests* the Secretary-General to establish a fund, in addition to that authorized in paragraph 10 of resolution 867 (1993), through which voluntary contributions from Member States can be made available to support the international police monitoring programme and assist with the creation of an adequate police force in Haiti;

13. *Also requests* that the Secretary-General apprise the Council at an early date of the modalities of the transition from the multinational force to the United Nations Mission in Haiti, and also submit to the Council no later than 15 April 1995 a progress report on the deployment of the Mission;

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

After the vote, the representative of the United States stated that the multinational force, authorized by the Council in July, had fulfilled its mission. Planning for the transfer of responsibility to UNMIH was well under way. The Council's vote verified that the transition would occur by the end of March. Her Government had worked with the multinational force and the Secretariat to ensure a seamless transfer of responsibility, a transition without marked change. More than half of the military personnel and about one third of the civilians in UNMIH would be veterans of the multinational force. Overall, there would be no dramatic alteration in mission size, troop capabilities or quality of command. The United Nations troops would have the right to use force to defend themselves, including the right to oppose forcible attempts to impede the discharge of their functions. She warned that if that United Nations force was pushed, it had the leadership, the mandate, the fire-power and the will to push back. She also noted that, although economic reconstruction was not part of the United Nations peacekeeping mission, efforts to that end were complimentary. She joined the Secretary-General in calling upon the international community to work together with the Haitian Government to implement the emergency economic recovery programme. She concluded by stating that the future of Haiti rested, as it must, in Haitian hands. Democratic institutions could not be imposed upon a society; they had to be nurtured from within.¹⁷⁰

The representative of France recalled that when the Council adopted resolution 940 (1994), it decided that the objective was to hand over to the United Nations as soon as a secure and stable environment had

been established and the United Nations was in a position to take over it. The conditions had been met to allow the second phase of the operation on 31 March 1995. That attested to the progress that had been made since the deployment of the multinational force. He added that the holding of legislative elections was a decisive element in the return of democracy and should take place as soon as possible. The United Nations and the Haitians had to make all arrangements necessary for the elections to be held in complete security and impartiality. Lastly, he emphasized the importance of economic development and the rebuilding of institutions, particularly the judiciary.¹⁷¹

The representative of the United Kingdom agreed that the conditions in Haiti permitted a smooth and early transition to UNMIH. As resolution 975 (1995) made clear, it would be important for the Secretary-General to keep UNMIH force levels under constant review and to recommend to the Council adjustments as and when the situation in Haiti permitted. The resolution further acknowledged that the threat formerly posed to peace and security in the region had been removed. He added that ultimately it was the Haitians themselves who had responsibility for the reconstruction of their country.¹⁷²

The President, speaking in his capacity as representative of Argentina, stated that his country had attached primary importance to trying to solve the Haitian crisis within the framework of OAS and in the United Nations. It agreed with the transfer of functions from the multinational force to UNMIH as well as with the level of military and civilian personnel recommended by the Secretary-General. He noted also that the multinational force had carried out the mandate of the international community, pursuant to resolution 940 (1994), within the framework of the Charter, in a responsible manner and in keeping with the circumstances it had to confront. He was convinced that, in the context of post-conflict peacebuilding, the political efforts made by the Council should be accompanied by economic and social measures.¹⁷³

Other speakers further supported the deployment of UNMIH in accordance with the Secretary-General's proposals, stressing, inter alia, the importance of the upcoming legislative elections and the establishment of

¹⁷⁰ Ibid., pp. 11-12.

¹⁷¹ Ibid., p. 12.

¹⁷² Ibid., p. 14.

¹⁷³ Ibid., pp. 14-15.

effective law-and-order forces, as well as the need to assist and support Haiti's institutional, social and economic development.¹⁷⁴

**Decision of 24 April 1995 (3523rd meeting):
statement by the President**

On 13 April 1995, pursuant to resolution 975 (1995), the Secretary-General submitted to the Council a report on UNMIH, in which he apprised it of the modalities of the transition from the multinational force to UNMIH.¹⁷⁵ The Secretary-General reported that the transfer of responsibilities, from the multinational force to UNMIH, had taken place on 31 March 1995. His visit to Haiti on that occasion had provided him with the opportunity to exchange views with the President of Haiti on the political situation of the country, security-related matters, efforts to rehabilitate the economy and on the process of national reconciliation. The Secretary-General noted that the existing political situation was characterized by wide popular support for President Aristide and few human rights violations. At the same time, there were major institutional weaknesses and growing frustrations over the slow pace of economic recovery. The extreme poverty and high unemployment prevailing in much of the country required sustained international attention. He stated that the issue of security was central to the entire United Nations operations in Haiti. While very few human rights violations had been reported over the last two months, crime remained at a high level by Haitian standards and a sense of insecurity prevailed. The violence, together with the shortcomings of the Interim Public Security Force, had led to concern that UNMIH, operating without enforcement authority, would not prove as effective as the multinational force, whose mandate included enforcement powers under Chapter VII of the Charter. The existence of a secure environment remained a major precondition for a free and fair electoral campaign and a reasonable turnout of voters on election day. The Secretary-General reported in that regard that President Aristide had informed him that he planned to continue his meetings with the leaders of political parties and members of the Provisional Electoral Council. At the last such meeting, on 6 April 1995, it had been announced that the elections would be postponed until the 25 June. Stating that that was not a major setback, the Secretary-

General stressed that dialogue should continue with a view to achieving the political consensus needed to enhance the benefits and the credibility of the electoral process. Further to a request by the Government of Haiti, the United Nations was providing technical assistance on electoral matters. MICIVIH, UNMIH and other United Nations agencies would also be asked to support the observation efforts of OAS.

The Secretary-General further stated that the transfer of responsibilities from the multinational force to UNMIH on 31 March 1995 was a milestone in the overall efforts of the international community to bring peace and stability to Haiti. The success achieved by the multinational force in the restoration of the legitimate Government of Haiti and the careful, detailed planning for the assumption of responsibilities by UNMIH gave reason to hope that that United Nations operation, notwithstanding the broader scope of its mandate, would be successful. The state of the Haitian economy would be a critical test of the success — or otherwise — of the whole process which was unfolding. Although economic development was not part of the mandate of UNMIH, the Mission would, where possible, assist in the implementation of development activities. In that context, he had appointed a Deputy Special Representative who would also hold the position of Resident Representative for the United Nations Development Programme. It was the first time that the United Nations had linked a peacekeeping mission to development activities in that manner. It would promote closer cooperation among all concerned and facilitate the transition from UNMIH to continuing peacebuilding activities by the United Nations in accordance with established procedures for the coordination of operational activities for development. The Secretary-General further observed that, in accordance with the mandate established in resolution 940 (1994), a fully deployed UNMIH would be able to provide the assistance the Haitian authorities required to carry out their tasks, particularly during the election campaign. In that regard, the establishment of the new Haitian police and the rehabilitation of the judicial system remained crucial both for the maintenance of a secure environment and for the consolidation of democracy, respect for human rights and an end to impunity. He stressed that UNMIH would react swiftly and firmly to any attempt to foment instability.

¹⁷⁴ Ibid., p. 13 (Germany); and pp. 13-14 (Italy).

¹⁷⁵ S/1995/305.

At its 3523rd meeting, on 24 April 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter dated 7 April 1995 addressed to the President of the Council by the representatives of Argentina, Canada, France, the United States and Venezuela,¹⁷⁶ transmitting a statement of the Friends of the Secretary-General on the question of Haiti. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁷⁷

The Security Council welcomes the transfer of responsibilities from the multinational force in Haiti to the United Nations Mission in Haiti that took place on 31 March 1995 and shares the Secretary-General's view, as stated in his report of 13 April 1995, that this transfer was a milestone in the overall efforts of the international community to bring peace and stability to Haiti. The Council commends the Secretary-General, his Special Representative, the Commander of the multinational force and the other dedicated personnel of the United Nations and the force who made the transition possible.

The Council notes, however, that much remains to be done to institutionalize democracy in Haiti and reiterates the Secretary-General's call for the people of Haiti and their leaders to help the Mission to help them. While the Mission's presence will assist the Haitian Government to sustain a secure and stable environment, the existence of a functioning and fair justice system and the early deployment of a permanent and effective police force by the Haitian authorities are central to Haiti's long term stability. The Council joins the Secretary-General and the Friends of the Secretary-General on the question of Haiti in inviting Member States to make voluntary contributions to support the international police monitoring programme and assist with the creation of an adequate police force.

The Government and people of Haiti bear the primary responsibility for Haiti's political, economic and social reconstruction. However, the Security Council notes that the sustained commitment of the international community is indispensable for long term peace and stability in Haiti.

The Council shares the opinion of the Secretary-General that the issue of security is central to the entire United Nations operation in Haiti.

The Council underlines the crucial importance of free, fair and secure elections for the democratic future of Haiti. The Council stresses the necessity of a secure environment in Haiti, including during the June and July legislative and local election period, and underlines the importance of a functioning police force and an established judicial system. The Council urges the

Government of Haiti to take all necessary steps to ensure the success of the elections, and in particular, to register as many voters as possible prior to the elections and to assure, in cooperation with the international community, that political campaigning occurs in an environment free from partisan intimidation.

The Council welcomes President Aristide's meetings with leaders of political parties and members of the Provisional Electoral Council and stresses the importance of dialogue with a view to achieving the political consensus needed to enhance the benefits and credibility of the electoral process. The Council also calls upon the Government of Haiti to cooperate fully with the United Nations and the Organization of American States to ensure that the preparations for elections and the elections themselves can take place in a secure and stable environment. Consistent with the objectives of Council resolution 940 (1994), the Council emphasizes the importance for the presidential elections to take place on schedule before the scheduled withdrawal of the Mission in February 1996.

Finally, the Council welcomes the Secretary-General's decision to coordinate the Mission's peacekeeping mission with development activities carried out by others, in a manner consistent with the Mission's mandate, to help the Government of Haiti to strengthen its institutions, particularly the judicial system. The Council hopes this coordination will promote closer cooperation of all concerned in Haiti, as well as improve the effectiveness of international support for rebuilding Haiti's economy.

**Decision of 31 July 1995 (3559th meeting):
resolution 1007 (1995)**

On 24 July 1995, pursuant to resolution 975 (1995), the Secretary-General submitted to the Council a report on UNMIH.¹⁷⁸ The Secretary-General stated that four months after the Mission had taken over from the multinational force, it could be said that UNMIH had made significant progress towards achieving the goals of the mandate with which it was entrusted pursuant to resolution 940 (1994). It was expected that it would be able to maintain a secure and stable environment throughout the election period and the forthcoming presidential elections. It was also reasonable to hope that, by February 1996, Haiti would have duly elected institutions and that a functioning security system would be in place. The Secretary-General recalled that the international community had recognized that sustaining a secure and stable environment was essential to promote the economic, social and institutional development necessary for a lasting restoration of democracy in Haiti. Effective

¹⁷⁶ S/1995/306.

¹⁷⁷ S/PRST/1995/20.

¹⁷⁸ S/1995/614.

policing capabilities and related institution-building efforts continued to be urgently required as the Haitians themselves gradually assumed full responsibility for the maintenance of law and order. In that connection, he appealed to Member States to give immediate and serious consideration to contributing to the voluntary fund established pursuant to resolution 975 (1995) to support the international police monitoring programme and assist with the creation of an adequate police force in Haiti. The Secretary-General noted that the UNMIH civilian police had achieved commendable results with the interim public security force and had likewise assisted the Haitian National Police. Reporting on the legislative and local elections held on 25 June, he noted that on the whole, election day had been peaceful and the level of violence did not materialize. Allegations of fraud and some intimidation had been, however, levelled and there had been numerous complaints of irregularities. While the full results of the elections were still to be announced, he was confident that the parties to the electoral process would draw on that experience and take steps to correct the organizational mistakes and shortcomings that had hampered the process. It was imperative that the electoral process led to a stable transition to a newly elected Government for the people of Haiti who, in spite of the flaws in the elections, had been able to vote free of fear and intimidation. The Secretary-General concluded by recommending that the Council authorize the extension of UNMIH's mandate until the end of February 1996, as envisaged in resolution 940 (1994), which established the objective of completing UNMIH's mission by that time.

At its 3559th meeting, on 31 July 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to a draft resolution submitted by Argentina, Canada, France, Honduras, the United States and Venezuela.¹⁷⁹

Noting that the draft resolution provided for the extension of UNMIH's mandate until February 1996, the representative of Canada stated that it would be

important to consider, well in advance of the expiration of that mandate, ways to ensure that the help to Haiti would continue. It would be unfortunate if the democratic foundations for Haiti's future were to crumble in the absence of sustained engagement by the international community. To that end, his delegation looked forward to discussing options for a continued international presence in Haiti.¹⁸⁰

Addressing the issue of elections, the representative of Haiti stated that partial elections would take place in those areas where it had been impossible to hold them. Moreover, the Provisional Electoral Council had been reorganized. It was to be hoped that the organization of the complementary elections and the second round would take into account the shortcomings of the first round. His delegation further fully concurred with the views of the Secretary-General to the effect that UNMIH personnel performed their tasks in an exemplary manner. It anticipated with satisfaction the Council's decision to authorize the extension of UNMIH's mandate. The Government of President Aristide would continue to work closely with UNMIH during its time in office so that the successes of the Mission could be made permanent.¹⁸¹

Speaking in explanation of vote, the representative of Indonesia stated that his delegation would support the draft resolution extending the mandate of UNMIH for a period of seven months, by which time Haiti would have a Government, chosen by the people of Haiti through free and fair elections. He also noted that the settlement in Haiti had proved to the world that constructive cooperation and consultation between the Secretaries-General of the United Nations and OAS was critical to the success of international assistance for political progress and stability. The transformation of Haiti had proved that joint efforts by the United Nations and a regional organization could help bring about peace and stability in that region.¹⁸²

The representative of Botswana supported the incorporation of elements of economic and social development into peacekeeping operations, but within certain limits of the mandate of the mission itself. The twin processes of peace and development should go hand in hand, as economic development was indispensable to post-conflict stability in the country

¹⁷⁹ S/1995/629.

¹⁸⁰ S/PV.3559, pp. 2-3.

¹⁸¹ *Ibid.*, pp. 3-4.

¹⁸² *Ibid.*, pp. 5-6.

when the United Nations peacekeeping mission had left. That was already paying dividends in Haiti. While he supported the extension of UNMIH's mandate until February 1996, he hoped that there would be no need for the Council to renew the mandate then.¹⁸³

The draft resolution was then put to the vote and adopted unanimously as resolution 1007 (1995), which reads:

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994, 948 (1994) of 15 October 1994, 964 (1994) of 29 November 1994 and 975 (1995) of 30 January 1995,

Recalling also General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A and B of 24 November 1992 and 20 April 1993, respectively, 47/143 of 18 December 1992, 48/27 A and B of 6 December 1993 and 8 July 1994, respectively, 48/151 of 20 December 1993, 49/27 A and B of 5 December 1994 and 12 July 1995, respectively, and 49/201 of 23 December 1994,

Having considered the report of the Secretary-General of 24 July 1995 on the work of the United Nations Mission in Haiti,

Supporting the continuing leadership by the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the United Nations and the Organization of American States to assist with political progress and stability in Haiti,

Supporting also the role of the Mission in assisting the Government of Haiti in its efforts to maintain a secure and stable environment as called for in resolution 940 (1994),

Stressing the importance of free and fair municipal, legislative and presidential elections in Haiti as crucial steps in the complete consolidation of democracy in Haiti,

Welcoming the commitment of the international community to assist and support the economic, social and institutional development of Haiti, and recognizing the importance of such assistance in sustaining a secure and stable environment,

Commending all efforts to establish a fully functioning national police force of adequate size and structure, necessary for the consolidation of democracy and revitalization of Haiti's system of justice, and noting the key role played by the civilian police component of the Mission in creating such a police force,

Underlining the need to keep under review the progress of the Mission in the fulfilment of its mandate,

1. *Commends* the United Nations Mission in Haiti on its successful efforts, as authorized in resolution 940 (1994), to assist the Government of Haiti in sustaining a secure and stable environment, protecting international personnel and key installations, establishing the conditions for holding elections and professionalizing the security forces;

2. *Expresses its thanks* to the United Nations Mission in Haiti and the International Civilian Mission in Haiti, and to States contributing to these Missions, for their assistance with the municipal and legislative elections held on 25 June 1995, and looks forward to their continuing efforts as Haiti prepares for the completion of these elections and for subsequent presidential elections;

3. *Commends* the people of Haiti for their peaceful participation in the first round of municipal and legislative elections, and calls upon the Government and political parties in Haiti to work together to ensure that the remaining municipal and legislative elections and the presidential elections to be held at the end of 1995 are conducted in an orderly, peaceful, free and fair manner, in accordance with the Haitian Constitution;

4. *Expresses its deep concern* with irregularities observed in the first round of municipal and legislative elections, and urges all parties to the process to pursue every effort to ensure that such problems are corrected in future balloting;

5. *Welcomes* the continuing efforts of President Jean-Bertrand Aristide to work towards national reconciliation, and calls upon the Secretaries-General of the United Nations and the Organization of American States, respectively, to continue to render all appropriate assistance to the Haitian electoral process;

6. *Reaffirms* the importance of a fully functioning, national police force of adequate size and structure to the consolidation of democracy and the revitalization of Haiti's system of justice;

7. *Notes* the key role played by the civilian police component of the United Nations Mission in Haiti in establishing such a police force;

8. *Recalls* the commitment of the international community to assist and support the economic, social and institutional development of Haiti, and stresses its importance for sustaining a secure and stable environment in Haiti;

9. *Decides*, in order to achieve the objectives established in resolution 940 (1994), to extend the mandate of the United Nations Mission in Haiti for a period of seven months, and looks forward to the conclusion of the mandate at that time and to the safe, secure and orderly assumption of office by a new, constitutionally elected government;

10. *Calls upon* States and international institutions to continue to provide assistance to the Government and the people

¹⁸³ Ibid., p. 6.

of Haiti as they consolidate the gains made towards democracy and stability;

11. *Requests* the Secretary-General to apprise the Council of progress in the fulfilment of the mandate of the United Nations Mission in Haiti and, to this end, also requests the Secretary-General to report to the Council at the mid-point of this mandate;

12. *Pays tribute* to the Special Representative of the Secretary-General and the members and staff of the United Nations Mission in Haiti and the International Civilian Mission in Haiti for their respective contributions in assisting the Haitian people in their quest for strong and lasting democracy, constitutional order, economic prosperity and national reconciliation;

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

After the vote, the representative of the United States stated that UNMIH's mandate was an effective one which the Council had extended in the spirit of its original commitment in resolution 940 (1994). UNMIH had made significant progress and, with the extension, would be allowed to finish what it had started. Her delegation agreed with the Secretary-General's observation that effective policing capabilities and related institution-building efforts were urgently required in Haiti. The role of UNMIH's civilian police contingent in that regard had been noteworthy. The speaker echoed the Secretary-General's appeal to Members States to contribute additional funds for that end. She further stated that the task ahead was threefold: to ensure completion of free and fair elections; to complete the creation of a professional civilian police force and effective justice system; and to ensure coordination of effective technical and economic assistance to help Haiti rebuild. Those efforts in Haiti signalled the broader commitment of the international community, spearheaded by the United Nations, to build democracy.¹⁸⁴

The representative of Argentina noted that the report of the Secretary-General of 24 July 1995 placed on record the significant relevance of cooperation with OAS in relation to Haiti. His delegation was convinced of the desirability of coordinated and concerted action and of the division of labour in initiatives that lent themselves to the involvement of the United Nations with the appropriate regional organization. In the case of Haiti, the combination of peacekeeping and post-conflict peacebuilding efforts, as reflected in a range of

specific projects, showed that combining the two was not merely possible but desirable.¹⁸⁵

The representative of Italy stressed that progress on the political and institutional fronts in Haiti would be largely determined by the success of efforts for economic recovery. In that regard, the Secretary-General's initiative of coordinating UNMIH's peacekeeping mission with development activities, in a manner consistent with its mandate, to strengthen Haiti's institutions would have particular importance. Once again, the unbreakable bond between political stability and economic development was highlighted.¹⁸⁶

The representative of the United Kingdom noted that while the extension of UNMIH's mandate should enable the Mission to complete its tasks, the final responsibility for restoring security and democracy to Haiti rested with the Haitian people itself. His delegation was encouraged by the confidence of the Secretary-General that the monthly cost of UNMIH would be contained within the amount already authorized by the General Assembly. That welcome evidence of effective management should not, however, divert Council members from the need to find an equitable long-term solution to the problem of financing peacekeeping operations. His delegation would not wish to confront a situation in which the sponsors of a resolution and the direct beneficiaries of enhanced regional stability were unable to assure the United Nations of their ability to pay their contributions to the Organization in full while others were doing so.¹⁸⁷

The representative of France, while supporting resolution 1007 (1995) which extended UNMIH's mandate to February 1996, noted, however, that the norm entailed a renewal of at least six months when things were going well. With reference to the logistical difficulties and irregularities of the first round of elections, he commented that democracy was made up of elections lost and elections won, allowing for a real change of power based on free choice, and noted that it was precisely to enable Haiti to enjoy the rights of democratic nations that the United Nations intervened in that country. His delegation also believed that cooperation between the United Nations and OAS was

¹⁸⁴ Ibid., pp. 7-8.

¹⁸⁵ Ibid., pp. 8-9.

¹⁸⁶ Ibid., pp. 9-10.

¹⁸⁷ Ibid., p. 10.

a model that could be useful to other operations on other continents.¹⁸⁸

According to the representative of Rwanda, it was of paramount importance for Haitians to regain their full sovereignty over all their territory as they assumed the responsibility for law and order in their country. His delegation attached great importance to the Council's decision to coordinate UNMIH's peacekeeping mission with development activities. Referring to the agreement by the Paris Club of creditors to renegotiate Haiti's bilateral debt, he further stated that such assistance should be applied to all countries in post-conflict situations, because of the specific necessity for a longer process in the reinvigoration of their economies.¹⁸⁹

Decision of 16 November 1995 (3594th meeting): statement by the President

On 6 November 1995, pursuant to resolution 1007 (1995), the Secretary-General submitted to the Council a report on UNMIH.¹⁹⁰ The Secretary-General reported that he had visited Port-au-Prince on 14 and 15 October 1995 and had discussed with President Aristide the situation in Haiti and the needs of the country after February 1996. The President had praised the excellent cooperation between the Haitian authorities and UNMIH. The Mission had made substantial progress towards fulfilling its mandate. The legislative and local elections had been carried out in an environment free of fear, violence and intimidation. It was reasonable therefore to presume that UNMIH would be able to ensure that a similar climate would prevail during presidential elections, expected to be held in December 1995 or January 1996. The Secretary-General noted that, as the end of UNMIH's mandate approached, the establishment of a professional police force capable of maintaining law and order throughout the country assumed increased urgency. Attention should focus on the selection and training of the Haitian National Police supervisors and on providing the force with the necessary equipment. In that regard, he reiterated his appeal to Member States to give immediate and serious consideration to contributing to the voluntary fund set up to support the creation of an adequate police force in Haiti. In view of the greater emphasis placed on training activities and

bearing in mind the need to streamline the operation because of the financial crisis of the Organization, he proposed to reduce the strength of UNMIH's civilian police component before the end of the year. The Secretary-General further noted that the local and legislative elections had been concluded and the new Parliament, which opened its special session on 18 October 1995, had been constituted. However, the election of its members continued to be contested by the leaders of many political parties. The dates for the presidential elections were fast approaching, and it was essential that all political forces in the country cooperate to enable the Haitian people to participate in the building of their country's new democracy.

At its 3594th meeting, on 16 November 1995, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Oman) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁹¹

The Security Council welcomes the report of the Secretary-General of 6 November 1995 on the United Nations Mission in Haiti, issued pursuant to resolution 1007 (1995).

The Council commends the Mission on the substantial progress it has made towards fulfilling its mandate, as set out in resolution 940 (1994), to assist the Government of Haiti in sustaining a secure and stable environment, protecting international personnel and key installations, establishing the conditions for holding elections and creating a new professional police force. The Council commends the Secretary-General, his Special Representative and other dedicated personnel of the United Nations who have contributed to this effort.

The Council also commends the Government of Haiti for holding local and legislative elections in a peaceful and non-violent environment and notes the recent convocation of the special session of the National Assembly and its approval of the new Cabinet and plan of government. The Council notes with satisfaction the role of the United Nations Mission in Haiti and the joint United Nations/Organization of American States International Civilian Mission in assisting the Haitian authorities with the electoral process.

The Council emphasizes that the continued engagement and commitment of all Haitian parties is necessary to the successful organization of free, fair and peaceful presidential elections. Consistent with the objectives of resolutions 940 (1994) and 1007 (1995), the Council welcomes the announcement by the Provisional Electoral Council of presidential elections scheduled for 17 December 1995 that

¹⁸⁸ Ibid., pp. 10-11.

¹⁸⁹ Ibid., pp. 11-12.

¹⁹⁰ S/1995/922.

¹⁹¹ S/PRST/1995/55.

should allow a transition of power to a duly-elected successor before the scheduled termination of the United Nations Mission in Haiti on 29 February 1996. The holding of presidential elections on schedule is a crucial step in consolidating long-lasting democracy in Haiti and ensuring a smooth transition of government. The Council calls upon all political parties in Haiti to participate in the forthcoming elections and to contribute actively to maintain the secure and stable conditions necessary for their conduct.

The Council notes with concern recent instances of violence in Haiti and calls for respect for the rule of law, national reconciliation and cooperation.

The Government and people of Haiti bear the primary responsibility for Haiti's political, economic and social reconstruction. The Council underlines its firm support for the progress Haiti has already made in this regard. The Council emphasizes that a sustained commitment by the international community is indispensable for long-term peace and stability in Haiti. In this regard the Council encourages the Haitian Government to continue its dialogue with the international financial institutions.

The Council shares the view of the Secretary-General that the establishment of a professional police force capable of maintaining law and order throughout the country is central to Haiti's long-term stability. As the end of the mandate of the United Nations Mission in Haiti approaches, attention should be

focused on the selection and training of the Haitian national police supervisors and on interested Member States providing the police force with the necessary equipment.

The Council also supports the efforts of the Secretary-General to streamline the United Nations Mission in Haiti, including the civilian police component.

The Council expresses its confidence that the Special Representative of the Secretary-General, the joint United Nations Mission in Haiti and the United Nations/Organization of American States International Civilian Mission in Haiti will continue to assist the Government and people of Haiti. It notes in particular the useful role played by the Organization of American States and the valuable cooperation with Haiti of interested Member States on a bilateral basis and stresses the importance of continuing such cooperation. The Council requests that the Secretary-General, in consultation with the Friends of the Secretary-General on the question of Haiti and the Haitian authorities, report to the Council, at the appropriate time, on the next steps in the areas of security, law enforcement and humanitarian assistance, including by United Nations specialized agencies and programmes, which the international community may take to help Haiti achieve a long-term future that is secure, stable and free.

Asia

14. The situation in Cambodia

Decision of 8 March 1993 (3181st meeting): resolution 810 (1993)

On 13 February 1993, pursuant to resolution 792 (1992) of 30 November 1992, the Secretary-General submitted to the Security Council a report on the implementation of that resolution and on measures necessary to ensure the realization of the fundamental objectives of the Paris Agreements on Cambodia.¹ The Secretary-General reported that, on 28 January 1993, the Supreme National Council had met in Beijing under the chairmanship of Prince Sihanouk and had agreed that elections for the constituent assembly would be held from 23 to 25 May 1993. In addition, the Supreme National Council had discussed the possibility of issuing a declaration denouncing all acts

of violence, urging self-restraint on the Cambodian parties and calling for an end to violence directed against the United Nations Transitional Authority in Cambodia (UNTAC). Despite the objection of the Party of Democratic Kampuchea (PDK) to such a declaration, Prince Sihanouk had issued a statement in his own name and on behalf of three of the four parties.² He had also announced that he would not advance his candidacy for the presidential elections until a new constitution, which would lay down the modalities for the election of the head of State and the related term of office and powers, was adopted. The Supreme National Council had met again, on 10 February 1993, and had adopted a moratorium on

¹ S/25289. The report should be read in conjunction with the third progress report of the Secretary-General on the United Nations Transitional Authority in Cambodia (S/25124).

² See S/25289, annex I, for the statement by Prince Sihanouk, also on behalf of the Khmer People's National Liberation Front, the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif and the Party of the State of Cambodia.

the export of minerals and gems from Cambodia in accordance with resolution 792 (1992). It had further decided to consider adopting limits on the export of sawn timber in order to protect Cambodia's natural resources.

The Secretary-General noted that, despite the fact that progress had been made in implementing resolution 792 (1992), the response of some Cambodian parties had not been satisfactory. The Party of the State of Cambodia had offered substantial cooperation to UNTAC but recently there had been serious difficulties relating to the maintenance of law and order in the areas under its control. The Cambodian People's Armed Forces had also launched military attacks against the National Army of Democratic Kampuchea which went beyond its right of self-defence. As for PDK, by failing to admit UNTAC to its zones and to register for the elections, it had again refused to avail itself of the many opportunities offered to it by UNTAC and the international community to rejoin the peace process. At the same time, it was important to resist any pressure to exclude PDK representatives from the Supreme National Council. The Secretary-General was convinced that the framework of the Paris Agreements still offered the best hope for a solution to the problems of Cambodia and for the promotion of national reconciliation. He also stressed that the primary responsibility for the implementation of the Paris Agreements rested with the Cambodian signatories and that the future stability and well-being of the country depended on the Cambodians themselves. Referring to the Declaration of 28 January 1993 issued by Prince Sihanouk, he suggested that the Council might issue a similar call, broadening the demand contained in paragraph 17 of its resolution 792 (1992) and further appeal to the three parties, which had aligned themselves with the Declaration, to continue their close cooperation with UNTAC and to prevent or punish acts of violence, particularly those politically motivated.

The Secretary-General concluded by saying that it was imperative for UNTAC to maintain the momentum towards the holding of the constituent assembly elections as scheduled. Meanwhile, he had instructed his Special Representative to assess post-election security requirements and would, in due course, present appropriate recommendations to the Council.

At its 3181st meeting, on 8 March 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.³ He also drew their attention to other documents.⁴

Speaking before the vote, the representative of France stated that the draft resolution focused primarily on the elections in Cambodia, which constituted the cornerstone of the peace process and one of the central purposes of the Paris Agreements, which created the most ambitious United Nations operation in history. It was therefore essential, at that stage of the process, for the Security Council to take a unanimous decision. In his view, the draft resolution would send a clear political signal to all the Cambodian parties that violence would not be tolerated and that they had no other choice but to respect the rules of democracy. The Security Council would endorse the outcome of the elections, provided they were certified free and fair by the United Nations. It would also continue to lend its support to the elected constituent assembly and to the process of drafting a constitution and establishing a new Government for Cambodia. Contending that the Cambodians themselves bore the responsibility to restore peace and stability in their own country, he appealed to the people and the leaders of the Cambodian parties to exercise tolerance, moderation and political maturity so that the elections could take place in a neutral political climate.⁵

The representative of China recalled that the Paris Agreements constituted the foundation for a comprehensive settlement of the Cambodian question. Difficulties and differences arising from their implementation should be resolved by the joint efforts of the parties concerned, through consultation and dialogue. It was regrettable, however, as pointed out by the Secretary-General in his report, that politically motivated violence had been occurring continuously and that a neutral political environment, a key factor in

³ S/25376.

⁴ Letter dated 20 January 1993 from the representative of Singapore, addressed to the President of the Security Council (S/25133); letter dated 4 March 1993 from the representative of Viet Nam, addressed to the Secretary-General (S/25366).

⁵ S/PV.3181, pp. 3-5.

ensuring free and fair elections in the country, had yet to be established.⁶

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 810 (1993), which reads:

The Security Council,

Reaffirming its resolutions 668 (1990) of 20 September 1990 and 745 (1992) of 28 February 1992 and other relevant resolutions,

Taking note of the report of the Secretary-General of 13 February 1993,

Paying tribute to His Royal Highness Prince Norodom Sihanouk, Chairman of the Supreme National Council, for his continuing efforts to restore peace and national unity in Cambodia,

Recalling that under the agreements on a comprehensive political settlement to the Cambodia conflict signed in Paris on 23 October 1991 the Cambodian people have the right to determine their own political future through the free and fair election of a constituent assembly, which will draft and approve a new Cambodian constitution and transform itself into a legislative assembly, which will create the new Cambodian government,

Welcoming the achievements of the Secretary-General and the United Nations Transitional Authority in Cambodia in the implementation of the Paris agreements, in particular regarding voter registration and refugee repatriation, and reaffirming its continuing support for the activities of the Authority,

Welcoming the decision taken by the Supreme National Council at its meeting on 10 February 1993 to adopt a moratorium on the export of minerals and gems and to consider limits on the export of sawn timber from Cambodia in order to protect Cambodia's natural resources,

Deploring the violations of the ceasefire by the Party of Democratic Kampuchea and the Party of the State of Cambodia,

Concerned by the increasing number of acts of violence perpetrated on political grounds, in particular in areas under the control of the Party of the State of Cambodia, and on ethnic grounds, and by the negative implications of such acts for the implementation of the Paris agreements,

Underlining the importance of measures by the Authority in order to ensure a neutral political environment in Cambodia,

Condemning attacks, threats and intimidation against the Authority, in particular the recent detention of Authority personnel,

Deploring the failure of the Party of Democratic Kampuchea to meet its obligations under the Paris agreements,

notably as regards unrestricted access by the Authority to the areas under its control and as regards the application of phase II of the ceasefire, and urging the party concerned to join fully in the implementation of the Paris agreements,

Expressing strong concern at recent reports by the Authority of a small number of foreign military personnel serving with the armed forces of the Party of the State of Cambodia in violation of the Paris agreements, calling on all parties to cooperate fully with Authority investigations of reports of foreign forces within the territory under their control, and emphasizing the importance of the immediate removal of all foreign forces, advisers and military personnel from Cambodia,

1. *Approves* the report of the Secretary-General of 13 February 1993;

2. *Endorses* the decision by the Supreme National Council that the election for the constituent assembly shall be held from 23 to 27 May 1993;

3. *Underlines* the crucial importance of national reconciliation for the attainment of lasting peace and stability in Cambodia;

4. *Urges* all Cambodian parties to cooperate fully with the United Nations Transitional Authority in Cambodia in the preparation and holding of the election for the constituent assembly;

5. *Expresses its satisfaction* at the extent of voter registration;

6. *Calls on* the Authority to continue to make every effort to create and maintain a neutral political environment conducive to the holding of free and fair elections, and requests the Secretary-General to inform the Security Council by 15 May 1993 of the conditions and preparations for the election;

7. *Urges* all Cambodian parties to help create in the minds of their followers tolerance for peaceful political competition and to ensure adherence to the code of conduct during the forthcoming political campaign;

8. *Urges in particular* all Cambodian parties to take all necessary measures to ensure freedom of speech, assembly and movement, as well as fair access to the media, including the press, television and radio, for all registered political parties during the electoral campaign starting on 7 April 1993, and to take all necessary steps to reassure the Cambodian people that the balloting for the election will be secret;

9. *Demands* that all Cambodian parties take the necessary measures to put an end to all acts of violence and to all threats and intimidation committed on political or ethnic grounds, and urges all those parties to cooperate with the Authority's Special Prosecutor's Office in investigations of such acts;

10. *Expresses its full confidence* in the ability of the Authority to conduct an election that is free and fair and its

⁶ Ibid., pp. 8-10.

readiness to endorse the results of the election provided that the United Nations certifies it free and fair;

11. *Calls on* all Cambodian parties to abide by their commitment under the agreements on a comprehensive political settlement to the Cambodia conflict signed in Paris on 23 October 1991 to respect those results;

12. *Recognizes* that the Cambodians themselves bear primary responsibility for the implementation of the Paris agreements and for the future stability and well-being of Cambodia;

13. *Recognizes in particular* that the Cambodians have the responsibility, after the election for the constituent assembly, to agree on a constitution and to create a government within three months, and emphasizes the importance of completing that task on time;

14. *Expresses its readiness* to support fully the constituent assembly and the process of drawing up a constitution and establishing a new government for all Cambodia;

15. *Takes note* of the remarks of the Secretary-General in paragraph 44 of his report concerning the security situation in Cambodia during the period between the election for the constituent assembly and the end of the mandate of the Authority upon the creation of a government, and welcomes his intention to submit recommendations in that connection;

16. *Commends* the decision of the Supreme National Council at its meeting on 10 February 1993 to adopt measures for the protection of Cambodia's natural resources, and supports steps taken by the Technical Advisory Committee on Management and Sustainable Exploitation of Natural Resources to implement these decisions;

17. *Reiterates its demand* that all parties honour in full their obligations under the Paris agreements, in particular to desist from all offensive military activity;

18. *Demands* that all parties take all action necessary to safeguard the lives and the security of Authority personnel throughout Cambodia, and desist from all threats or intimidation against Authority personnel and from any interference with them in the performance of their mandate;

19. *Requests* the Secretary-General to report to the Council in the context of his fourth progress report in April 1993 on the implementation of the present resolution and on any further measures that may be necessary and appropriate to ensure the realization of the fundamental objectives of the Paris agreements;

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

Speaking after the vote, the representative of the United States stated that the resolution just adopted marked another milestone towards achieving the major goal of the Paris Agreements. She noted, however, that the holding of elections would be only one step

towards the ultimate goal of creating a peaceful, democratic Cambodia. For elections to be successful and national reconciliation to occur, all the Cambodian parties must be prepared to respect the results. In voting for the resolution, the United States was committing itself to support the elected Government as the sole legitimate authority for Cambodia.⁷

**Decision of 5 April 1993 (3193rd meeting):
statement by the President**

At the Council's 3193rd meeting, on 5 April 1993, the President (Pakistan) said that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁸

The Security Council strongly condemns all attacks on the United Nations Transitional Authority in Cambodia (UNTAC), particularly the recent attacks which have resulted in the death of two Bangladeshi members of UNTAC and the cowardly assassination of three members of the Bulgarian contingent of UNTAC on 2 April 1993.

The Council expresses its strong support for UNTAC in carrying out its mandate within the framework of the Paris agreements. It demands that all hostile acts against UNTAC cease immediately and that all parties take measures to safeguard the lives and the security of UNTAC personnel.

It expresses its condolences to the Governments of Bangladesh and Bulgaria and to the families of the victims; it pays tribute to the latter for their courage and dedication. It requests the Secretary-General to report urgently to the Council on the circumstances of these murderous acts and the responsibility for them.

The Council also expresses its determination that the election for the constituent assembly should be held on the dates decided by the Supreme National Council and endorsed by the Security Council in its resolution 810 (1993) of 8 March 1993. In this respect, the Council stresses the importance of ensuring a neutral political environment in Cambodia, as well as the cessation of acts of violence and of all threats and intimidation committed on political or ethnic grounds.

**Decision of 20 May 1993 (3213th meeting):
resolution 826 (1993)**

On 3 May 1993, pursuant to resolution 745 (1992), the Secretary-General submitted to the Security Council a fourth progress report on UNTAC.⁹ He reported that it had not proven possible to implement

⁷ *Ibid.*, pp. 11-12.

⁸ S/25530.

⁹ S/25719.

fully all aspects of the Paris Agreements in accordance with the implementation plan he had submitted to the Council in February 1992.¹⁰ The non-cooperation of PDK had persisted and all efforts by the Security Council, by UNTAC and by others, to persuade PDK to assume its responsibilities under the Agreements, had been to no avail. In addition, PDK's refusal to open its zones to UNTAC and to canton and disarm its troops had led to the suspension of the demobilization of the armed forces of the other three factions. The Party of the State of Cambodia and the Cambodian People's Armed Forces had also taken part in politically motivated attacks against opposition parties in order to intimidate them. Moreover, the massacres of Vietnamese-speaking persons and deliberate attacks on UNTAC members reflected the growing hostility of PDK to the peace process and to the elections. Although ceasefire violations were generally on a small scale and UNTAC had achieved some successes in reducing political violence, it appeared that the elections would not be taking place in an environment as disarmed and politically neutral as had been envisaged in the Paris Agreements and in the implementation plan. At the same time, however, Cambodians were strongly committed to the electoral process. About 96 per cent of the eligible population had registered to vote and 20 political parties had completed the formalities for registration to compete in the elections. The three Cambodian parties cooperating with UNTAC had also pledged to accept the election results and preparations for the conduct of the elections were well under way. Despite imperfect conditions and taking into account all circumstances, the Secretary-General saw no reason to hold back an election which was not the end, but rather the beginning of the process of Cambodia's renewal.

On 15 May 1993, pursuant to resolution 810 (1993), the Secretary-General submitted to the Council a report in which he described the conditions and the preparations for the holding of elections in Cambodia.¹¹ The Secretary-General informed the Council that technical preparations had been virtually completed. At the meeting of the Supreme National Council held on 21 April 1993, his Special Representative had expressed the view that the freeness and fairness of the elections would be judged in accordance with three main criteria: the extent to

which the campaign and voting were marred by violence; intimidation and harassment; the extent to which the Party of the State of Cambodia, which controlled the largest zones and had the most extensive administrative structure, enjoyed unfair advantages; and the technical conduct of the poll. The Secretary-General also reported on the security plans which UNTAC had further refined and elaborated in the light of PDK's repeatedly expressed intention to oppose the elections, including by violent means. Under those plans, no polling would be conducted in PDK-controlled areas or areas to which UNTAC had been denied access. Other parts of the country had been designated as high, medium, and low-risk zones, with different levels of security measures. In high-risk zones, armed UNTAC military personnel would be stationed at and around polling stations. Quick reaction forces and medical support units had also been identified for those areas. He was also giving "urgent and close consideration" to a request by the three Cambodian factions supporting the elections for the return of weapons they had placed under UNTAC control, based on the fact that they held primary responsibility for the maintenance of security in the zones under their control.

The Secretary-General noted that, despite the meticulous preparations by UNTAC, the conditions for the elections had fallen short of those envisioned by the Paris Agreements, owing to PDK's progressive withdrawal from the peace process, starting with not complying with the military provisions of the Agreements and moving to boycotting the elections and then disrupting them through violence. Regrettably, the Party of the State of Cambodia had also contributed, although to a lesser extent, towards the climate of violence by resorting to intimidation of other political parties. Moreover, it had not responded satisfactorily to UNTAC's efforts to prevent the use of its administrative structure for political purposes. Nevertheless, the Secretary-General had directed that the elections be held as scheduled, according to the will and intent of the Security Council and of the vast majority of the Cambodian people.

At its 3213th meeting, on 20 May 1993, the Security Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution prepared in the

¹⁰ See S/23613.

¹¹ S/25784.

course of the Council's prior consultations, and read out a revision made to the draft resolution in its provisional form.¹² He also drew their attention to several other documents.¹³

The draft resolution, as orally revised, was thereupon put to the vote and adopted unanimously as resolution 826 (1993), which reads:

The Security Council,

Reaffirming its resolutions 668 (1990) of 20 September 1990, 745 (1992) of 28 February 1992, 810 (1993) of 8 March 1993 and other relevant resolutions,

Taking note of the reports of the Secretary-General of 3 May 1993 and 15 May 1993,

Expressing its strong support for the almost five million Cambodians who, in spite of violence and intimidation, have registered to vote in the election of a constituent assembly, and have broadly and actively participated in the electoral campaign,

Recognizing the great importance of His Royal Highness Prince Norodom Sihanouk, Chairman of the Supreme National Council, continuing his invaluable efforts in Cambodia to achieve national reconciliation and restore peace,

1. *Approves* the reports of the Secretary-General of 3 May 1993 and 15 May 1993;

2. *Expresses its satisfaction* with the arrangements made by the United Nations for the conduct of the election for the constituent assembly in Cambodia described in the report of the Secretary-General of 15 May 1993;

3. *Demands* that all the parties abide by the agreements on a comprehensive political settlement to the Cambodia conflict signed in Paris on 23 October 1991 and give the United Nations Transitional Authority in Cambodia the full cooperation required under them;

4. *Commends* those participating in the election campaign in accordance with the Paris agreements despite the violence and intimidation in order that the Cambodian people may have an opportunity to choose freely their own government;

5. *Deplores* all acts of non-cooperation with the Paris agreements and condemns all acts of violence committed on political and ethnic grounds, intimidation and attacks on Authority personnel;

6. *Expresses its full support* for the measures taken by the Authority to protect the safety of its personnel and

underlines the need for the Authority to continue its efforts in this regard;

7. *Demands* that all parties take all actions necessary to safeguard the lives and the security of Authority personnel throughout Cambodia, and desist from all threats or intimidation against Authority personnel and from any interference with them in the performance of their mandate;

8. *Expresses its appreciation* for the positive efforts and the achievements of the Authority in preparation for the elections, in respect both of the registration of candidates and parties and of the holding of the electoral campaign, albeit under difficult conditions;

9. *Fully supports* the decision of the Secretary-General that the election be held as scheduled in accordance with the decision of the Supreme National Council endorsed by the Security Council in its resolution 810 (1993);

10. *Calls on* the Authority to continue to work in accordance with resolution 810 (1993) to ensure a neutral political environment conducive to the holding of free and fair elections;

11. *Reaffirms* its determination to endorse the results of the election for the constituent assembly provided that the United Nations certifies it free and fair;

12. *Reminds* all the Cambodian parties of their obligation under the Paris agreements fully to comply with the results of the election;

13. *Warns* that the Council will respond appropriately should any of the parties fail to honour its obligations;

14. *Reaffirms* its readiness to support fully the constituent assembly and the process of drawing up a constitution and establishing a new government for all Cambodia and to support subsequent efforts to promote national reconciliation and peacebuilding;

15. *Recognizes* that the Cambodians themselves bear primary responsibility for the implementation of the Paris agreements and for the political future and well-being of their own country, and reaffirms that all Cambodian parties are expected to honour their obligations under the Paris agreements and participate constructively and peacefully in the political process after the election;

16. *Requests* the Secretary-General to report promptly to the Council on the holding and results of the election, including on the conduct of the parties as regards their obligations under the Paris agreements and, if necessary, to recommend any initiative and/or measures conducive to ensuring their full respect by all parties;

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

Speaking after the vote, the representatives of the United States, France, the United Kingdom and the Russian Federation stated that it was important for the

¹² S/25803.

¹³ Letters addressed to the Secretary-General by the representatives of Denmark (S/25563); France and Indonesia (S/25658); and Singapore (S/25794); letter addressed to the President of the Security Council from the Secretary-General (S/25669).

Council to reaffirm its commitment to bring peace and democracy to Cambodia by endorsing the results of the elections, provided that they were certified free and fair by the United Nations. They also warned that, should any party try to interfere or overturn the outcome of the elections in Cambodia, the Security Council stood ready to take appropriate measures against those who endeavoured to do so.¹⁴

The representative of China noted that the entire international community was concerned with the issue of how to maintain peace in Cambodia after its constituent assembly elections. His country neither wished to see the flames of war rekindled in Cambodia nor supported any party in resorting to force. It stood for the realization of genuine reconciliation, embodying all the Cambodian parties, so that Cambodia would embark on the road of building up an independent, sovereign, unified, peaceful and neutral State.¹⁵

**Decision of 22 May 1993 (3214th meeting):
statement by the President**

At the Council's 3214th meeting, on 22 May 1993, the President (Russian Federation) said that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁶

The Security Council strongly condemns the shelling on 21 May 1993 of the United Nations Transitional Authority in Cambodia (UNTAC), during which the Chinese engineering detachment suffered two deaths and seven wounded. It expresses its condolences to the Chinese Government and to the families of the victims; it pays tribute to the latter for their courage and dedication.

The Council takes note of the preliminary report by the Secretariat indicating that the shelling was carried out by the National Army of Democratic Kampuchea. It requests the Secretary-General to investigate further and to report urgently to the Council.

The Council expresses its strong support for UNTAC in carrying out its mandate within the framework of the Paris agreements. It strongly condemns all attacks against UNTAC and demands that those responsible cease forthwith all hostile acts against UNTAC and take immediate measures to safeguard the lives and the security of UNTAC personnel.

¹⁴ S/PV. 3213, pp. 7-9 (United States); pp. 9-11 (France); pp. 12-13 (United Kingdom); and pp. 27-29 (Russian Federation).

¹⁵ *Ibid.*, pp. 11-12.

¹⁶ S/25822.

The Council recalls the warning contained in its resolution 826 (1993) of 20 May 1993 that it would respond appropriately should any of the parties fail to honour its obligations. It further warns that it will not countenance the use of violence to interfere with or overturn the democratic process in Cambodia and will take further appropriate measures against any of the parties failing to honour its obligations.

The Council also expresses its determination that the election for the constituent assembly should be held on the dates decided by the Supreme National Council and endorsed by the Security Council in its resolution 810 (1993) of 8 March 1993 and reaffirms its commitment to resolution 826 (1993). The Council calls upon the Cambodian people fully to exercise their right to vote in the forthcoming elections. In this respect, the Council stresses the importance of ensuring the cessation of acts of violence and of all threats and intimidation, as well as of ensuring a neutral political environment in Cambodia.

**Decision of 2 June 1993 (3227th meeting):
resolution 835 (1993)**

At its 3227th meeting, on 2 June 1993, the Security Council resumed consideration of the item entitled "The situation in Cambodia". After the adoption of the agenda, the President (Spain) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.¹⁷ He also drew their attention to a letter dated 2 June 1993 from the Secretary-General, addressed to the President of the Security Council, transmitting the text of a statement made by his Special Representative for Cambodia, at a meeting of the Supreme National Council, on 29 May 1993, after the conclusion of the elections.¹⁸ In that statement, the Special Representative had declared that the conduct of the elections had been free and fair.

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 835 (1993), which reads:

The Security Council,

Reaffirming its resolutions 668 (1990) of 20 September 1990, 745 (1992) of 28 February 1992, 810 (1993) of 8 March 1993, 826 (1993) of 20 May 1993 and other relevant resolutions,

Expressing its appreciation to the United Nations Transitional Authority in Cambodia and especially to the Special Representative of the Secretary-General, Yasushi Akashi, for their courage, dedication and perseverance in providing the necessary support for the electoral process despite hardships and difficulties,

¹⁷ S/25876.

¹⁸ S/25879.

Paying tribute to the leadership and continuing role of His Royal Highness Prince Norodom Sihanouk, Chairman of the Supreme National Council,

Noting with satisfaction the overwhelming number of Cambodians who demonstrated their patriotism and sense of responsibility in exercising their right to vote,

Endorsing the declaration of the Special Representative of the Secretary-General for Cambodia to the Supreme National Council of 29 May 1993 that the conduct of the election had been free and fair,

1. *Salutes* the members of the United Nations Transitional Authority in Cambodia, particularly those who gave their lives in order to make possible this extraordinary demonstration by the Cambodian people;

2. *Invites* the Secretary-General to make his report on the election available as soon as possible;

3. *Expresses its intention*, following certification of the election, to support fully the duly-elected constituent assembly in its work of drawing up a constitution, according to the principles laid down in annex 5 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, and establishing a new government for all Cambodia;

4. *Calls upon* all parties to stand by their obligation to respect fully the results of the elections and urges them to do all in their power to bring about the peaceful establishment of a democratic government in accordance with the terms of the new constitution;

5. *Urges* the international community to contribute actively to the reconstruction and rehabilitation of Cambodia;

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

Speaking after the vote, most speakers called the elections a great victory for the Cambodian people and for democracy, and an astonishing achievement for the United Nations. They urged all Cambodian parties to respect the outcome of the elections.¹⁹

**Decision of 8 June 1993 (3230th meeting):
statement by the President**

At the Council's 3230th meeting, on 8 June 1993, the President (Spain) said that, after consultations among the members of the Council, he had been

¹⁹ S/PV.3227, p. 3 (United States); pp. 4-6 (France); pp. 6-7 (Japan); pp. 7-8 (Pakistan); pp. 11-12 (New Zealand); pp. 12-13 (Russian Federation); and pp. 13-15 (United Kingdom).

authorized to make the following statement on behalf of the Council:²⁰

The Security Council strongly condemns the armed attack against a Pakistani platoon and another against a Malaysian platoon of the United Nations Transitional Authority in Cambodia (UNTAC), both on 7 June 1993. In the first incident, two Pakistani personnel were injured, one of them seriously; in the second, three Malaysian personnel were injured, one of them seriously.

The Council takes note of the Secretariat's preliminary report that the first attack was launched against the Pakistani compound by the National Army of Democratic Kampuchea; the identity of the attackers in the second incident has not yet been determined. It requests the Secretary-General to investigate further and to report urgently to the Council.

The Council demands that those responsible for the attacks cease immediately all attacks against UNTAC and reiterates its warning that it will take appropriate measures against those who are threatening the safety and security of UNTAC personnel and are trying to overturn the democratic process in Cambodia through violence.

**Decision of 15 June 1993 (3237th meeting):
resolution 840 (1993)**

On 10 June 1993, pursuant to resolutions 826 (1993) and 835 (1993), the Secretary-General submitted to the Security Council a report on the conduct and results of the elections in Cambodia.²¹ The Secretary-General reported that they had been held as scheduled, from 23 to 28 May 1993, in all 21 provinces in Cambodia, and that the polling had been generally peaceful, despite a few scattered incidents of violence. Voter turnout had been impressive with 89.56 per cent of registered voters taking part. At a meeting of the Supreme National Council, convened on 29 May 1993 to review the polling process, his Special Representative had declared that, in view of the very high turnout throughout the country, the absence of violence during the polling, the success of the technical conduct of the poll and the calm and peaceful atmosphere throughout the polling period, the conduct of the poll had been free and fair. The counting of the ballots, which had begun on 29 May 1993 had been completed.²² Accordingly, the Secretary-General had authorized his Special Representative to issue a

²⁰ S/25896.

²¹ S/25913.

²² The number and percentage of votes won by the parties are reproduced in annex I to the report of the Secretary-General.

statement declaring that the elections as a whole had been free and fair.²³ Urging all parties to respect and accept the results and to resolve any disputes they might have through the agreed channels, the Secretary-General stated that UNTAC would give the constituent assembly full support in the process of drawing up a constitution and establishing a new Government for all Cambodia. He was also confident that the international community would continue to support efforts to promote national reconciliation and peacebuilding.

At its 3237th meeting, on 15 June 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Spain) drew the attention of the members of the Council to the text of a draft resolution submitted by China, France, Japan, the Russian Federation, the United Kingdom and the United States.²⁴ He then read out some revisions made to the draft in its provisional form. The President also drew their attention to a letter dated 11 June 1993 from the representative of Denmark, addressed to the Secretary-General, transmitting the text of a statement issued by the European Community and its Member States on the Cambodian elections.²⁵

The draft resolution, as orally revised, was thereupon put to the vote and was adopted unanimously as resolution 840 (1993), which reads:

The Security Council,

Reaffirming its resolutions 668 (1990) of 20 September 1990, 745 (1992) of 28 February 1992, 810 (1993) of 8 March 1993, 826 (1993) of 20 May 1993, 835 (1993) of 2 June 1993 and other relevant resolutions,

Taking note of the report of the Secretary-General of 10 June 1993, and in particular the statement contained therein concerning the election that took place in Cambodia from 23 to 28 May 1993,

Paying tribute to the leadership and continuing role of His Royal Highness Prince Norodom Sihanouk, Chairman of the Supreme National Council, in bringing about national reconciliation and restoring peace in Cambodia,

Expressing its appreciation to the United Nations Transitional Authority in Cambodia and especially to the Special Representative of the Secretary-General for the smoothness of the electoral process,

²³ See annex II to the report of the Secretary-General.

²⁴ S/25931.

²⁵ S/25940.

Reaffirming the national unity, territorial integrity and inviolability and independence of Cambodia,

Welcoming the fact that on 14 June 1993 the newly elected constituent assembly held its first meeting,

1. *Approves* the report of the Secretary-General;
2. *Endorses* the results of the election, which has been certified free and fair by the United Nations;

3. *Calls upon* all parties to stand by their obligation to respect fully the results of the election and to cooperate in securing a peaceful transition and welcomes, in this context, the efforts of His Royal Highness Prince Norodom Sihanouk to achieve national reconciliation and his leadership and continuing role in maintaining stability and in promoting cooperation among Cambodians by appropriate means;

4. *Fully supports* the newly elected constituent assembly which has begun its work of drawing up and approving a constitution according to the principles laid down in annex 5 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict contained in the agreements signed in Paris on 23 October 1991, and will subsequently transform itself into a legislative assembly, which will establish a new government for all Cambodia;

5. *Emphasizes* the necessity to complete this work and to establish a new government for all Cambodia as soon as possible and within the time allotted by the Paris agreements;

6. *Requests* the United Nations Transitional Authority in Cambodia to continue to play its role in conjunction with the Supreme National Council during the transitional period in accordance with the Paris agreements;

7. *Also requests* the Secretary-General to report to the Security Council by the middle of July, including his recommendations on the possible role of the United Nations and its agencies might play after the end of the mandate of the Authority according to the Paris agreements;

8. *Urges* all States and relevant international organizations to contribute actively to the reconstruction and rehabilitation of Cambodia;

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

Speaking after the vote, the representative of France said that, in voting for the resolution, his country had intended to emphasize its support for the statement of the Special Representative for Cambodia as to the free and fair nature of the elections. The last stage of the peace process remained to be carried out with the leading role of the United Nations. He stressed the need for a coalition plan to expedite pending matters while the Constituent Assembly drafted the constitution.²⁶

²⁶ S/PV.3237, pp. 4-5.

The representative of the Russian Federation saw the elections in Cambodia as an important factor for peace and stability not only in that country, but in the whole South-East Asia. He contended that the necessary concrete preconditions for achieving the main goal of the Paris Agreements were in place: the restoration of peace on the basis of national reconciliation and the formation of a new Cambodia — a sovereign, independent, neutral and territorial integral State that respected human rights and maintained good-neighbourly relations with all countries of the world.²⁷

**Decision of 16 July 1993: letter from the
President to the Secretary-General**

By a letter dated 14 July 1993 addressed to the President of the Security Council, the Secretary-General stated that the success of the elections in Cambodia marked the beginning of a particularly delicate phase in the country's transition from conflict to peace and democracy.²⁸ After careful consideration, he had concluded, on the recommendation of his Special Representative for Cambodia and in consultation with a number of concerned Governments, that urgent measures must be taken to enable UNTAC to provide, for the remainder of the transitional period, and in consultation with the Cambodian authorities, emergency financial assistance for the restructuring and adjustment of the administrative, police and military structures of the Interim Joint Administration. His Special Representative had advised that the amount of funding required to achieve the objectives for the remainder of the transitional period would be \$20 million. It was the Secretary-General's view that such a step was fully consistent with the uniquely broad mandate which UNTAC had been given by the Council to help implement the Paris Agreements.

By a letter dated 16 July 1993,²⁹ the President of the Security Council informed the Secretary-General that the members of the Council had considered his letter of 14 July concerning Cambodia and they agreed with the views contained therein.

²⁷ Ibid., pp. 11-12.

²⁸ S/26095.

²⁹ S/26096.

**Decision of 26 July 1993: letter from the
President to the Secretary-General**

On 16 July 1993, pursuant to resolution 840 (1993), the Secretary-General submitted to the Council a report in which he outlined the plan for the withdrawal of UNTAC, to be completed by 15 November 1993, and described the possible role of the United Nations after the end of the UNTAC mandate.³⁰

The Secretary-General noted that Cambodia still faced enormous problems of security, stability, mine clearance, infrastructure improvement and general economic and social development. Moreover, despite the positive developments of the last few weeks, the political-military situation remained fragile and the task before the new Government could be expected to be difficult and challenging. Clearly, Cambodia would require continued international assistance and support. He indicated, in that regard, that various programmes and agencies of the United Nations system, as well as international financial institutions, would be prepared, in consultation with the Government of Cambodia, to continue to play their traditional role in rehabilitation, reconstruction, development and humanitarian assistance. In addition, a continued human rights presence had been mandated both under the Paris Agreements and by a decision of the Commission on Human Rights. The United Nations could also undertake mine clearance, which would continue to be a major need for years to come.

The Secretary-General also addressed the question of maintaining a United Nations military presence. He said that should the Government of Cambodia request the stationing of a small number of United Nations military observers in the country for a limited period as a confidence-building measure and to monitor and report on the security of its borders, the Council would without any doubt consider such a request at the appropriate time.

By a letter dated 26 July 1993,³¹ the President of the Security Council informed the Secretary-General that the members of the Council had considered his report and they endorsed the overall concept and arrangements contained in paragraphs 9 to 33 of the report concerning the withdrawal of UNTAC. They

³⁰ S/26090. For the withdrawal plan, see paragraphs 9 to 33 of the report and chapter V of the present *Supplement*.

³¹ S/26150.

would continue their consideration of the remainder of the report.

**Decision of 27 August 1993 (3270th meeting):
resolution 860 (1993)**

On 26 August 1993, pursuant to resolution 840 (1993), the Secretary-General submitted a further report to the Council in which he described new developments in Cambodia as well as UNTAC's withdrawal and preparations for the post-UNTAC period.³²

The Secretary-General noted that post-election developments had been encouraging. The Constituent Assembly was about to adopt the new Constitution and establish the new Government. In view of the need to allow sufficient time for the approval of the Constitution and the emergence of the new Government, he recommended that the mandate of UNTAC be extended until 15 September 1993. Concerning the suggestion that the United Nations should maintain a small military presence in Cambodia following the withdrawal of UNTAC, he had decided not to recommend, at that stage, the retention of United Nations military personnel in Cambodia after the departure of UNTAC, but to concentrate the resources available on civilian activities in support of peacebuilding. Should the new Government request a post-UNTAC military presence, with a clear indication of its mandate, he would, however, be ready to submit a report to the Security Council on the feasibility of the tasks proposed and the resources that would be required to carry them out.

The Secretary-General reiterated his intention to establish an integrated office in Phnom Penh to be headed by a United Nations representative who would coordinate, in close consultation with the Government of Cambodia, the full range of civilian activities to be undertaken by various agencies of the United Nations system. In addition, the Office would deal with a number of residual issues arising from the Paris Agreements and UNTAC's presence in the country.

At its 3270th meeting, on 27 August 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (United States) drew the attention of the

³² S/26360.

members of the Council to the text of a draft resolution prepared in the course of prior consultations.³³

The draft resolution was thereupon put to vote and adopted unanimously as resolution 860 (1993), which reads:

The Security Council,

Reaffirming its resolutions 668 (1990) of 20 September 1990, 745 (1992) of 28 February 1992, 840 (1993) of 15 June 1993 and other relevant resolutions,

Taking note of the reports of the Secretary-General of 16 July 1993 and 26 August 1993,

Paying tribute to the continuing role of His Royal Highness Prince Norodom Sihanouk in achieving peace, stability and genuine national reconciliation for all Cambodia,

Recalling that, according to the agreements on a comprehensive political settlement to the Cambodian conflict signed in Paris on 23 October 1991, the transitional period shall terminate when the Constituent Assembly elected through free and fair elections, organized and certified by the United Nations, has approved the constitution and transformed itself into legislative assembly, and thereafter a new government has been created,

Noting the expressed wish of the Cambodian interim joint administration to maintain the mandate of the United Nations Transitional Authority in Cambodia until the establishment of a new government in Cambodia as conveyed by the Secretariat,

1. *Welcomes* the reports of the Secretary-General of 16 July 1993 and 26 August 1993 and approves the United Nations Transitional Authority in Cambodia withdrawal plan contained in the former;

2. *Fully supports* the Constituent Assembly in its work of drawing up and approving a constitution, and stresses the importance of completing this work in accordance with the agreements on a comprehensive political settlement to the Cambodian conflict signed in Paris on 23 October 1991;

3. *Confirms* that the functions of the Authority under the Paris agreements shall end upon the creation in September of a new government of Cambodia consistent with those agreements;

4. *Decides* that, in order to ensure a safe and an orderly withdrawal of the military component of the Authority, the period of such withdrawal shall end on 15 November 1993;

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

Speaking after the vote, the representative of China said that, as a signatory to the Paris Agreements, his country had devoted its efforts to the comprehensive settlement of the issue before the

³³ S/26362.

Council. The ultimate solution, however, rested with the Cambodian people themselves. No outside forces should interfere in the internal affairs of Cambodia. As for the post-UNTAC United Nations activities in that country, that decision should be based on the provisions of the Agreements and the requests of the new national Government.³⁴

The representative of France said that the resolution just adopted, while purely technical in nature, clarified the conditions for completing the political role of the United Nations and of the maintenance, for practical reasons, of a residual military presence in Cambodia until 15 November 1993. Clearly, that country needed assistance. That would be the objective of the first meeting of the International Committee on the Reconstruction of Cambodia. The United Nations would also have a role to play, however that could only happen at the request of the new national Government. That would be the thrust of a future resolution, which at the same time would take stock of the United Nations accomplishments in Cambodia over the past 18 months.³⁵

The representative of the United Kingdom said that the withdrawal of UNTAC did not mean that the United Nations and the international community could afford to turn its back on Cambodia, but the relationship would, in future, be of a different kind. First, it had to depend on the wishes of the new Government, and only thereafter on the Organization's decisions.³⁶

The representative of New Zealand stated that, although a new Cambodian government was almost at hand, many aspects of the country's legacy of fighting and repression remained. Moreover, as noted by the Secretary-General in his last report, "massive reconstruction" was still required throughout the country. While the future of Cambodia lay in the hands of its people, the end of UNTAC did not mean the end of Cambodia's problems or of the United Nations involvement in that country. That issue must soon be addressed by the Council, in consultation with countries of the region. In that regard, New Zealand welcomed the initiative to convene a working group, which would include those countries, to begin work on

a more comprehensive statement on the post-UNTAC United Nations presence.³⁷

The President, speaking in her capacity as representative of the United States, said that although UNTAC was on the verge of completing its mission, the international community's responsibility to assist Cambodia was far from over, and the Council still had an important role to play. Concerned countries would also have the opportunity to address Cambodia's many urgent needs for rehabilitation and reconstruction at the upcoming Paris meeting of the International Committee on Reconstruction of Cambodia.³⁸

**Decision of 5 October 1993 (3287th meeting):
statement by the President**

On 5 October 1993, pursuant to resolution 745 (1992), the Secretary-General submitted a further report to the Security Council in which he reported the formation, on 24 September, of the new Government of Cambodia, based on the will of the people expressed through free and fair elections organized and conducted by the United Nations.³⁹ On the same date, Prince Sihanouk had promulgated the Constitution according to which Cambodia had become a constitutional monarchy, with the official name "The Kingdom of Cambodia", and an independent, sovereign, peaceful, neutral and non-aligned State. The Constitution also stipulated that the Kingdom of Cambodia should recognize and respect human rights, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and all relevant international instruments. Accordingly, Prince Sihanouk was elected King. Subsequently, he appointed Prince Ranariddh as First Prime Minister and Hun Sen, as Second Prime Minister. The Secretary-General noted that the UNTAC mandate had been successfully concluded on 24 September 1993. Meanwhile, action was taken to establish a United Nations presence in the post-UNTAC period to carry out a variety of functions, including demining, economic rehabilitation and human rights, with a view to consolidating peace and stability in the country.

At its 3287th meeting, on 5 October 1993, the Security Council included the further report of the Secretary-General in its agenda. After the adoption of

³⁴ S/PV.3270, pp. 3-4.

³⁵ *Ibid.*, p. 5.

³⁶ *Ibid.*, pp. 6-7.

³⁷ *Ibid.*, pp. 7-8.

³⁸ *Ibid.*, pp. 8-9.

³⁹ S/26529.

the agenda, the Council invited the representatives of Australia, Cambodia and Thailand, at their request, to participate in the discussion without the right to vote. The President (Brazil) then drew the attention of the members of the Council to a letter dated 30 September 1993 from the representatives of China, France, the Russian Federation, the United Kingdom and the United States, addressed to the Secretary-General.⁴⁰

The representative of Cambodia stated that, in his opinion, three essential elements had contributed to the success of the United Nations operation: the commitment of the international community, the will of the Cambodians to work together with the United Nations and the will of the Cambodian parties to seek reconciliation. He pointed out that his country would have to face two issues. First, the internal security issue resulting from the presence of armed bands, and the Khmer Rouge, the latter needing to dismantle its army and administration in order to form a single national royal army and administration. Secondly, the national rehabilitation and reconstruction issue. Recalling that, under the Paris Agreements, the international community had an obligation to assist Cambodia on those two issues, he called for a United Nations presence in Cambodia to reinforce the confidence of its people. Demining operations must continue and the presence of 20 or more military observers for a period of six months would be required. He also called for a permanent centre to deal with human rights. Furthermore, his Government would prefer to maintain the International Committee on the Reconstruction of Cambodia, rather than to establish another coordinating body.⁴¹

The representative of France said that the United Nations had the duty to live up to the expectations of the Cambodian people and to continue to play a role in the area of reconstruction and development, as well as the enhancement and protection of human rights. France supported the Government's request for the maintenance of a team of military observers, and welcomed the Secretary-General's intention to open an integrated United Nations office in Cambodia. The situation of the Khmer Rouge group remained however a problem. They must recognize Cambodia's legitimate authorities, accept the rules of democracy and renounce violence. The speaker recalled, in that regard, the third

instrument in the Paris Agreements which concerned the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity for Cambodia.⁴²

The representative of the United States said that the future of Cambodia's freedom and democracy was first and foremost the responsibility of its people. It was, however, also a matter of great importance to the United Nations and the international community, which had invested so much to help the Cambodian people. The challenge ahead was to assist the Government of Cambodia as appropriate to ensure the continuation of the great progress that had been achieved so as to allow Cambodia to enjoy the peace it so richly deserved.⁴³

The representative of Thailand, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), expressed full support for the requests put forward by the Cambodian Government, which called for the establishment of a United Nations Integrated Office in Phnom Penh, the maintenance of representative offices of United Nations programmes and specialized agencies, the maintenance of the human rights component of UNTAC and its expansion into a permanent human rights centre, the continuation of the demining operations and lastly, the presence of a small number of military observers in Phnom Penh. ASEAN also looked forward to the appointment by the Secretary-General of a Special Representative to Cambodia. In conclusion, ASEAN shared the hope of the Government and people of Cambodia that the United Nations and the international community would continue to assist their country in its reconstruction and rehabilitation process. ASEAN stood ready to contribute in such efforts.⁴⁴

A number of other speakers endorsed the United Nations continuing close involvement in Cambodia.⁴⁵ Some supported more specifically the requests of the Government of Cambodia.⁴⁶ Others were in favour of the adoption of a resolution which would address all

⁴⁰ S/26517.

⁴¹ S/PV.3287, pp. 3-19.

⁴² *Ibid.*, pp. 20-24.

⁴³ *Ibid.*, pp. 24-25.

⁴⁴ *Ibid.*, pp. 45-47.

⁴⁵ *Ibid.*, pp. 26-28 (China); pp. 28-31 (Pakistan); pp. 31-35 (New Zealand); pp. 35-36 (United Kingdom); pp. 37-40 (Japan); pp. 42-44 (Russian Federation); and pp. 48-50 (Australia).

⁴⁶ *Ibid.*, pp. 28-31 (Pakistan); and pp. 31-35 (New Zealand).

aspects of the post-UNTAC presence, including the dispatch of military observers.⁴⁷

At the same meeting, the President made the following statement on behalf of the Council:⁴⁸

On behalf of the members of the Security Council, I wish to thank Prince Norodom Ranariddh, First Prime Minister, and Mr. Hun Sen, Second Prime Minister, of the Royal Government of Cambodia for their presence here and to express the satisfaction of the Security Council at the auspicious developments that have taken place in Cambodia since the holding of the elections of 23 to 28 May 1993, in particular the proclamation of the Cambodian Constitution on 24 September 1993 and the creation of the new government of Cambodia.

I also take this opportunity to congratulate His Majesty King Norodom Sihanouk, Head of State of Cambodia, on his accession to the throne and to pay tribute to the continuing role played by His Majesty in the quest for national reconciliation and a better future for all Cambodia.

In the light of the successful completion of the mandate of the United Nations Transitional Authority in Cambodia, the Council reiterates its recognition at the remarkable work carried out by the Authority, under the leadership of the Secretary-General and his Special Representative, Mr. Yasushi Akashi.

The Security Council stresses the importance of the continued support of the international community to the consolidation of peace and democracy and the promotion of development in Cambodia.

Taking into account the letter dated 26 September 1993 addressed to the Secretary-General by Prince Norodom Ranariddh, First Prime Minister, and Mr. Hun Sen, Second Prime Minister, and the further report of the Secretary-General on the implementation of Security Council resolution 745 (1992) of 28 February 1992 which members of the Council have just received, the Council will continue to study the situation in Cambodia and will consider what action it should take.

Decision of 12 October 1993: letter from the President to the Secretary-General

On 7 October 1993, pursuant to resolution 840 (1993), the Secretary-General submitted to the Security Council a further report⁴⁹ in which he reported having received a letter dated 26 September 1993 from the Government of Cambodia, requesting the dispatch of some 20 to 30 unarmed United Nations military observers to Cambodia for a period of six months

following the end of the UNTAC mandate.⁵⁰ That request was made in the context of the tensions that would still remain in Cambodia, after the withdrawal of UNTAC and the need to strengthen confidence among the people. The request was reiterated on 4 October.

The Secretary-General restated his belief that United Nations efforts and resources in Cambodia should henceforth be concentrated on civilian activities in the fields of reconstruction and development, as well as human rights and mine clearance. He was not fully convinced, however, that a small group of military officers based in Phnom Penh would in practice be able to play an effective part in controlling or resolving the remaining security problems in Cambodia. He also voiced doubt about deploying a merely symbolic military presence at a time of acute financial crisis. Should the Security Council decide, however, to respond positively to the request, he would recommend that a team of 20 military liaison officers contributed by Governments, be established for a single period of six months. Those liaison officers would be separate from the proposed integrated office and their mandate would be limited to maintaining liaison with the Government of Cambodia and reporting to the Secretary-General on matters affecting security in Cambodia.

By a letter dated 12 October 1993,⁵¹ the President of the Security Council informed the Secretary-General that the members of the Council had considered his report concerning the request from the Government of Cambodia. They had agreed in principle with his recommendation and invited him to submit as soon as possible a further report setting out in greater detail the proposed objectives, and terms of reference of such a team, together with detailed plans for its dispatch and an estimate of the resources required. The members of the Council also invited the Secretary-General to consider, and address the implications of, the possibility of incorporating the officers in the United Nations office to be established in Cambodia, as had been suggested in the letter from the Government of Cambodia.

⁴⁷ Ibid., pp. 31-35 (New Zealand); pp. 37-40 (Japan); and pp. 48-50 (Australia).

⁴⁸ S/26531.

⁴⁹ S/26546.

⁵⁰ The letter was brought to the attention of the members of the Council, but was not issued as a document of the Council.

⁵¹ S/26570.

**Decision of 4 November 1993 (3303rd meeting):
resolution 880 (1993)**

On 27 October 1993, pursuant to resolution 840 (1993), the Secretary-General submitted to the Security Council a further report setting out the proposed objectives and terms of reference of a military liaison team.⁵² The report also addressed the issue of incorporating the team in the proposed United Nations office in Cambodia. In that regard, the Secretary-General reiterated his recommendation that the military liaison team should be separate from the proposed integrated office on the basis that it would seem better to keep the short-term military activity separate from the long-term civilian activities which would be coordinated through the integrated office.

By a letter dated 28 October 1993, addressed to the President of the Security Council,⁵³ the Secretary-General informed the Council of a request made by the officer-in-charge of the UNTAC withdrawal to extend the deployment of UNTAC military police and medical unit beyond 15 November, owing to deteriorating security conditions in the country. The Secretary-General believed that these limited extensions were necessary in order to ensure the safety and security of UNTAC personnel and its equipment as they completed the withdrawal. He also proposed to extend the deployment of 17 existing members of the Mine Clearance and Training Unit of UNTAC until 30 November 1993.

The Secretary-General also stated that mine clearance would continue to be a major need in the post-conflict peacebuilding in Cambodia. He indicated that the United Nations Trust Fund for Demining in Cambodia would be maintained and that continued technical support and capacity-building would also be required to enable the Cambodian Mine Action Centre to become self-sufficient. The Secretary-General had therefore asked the United Nations Development Programme to enter into consultations with the new Government of Cambodia with a view to providing technical support and capacity-building as required for a limited duration. Pending such arrangements, and in order to avert a damaging break in that important activity, he proposed to extend the deployment of

17 existing members of the Mine Clearance and Training Unit of UNTAC until 30 November 1993.

At its 3303rd meeting, on 4 November 1993, the Security Council included the reports of the Secretary-General of 5, 7 and 27 October, as well as the above-mentioned letter, in its agenda.⁵⁴ After the adoption of the agenda, the Council, in accordance with the decisions taken at its 3287th meeting, invited the representatives of Australia, Cambodia and Thailand to participate, in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations, and read out a revision to be made to the draft in its provisional form.⁵⁵

The draft resolution, as orally revised, was thereupon put to the vote and was adopted unanimously as resolution 880 (1993), which reads:

The Security Council,

Recalling its resolution 745 (1992) of 28 February 1992 concerning the implementation plan of the agreements on a comprehensive political settlement to the Cambodian conflict signed in Paris on 23 October 1991, and subsequent relevant resolutions,

Taking note of the further reports of the Secretary-General of 5 October 1993, 7 October 1993 and 27 October and 3 November 1993, and of his letter dated 28 October 1993 to the President of the Security Council,

Noting with satisfaction the success during the transitional period of the Cambodian people, under the leadership of His Royal Highness Prince Norodom Sihanouk, King of Cambodia, in promoting peace, stability and national reconciliation,

Welcoming the adoption of the constitution in accordance with the Paris agreements on Cambodia,

Recognizing the termination of the mandate of the United Nations Transitional Authority in Cambodia following the establishment of the constitutional government on 24 September 1993 in accordance with the Paris agreements,

Noting with great satisfaction that, with the successful conclusion of the Authority's mission following the election of 23 to 28 May 1993, the goal of the Paris agreements of restoring to the Cambodian people and their democratically elected leaders their primary responsibility for peace, stability, national reconciliation and reconstruction in their country has been achieved,

⁵² S/26649 and Add.1. For additional details and the terms of reference of the military liaison team, see chap. V.

⁵³ S/26675.

⁵⁴ S/26529, S/26546 and S/26649 and Add. 1.

⁵⁵ S/26687.

Paying tribute to those Member States which contributed personnel to the Authority and expressing sympathy and sorrow to those Governments whose nationals lost their lives or suffered casualties for the cause of peace in Cambodia, as well as to their families,

Stressing the importance of consolidating the achievements of the Cambodian people by smooth and rapid delivery of appropriate international assistance towards rehabilitation, reconstruction and development in Cambodia and towards peacebuilding in that country,

Noting the need to ensure the safe and orderly completion of the withdrawal of the military component of the Authority from Cambodia, and the continuity of the vital mine clearance and training functions of the Cambodian Mine Action Centre,

1. *Welcomes* the accession to the throne of His Royal Highness Prince Norodom Sihanouk, King of Cambodia, and stresses the importance of his continuing role in consolidating peace, stability and genuine national reconciliation in Cambodia;

2. *Welcomes also* the formation of the new Government of all Cambodia, established in accordance with the constitution and based upon the recent election;

3. *Pays tribute* to the work of the United Nations Transitional Authority in Cambodia whose success, under the authority of the Secretary-General and his Special Representative, constitutes a major achievement for the United Nations;

4. *Calls upon* all States to respect the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia;

5. *Demands* the cessation of all illegal acts of violence, on whatever grounds, and the cessation of military activities directed against the democratically elected Government of Cambodia, as well as against the personnel of the Authority and other United Nations and international agencies;

6. *Affirms* the importance, particularly in view of the recent tragic history of Cambodia, of ensuring respect for international humanitarian law in that country, welcomes in this regard the commitment of the First Prime Minister of the Royal Government of Cambodia to the implementation of the relevant provisions of the new Cambodian Constitution, and endorses the arrangements foreshadowed in paragraphs 27 to 29 of the report of the Secretary-General of 26 August 1993 for appropriate United Nations activities in support of this commitment in accordance with the relevant provisions of the agreements on a comprehensive political settlement to the Cambodian conflict signed in Paris on 23 October 1991;

7. *Urges* Member States to assist the Cambodian Mine Action Centre with technical experts and equipment, and to support demining work through voluntary contributions;

8. *Expresses the hope* that arrangements can be made as soon as possible so that relevant trust fund monies can be disbursed to the Centre and so that technical experts can be provided to the Centre through the United Nations Development Programme;

9. *Notes* that, with the exceptions set out in paragraphs 10 and 11 below, the safe and orderly withdrawal of the military component of the Authority provided for in resolution 860 (1993) of 27 August 1993 continues and will end on 15 November 1993;

10. *Decides* to extend the period of withdrawal of the Mine Clearance and Training Unit of the Authority until 30 November 1993;

11. *Also decides* to extend the period of withdrawal beyond 15 November 1993 for elements of the military police and medical components of the Authority in accordance with the detailed recommendations set out in the letter dated 28 October 1993 from the Secretary-General to the President of the Security Council, on the basis that all of these elements will be withdrawn by 31 December 1993;

12. *Further decides* to establish a team of twenty military liaison officers for a single period of six months with a mandate to report on matters affecting security in Cambodia, to maintain liaison with the Government of Cambodia and to assist the Government in dealing with residual military matters relating to the Paris agreements;

13. *Welcomes* the intention of the Secretary-General, in the light of the request by the Royal Government of Cambodia and the continuing commitment of the United Nations to Cambodia, to appoint for a period to be agreed upon by the Secretary-General and the Government of Cambodia, a person to coordinate the United Nations presence in Cambodia, in accordance with the spirit and principles of the Paris agreements;

14. *Urges* Member States to continue to help the Government of Cambodia in achieving its objectives of national reconciliation and rehabilitation of Cambodia and requests them to implement without delay the undertakings made during the meeting of the International Committee on the Reconstruction of Cambodia and stresses the need for quick disbursing assistance to provide support to help alleviate the fiscal crisis currently facing the new Government;

15. *Welcomes* the intention of the Secretary-General to report on the lessons learned during the course of the Authority in the context of the Agenda for Peace.

Speaking after the vote, the representative of the United States, referring to the dispatch of a team of military liaison officers to Cambodia, said that the length of time of the deployment would depend on how long they were wanted and needed by the Cambodians. The Council must be prepared to re-examine and, if necessary and so requested by the Government of

Cambodia, to renew the mission after six months. That would also apply to the United Nations representative in Cambodia whose tenure should correspond to the needs on the ground rather than to any arbitrary time limit.⁵⁶

Other representatives also welcomed the establishment of a team of military liaison officers to report on matters affecting security in Cambodia and to deal with residual military matters relating to the peace

⁵⁶ S/PV.3303, pp. 4-5.

agreements, as well as the Secretary-General's intention to appoint, in consultation with the Government of Cambodia, a representative to coordinate the United Nations presence in the country.⁵⁷ They further endorsed the Council's call, urging Member States to continue to assist the Government in achieving its objectives of national reconciliation and rehabilitation.

⁵⁷ *Ibid.*, pp. 3-4 (France); p. 7 (China); pp. 10-11 (New Zealand); and pp. 11-14 (Spain).

15. Items relating to the Democratic People's Republic of Korea

Initial proceedings

A. Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council

Note by the Secretary-General

Decision of 8 April 1993: statement by the President

Following consultations held on 8 April 1993, the President made the following statement to the media on behalf of the members of the Council:¹

The members of the Council take note of the oral statement made on 6 April 1993 and the written report of International Atomic Energy Agency Director General Dr. Hans Blix. They also take note of the letter dated 12 March 1993 of the Permanent Representative of the Democratic People's Republic of Korea to the President of the Security Council, enclosing one from his Foreign Minister with reference to Article X of the Treaty on the Non-Proliferation of Nuclear Weapons.

¹ S/25562, recorded as a Security Council decision in *Resolutions and Decisions of the Security Council, 1993*, p. 116.

The members of the Council are concerned at the situation which has arisen. In this connection they reaffirm the importance of the Treaty and of the parties to it adhering to it.

The members of the Council also express their support for the Joint Declaration on the Denuclearization of the Korean Peninsula made by the Democratic People's Republic of Korea and the Republic of Korea.

The members of the Council welcome all efforts aimed at resolving this situation and in particular encourage the Agency to continue its consultations with the Democratic People's Republic of Korea and its constructive endeavours for a proper settlement of the nuclear verification issue in the Democratic People's Republic of Korea.

The members of the Council will continue to follow the situation.

Decision of 11 May 1993 (3212th meeting): resolution 825 (1993)

By a letter dated 12 March 1993 addressed to the President of the Council,² the representative of the Democratic People's Republic of Korea transmitted a letter of the same date from the Minister for Foreign Affairs of the Democratic People's Republic of Korea. In his letter, the Minister for Foreign Affairs informed the Council that the Government of the Democratic People's Republic of Korea had decided, on 12 March 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with paragraph 1 of article X of the Treaty, in connection with the extraordinary situation prevailing

² S/25405.

in the Democratic People's Republic of Korea, which jeopardized its supreme interests. He stated that the United States, together with the Republic of Korea, had resumed the "Team Spirit" joint military exercises, a nuclear war rehearsal, threatening the Democratic People's Republic of Korea. Furthermore, they had instigated some officials of the International Atomic Energy Agency (IAEA) secretariat and certain Member States to adopt an unjust resolution, at the meeting of the IAEA Board of Governors on 25 February 1993. That resolution, he noted, demanded that the Democratic People's Republic of Korea open those military sites having no relevance at all to its nuclear activities, in violation of the IAEA statute, the Safeguards Agreement and the agreement the IAEA had reached with the Democratic People's Republic of Korea. He affirmed that to tolerate such an act would only set a precedent for helping to legitimize both the nuclear threats against the non-nuclear-weapon State parties, and interference in their internal affairs. The Minister hoped that the Council would take note of the decision of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty until the United States nuclear threats and the unjust conduct of IAEA against the Democratic People's Republic of Korea would be recognized to have been removed.

By a letter dated 19 March 1993 addressed to the President of the Security Council,³ the Secretary-General transmitted to the Council a communication conveyed to him by the Director General of IAEA concerning the implementation of the Safeguards Agreement between the Democratic People's Republic of Korea and the Agency. The communication included a resolution adopted by the IAEA Board on 18 March 1993 and a report by the Director General of IAEA submitted pursuant to a resolution adopted by the Board on 25 February 1993 which, *inter alia*, called upon the Government of the Democratic People's Republic of Korea to extend full cooperation to IAEA to enable it to fully discharge its responsibilities under the Safeguards Agreement and to respond positively without delay to the Director General's request of 9 February 1993 for access to additional information and two additional sites.

The Director General of IAEA reported that, on 26 February 1993, he had forwarded the text of the resolution to the Democratic People's Republic of

Korea and requested that an inspection team be received. On 10 March, the Democratic People's Republic of Korea informed the Director General that it reserved its consideration of the receipt of the inspection team, referring to the resumption of the joint military exercise "Team Spirit" by the United States and the Republic of Korea and the "state of semi-war" ordered by the Supreme Commander of the Democratic People's Republic of Korea from 9 March. The Director General had replied on the same day, advising that the "state of semi-war" could not impede the implementation of the Safeguards Agreement.

The Director General further reported that he had received a copy of a 12 March statement by the Government of the Democratic People's Republic of Korea declaring its decision to withdraw from the Non-Proliferation Treaty and indicating that that stand would remain unchanged until the United States stopped its nuclear threats against the Democratic People's Republic of Korea and the IAEA secretariat returned to the principle of independence and impartiality. He had written subsequently to the Democratic People's Republic of Korea informing it that the Treaty and the Safeguards Agreement remained duly in force until any withdrawal took effect, that is, after three months' advance notice to all other parties and to the United Nations Security Council. It followed that a declaration of intention to withdraw from the Treaty should not impede the implementation of the Safeguards Agreement. In its reply on 16 March, the Democratic People's Republic of Korea stated that because some officials of the IAEA secretariat had departed from the objectivity and impartiality and joined in a plot by a party in hostilities towards the Democratic People's Republic of Korea, it could not receive the Agency inspection team. The resolution adopted by the Board on 18 March 1993, requested the Director General, *inter alia*, to continue his efforts and dialogue and to report further on the response of the Democratic People's Republic of Korea to the resolution of 25 February, on 31 March 1993.

By a note dated 12 April 1993,⁴ the Secretary-General transmitted to the members of the Security Council a letter dated 6 April 1993 from the Director General of IAEA transmitting his report on behalf of the Board of Governors to the Security Council and the General Assembly concerning

³ S/25445.

⁴ S/25556.

non-compliance of the Democratic People's Republic of Korea with the Safeguards Agreement and on the Agency's inability to verify the non-diversion of material required to be safeguarded, pursuant to a resolution adopted by the Board of Governors of IAEA on 1 April 1993. In that resolution, the Board found, based on the report of the Director General, that the Democratic People's Republic of Korea was in non-compliance with its obligations under its Safeguards Agreement with the Agency, and that the Agency was not able to verify that there had been no diversion of nuclear material required to be safeguarded under the terms of the Safeguards Agreement, to nuclear weapons or other nuclear explosive devices and decided, as required by article XII.C of the statute and in accordance with article 19 of the Safeguards Agreement, to report the findings to the Security Council and the General Assembly of the United Nations.

At its 3212th meeting, on 11 May 1993, the Council included in its agenda the letter dated 12 March 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Council, the letter dated 19 March 1993 from the Secretary-General addressed to the President of the Council, and the note by the Secretary-General.

The Council invited the representatives of the Democratic People's Republic of Korea and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the members of the Council to the text of a draft resolution submitted by France, Hungary, Japan, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States.⁵ He also drew their attention to several other documents.⁶

⁵ S/25745.

⁶ Letter dated 9 April 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Security Council (S/25576); letter dated 12 April 1993 from the representative of Bulgaria addressed to the Secretary-General (S/25581); letter dated 13 April 1993 from representative of Turkey addressed to the Secretary-General (S/25593); letter dated 15 April 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Security Council (S/25595); letter dated 4 May 1993 from the representative of Paraguay

The representative of the Democratic People's Republic of Korea, referring to his letter of 10 May 1993,⁷ in which he had officially requested the Security Council to consider at this meeting issues related to the abuse by IAEA of the Safeguards Agreement between the Democratic People's Republic of Korea and IAEA, expressed the hope that his request would be considered a formal agenda item, in accordance with the relevant provisions of the Charter and the provisional rules of procedure of the Council. Recalling the statement of his Government issued on 12 March 1993,⁸ he pointed out that the major reason which had forced his country to withdraw from the Non-Proliferation Treaty was the fact that the United States kept increasing nuclear threats against it and manipulated some officials at the IAEA secretariat to open its military bases and disarm it. Firstly, the United States had escalated its nuclear threat against the Democratic People's Republic of Korea while maintaining its nuclear weapons deployed in the Republic of Korea, contrary to the fact that the Democratic People's Republic of Korea joined the Treaty and since then had fulfilled its obligations under the Treaty in good faith. Such threat constituted a flagrant violation of the Treaty as well as of Security Council resolution 255 (1968) of 19 June 1968.⁹ Secondly, the United States and its followers fabricated the "inconsistencies in principle" between the declarations of the Democratic People's Republic of Korea and the findings of the IAEA. Thirdly, some officials of the IAEA secretariat deviated from the function of officials of the international organization and became servants of the United States by turning over to them the information on the inspection results, in contravention of the IAEA statute. Fourthly, the refusal of the Democratic People's Republic of Korea to allow the Agency's unlawful inspection of the "suspicious locations" was nothing but a sovereign State's full exercise of a fair right, which could never be considered non-compliance with the Safeguards Agreement. Fifthly, since there was no legal or technical ground to discuss the "non-compliance" of

addressed to the Secretary-General (S/25734); letter dated 10 May 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Security Council (S/25747).

⁷ S/25747.

⁸ S/25407, annex.

⁹ Adopted at the 1433rd meeting by 10 votes to none, with 5 abstentions (Algeria, Brazil, France, India, Pakistan).

the Democratic People's Republic of Korea with the Safeguards Agreement or its withdrawal from the Treaty, the Security Council should instead discuss without fail the acts of the United States and of some officials of IAEA.

The representative also stated that the withdrawal of the Democratic People's Republic of Korea from the Treaty and the problems in implementing the Safeguards Agreement could not be construed as harming world peace, nor threatening the security of other countries. No legal or technical grounds could be found to discuss the so-called "nuclear problem" at the Security Council. Signing, accession to, termination of and withdrawal from the treaty were legal actions within the sovereign rights of an independent State and no one was entitled to interfere in these. Moreover, the withdrawal of the Democratic People's Republic of Korea from the Treaty was a self-defence measure based on a State's right to withdraw from the Treaty in the exercise of its national sovereignty, in case a State party to the Treaty decides that its supreme interests are threatened.

Turning to the draft resolution, he stated that it was aimed at infringing upon the sovereignty of the Democratic People's Republic of Korea, ignoring the requirements of Article 33 of Chapter VI of the Charter of the United Nations, the statute of IAEA and the norms of international law that disputes should be resolved through dialogue and negotiations. The draft resolution should be rejected, since it was unreasonable and in contravention of Article 2(4) of the Charter and article 3(d) of the IAEA statute, which called for respect of the sovereignty of the Member States. Its adoption would compel the Democratic People's Republic of Korea to take corresponding measures in self-defence. Concluding that the issue could not be solved without comprehensively resolving the nuclear problem of the Korean peninsula, he called upon the United States to withdraw the resolution.¹⁰

The representative of the Republic of Korea stated that IAEA had referred the matter to the Security Council after having exhausted all means available to it under its statute to resolve the issue. He stated that the characterization of the Democratic People's Republic of Korea of the two sites as military sites did not make them immune from inspection. It was the right of IAEA under the Agreement with the Democratic People's

Republic of Korea to inspect locations which it had bona fide reason to believe were nuclear-related, regardless of whether they were military or not. With regard to the claim made by the Democratic People's Republic of Korea that the "Team Spirit" exercise was a nuclear rehearsal, the speaker reiterated that the exercise was purely defensive in nature and involved conventional weapons only. Finally, the allegation by the Democratic People's Republic of Korea that some officials of the IAEA secretariat were partial and were influenced by an unfriendly party was completely unfounded. He pointed out in that regard that the IAEA Board of Governors had reaffirmed its full confidence in the secretariat in its resolution of 18 March 1993.

The speaker further stated that by refusing IAEA inspections of suspected nuclear sites and deciding to pull out of the Treaty, the Democratic People's Republic of Korea posed a serious threat to international peace and security, in particular the security and stability of north-east Asia and was a blow to past achievements in easing tension on the Korean peninsula, such as the Joint Declaration on the Denuclearization of the Korean Peninsula. It also constituted a threat to the Treaty regime and the IAEA safeguards system. Although it was true that every party had the right to withdraw from the Treaty, it was stipulated that this right could be exercised only when extraordinary events jeopardized supreme national interest.

Recalling the presidential statement adopted at the Security Council summit meeting of 31 January 1992 which provided,¹¹ *inter alia*, that the members of the Council would take appropriate measures in the case of any violations notified to them by IAEA, the speaker believed that the primary obligation to stop nuclear weapons development by the Democratic People's Republic of Korea rested with the international community as a whole and particularly on the Security Council, which was entrusted with the maintenance of international peace and security under the Charter.¹²

The representative of the United States stated that the issue under discussion by the Council was the failure of the Democratic People's Republic of Korea to adhere to its obligations under a Safeguards Agreement with IAEA and its subsequent

¹⁰ S/PV.3212, pp. 7-25.

¹¹ See S/23500.

¹² S/PV.3212, pp. 26-33.

announcement that it intended to withdraw from the Treaty. She emphasized that these disputes concerned international agencies and the international community, not just a single country. Addressing the charges made against the United States by the Democratic People's Republic of Korea, she stated that the United States, like other nations, provided information and technical support to IAEA at the Agency's request to support the implementation of safeguards on nuclear materials and facilities. IAEA had come to its own conclusions about whether countries were complying with safeguards requirements, drawing primarily from information obtained by its own inspectors but taking into account information provided by member Governments. She denied that the United States posed a nuclear threat to the Democratic People's Republic of Korea, indicating that the "Team Spirit" joint military manoeuvres were a purely defensive conventional exercise.¹³

The representative of China, speaking in explanation of vote, expressed the view that the issue concerning the Democratic People's Republic of Korea was mainly a matter between the Democratic People's Republic of Korea and IAEA, between the Democratic People's Republic of Korea and the United States, and between the Democratic People's Republic of Korea and the Republic of Korea. It should therefore be settled properly through direct dialogue and consultation between the Democratic People's Republic of Korea and the three other parties concerned, respectively. China was not in favour of having this issue handled by the Security Council, let alone having a resolution adopted on this issue by the Council. This would only complicate the situation rather than contribute to its appropriate settlement. China would therefore abstain on the draft resolution.¹⁴

The draft resolution was then put to the vote and adopted by 13 votes to none, with 2 abstentions,¹⁵ as resolution 825 (1993) which reads:

The Security Council,

Having considered with concern the letter dated 12 March 1993 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea dated 12 March 1993 addressed to the President of the Security Council concerning the intention of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear

Weapons and the report of the Director General of the International Atomic Energy Agency,

Recalling the statement made by the President of the Council on 8 April 1993 in which the members of the Council welcome all efforts aimed at resolving this situation and, in particular, encourage the Agency to continue its consultations with the Democratic People's Republic of Korea for proper settlement of the nuclear verification issue in the Democratic People's Republic of Korea,

Noting in that context the critical importance of the Treaty, and emphasizing the integral role of Agency safeguards in the implementation of the Treaty and in ensuring the peaceful uses of nuclear energy, and reaffirming the crucial contribution which progress in non-proliferation can make to the maintenance of international peace and security,

Recalling the Joint Declaration on the Denuclearization of the Korean Peninsula by the Democratic People's Republic of Korea and the Republic of Korea, which includes establishment of a credible and effective bilateral inspection regime and a pledge not to possess nuclear reprocessing and uranium enrichment facilities,

Noting that the Democratic People's Republic of Korea is party to the Treaty and has concluded a full-scope safeguards agreement as required by that Treaty,

Having also considered with regret the Agency's Board of Governors' findings contained in its resolution GOV/2645 of 1 April 1993 that the Democratic People's Republic of Korea is in non-compliance with its obligations under the safeguards agreement that it concluded with the Agency, and that the Agency is not able to verify that there has been no diversion of nuclear materials required to be safeguarded under the terms of the safeguards agreement on nuclear weapons and other nuclear explosive devices between the Agency and the Democratic People's Republic of Korea,

Taking note of the statement made on 1 April 1993 by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the depositaries of the Treaty, which questions whether the Democratic People's Republic of Korea's stated reasons for withdrawing from the Treaty constitute extraordinary events relating to the subject-matter of the Treaty,

Taking note also of the letter of reply to the Director General of the Agency from the Democratic People's Republic of Korea dated 22 April 1993 which, inter alia, encourages and urges the Director General to hold consultations with the Democratic People's Republic of Korea on the implementation of the safeguards agreement, and noting also that the Democratic People's Republic of Korea has expressed its willingness to seek a negotiated solution to this issue,

Welcoming recent signs of improved cooperation between the Democratic People's Republic of Korea and the Agency and the prospect of contacts between the Democratic People's Republic of Korea and other Member States,

¹³ Ibid., pp. 33-35.

¹⁴ Ibid., pp. 42-43.

¹⁵ For the vote, see S/PV.3212, p. 44; see also chapter IV.

1. *Calls upon* the Democratic People's Republic of Korea to reconsider the announcement contained in the letter dated 12 March 1993 and thus to reaffirm its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Also calls upon* the Democratic People's Republic of Korea to honour its non-proliferation obligations under the Treaty and comply with its safeguards agreement with the Agency as specified by the Agency's Board of Governors' resolution GOV/2636 of 25 February 1993;

3. *Requests* the Director General of the Agency to continue to consult with the Democratic People's Republic of Korea with a view to resolving the issues which are the subject of the Board of Governors' findings and to report to the Security Council on his efforts in due time;

4. *Urges* all Member States to encourage the Democratic People's Republic of Korea to respond positively to the present resolution, and encourages them to facilitate a solution;

5. *Decides* to remain seized of the matter and to consider further action if necessary.

After the vote, the representative of France said that the current situation made it necessary for the Council to manifest, clearly and unambiguously, its determination to see the emergence of an early settlement. The resolution attested to its resolve to settle a disturbing situation which represented an important disagreement between the Democratic People's Republic of Korea and the whole of the international community and was not a simple bilateral crisis. The text of the resolution was, however, not intended to be threatening and also took into account the prospects for opening up bilateral dialogue in parallel to the multilateral framework. The speaker concluded by saying that the passing of the 12 June deadline, when the withdrawal of the Democratic People's Republic of Korea from the Treaty would become effective, would not exonerate the Democratic People's Republic of Korea and would prompt the Council, as provided in the resolution, to draw all the appropriate conclusions.¹⁶

The representative of the United Kingdom stated that his delegation did not question the right of States to withdraw from treaties if such withdrawal was in accordance with the provisions of the treaty concerned. Article 10, paragraph 1, of the Non-Proliferation Treaty required that in exercising its national sovereignty a party withdrawing from the Treaty shall give notice of such withdrawal to all other parties to the Treaty and to

¹⁶ S/PV.3212, pp. 47-48.

the Security Council three months in advance, and that such notice shall include a statement of the extraordinary events, related to the subject matter of the Treaty, which it regarded as having jeopardized its supreme interests. In this connection, he recalled the joint statement issued on 1 April 1993 by the three co-depositaries of the Treaty — the Russian Federation, the United States and the United Kingdom — in which they questioned whether the stated reasons of the Democratic People's Republic of Korea for withdrawal in fact constituted extraordinary events related to the subject matter of the Treaty.¹⁷ He also noted that the Democratic People's Republic of Korea remained bound by its obligation under its safeguards agreement. In his Government's view, it was absolutely essential that this issue be treated multilaterally as well as bilaterally. While accepting that there was an important role for bilateral contacts, he maintained that the issue under consideration was about multilateral disciplines maintained by multilateral organizations such as IAEA. It was therefore absolutely right and proper that the Security Council should play its role in handling that aspect and remain seized of the matter since further action could be considered.¹⁸

The representative of Pakistan expressed the view that the problem between the Democratic People's Republic of Korea and IAEA had been referred to the Security Council in a rather precipitate manner. His delegation had therefore abstained in the vote on the IAEA Board of Governors' resolution of 1 April 1993, but had endorsed the Council's statement of 8 April 1993 which encouraged a resumption of consultations between the two parties. His delegation had also abstained in the vote on the resolution before the Council, having difficulties with the seventh preambular paragraph and operative paragraph 1. In his delegation's view, the seventh preambular paragraph was inconsistent with the letter and spirit of article X of the Treaty, particularly when read in conjunction with operative paragraph 1 of the resolution. Article X of the Treaty recognized the right of a State Party to withdraw from the Treaty if it decided that extraordinary events related to the subject matter had jeopardized its supreme interests. That decision had been left entirely to the State party concerned.¹⁹

¹⁷ S/25515, annex.

¹⁸ S/PV.3212, pp. 53-55.

¹⁹ *Ibid.*, pp. 62-64.

**B. Note by the Secretary-General
(S/1994/254)**

**Note by the Secretary-General
(S/1994/322)**

**Decision of 31 March 1994 (3357th meeting):
statement by the President**

By a note dated 4 March 1994,²⁰ the Secretary-General transmitted to the members of the Security Council a letter dated 1 March 1994 from the Director General of IAEA transmitting an addendum to the report of 3 December 1993 of the Director General to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. The Director General reported that, following discussions between the Democratic People's Republic of Korea and the United States in December 1993, the authorities of the Democratic People's Republic of Korea indicated to the Agency at the beginning of January that they were ready to accept IAEA inspection of declared nuclear material and installations in the country required to provide "the continuity of safeguards". Since then, several detailed rounds of working-level discussions had taken place between IAEA and the Democratic People's Republic of Korea about activities to be performed during the next inspection of declared nuclear material and installations in that country. During the discussions, the Democratic People's Republic of Korea had referred to what it termed its "unique situation" under the Treaty, a situation in which it had itself defined what inspection activities were necessary to ensure "continuity of safeguards". In the Agency's view, however, it was only for its secretariat to determine which inspection activities were required to meet its technical requirements. The Agency had indicated that the aim of the next inspection would be the acquisition of sufficient data to enable the Agency to verify that there had been no diversion of nuclear material at the seven declared facilities since the last inspections and to take measures as were needed to allow future verification of non-diversion. While the discussions had not brought about agreement regarding the formal basis of the

²⁰ S/1994/254.

inspection, a detailed list of inspection activities was established and accepted. The Director General noted, however, that the inspection activities which the Agency and the Democratic People's Republic of Korea agreed on related to the seven nuclear facilities declared by the Democratic People's Republic of Korea and did not address the need for access to additional information and locations, nor did they address other activities required to verify the completeness of the country's initial inventory of nuclear material and facilities. The inspection team departed on 26 February with a schedule to arrive on 1 March in Pyongyang.

By a note dated 22 March 1994,²¹ the Secretary-General transmitted to the members of the Security Council a further report of the Director General of IAEA, dated 21 March 1994, on the implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the application of Safeguards in connection with the Non-Proliferation Treaty and the text of a resolution on that issue adopted on the same day by the IAEA Board of Governors. The Director General reported that the inspection activities, in keeping with the agreement reached during consultations on 15 February, had proceeded without difficulty at all facilities except the radiochemical laboratory. Difficulties at the radiochemical laboratory had centred on inspection activities agreed upon and designed to restore continuity of knowledge through taking samples and smears. The Director General noted in that regard that during the inspection, Agency inspectors had asked to carry out only those activities to which the Democratic People's Republic of Korea had agreed. Moreover, with regard to the radiochemical laboratory, the inspection team had agreed to replace some liquid which presented technical problems for the Democratic People's Republic of Korea with smear-sampling; provided that it fulfilled the agreed purpose of the inspection. In discussion and in correspondence with the Democratic People's Republic of Korea, the Agency had made it clear that, if the objectives of the inspection were to be achieved, it was indispensable that the Agency perform all the activities which the Democratic People's Republic of Korea had accepted. It could only be concluded, therefore, that on some points central to the Agency's ability to detect any diversion of nuclear material, the Democratic People's Republic of Korea had disregarded its own

²¹ S/1994/322.

commitments. Owing to the restrictions imposed on inspection activities, the Agency inspection team was unable to implement the agreement of 15 February between the Democratic People's Republic of Korea and IAEA with respect to the radiochemical laboratory. The Agency could not, in the absence of the required activities, obtain continuity of knowledge of the operational status of the facility since the last inspection in February 1993. The Director General concluded that the Agency was unable to draw conclusions as to whether there had been either diversion of nuclear material or reprocessing or other operations at the radiochemical laboratory since then.

In the resolution adopted on 21 March, the Board found, *inter alia*, that the Democratic People's Republic of Korea was in further non-compliance with its Safeguards Agreement, had aggravated that situation by not allowing the IAEA inspectors to conduct indispensable inspection activities and that the Agency consequently remained unable to verify that there had been no diversion of nuclear material required to be safeguarded under the terms of the Safeguards Agreement to nuclear weapons or other nuclear explosive devices.

At its 3357th meeting, on 31 March 1994, the Security Council included in its agenda the two notes by the Secretary-General of 4 and 22 March 1994. The Council invited the representatives of Japan and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the members of the Council to several documents.²² By a letter dated 21 March 1994 addressed to the President of the Council,²³ the representative of the Democratic People's Republic of Korea transmitted a statement by the spokesman for the General Department of Atomic Energy of the Democratic People's Republic of Korea dated 18 March 1994. According to that statement, the inspection was aimed exclusively at maintaining the

continuity of safeguards, as appropriate, given the unique status of the Democratic People's Republic of Korea characterized by the temporary suspension of its declared withdrawal from the Non-Proliferation Treaty. During the bilateral consultations on 15 February 1994, the IAEA secretariat had accepted that the agreed inspection would be an inspection needed for maintaining the continuity of safeguards and the parties reached agreement on the scope of such an inspection. While the inspection was proceeding, the secretariat and the inspection team unilaterally claimed that the inspection was not an inspection necessary for providing the continuity of safeguards but a Safeguards Agreement-bound inspection. They pressed inordinate demands that had no relevance to the aim and character of an inspection designed to verify the absence of nuclear activities and constituted a violation of the agreement reached during consultations. Still, the activities performed by the IAEA inspection team were sufficient to enable the Agency to both fully verify the non-diversion of nuclear material at nuclear facilities in the Democratic People's Republic of Korea and definitely ensure the continuity of the safeguards. By a letter dated 25 March 1994 addressed to the President of the Council,²⁴ the representative of the Democratic People's Republic of Korea transmitted a further statement by the spokesman for the General Department of Atomic Energy dated 24 March 1994. The statement rejected the findings of the Board of Governors, as expressed in its resolution of 21 March, and declared that the Democratic People's Republic of Korea was under no obligation to accept routine and ad hoc inspections under the Safeguards Agreement, due to the temporary suspension of the effectuation of its withdrawal from the Treaty.

The President then stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:²⁵

The Security Council recalls the statement made by its President on 8 April 1993 and its relevant resolution.

The Council reaffirms the critical importance of International Atomic Energy Agency safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

²² Letters dated 21 February and 29 March 1994, from the representative of the Democratic People's Republic of Korea to the Secretary-General (S/1994/204 and S/1994/358); letters dated 21, 22, 24, and 25 March 1994, from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/1994/319, S/1994/327, S/1994/337 and S/1994/344); and letter dated 24 March 1994 from the representative of the Russian Federation to the Secretary-General (S/1994/340).

²³ S/1994/319.

²⁴ S/1994/344.

²⁵ S/PRST/1994/13.

The Council notes with deep appreciation the efforts of the Director General of the International Atomic Energy Agency and of the Agency to implement the safeguards agreement between the Agency and the Democratic People's Republic of Korea.

The Council reaffirms the importance of the Joint Declaration on the Denuclearization of the Korean Peninsula by the Democratic People's Republic of Korea and the Republic of Korea, and of the parties to the declaration addressing the nuclear issue in their continuing dialogue.

The Council welcomes the joint statement of the Democratic People's Republic of Korea and the United States of America of 11 June 1993, which included the decision of the Democratic People's Republic of Korea to suspend the effectuation of its withdrawal from the Treaty, and the understanding reached between the Democratic People's Republic of Korea and the United States at Geneva in July 1993, and the progress achieved on that basis.

The Council welcomes also the agreements reached in February 1994 between the Agency and the Democratic People's Republic of Korea, and between the Democratic People's Republic of Korea and the United States.

The Council takes note that the Democratic People's Republic of Korea has accepted in principle Agency inspections at its seven declared sites, following its decision to suspend its withdrawal from the Treaty on 11 June 1993 and the statement by the General Department of Atomic Energy of the Democratic People's Republic of Korea.

The Council takes note also of the findings of the Board of Governors of the Agency concerning the matter of compliance and the report of the Director General to the Security Council of 21 March 1994, and expresses its concern that the Agency is, therefore, unable to draw conclusions as to whether there has been either diversion of nuclear material or reprocessing or other operations.

The Council calls upon the Democratic People's Republic of Korea to allow the Agency's inspectors to complete the inspection activities agreed between the Agency and the Democratic People's Republic of Korea on 15 February 1994, as a step in fulfilling its obligations under the safeguards agreement between the Agency and the Democratic People's Republic of Korea and in honouring non-proliferation obligations of the Treaty.

The Council invites the Director General to report further to it on the question of completion of the inspection activities agreed between the Agency and the Democratic People's Republic of Korea on 15 February 1994 when the Director General is scheduled to report on the follow on inspections required to maintain continuity of safeguards and to verify that there has been no diversion of nuclear material required to be safeguarded, as noted in the report of the Director General to the Council.

The Council requests the Democratic People's Republic of Korea and the Republic of Korea to renew discussions whose purpose is implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula.

The Council appeals to those Member States engaged in dialogue with the Democratic People's Republic of Korea to continue that dialogue in accordance with the agreement reached on 25 February 1994.

The Council decides to remain actively seized of the matter and that further Council consideration will take place if necessary in order to achieve full implementation of the safeguards agreement between the Agency and the Democratic People's Republic of Korea.

C. Note by the Secretary-General transmitting a letter dated 27 May 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

Decision of 30 May 1994 (3383rd meeting): statement by the President

By a note dated 27 May 1994,²⁶ the Secretary-General transmitted to the Council a letter of the same date from the Director General of IAEA, following his communication of 19 May in which he had reported, inter alia, that despite Agency requests to the contrary, the Democratic People's Republic of Korea had started operations relating to the refuelling of its 5-megawatt nuclear power reactor without allowing safeguards activities required at the time of the refuelling. The Director General stated that despite extensive discussions held with officials of the Democratic People's Republic of Korea, from 25 to 27 May, in Pyongyang, no agreement had been reached about how to proceed with the implementation of the required safeguards measures. The Democratic People's Republic of Korea had reiterated that it had a unique status and was not duty-bound at all to fully implement the obligations of the Safeguards Agreement. At the same time, the Agency team had noted that the fuel discharge operation at the reactor had been proceeding at a very fast pace. The Director General pointed out, in that regard, that if the discharge operation continued at the same rate, the Agency's opportunity to select, segregate and secure fuel rods for later measurement in accordance with Agency

²⁶ S/1994/631.

standards would be lost within days. In such a case, the Agency would not be in a position to verify that all nuclear material in the Democratic People's Republic of Korea that was subject to safeguards was in fact under safeguards.

At its 3383rd meeting, on 30 May 1994, the Security Council included in its agenda the note by the Secretary-General of 27 May 1994. The Council invited the representatives of Japan and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President (Nigeria) drew the attention of the members of the Council to several documents.²⁷ By a letter dated 5 May 1994,²⁸ the representative of the Democratic People's Republic of Korea transmitted answers by a spokesman for the Ministry of Foreign Affairs to questions put forward by the Korean central News Agency. The spokesman stated that the IAEA secretariat was raising an unreasonable demand for selecting, preserving and measuring some fuel at the time of the fuel-rod replacement. The selective measurement of the fuel rod could never be permitted because it meant routine and ad hoc inspections that ignored the unique status of the Democratic People's Republic of Korea following the temporary suspension of the effectuation of its declared withdrawal from the Non-Proliferation Treaty. He further stated that the Democratic People's Republic of Korea would place all the replaced fuel under the control of IAEA and allow its measurement when the nuclear issue was resolved in a package deal at the future talks between the Democratic People's Republic of Korea and the United States.

The President then made the following statement on behalf of the Council:²⁹

The Security Council recalls the statements made by its President on 8 April 1993 and 31 March 1994 and its relevant resolution.

²⁷ Note by the Secretary-General, transmitting a letter dated 19 May 1994 from the Director General of IAEA to the Secretary-General (S/1994/601); letters dated 28 April and 5 May 1994 from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/1994/513 and S/1994/540); and letter dated 30 May 1994 from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/1994/634).

²⁸ S/1994/540.

²⁹ S/PRST/1994/28.

The Council has noted the fact that the Democratic People's Republic of Korea has allowed the inspectors of the International Atomic Energy Agency to complete the inspection activities agreed between the Agency and the Democratic People's Republic of Korea on 15 February 1994, thus taking one step in fulfilling its obligations under the safeguards agreement between the Agency and the Democratic People's Republic of Korea and in honouring its non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

The Council reaffirms the critical importance of the Agency's safeguards in the implementation of the Treaty and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

The Council has considered the letter dated 27 May 1994 from the Director General of the Agency to the Secretary-General, and is gravely concerned by the Agency's assessment that, if the discharge operation at the five-megawatt reactor continues at the same rate, the opportunity of the Agency to select, segregate and secure fuel rods for later measurements in accordance with the Agency's standards will be lost within days.

The Council strongly urges the Democratic People's Republic of Korea to proceed with the discharge operations at the five-megawatt reactor only in a manner which preserves the technical possibility of fuel measurements, in accordance with the Agency's requirements in this regard.

The Council calls for immediate consultations between the Agency and the Democratic People's Republic of Korea on the necessary technical measures.

The Council requests the Director General to maintain the Agency's inspectors in the Democratic People's Republic of Korea to monitor activities at the five-megawatt reactor.

The Council decides to remain actively seized of the matter and that further Council consideration will take place if necessary in order to achieve full implementation of the safeguards agreement between the Agency and the Democratic People's Republic of Korea.

D. Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea

Decision of 4 November 1994 (3451st meeting): statement by the President

At its 3451st meeting, on 4 November 1994, the Security Council included the item in its agenda. Following the adoption of the agenda, the Council invited the representatives of Japan and the Republic of

Korea, at their request, to participate in the discussion without the right to vote.

The President (United States) then made the following statement on behalf of the Council:³⁰

The Security Council recalls the statements made by its President on 8 April 1993, 31 March 1994 and 30 May 1994 and its relevant resolution.

The Council reaffirms the critical importance of International Atomic Energy Agency safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

The Council notes with satisfaction the agreed framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region.

The Council notes that the parties to the agreed framework decided: (a) to cooperate in replacing the graphite-moderated reactors and related facilities of the Democratic People's Republic of Korea with light-water reactor power plants; (b) to move towards full normalization of political and economic relations; (c) to work together for peace and security on a nuclear-free Korean Peninsula; and (d) to work together to strengthen the international nuclear non-proliferation regime.

The Council takes note of the decision of the Democratic People's Republic of Korea in the agreed framework to remain a party to the Treaty. It notes also the decision of the Democratic People's Republic of Korea to come into full compliance with the safeguards agreement between the Agency and the Democratic People's Republic of Korea under the Treaty.

The Council underlines that the safeguards agreement remains binding and in force and looks to the Democratic

People's Republic of Korea to act thereon. The Council requests the Agency to take all steps it may deem necessary, following consultations between the Agency and the Democratic People's Republic of Korea with regard to verifying the accuracy and completeness of the initial report of the Democratic People's Republic of Korea on all nuclear material in the Democratic People's Republic of Korea, to verify full compliance by the Democratic People's Republic of Korea with the safeguards agreement.

The Council notes with approval the decision of the Democratic People's Republic of Korea in the agreed framework to freeze its graphite-moderated reactors and related facilities, which is a voluntary measure beyond what is required by the Treaty and the safeguards agreement.

The Council, having received an oral report from the Director General of the International Atomic Energy Agency, notes further that the Agency's monitoring activities with respect to such a voluntary measure are within the scope of verification activities under the safeguards agreement.

The Council requests the Agency to take all steps it may deem necessary as a consequence of the agreed framework to monitor the freeze.

The Council also requests the Agency to continue to report to it on implementation of the safeguards agreement until the Democratic People's Republic of Korea has come into full compliance with the agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

The Council reaffirms the importance of the Joint Declaration on the Denuclearization of the Korean Peninsula by the Democratic People's Republic of Korea and the Republic of Korea, and welcomes the decision of the Democratic People's Republic of Korea to take steps consistently to implement that Declaration and to engage in dialogue with the Republic of Korea, as the agreed framework will help create an atmosphere that promotes such dialogue.

The Council will remain seized of the matter.

³⁰ S/PRST/1994/64.

16. Items relating to the situation in Tajikistan

A. The situation in Tajikistan

Decision of 29 April 1993: letter from the President to the Secretary-General

By a letter dated 26 April 1993 addressed to the President of the Security Council,¹ the Secretary-General referred to his letter dated 21 December 1992, in which he had informed the Council of his intention to send to Tajikistan a small integrated United Nations team of political, military and humanitarian officers who would monitor the situation on the ground. That team, referred to as the United Nations Mission of Observers in Tajikistan (UNMOT), had become operational on 21 January 1993 and had provided valuable up-to-date information on the conflict situation in Tajikistan. Recent reports from UNMOT had led the Secretary-General to conclude that there could be an escalation of the confrontation, especially in the border areas between Tajikistan and Afghanistan, unless urgent action was taken to establish a ceasefire and start a political dialogue among all concerned. Accordingly, the Secretary-General had decided, after consulting with the Government of Tajikistan and others concerned, to appoint a Special Envoy for Tajikistan, who would report to the Secretary-General on the results achieved after approximately three months.² In those circumstances the Secretary-General believed it was necessary to extend the mandate of UNMOT for an additional three months so that it could continue its monitoring and humanitarian efforts as well as provide support to the Special Envoy.

By a letter dated 29 April 1993,³ the President of the Council (Pakistan) informed the Secretary-General as follows:

¹ S/25697.

² The mandate of the Special Envoy, as laid out in document S/25697, was (a) to obtain agreement on a ceasefire and make recommendations on such international monitoring mechanisms as may be appropriate; (b) to ascertain the positions of all the concerned parties and make good offices available to assist the establishment of a process of negotiations for a political solution; (c) to enlist the help of neighbouring countries and others concerned in achieving the above objectives.

³ S/25698.

I have the honour to inform you that your letter dated 26 April 1993 concerning Tajikistan has been brought to the attention of the members of the Council. After having held consultations, the members of the Council have asked me to express their appreciation for the work of the small integrated United Nations team sent to Tajikistan. They are concerned at the situation in Tajikistan as reported in your letter and accordingly welcome your decision to appoint Mr. Ismat Kittani as your Special Envoy for Tajikistan. They also welcome your proposal that the small team of United Nations officials currently in Tajikistan should remain there for a further three months.

The members of the Council look forward to further reports on developments in Tajikistan, on Mr. Kittani's mission as it develops, and on any future recommendations you wish to make in the context of that mission.

B. The situation in Tajikistan and along the Tajik-Afghan border

Initial proceedings

Decision of 23 August 1993 (3266th meeting): statement by the President

On 16 August 1993, the Secretary-General submitted to the Council a report on the situation in Tajikistan,⁴ in which he described the latest developments in the country as well as the efforts of his Special Envoy. The Secretary-General reported that there had been a large-scale attack on 13 July 1993 by fighters who had crossed in from Afghanistan and had occupied a Russian military border post along the Tajik-Afghan border. That incident, which had resulted in 27 deaths and many more injuries, had transformed the situation into an international crisis of multiple dimensions. He also reported that on 6 and 7 July 1993, at the initiative of the President of Afghanistan, an agreement had been reached at a summit meeting of the Economic Cooperation Organization in Istanbul to establish a commission composed of representatives of Afghanistan, Tajikistan, Uzbekistan and the Russian Federation to find a peaceful solution to the problem on the border between Tajikistan and Afghanistan. The Secretary-General also referred to a summit meeting on the situation in Tajikistan which had taken place in Moscow on 7 August 1993 at the initiative of the

⁴ S/26311.

Russian Federation at which the heads of State and Government from Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan had emphasized that a political settlement remained the main priority and had called on the international community to support efforts to reach a political settlement. At the same meeting, the Government of Tajikistan had expressed its intention to develop a dialogue with opposition forces. The Secretary-General observed that a solution to the conflict could only come through peaceful reconciliation with the widest possible participation of all political groups and all the regions of the country. Given the escalating crisis on the Tajik-Afghan border, he had dispatched his Special Envoy to Afghanistan and other countries in the region for further discussions. Expressing his deep concern at the situation in Tajikistan, which contained the seeds of a major threat to peace and security for central Asia and beyond, he stressed the need for a concerted effort in order to persuade the Government of Tajikistan and all major groups in the opposition to accept a political solution and to participate in a negotiating process. The Secretary-General stood ready to recommend to the Security Council a positive reaction to any reasonable request by the parties for United Nations assistance in their efforts to implement the various initiatives under consideration. In those circumstances, he proposed to extend the mandate of his Special Envoy until 31 October 1993. Sharing the views of his Special Envoy that Tajikistan needed advice and assistance in developing various parts of its economic and social infrastructure, as well as humanitarian assistance, and noting that the Government had also sought United Nations advisory services in the field of human rights, he said that a multifaceted United Nations presence would be required in Dushanbe. In the interim, he proposed to extend, for a period of three months, the small team of United Nations officials already in Tajikistan.

At its 3266th meeting, on 23 August 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to a letter dated 4 August 1993 addressed to the Secretary-General from the representative of

Tajikistan,⁵ in which he stated that, given the ongoing build-up of Tajik armed opposition forces and Afghan mujahidin in Afghanistan along the frontier with Tajikistan, his Government considered that the only alternative was decisive action to put an end to the armed aggression in that area, in full conformity with the right of individual and collective self-defence provided for under Article 51 of the Charter. The President also drew attention to a letter dated 10 August 1993 from the representatives of Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan,⁶ transmitting several documents adopted at the meeting of the heads of State of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan at Moscow on 7 August 1993. In one of those documents,⁷ the Ministers for Foreign Affairs of the five participating countries informed the Secretary-General that, in accordance with the Treaty on Collective Security which they had signed within the framework of the Commonwealth of Independent States (CIS) and in implementation of the right of individual and collective self-defence under Article 51 of the Charter, they had decided to provide Tajikistan with emergency supplementary assistance, including military assistance. Taking into account the threat to peace and security in the region, they requested the Security Council to consider immediately the critical situation that had arisen on the Tajik-Afghan frontier and to take measures to ensure its inviolability, including the possible sending of United Nations observers.

The President then stated that, following consultations among Council members, she had been authorized to make the following statement on behalf of the Council:⁸

The Council expresses its deep concern at the continuing violence and armed conflict in Tajikistan, at the escalating crisis along the Tajik-Afghan border, and at the risk of the conflict threatening the peace and stability of Central Asia and beyond.

The Council stresses the urgent need for the cessation of all hostile actions on the Tajik-Afghan border. It urges the Government of Tajikistan and all opposition groups to accept as soon as possible the need for an overall political solution and to participate in a negotiating process for the early establishment of a ceasefire and eventual national reconciliation with the widest possible participation of all political groups and all the regions

⁵ S/26241.

⁶ S/26290.

⁷ *Ibid.*, annex III.

⁸ S/26341.

of the country. The Council looks to the Government of Tajikistan and all opposition groups to observe basic political rights of all groups in Tajikistan, in order to promote a lasting reconciliation and to achieve full compliance with the principles to which Tajikistan is committed as a participating State in the Conference on Security and Cooperation in Europe.

The Council reaffirms the necessity to respect the sovereignty and territorial integrity of Tajikistan and all other countries of the region and the inviolability of their borders.

The Council welcomes efforts by regional parties aimed at stabilizing the situation. In particular, the Council welcomes the Moscow summit of heads of State and Government from the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan, held on 7 August 1993 at the initiative of the Russian Federation, and the Istanbul summit of the Economic Cooperation Organization, held on 6 and 7 July 1993, and their decisions aimed at peaceful solutions to the problems on the border between Tajikistan and Afghanistan. Furthermore, it welcomes the efforts of the Conference on Cooperation and Security in Europe. The Council recognizes the actions of the Governments of Afghanistan and Tajikistan which created new negotiating bodies aimed at reducing tension along their common border.

The Council draws attention to the critical humanitarian situation in Tajikistan and the Tajik refugee camps in northern Afghanistan and the need for additional humanitarian assistance. Stabilizing the situation along the Tajik-Afghan border should assist the Office of the United Nations High Commissioner for Refugees in performing its mission. The Council calls upon the Government of Tajikistan to continue to assist in the return and reintegration of all Tajiks who fled this civil war and who wish to return to their homes.

The Council expresses appreciation for the report of the Secretary-General of 16 August 1993 and welcomes his proposals to extend the mandate of his Special Envoy until 31 October 1993 and to extend the tenure of United Nations officials currently in Tajikistan for a period of three months. In the light of the unstable situation on the Tajik-Afghan border, the Council welcomes the Secretary-General's decision to dispatch his Special Envoy to Afghanistan and other countries in the region. The Council also welcomes the receptivity of the Secretary-General to possible requests from the parties for United Nations assistance in their efforts already under way and requests that he and his Special Envoy maintain close contact with the parties.

The Council looks forward to receiving periodic reports from the Secretary-General on his Special Envoy's mission and the Secretary-General's recommendations for ways the United Nations may assist in resolving the situation and for defining more clearly the possible ambit of United Nations involvement.

The Council will remain seized of the matter.

Decision of 23 November 1993: letter from the President to the Secretary-General

On 14 November 1993, the Secretary-General submitted to the Council a report on the situation in Tajikistan.⁹ The Secretary-General stated that the situation in Tajikistan, especially on the Tajik-Afghan border, gave grounds for serious concern. Cross-border infiltration by armed opposition groups from the territory of Afghanistan and fighting between them and government and CIS forces occurred on a daily basis. In addition, the armed confrontation was intensifying inside the country. There remained a danger that that instability could spill into neighbouring countries. The humanitarian situation continued to be a matter of deep concern. There were also alarming reports of violations of human rights in Tajikistan.

The Secretary-General reported that the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan had informed him of the decision of their Governments to establish CIS coalition peacekeeping forces on the territory of Tajikistan, with the purpose of stabilizing the situation in that country.¹⁰ There had also been encouraging developments on the bilateral front with the three-day visit to Kabul by the Tajik President, which concluded on 30 August 1993.

The Secretary-General observed that the current developments in Tajikistan and the neighbouring region gave grounds both for hope for a political solution of the conflict and for serious concern at the risk of further deterioration of the situation. Concerted efforts were needed to overcome the remaining difficulties and to persuade the Government of Tajikistan and all major opposition groups to start a serious process of negotiation without further delay. He would be ready to respond positively to any reasonable request by the parties and to recommend to the Council an appropriate international monitoring mechanism to help to implement possible future agreements concluded by them. In those circumstances, he had decided to extend the mandate of his Special Envoy until 31 March 1994. The Government of Tajikistan had requested him to establish a United Nations integrated office in Dushanbe. Pending a decision by the General Assembly on that matter, he proposed that the small team of United Nations officials already in

⁹ S/26743.

¹⁰ See S/26610.

Tajikistan should continue to perform their functions until such an office was established.¹¹

By a letter dated 23 November 1993,¹² the President of the Council (Cape Verde) informed the Secretary-General as follows:

The members of the Council have requested me to thank you for your report of 14 November 1993 on Tajikistan. They are concerned at the situation in Tajikistan as reported therein and accordingly welcome your decision to extend the mandate of your Special Envoy until 31 March 1994. They agree with your proposal contained in paragraph 16 of your report that the small team of United Nations officials currently in Tajikistan continue to perform their functions until a decision is taken on the proposal to establish an integrated office.

The members of the Council welcome the continuing efforts of the Conference on Security and Cooperation in Europe in Tajikistan and look forward to the close coordination you will deem appropriate to maintain and develop between the United Nations and the Conference.

The members of the Council look forward to further reports on developments in Tajikistan and on any future recommendations you might wish to make.

Decision of 22 April 1994: letter from the President to the Secretary-General

On 4 April 1994, the Secretary-General submitted to the Council a report on the situation in Tajikistan in which he informed it about the outcome of the discussions held by his Special Envoy with the Government of Tajikistan and other parties, including representatives of neighbouring and other countries in January and February 1994.¹³ During the talks, the Tajik parties had agreed to start negotiations as soon as possible. There were, however, differences between them on the issues of venue and the presence of observers at the talks. In order to facilitate the resolution of those differences, the Government of the Russian Federation had, at the request of the Tajik opposition, held consultations with them. Subsequently, in letters dated 23 and 26 March 1994, the President of Tajikistan and the head of the delegation of the Tajik opposition respectively, had informed the Secretary-General of their readiness to start the talks. In view of those developments, the Secretary-General had instructed his Special Envoy to invite the Tajik parties to a first round of talks in

¹¹ S/26743, para. 16.

¹² S/26794.

¹³ S/1994/379.

Moscow, in which the Governments of Afghanistan, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation and Uzbekistan would also participate as observers. He had also decided to extend the mandate of his Special Envoy for another three months until the end of June 1994 and to enlarge his mandate to provide good offices, at the request of the parties concerned, during the political negotiations on national reconciliation. He further believed it necessary to extend for the same period the mandate of the small group of United Nations officials present in Tajikistan. He would also be ready to recommend to the Council a positive response to any reasonable request the parties might make for international monitoring mechanisms as may be appropriate.

By a letter dated 22 April 1994,¹⁴ the President of the Council (New Zealand) informed the Secretary-General as follows:

I have the honour to inform you that the members of the Security Council have considered your report of 4 April 1994 on the outcome of the discussions held in January and February by your Special Envoy for Tajikistan, Mr. Ramiro Píriz-Ballón, with the Government of Tajikistan and other parties, including representatives of neighbouring and other countries.

The members of the Council have asked me to express their appreciation for the work of your Special Envoy. They particularly welcome his efforts, and those of the Russian Federation and of neighbouring States, in securing the agreement of the parties to begin a political dialogue on national reconciliation.

The members of the Council welcome your decision to enlarge the mandate of your Special Envoy and to extend it by a further period of three months to the end of June 1994, as well as your intention to continue the presence of the small group of United Nations officials currently in Tajikistan for a similar period.

The members of the Council look forward to further reports on developments in Tajikistan, and briefings on the mission of Mr. Píriz-Ballón, in particular on the progress of the political talks, and any future recommendations you might wish to make.

Decision of 19 May 1994: letter from the President to the Secretary-General

On 5 May 1994, the Secretary-General submitted to the Council a report on the situation in Tajikistan,¹⁵ in which he informed the Council about the first round

¹⁴ S/1994/494.

¹⁵ S/1994/542.

of the inter-Tajik talks on national reconciliation, held under United Nations auspices in Moscow from 5 to 19 April 1994. During those talks both parties had been able to work out a comprehensive agenda for the duration of inter-Tajik negotiations, including three clusters of issues related to the achievement of national reconciliation: (a) measures aimed at a political settlement in Tajikistan; (b) a solution of the problem of refugees and internally displaced persons; and (c) fundamental institutional issues and consolidation of the statehood of Tajikistan. The Secretary-General noted that the widest gap between the two sides had emerged during the debate on the third cluster. The delegations had accordingly agreed that they would, in the future, consider all three clusters as a single package and would negotiate compromise solutions based on that approach. Both Tajik parties had also reaffirmed their commitment to political dialogue as the only means of achieving national reconciliation and included this principle in their joint communiqué.¹⁶ At the same time, the situation in Tajikistan and on its borders with Afghanistan remained unstable and the deep economic crisis had a negative impact on the Government's attempt to achieve political stability. The above factors, together with instability and fighting in neighbouring Afghanistan prevented effective and speedy repatriation of the Tajik refugees. The Secretary-General observed that the first round of talks had been encouraging and had met his expectations. The agreement reached on the comprehensive agenda and the signing of a number of outcome documents had constituted the first step towards building confidence between the Tajik parties. He noted that the regional countries as well as other countries attending the talks as observers had provided valuable help in organizing and holding that first round. It would be important to capitalize on the momentum achieved in Moscow and to make political dialogue irreversible. His Special Envoy was involved in the preparatory work for the second round of talks. In that connection, he appealed to the Tajik parties to demonstrate restraint and to refrain from any action that could obstruct the process of negotiations and national reconciliation.

By a letter dated 19 May 1994,¹⁷ the President of the Council (Nigeria) informed the Secretary-General as follows:

¹⁶ *Ibid.*, annex III.

¹⁷ S/1994/597.

The members of the Security Council have considered your report of 5 May 1994 on the situation in Tajikistan and the efforts that you and your Special Envoy, Mr. Ramiro Píriz-Ballón, have been undertaking to promote political dialogue between the Tajik parties, aimed at achieving national reconciliation.

The members of the Council have asked me to convey to you their full support for your efforts and those of your Special Envoy in addressing the three clusters of issues identified by the Tajik parties, which are related to the achievement of national reconciliation: those of a political settlement, the solution of the problem of refugees and internally displaced persons, and fundamental institutional issues. They are encouraged, as you are, by the outcome of the first inter-Tajik talks in Moscow, in which both parties reaffirmed their commitment to political dialogue as the only means of achieving national reconciliation. The members of the Council concur with your observation that it is important to capitalize on the momentum achieved in Moscow in order to make the political dialogue irreversible.

The members of the Council commend the role of the Russian Federation in organizing and holding the first round of negotiations in Moscow. They also note with appreciation the valuable help provided to this end by regional and other countries attending the talks as observers. They are hopeful that the second round of talks that your Special Envoy is preparing to undertake would consolidate the gains made in the first round of talks. In this connection, they appeal to the Tajik parties to cooperate fully with you, your Special Envoy and the mission in Tajikistan of the Conference on Security and Cooperation in Europe to advance the process of negotiations and the reconciliation of the Tajik nation and to refrain from any action that could obstruct this process.

The members of the Council look forward to receiving your next report on the situation in Tajikistan.

**Decision of 22 September 1994 (3427th
meeting): statement by the President**

At its 3427th meeting, on 22 September 1994, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the President (Spain) drew the attention of the members of the Council to a letter dated 21 September 1994 addressed to the Secretary-General from the representative of the Islamic Republic of Iran,¹⁸ transmitting the text of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and Within the Country for the Duration of the Talks, signed between the Tajik Government and the Tajik opposition, in Tehran, on 17 September 1994. Under the Agreement, the parties agreed, *inter alia*, to a provisional ceasefire and the cessation of other

¹⁸ S/1994/1080.

hostilities on the Tajik-Afghan border and within the country. They also agreed to establish a Joint Commission consisting of representatives of the Government of Tajikistan and of the Tajik opposition to ensure the effective implementation of the Agreement and requested that the Security Council assist the work of the Commission by providing political mediation services and dispatching United Nations military observers to the areas of conflict.

The President then stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:¹⁹

The Security Council welcomes the agreement on a temporary ceasefire signed by the representatives of the Government of Tajikistan and the Tajik opposition on 17 September 1994 in Tehran, through the good offices of the Special Envoy of the Secretary-General and with the assistance of the representatives of the Islamic Republic of Iran, the Russian Federation and other countries acting as observers at the inter-Tajik talks. The parties agreed to the temporary cessation of all hostile actions on the Tajik Afghan border and inside Tajikistan with the assistance of United Nations military observers. The Council expresses the hope that the third round of the inter-Tajik talks in Islamabad will further consolidate the progress towards the political settlement.

The Council reaffirms its full support for the efforts of the Secretary-General and of his Special Envoy to promote political dialogue between the Government of Tajikistan and the Tajik opposition aimed at achieving national reconciliation.

The Council notes the request of the parties to the Council for United Nations support for the agreement. It invites the Secretary-General to present urgently his views and recommendations regarding this request and other aspects of the implementation of the agreement.

The Council emphasizes the importance of implementation by the parties of the obligations to which they have committed themselves and in this connection stresses the need for strict observance of the ceasefire and cessation of other hostile actions.

Decision of 29 September 1994: letter from the President to the Secretary-General

On 27 September 1994, the Secretary-General submitted to the Council a report on the situation in Tajikistan.²⁰ The Secretary-General recalled that, in his report to the Security Council dated 28 July 1994,²¹ he

had informed the members of the Council of his decision to suspend preparations for the third round of inter-Tajik talks in Islamabad due to the lack of progress in the implementation of the necessary confidence-building measures by the Government of Tajikistan. In the following weeks the Government had adopted a number of important measures which he had interpreted to be a demonstration of its commitment to resolve the conflict through political dialogue. Accordingly, he had instructed his Special Envoy to undertake consultations with the Tajik parties with a view to arranging the next round of inter-Tajik talks. As a result, the two sides had agreed to hold high-level consultations in Tehran with a view to discussing the prospects for a third round of inter-Tajik talks in Islamabad. The consultations, held from 12 to 17 September 1994, enabled the parties to sign an Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks. The parties had also agreed to hold the next round of inter-Tajik talks in Islamabad in the middle of October 1994.

The Secretary-General believed that the signing of the Tehran Agreement was an important step towards national reconciliation and the restoration of peace in Tajikistan. In those circumstances, he intended to extend the mandate of his Special Envoy for another four months until the end of January 1995. He further recommended that the mandate of the small group of United Nations officials present in Tajikistan should be extended for a further period of four months and that, as a provisional measure, it be strengthened with up to 15 military observers drawn from existing peacekeeping operations, pending a decision from the Security Council to establish a new United Nations observer mission in Tajikistan. He had decided meanwhile to send a technical mission immediately to Tajikistan to assess the modalities for establishing such an observer mission. At the same time, however, he noted that while positive changes were reported in the atmosphere in Tajikistan following the signing of the Tehran Agreement, there were alarming reports of attempts by each side to bring as much territory as possible under its control before the Agreement came into force. The Secretary-General appealed to the parties to exercise maximum mutual restraint during the short period before the Tehran Agreement entered into force with the arrival of the United Nations observers.

¹⁹ S/PRST/1994/56.

²⁰ S/1994/1102.

²¹ See S/1994/893.

In a letter dated 29 September 1994,²² the President of the Council (Spain) informed the Secretary-General as follows:

The members of the Security Council wish to express their appreciation for your report on the situation in Tajikistan, following the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks. They considered your report at the informal consultations held on 28 September 1994 and heard a briefing by your Special Envoy for Tajikistan, Mr. Ramiro Píriz-Ballón.

The members of the Council took note of the observations and recommendations contained in your report, including the four-month extension of the presence of the small group of United Nations officials currently in Tajikistan. The members paid particular attention to your decision to send up to fifteen observers to strengthen this group, in continuation of the functions set out in your report of 16 June 1994. They understand this arrangement to be a temporary measure pending a decision by the Council on the possible establishment of a United Nations observer mission in Tajikistan on the basis of your further recommendations.

The members of the Council strongly support your call to the parties to exercise maximum restraint in the period before the Agreement enters into force. They also reaffirm the importance of implementation by the parties of the obligations to which they have committed themselves.

The members of the Council wish to take this opportunity to thank you and your Special Envoy for the continuous efforts to contribute to the political settlement in Tajikistan.

**Decision of 8 November 1994 (3452nd meeting):
statement by the President**

At its 3452nd meeting, on 8 November 1994, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to a letter dated 31 October 1994 addressed to the Secretary-General from the representative of the Russian Federation,²³ transmitting a number of documents adopted at a meeting of the Council of CIS Heads of State on 21 October 1994, including a decision to extend the tour of duty of the CIS collective peacekeeping forces in Tajikistan until 30 June 1995. She also drew their attention to a letter dated 3 November 1994 addressed

to the President of the Council from the representative of Pakistan,²⁴ transmitting the texts of the Protocol on the Joint Commission for the implementation of the Tehran Agreement and of a joint communiqué on the results of the third round of inter-Tajik talks on national reconciliation, held in Islamabad from 20 October to 1 November 1994. By their joint communiqué, the parties confirmed their commitment to the spirit of the Tehran Agreement, which they agreed to extend until 6 February 1995. They reaffirmed their commitment to release equal numbers of detainees, prisoners and prisoners of war before midnight on 5 November 1994 and declared that the Agreement would become null and void if either party failed to fulfil those obligations by then. The parties further reaffirmed their commitment to the settlement of the conflict through political means and agreed to hold the next round of talks early in December 1994 in Moscow.

The President then made the following statement on behalf of the Council:²⁵

The Security Council welcomes the agreement by the parties in the course of the third round of inter-Tajik talks held in Islamabad from 20 October to 1 November 1994, on the extension until 6 February 1995 of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik Afghan Border and within the Country for the Duration of the Talks, of 17 September 1994, as well as the signing of the Protocol on the Joint Commission for the implementation of the Agreement. These agreements were arrived at through the good offices of the Special Envoy of the Secretary-General and with the assistance of the representatives of the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Russian Federation and other countries and of the Conference on Security and Cooperation in Europe and the Organization of the Islamic Conference, acting as observers at the inter-Tajik talks.

The Council further welcomes the reaffirmed commitment by the parties to resolve the conflict only through political means and their agreement to hold the next round of talks in early December 1994 in Moscow.

The Council emphasizes the importance of full and timely implementation by the parties of the obligations to which they have committed themselves, including those relating to the exchange of prisoners. It especially stresses the need for strict observance of the ceasefire and cessation of all hostile acts.

The Council invites the parties to make all the efforts necessary to achieve further substantial progress during the next round of inter-Tajik talks. It calls upon them to continue to

²² S/1994/1118.

²³ S/1994/1236.

²⁴ S/1994/1253.

²⁵ S/PRST/1994/65.

cooperate with the Special Envoy of the Secretary-General for this purpose.

The Council reaffirms its support for the efforts by the Secretary-General and his Special Envoy to facilitate the political dialogue between the Government of Tajikistan and the Tajik opposition aimed at achieving national reconciliation. It welcomes the establishment by the parties of a Joint Commission to monitor the implementation of the Agreement, and requests the Secretary-General to present expeditiously his views and recommendations regarding the role that the United Nations could play in assisting the practical implementation of the agreements achieved, including any implications for the current United Nations mission to Tajikistan.

The Council calls upon the international community and, in particular, the States of the region to render utmost support to the consolidation of the progress towards national reconciliation achieved in the course of the inter-Tajik talks and to abstain from any actions that could complicate the peace process.

Decision of 16 December 1994 (3482nd meeting): resolution 968 (1994)

On 30 November 1994, the Secretary-General submitted to the Council a report on the situation in Tajikistan,²⁶ in which he reported on the third round of inter-Tajik talks and outlined a plan for a possible United Nations peacekeeping operation in the country. The third round of inter-Tajik talks took place at Islamabad from 20 October to 1 November 1994 with the participation of observers from Afghanistan, the Islamic Republic of Iran, Kazakhstan, Pakistan, the Russian Federation, Uzbekistan, the Conference on Security and Cooperation in Europe (CSCE) and the Organization of the Islamic Conference. At the request of the parties concerned, his Special Envoy had chaired the talks and had made his good offices available during the negotiations. Although fundamental institutional issues and consolidation of the statehood of Tajikistan had previously been identified as the main items on the agenda, the extension of the Tehran Agreement became the main issue negotiated. The two parties overcame serious difficulties and reached agreement on an extension of the ceasefire and the cessation of other hostile acts for another three months until 6 February 1995.²⁷ The exchange of detainees and prisoners of war took place on 12 November in Khorog, through the International Committee of the Red Cross. The Joint Commission, established by the Tehran Agreement, held its first meeting on

²⁶ S/1994/1363.

²⁷ See S/1994/1253, annex.

14 November 1994. The Secretary-General also informed the Council that a Secretariat team had visited Tajikistan from 4 to 12 October 1994 to assess the modalities for establishing a future observer mission. The mission, which would consist of 40 military officers, would act at the request of the Joint Commission or on its own initiative. It would investigate cases of complaints about cease-fire violations and report its findings to the Joint Commission and to United Nations Headquarters. It would also provide its good offices and maintain close liaison with the CIS forces and the border forces.

The Secretary-General observed that no time should be lost in advancing further the process of national reconciliation in Tajikistan. He had therefore instructed his Special Envoy to explore ways of achieving further substantial progress during the fourth round of the inter-Tajik talks scheduled to take place in Moscow early in January. Meanwhile, the situation in the country remained tense and was aggravated by the deepening economic crisis, which had adversely affected attempts to achieve political stability. In these circumstances, he believed that the United Nations should respond positively to the request of the Tajik parties to assist them in the implementation of the ceasefire. He accordingly recommended that the Security Council establish a small observer mission of the kind outlined above to perform that task. The Secretary-General did not believe, however, that international assistance to Tajikistan should be in the form of United Nations military observers stationed in the country for an indefinite period. The problems of Tajikistan must be solved through a political process, supported by interested governments and, through the United Nations, by the international community. But the primary responsibility for composing their differences rested with the Tajik parties themselves. The international community should provide the assistance requested of it only if the Tajik parties acknowledged that responsibility and took effective steps to discharge it.

At its 3482nd meeting, on 16 December 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President (Rwanda) drew the attention of the members of the

Council to a draft resolution prepared in the course of the Council's prior consultations.²⁸

The representative of Tajikistan stated that the leadership of Tajikistan was carrying out a consistent policy aimed at achieving national reconciliation. That could be only be achieved, however, with the parties' unswerving compliance with the Tehran Agreement. His delegation was very concerned by the continuing and increased attempts by recalcitrant factions of the opposition to inflame the atmosphere by acts of sabotage, the seizure of hostages and acts of terror, and attached importance to the Council's appeal to parties to comply with the Agreement and to refrain from any steps that could aggravate the existing situation. His delegation attached also importance to the Council's appeal to all States and others concerned to refrain from any actions that could hinder the peace process and hoped that this appeal would also be heeded by those who were sending foreign mercenaries to Afghanistan. The establishment of the CIS collective peacekeeping forces was an organic element of the implementation of the principle of preventive diplomacy contained in the Secretary-General's report entitled "An agenda for peace". His delegation considered such a force to be a regional arrangement concluded in conformity with Chapter VIII of the Charter and with the purposes and principles of the Organization. The neutrality and impartiality of these forces were clearly reflected in their mandate, as reported by the Secretary-General. The speaker hoped that the Council would officially support the activities of the CIS collective peacekeeping forces. He further expressed his Government's support for the establishment a United Nations Mission of Observers in Tajikistan and hoped that its size would be increased. His Government was taking the necessary measures to ensure the security of the Mission's personnel and to protect its property.²⁹

Speaking in explanation of vote, before the vote, the representative of Oman stated that, in view of the political support of the United Nations and the neighbouring countries and given the fact that a resolution of the conflict was the full responsibility of the Tajik parties themselves, there was no need for the United Nations to establish a peacekeeping operation in Tajikistan that would put an additional financial

burden on the Organization. His delegation would, however, vote in favour of the draft resolution on the understanding that the Council, through the next report of the Secretary-General, was in a position to monitor the performance, mandate and very existence of the operation.³⁰

The representative of the Russian Federation stated that his delegation viewed the creation of UNMOT as a definite shift in the position of the Security Council in terms of paying greater attention to the settlement of conflicts in the States members of CIS and hoped that that trend would be reinforced and developed further. His delegation was also convinced that UNMOT would act as a stabilizing factor in Tajikistan and would promote the successful implementation of the Agreement reached at the third round of inter-Tajik talks in Islamabad. At the same time, it believed that at a later stage in the settlement, the Council would have to return to the question of the size of the Mission. He further took note that the draft resolution emphasized the important significance of close ties between UNMOT and the CIS collective peacekeeping forces in Tajikistan, support for which was included in the Mission's mandate. He reaffirmed, in that regard, his country's readiness for and interest in a close cooperation between the two entities which had separate mandates but a single goal, namely to promote the stabilization of the situation and the process of national reconciliation in Tajikistan, a process which required interaction.³¹

According to the representative of the Czech Republic, the draft resolution adequately addressed the following elements regarding UNMOT: a realistic and practical mandate; a clarified time framework with a clear link between international assistance and the political process of national reconciliation in Tajikistan; primary responsibility for adhering to the ceasefire with the Tajik parties themselves; regular reviews by the Council of the overall political and military situation in Tajikistan and of the performance of UNMOT; and a call to parties to ensure the safety and freedom of movement of United Nations personnel. The draft resolution also provided a clear framework for the activities of other forces in Tajikistan and for their close liaison with UNMOT. That framework reflected the principle of neutrality

²⁸ S/1994/1415.

²⁹ S/PV.3482, pp. 2-4.

³⁰ *Ibid.*, pp. 4-5.

³¹ *Ibid.*, pp. 6-7.

and impartiality, which was vital for the performance of these other forces that were in the country at the invitation of only one of the parties and which was embodied in their mandate. The speaker expressed the hope that more information on the relationship of the United Nations Mission with these other forces would be available periodically. There was a clear need for transparency in the activities of the CIS collective peacekeeping forces as well as of the non-Tajik border forces in Tajikistan. His Government believed that monitoring their neutrality and impartiality should be a part of UNMOT's job.³²

The draft resolution was then put to the vote and adopted unanimously as resolution 968 (1994), which reads:

The Security Council,

Recalling the statements of its President of 30 October 1992, 23 August 1993, 22 September 1994 and 8 November 1994,

Having considered the reports of the Secretary-General of 27 September and 30 November 1994,

Welcoming the agreement between the Government of Tajikistan and the Tajik opposition in the course of the third round of inter-Tajik talks at Islamabad on the extension until 6 February 1995 of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks, signed at Tehran on 17 September 1994,

Welcoming also the signing of the Protocol on the Joint Commission for the implementation of the Agreement,

Commending the efforts of the Secretary-General and his Special Envoy, as well as of the countries and regional organizations acting as observers at the inter-Tajik talks which contributed to the reaching of these agreements,

Emphasizing that the primary responsibility rests with the Tajik parties themselves in resolving their differences, and that the international assistance provided by the present resolution must be linked to the process of national reconciliation, including, inter alia, free and fair elections and further confidence-building measures by the parties,

Welcoming the reaffirmed commitment by the parties to resolve the conflict only through political means,

Stressing the importance of achieving further substantial progress during the fourth round of inter-Tajik talks in Moscow,

Recalling the statements of 24 August and 30 September 1993 by the Ministers for Foreign Affairs of Kazakhstan,

Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan addressed to the Secretary-General,

Acknowledging positively the readiness of the collective peacekeeping forces of the Commonwealth of Independent States in Tajikistan to work together with United Nations observers to assist in maintaining the ceasefire, as declared in a joint statement by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, the Russian Federation and Uzbekistan on 13 October 1994,

Underlining the importance of close liaison between the United Nations mission of observers on the one hand and the collective peacekeeping forces of the Commonwealth of Independent States in Tajikistan and the border forces on the other hand,

1. *Welcomes* the report of the Secretary-General of 30 November 1994;

2. *Decides* to establish a United Nations Mission of Observers in Tajikistan in accordance with the plan outlined by the Secretary-General in the above-mentioned report with the following mandate:

(a) To assist the Joint Commission to monitor the implementation of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks;

(b) To investigate reports of ceasefire violations and to report on them to the United Nations and to the Joint Commission;

(c) To provide its good offices as stipulated in the Agreement;

(d) To maintain close contacts with the parties to the conflict, as well as close liaison with the mission in Tajikistan of the Conference on Security and Cooperation in Europe and with the collective peacekeeping forces in Tajikistan of the Commonwealth of Independent States and with the border forces;

(e) To provide support for the efforts of the Special Envoy of the Secretary-General;

(f) To provide political liaison and coordination services, which could facilitate expeditious humanitarian assistance by the international community;

3. *Decides* that the Mission shall be established for a period of up to six months subject to the proviso that it will continue beyond 6 February 1995 only if the Secretary-General reports to the Council by that date that the parties have agreed to extend the Agreement and that they remain committed to an effective ceasefire, to national reconciliation and to the promotion of democracy;

4. *Requests* the Secretary-General to include in the report provided for in paragraph 3 above an account of the work of the Mission up to that date, and to submit, at two-monthly

³² Ibid., pp. 6-7.

intervals thereafter, reports on that work and on progress towards national reconciliation;

5. *Also requests* the Secretary-General to continue to pursue through the good offices of his Special Envoy efforts to speed up the progress towards national reconciliation;

6. *Calls upon* the parties to cooperate fully with the Mission, and to ensure the safety and freedom of movement of United Nations personnel;

7. *Calls upon* the Government of Tajikistan to conclude expeditiously with the United Nations an agreement on the status of the Mission, and requests the Secretary-General to inform the Security Council in this regard in his report provided for in paragraph 3 above;

8. *Calls upon* the parties to redouble their efforts to achieve as soon as possible a comprehensive political settlement of the conflict and to cooperate fully with the Special Envoy of the Secretary-General in this regard;

9. *Urges* the parties to comply strictly with the obligations they have assumed to implement fully the Agreement and to refrain from any steps that could aggravate the existing situation or hinder the process towards national reconciliation;

10. *Welcomes* the release of detainees and prisoners of war which took place on 12 November 1994 at Khorog, and calls for further such confidence-building measures by the parties and for unhindered access to the International Committee of the Red Cross to all persons detained by all parties in relation to the armed conflict;

11. *Urges* all States and others concerned to facilitate the process of national reconciliation and to refrain from any actions that could complicate the peace process;

12. *Welcomes* the humanitarian assistance already provided, and calls for greater contributions from Member States for the humanitarian relief efforts of the United Nations and other international organizations;

13. *Requests* the Secretary-General to establish a voluntary fund for contributions in support of the implementation of the Agreement, in particular in support of the activities of the Joint Commission, and encourages Member States to contribute thereto;

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

After the vote, the representatives of France, the United Kingdom and the United States stressed that primary responsibility for the political settlement of the conflict rested with the Tajik parties themselves and that the future of the Mission was linked to the process of national reconciliation. They attached particular importance to the holding of free and fair elections and the promotion of democracy in Tajikistan. The representative of the United States stated specifically

that the decision taken by the Council represented a major step that should not be judged by the size of the Mission which it had just established. He added that the ceasefire must be extended well beyond 6 February 1995 if the Mission was to remain after that date.³³

Other speakers welcomed the establishment of UNMOT and underlined the need for the parties to adhere to their commitments and achieve further progress towards national reconciliation. Some emphasized the need for close cooperation in the field between UNMOT and the other forces operating in Tajikistan. Some also believed that it would be necessary for UNMOT and the CSCE mission in Dushanbe to work together, from their different standpoints and in terms of their different mandates.³⁴

Decision of 6 February 1995: letter from the President to the Secretary-General

On 4 February 1995, pursuant to resolution 968 (1994), the Secretary-General submitted to the Council a report on the situation in Tajikistan,³⁵ in which he provided an account of the activities of UNMOT and the efforts he had undertaken to make progress towards national reconciliation. The Secretary-General reported that from 12 to 21 December 1994, his Special Envoy had visited Dushanbe, Moscow and Tashkent for consultations. During those consultations, the President of Tajikistan had supported an early fourth round of inter-Tajik negotiations in Moscow. He had also, at the request of the Special Envoy, agreed to postpone the parliamentary elections scheduled for 26 February 1995, provided the opposition would state its readiness to participate in such elections. The Tajik opposition, however, had shown no interest in participating at that stage in the elections and had rejected Moscow as the venue for the talks. By letters dated 25 and 27 January,³⁶ the President of Tajikistan and the leader of the opposition, respectively, had agreed to extend the Tehran Agreement, although the opposition's agreement was only to an extension of one month.

³³ *Ibid.*, pp. 8-9 (France); p. 9 (United Kingdom); and pp. 9-10 (United States).

³⁴ *Ibid.*, pp. 5-6 (Pakistan); p. 10 (Spain); and pp. 10-11 (Argentina).

³⁵ S/1995/105.

³⁶ *Ibid.*, annexes I and II.

The Secretary-General noted that the parties had made it possible for him to comply only partly with the requirements stated in paragraph 3 of resolution 968 (1994). Both had agreed to an extension of the ceasefire beyond 6 February 1995 and had stated their commitment to a continuing political process. The opposition's unwillingness to accept Moscow as a venue for the next round of inter-Tajik talks, however, made it impossible, for him to report to the Council that negotiations were being actively pursued. Meanwhile, the situation in Tajikistan remained tense, particularly on the border with Afghanistan, and the economic crisis had adversely affected efforts to reach political stabilization in the country and to complete the repatriation of refugees. He concluded by stating that the activities of UNMOT connected to the implementation of the Tehran Agreement, imperfect as the latter might be, were an important stabilizing factor in the country, as recognized by both Tajik parties. Although the fourth round of talks remained blocked, both sides maintained that they were determined to continue the political process under the auspices of the United Nations. He accordingly recommended that the presence of UNMOT in Tajikistan be continued for another month, until 6 March 1995, on the understanding that every effort would be made during that period to obtain agreement on the holding of the next round of talks as soon as possible.³⁷

By a letter dated 6 February 1995,³⁸ the President of the Council (Botswana) informed the Secretary-General as follows:

The members of the Security Council have noted your report of 4 February 1995 in response to paragraph 3 of Council resolution 968 (1994) of 16 December 1994.

The members of the Council endorse the recommendation contained in paragraph 32 of the report concerning the continuation of the United Nations Mission of Observers in Tajikistan for another month, until 6 March 1995. Continuation and effective observance of the ceasefire agreement of 17 September 1994 is vital. Reaffirming Council resolution 968 (1994), the members of the Council urge the parties in the interim to reconfirm through concrete steps their commitment to resolve the conflict only through political means, and their commitment to national reconciliation and to the promotion of democracy.

³⁷ S/1995/105, para. 32.

³⁸ S/1995/109.

Decision of 6 March 1995: letter from the President to the Secretary-General

By a letter dated 3 March 1995,³⁹ the Secretary-General informed the President of the Council that in order to keep the peace process on track, he had asked Under-Secretary-General Aldo Ajello to undertake consultations with the Russian Federation, the Government of Tajikistan and the Tajik opposition with a view to resolving the issues of the venue, date and agenda for the fourth round of inter-Tajik talks and to obtaining agreement to the extension of the ceasefire agreement. During those consultations, Mr. Ajello was able to achieve agreement on the extension of the ceasefire agreement until 26 April 1995. The Secretary-General recommended, therefore, that UNMOT's presence in Tajikistan be continued until 26 April 1995, on the basis of the mandate contained in resolution 968 (1994). He would also revert to the Council at the conclusion of Mr. Ajello's mission.

By a letter dated 6 March 1995,⁴⁰ the President of the Council (China) informed the Secretary-General as follows:

I have the honour to inform you that your letter dated 3 March 1995 concerning the United Nations Mission of Observers in Tajikistan has been brought to the attention of the members of the Council.

The members of the Council endorse your recommendation, in view of the agreement of the parties to continue the ceasefire, that the presence of the Mission in Tajikistan be continued until 26 April 1995. Reaffirming Council resolution 968 (1994), the members of the Council urge the parties in the interim to resolve the remaining difficulties in arranging the fourth round of inter-Tajik talks aimed at reaching a political settlement to the conflict.

The members of the Council welcome your intention to revert to the Council at the conclusion of the mission of the Under-Secretary-General Aldo Ajello and will be looking forward to a report at that time.

Decision of 12 April 1995 (3515th meeting): statement by the President

At its 3515th meeting, on 12 April 1995, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to

³⁹ S/1995/179.

⁴⁰ S/1995/180.

vote. The President (Czech Republic) drew the attention of the members of the Council to two letters dated 27 March and 10 April 1995 addressed to the Secretary-General,⁴¹ respectively from the representative of Tajikistan and from the representative of Kazakhstan. In the letter dated 10 April 1995, the representative of Kazakhstan transmitted the text of a statement issued by the Ministry of Foreign Affairs of Kazakhstan in which it lodged a protest with the authorities of Afghanistan in connection with an attack launched by detachments of the Tajik opposition from Afghan territory against Kazakh, Russian and Tajik border troops, which resulted in fatalities and injuries.

The President then made the following statement on behalf of the Council:⁴²

The Security Council expresses its deep concern at the escalation of military activities on the Tajik-Afghan border, which resulted in grave loss of life. In this context, the Council reminds the parties of their obligations to ensure the safety of the Secretary-General's Special Envoy and all other United Nations personnel.

The Council strongly believes that armed activities by the Tajik opposition in violation of the ceasefire agreement of 17 September 1994 jeopardize the inter-Tajik dialogue and the process of national reconciliation as a whole. Noting also recent violations of the agreement of 17 September 1994 by government forces, the Council calls upon the Tajik opposition and the Government of Tajikistan to comply strictly with the obligations they have assumed under that agreement and calls upon the Tajik opposition in particular to extend it for a substantial period beyond 26 April 1995.

The Council fully supports the appeal of the Secretary-General to the Tajik parties and other countries concerned to exercise restraint, to do their utmost to continue the political dialogue and to hold the next round of talks as soon as possible. It welcomes the agreement by the Government of Tajikistan and the Tajik opposition to the proposal of the Secretary-General's Special Envoy to hold an urgent high-level meeting of their representatives in Moscow. It calls upon the countries of the region to discourage any activities that could complicate or hinder the peace process in Tajikistan.

Reaffirming its resolution 968 (1994) of 16 December 1994, the Council once again urges the parties to reconfirm through concrete steps their commitment to resolve the conflict only through political means. The Council reiterates its call upon the parties to hold the fourth round of the inter-Tajik talks without delay on the basis agreed upon during the previous rounds of consultations.

⁴¹ S/1995/225 and S/1994/283.

⁴² S/PRST/1995/16.

Decision of 26 April 1995: letter from the President to the Secretary-General

By a letter dated 26 April 1995,⁴³ the Secretary-General informed the President of the Security Council that his Special Envoy was continuing high-level inter-Tajik negotiations on the extension of the ceasefire and the agenda, time and venue of a fourth round of inter-Tajik talks, which had begun in Moscow on 19 April 1995. The outcome of those negotiations remained, however, uncertain at that stage. Meanwhile, he recommended that UNMOT continue to function, in accordance with its mandate, until the Council had had an opportunity to review his report on the situation in Tajikistan, pursuant to resolution 968 (1994), which would be submitted shortly, after the return of his Special Envoy.

By a letter dated 26 April 1995,⁴⁴ the President of the Council informed the Secretary-General as follows:

I have the honour to inform you that your letter dated 26 April 1995 has been brought to the attention of the members of the Security Council.

The members of the Council are deeply concerned about the insufficient progress at the Moscow talks held under the auspices of your Special Envoy and the continuing military activities on the Tajik-Afghan border. The members of the Council call upon the parties and others concerned to resolve urgently the outstanding questions with regard to extending the ceasefire and arranging a fourth round of talks. They stress once again that the primary responsibility for resolving their differences rests with the Tajik parties themselves. They urge the parties to comply strictly with the obligations they have assumed under the ceasefire agreement of 17 September 1994.

In keeping with the provisions of resolution 968 (1994), the members of the Council note that an effective ceasefire was, and continues to be, a necessary condition for the deployment of the United Nations Mission of Observers in Tajikistan.

The members of the Council agree that, pending a further decision of the Council based on consideration of your forthcoming report, the Mission shall continue its presence in Tajikistan.

Decision of 19 May 1995 (3539th meeting): statement by the President

On 12 May 1995, pursuant to resolution 968 (1994), the Secretary-General submitted to the Council a report on the situation in Tajikistan,⁴⁵ in which he

⁴³ S/1995/331.

⁴⁴ S/1995/332.

⁴⁵ S/1995/390.

described the efforts of his Special Envoy to clear the way for the fourth round of inter-Tajik talks. High-level consultations had been held in Moscow under United Nations auspices from 19 to 26 April 1995. The consultations had ended with a joint statement under which both parties,⁴⁶ *inter alia*, reconfirmed their commitment to settling the conflict and achieving national reconciliation through exclusively peaceful political means on the basis of mutual concessions and compromise; extended the validity of the Tehran Agreement by one month until 26 May 1995; agreed on measures to strengthen the role of the Joint Commission and appealed to States Members of the United Nations to provide financial support to the Commission through the trust fund established by the United Nations and consent to hold the fourth round of inter-Tajik talks in Almaty beginning 22 May 1995 and to include on their agenda the fundamental institutional issues and consolidation of the statehood of Tajikistan, as set forth during the first round of inter-Tajik talks held in Moscow in April 1994.

The Secretary-General observed that during the past three months, a number of factors combined to create serious difficulties for the political process that the United Nations was trying to promote in Tajikistan. The result of the consultations provided ground, however, for continuing United Nations efforts and maintaining UNMOT. At the same time, progress had yet to be achieved on the substantive issues that divided the parties. In Moscow, his Special Envoy had clearly conveyed the view of the United Nations that the primary responsibility for resolving their differences rested with the Tajik parties themselves and that the continued involvement and presence of the United Nations in Tajikistan depended on the manner in which the parties discharged that responsibility. Expectations in that regard focused on the forthcoming fourth round of talks and the planned meeting between the President of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan. In the meantime, the situation in Tajikistan remained tense, particularly on the border with Afghanistan. The Secretary-General appealed to the Tajik parties to comply strictly with the obligations they had assumed to implement fully the Tehran Agreement and to refrain from any steps that could aggravate the existing situation or complicate the peace process at that critical juncture. In that connection, he underlined the need to strengthen the

⁴⁶ S/1995/337, annex.

Joint Commission, which had been inactive since April 1995, and to enable it to assume the central role envisaged for it in the Tehran Agreement. He called on the authorities and forces operating in the region to cooperate fully with the Joint Commission and UNMOT in the discharge of their responsibilities.

At its 3539th meeting, on 19 May 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

The President (France) drew the attention of the members of the Council to a letter dated 27 April 1995 addressed to the Secretary-General from the representative of the Russian Federation,⁴⁷ transmitting the text of the joint statement of 26 April 1995 by the Government of Tajikistan and the Tajik opposition. He then stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:⁴⁸

The Security Council has considered the report of the Secretary-General of 12 May 1995 on the situation in Tajikistan.

The Council welcomes the joint statement by the delegation of the Government of Tajikistan and the delegation of the Tajik opposition, signed in Moscow on 26 April 1995 as a result of the high-level consultations through the good offices of the Secretary-General's Special Envoy, with the assistance of the representatives of all countries acting as observers at the inter-Tajik talks. The Council expects the full implementation of the agreements reached in Moscow and, in particular, supports the convening of the fourth round of inter-Tajik talks on 22 May 1995 in Almaty and looks to the parties to cooperate fully in those talks.

The Council commends the efforts of the Secretary-General Special Envoy, the Russian Federation as host country and all observer countries, which significantly contributed to the positive outcome of the high-level inter-Tajik consultations held in Moscow from 19 to 26 April 1995.

The Council is concerned over the actions of both sides in the past three months, which posed obstacles to the peace process, as noted in the report of the Secretary-General. The Council stresses the urgent need for the Tajik parties to resolve the conflict and to confirm, by taking concrete steps, their commitment to achieve national reconciliation in the country exclusively through peaceful political means on the basis of mutual concessions and compromises. In this context, it welcomes the agreement by the President of the Republic of

⁴⁷ S/1995/337.

⁴⁸ S/PRST/1995/28.

Tajikistan and the leader of the Islamic Revival Movement of Tajikistan to hold a meeting, which took place at Kabul from 17 to 19 May 1995.

The Council notes with concern the recent inactivity of the Joint Commission and is therefore encouraged by the decision of the parties to strengthen the Commission and its mechanism for monitoring the ceasefire agreement of 17 September 1994. It welcomes the commitments by some Member States to the voluntary fund for contributions established by the Secretary-General in accordance with its resolution 968 (1994), and reiterates its encouragement to other Member States to contribute.

The Council calls upon the parties to agree on a substantial extension of the ceasefire agreement of 17 September 1994 and to achieve substantive progress during the fourth round of inter-Tajik talks, in particular on fundamental institutional issues and consolidation of the statehood of Tajikistan, as defined in the agenda agreed upon during the Moscow round in April 1994. It stresses that strict compliance by the parties with all the obligations they have assumed is a necessary condition for successful political dialogue.

The Council notes the observation of the Secretary-General in his report that grounds exist for continuing United Nations efforts and maintaining the United Nations Mission of Observers in Tajikistan and recalls its view that extension of the ceasefire is necessary for this.

**Decision of 16 June 1995 (3544th meeting):
resolution 999 (1995)**

On 10 June 1995, pursuant to resolution 968 (1994), the Secretary-General submitted to the Council a report on the situation in Tajikistan,⁴⁹ in which he provided an account of the meeting between the President of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan held at Kabul from 17 to 19 May 1995, and of the fourth round of inter-Tajik talks held at Almaty from 22 May to 1 June 1995. Reporting on the fourth round, he noted that, for the first time, the parties had held an in-depth discussion of fundamental institutional issues and the consolidation of the statehood of Tajikistan, as set forth during the first round of talks in Moscow in April 1994. Although the parties had not been able to reach mutually acceptable decisions on these complex issues, they confirmed their commitment to look for practical solutions in the future. The talks ended with the adoption of a joint statement under which the parties, *inter alia*, welcomed the decision at the Kabul summit to extend the Tehran Agreement until 26 August 1995;

agreed to exchange an equal number of detainees and prisoners of war by July 1995 and to ensure the voluntary, safe and dignified return of all refugees and internally displaced persons to their homes; and requested the Secretary-General's Special Envoy to continue his good offices in the search for a peaceful solution to the conflict.

The Secretary-General observed that the results of the meeting between the President of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan in Kabul and the fourth round of inter-Tajik talks were a small but positive step towards national reconciliation and the restoration of peace in the country. Nevertheless, little progress had been made in addressing the fundamental political results during the 14 months since the first round of talks in April 1994. The situation in Tajikistan and on its border with Afghanistan remained tense and the deepening economic crisis continued to have a negative impact on the attempts to achieve political stability in the country. Warning that no time should be lost, he appealed to the President of Tajikistan and to the leader of the Islamic Revival Movement of Tajikistan to continue their direct dialogue, which would be an essential means of building mutual confidence and advancing a comprehensive political solution. The Secretary-General also noted that UNMOT had been recognized by the Tajik parties as playing an instrumental role in containing the conflict. He believed that the United Nations should respond positively to their request for assistance in the implementation of the ceasefire and recommended that the mandate of UNMOT be extended for another six months until 16 December 1995. He further considered the stationing of an UNMOT team in northern Afghanistan to be important, subject to the agreement of Afghan authorities, and recommended that the Council approve that proposal in principle.

At its 3544th meeting, on 16 June 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

The President (Germany) drew the attention of the members of the Council to a draft resolution

⁴⁹ S/1995/472 and Corr.1. See also S/1995/472/Add.1 of 12 June 1995.

prepared in the course of the Council's prior consultations.⁵⁰

Speaking in explanation of vote, before the vote, the representative of the Russian Federation stated that UNMOT activities were an important factor in stabilizing the situation in Tajikistan and on the Tajik-Afghan border, and were facilitating the implementation of the inter-Tajik agreements. There was a need to further reinforce the Mission's capabilities, in particular in terms of the number of UNMOT personnel. The Russian Federation actively supported the Secretary-General's proposal to deploy, with the agreement of the Afghan authorities, a special UNMOT unit in northern Afghanistan. The speaker drew attention to the repeated appeals by the leadership of Tajikistan as well as by the States contributing to the CIS peacekeeping force, for a full-fledged United Nations operation to be deployed in Tajikistan. He noted also that the close cooperation between UNMOT and the CIS peacekeeping force was an important factor for stabilizing the situation in the country. It was clear, however, that only the unswerving and full implementation by the parties of all their obligations could create a climate conducive to dialogue on the fundamental constitutional and political issues.⁵¹

The draft resolution was then put to the vote and adopted unanimously as resolution 999 (1995), which reads:

The Security Council,

Recalling its resolution 968 (1994) of 16 December 1994 and the statements by its President of 30 October 1992, 23 August 1993, 22 September and 8 November 1994, and 12 April and 19 May 1995,

Having considered the report of the Secretary-General of 10 June 1995,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the positive outcome of the meeting between the President of the Republic of Tajikistan and of the leader of the Islamic Revival Movement of Tajikistan held at Kabul from 17 to 19 May 1995 and of the fourth round of the inter-Tajik talks held at Almaty from 22 May to 1 June 1995,

Welcoming also, in particular, the extension for a period of three months, until 26 August 1995, of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on

the Tajik-Afghan Border and within the Country for the Duration of the Talks, signed at Tehran on 17 September 1994, as well as the agreements on further confidence-building measures,

Noting with appreciation that the parties started in depth discussions on fundamental institutional issues and consolidation of the statehood of Tajikistan and confirmed their readiness to search for practical solutions to the above mentioned problems,

Commending the efforts of the Secretary-General and his Special Envoy as well as of the countries and regional organizations acting as observers at the inter-Tajik talks which contributed to the conclusion of these agreements,

Emphasizing that the primary responsibility for resolving their differences rests with the Tajik parties themselves and that the international assistance provided pursuant to the present resolution must be linked to the process of national reconciliation and the promotion of democracy,

Recalling that the Tajik parties have reaffirmed their commitment to resolving the conflict and to achieving national reconciliation in the country exclusively through peaceful, political means on the basis of mutual concessions and compromises, and urging them to take concrete steps to this end,

Stressing the urgent for the cessation of all hostile acts on the Tajik-Afghan border,

Noting the decision of the Council of the Heads of State of the Commonwealth of Independent States of 26 May 1995 to extend the mandate of the collective peacekeeping forces of the Commonwealth of Independent States in Tajikistan until 31 December 1995,

Recalling the joint appeal by the Presidents of the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan of 10 February 1995 addressed to the President of the Security Council and the statements of the Ministers for Foreign Affairs of these countries of 24 August and 30 September 1993, 13 October 1994, and 26 January and 20 April 1995 addressed to the Secretary-General,

Taking note with appreciation of the statement of the Ministry of Foreign Affairs of the Russian Federation of 26 April 1995 that the Russian border forces and the Russian military personnel of the collective peacekeeping forces, respecting and recognizing the agreements between the Tajik parties, do not violate them in the performance of their duties,

Expressing its satisfaction at the close contacts of the United Nations Mission of Observers in Tajikistan with the parties to the conflict, as well as at its close liaison with the collective peacekeeping forces, the border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

1. *Welcomes* the report of the Secretary-General of 10 June 1995;

⁵⁰ S/1995/486.

⁵¹ S/PV.3544, p. 2.

2. *Decides* to extend the mandate of the United Nations Observer Mission in Tajikistan until 15 December 1995, subject to the proviso that the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks, remains in force and the parties continue to be committed to an effective ceasefire, to national reconciliation and to the promotion of democracy and also decides that the mandate will remain in effect unless the Secretary-General reports that these conditions have not been met;

3. *Requests* the Secretary-General to continue to pursue, through the good offices of his Special Envoy and with the assistance of the countries and regional organizations acting as observers at the inter-Tajik talks, efforts to speed up the progress towards national reconciliation;

4. *Also requests* the Secretary-General to report to the Council every three months on the progress towards national reconciliation and on the operations of the Mission;

5. *Reiterates its call* upon the parties to cooperate fully with the Mission and to ensure safety and freedom of movement of United Nations personnel;

6. *Stresses* the urgent need for the parties to achieve a comprehensive political settlement of the conflict through the inter-Tajik dialogue and to cooperate fully with the Secretary-General's Special Envoy in this regard;

7. *Calls upon* the parties, in particular, to achieve as soon as possible substantive progress on fundamental institutional and political issues;

8. *Also calls upon* the parties to agree to the early convening of a further round of inter-Tajik talks and to implement without delay all confidence-building measures agreed at the fourth round of these talks, inter alia, on the exchange of detainees and prisoners of war and on intensification of the efforts by the parties to ensure the voluntary return, in dignity and safety, of all refugees and displaced persons to their homes;

9. *Encourages* the continuation of direct political dialogue between the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan;

10. *Emphasizes* the absolute necessity for the parties to comply fully with all the obligations they have assumed and urges them in particular to observe strictly the agreement of 17 September 1994 and to agree to its substantial extension;

11. *Stresses* the urgent need for the cessation of all hostile acts on the Tajik-Afghan border, and calls upon all States and others concerned to discourage any activities that could complicate or hinder the peace process in Tajikistan;

12. *Requests* the Secretary-General to report to the Council on his discussions with relevant Afghan authorities regarding a possible deployment of a small number of United Nations personnel in northern Afghanistan, and expresses its willingness to consider a relevant recommendation of the

Secretary-General in the context of the implementation of the present resolution;

13. *Underlines* the need to pursue the close cooperation already existing between the United Nations Observer Mission in Tajikistan and the parties to the conflict, as well as its close liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe;

14. *Welcomes* the obligation assumed by the Government of the Republic of Tajikistan to assist the return and the reintegration of refugees, as well as the obligations by the parties to cooperate in ensuring the voluntary return, in dignity and safety, of all refugees and displaced persons to their homes, inter alia, by stepping up the activities of the Joint Commission on problems relating to refugees and displaced persons from Tajikistan formed by the parties in accordance with the Protocol signed on 19 April 1994, and, in this context, notes the request by the parties addressed to international organizations and States to provide additional substantial financial and material support to the refugees and internally displaced persons and to the Joint Commission;

15. *Welcomes also* the commitment of some Member States to the voluntary fund for contributions established by the Secretary-General in accordance with its resolution 968 (1994), and reiterates its encouragement to other States to contribute thereto;

16. *Welcomes further* the humanitarian assistance already provided, and calls for greater contributions from States for humanitarian relief efforts of the United Nations and other international organizations;

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

After the vote, the representative of the United States said that UNMOT demonstrated the flexibility of United Nations peacekeeping and its continued usefulness in conflicts around the world. She noted that resolution 999 (1995) firmly and unambiguously linked the UNMOT mandate to the existence of an effective ceasefire and other conditions. UNMOT could not function without a ceasefire. She warned that the Council might be forced to withdraw the Mission if the parties did not lay down their arms. The ceasefire was, however, just a beginning; the parties must move towards national reconciliation based on democratic principles.⁵²

Other speakers stressed that responsibility for a peaceful settlement and national reconciliation lay primarily with the Tajik parties themselves. Some called on the Tajik parties to cooperate fully with

⁵² Ibid., pp. 7-8.

UNMOT and stressed the importance of the role of regional organizations in the peace process. Some also supported the Secretary-General's proposal to deploy a United Nations presence in northern Afghanistan.⁵³

**Decision of 25 August 1995 (3570th meeting):
statement by the President**

At its 3570th meeting, on 25 August 1995, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a letter dated 21 August 1995 addressed to the Secretary-General from the representative of Tajikistan,⁵⁴ transmitting the text of the protocol on the fundamental principles for establishing peace and national accord in Tajikistan, signed on 17 August 1995 by the President of Tajikistan and the leader of the Tajik opposition, by which they agreed to conduct, beginning on 18 September 1995, a continual round of negotiations on a general agreement on the establishment of peace and national accord in Tajikistan and to extend the Tehran Agreement until 26 February 1996.

The President then stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:⁵⁵

The Security Council welcomes the protocol on the fundamental principles for establishing peace and national accord in Tajikistan signed by the President of the Republic of Tajikistan and the leader of the Tajik opposition on 17 August 1995. It commends the efforts of the Secretary-General's Special Envoy and all countries acting as observers at the inter-Tajik talks, which have significantly contributed to the conclusion of the above-mentioned agreement between the Tajik parties.

The Council calls upon the parties to implement fully the commitments contained in the protocol. It supports the agreement of the parties to conduct the continual round of talks due to begin on 18 September 1995, with the aim of concluding a general agreement on the establishment of peace and national accord in Tajikistan and urges the parties to agree as soon as possible on the venue of the negotiations. It reiterates that the

primary responsibility rests with the Tajik parties themselves in resolving their differences.

The Council welcomes the agreement reached by the parties to extend the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks, signed at Tehran on 17 September 1994 for a period of six months until 26 February 1996, and calls upon the parties to comply strictly with the obligations assumed under the Agreement, including cessation of all hostile acts on the Tajik Afghan border and within Tajikistan. The Council calls upon all States and others concerned to discourage any activities that could complicate or hinder the peace process, respecting fully the sovereignty and the territorial integrity of Tajikistan and the inviolability of the Tajik-Afghan border.

The Council urges the parties to implement as quickly as possible the confidence-building measures agreed upon during the fourth round of inter-Tajik talks held at Almaty.

The Council stresses the need to continue the existing close contacts of the United Nations Mission of Observers in Tajikistan with the parties to the conflict, as well as its close liaison with the collective peacekeeping forces of the Commonwealth of Independent States in Tajikistan, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe.

The Council welcomes the contributions by some Member States to the voluntary fund for contributions established by the Secretary-General in accordance with its resolution 968 (1994), and reiterates its encouragement to other Member States to contribute thereto.

The Council expresses its readiness to consider in due course the recommendations of the Secretary-General regarding the possible role of the United Nations in the context of the present and future agreements between the Tajik parties.

**Decision of 6 November 1995 (3589th meeting):
statement by the President**

On 16 September 1995, pursuant to resolution 999 (1995), the Secretary-General submitted to the Council a report on the situation in Tajikistan in which he reported on the outcome of indirect talks between the President of Tajikistan and the leader of the Tajik opposition from 2 to 17 August 1995.⁵⁶ The talks concluded with the signing of a protocol on the fundamental principles for establishing peace and national accord in Tajikistan.⁵⁷ The Tajik parties had also agreed to modify the format of inter-Tajik negotiations and to hold them in a continuous round, beginning on 18 September 1995. The issue of the

⁵³ Ibid., p. 3 (Italy); pp. 3-4 (Indonesia); pp. 4-5 (Honduras); pp. 5-6 (China); p. 6 (Botswana); pp. 6-7 (Oman); and p. 8 (Germany).

⁵⁴ S/1995/720.

⁵⁵ S/PRST/1995/42.

⁵⁶ S/1995/799.

⁵⁷ S/1995/720, annex.

venue for the negotiations remained, however, undetermined and it was agreed that this should be resolved by both sides through the good offices of his Special Envoy. The Government insisted that the talks be held at Ashgabat, while the opposition wanted Tehran, Vienna or Almaty but not Ashgabat. The Secretary-General also informed the Council that the Afghan authorities had agreed that the UNMOT could open a small liaison post in northern Afghanistan with the exclusive task of dealing with the Tajik problem and proposed that the Council authorize the establishment of the liaison post, once the modalities were agreed upon with the Afghan authorities.⁵⁸ Consequently, he expressed his intention to seek the necessary budgetary authority for a small increase in UNMOT staff.⁵⁹

The Secretary-General observed that the signing of the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan and the extension of the ceasefire agreement for another six months were clear proof that the Tajik sides wanted to resolve their problems peacefully. In view of the continued breaches in the implementation of the Tehran Agreement, he called on the parties to comply strictly with their obligations. It was of paramount importance not to lose momentum in the negotiating process and to resume the inter-Tajik talks in the new format as soon as possible. In view of the continued differences between the two sides on the issue of venue, he suggested holding them at United Nations premises at Vienna. The Secretary-General noted with concern the delays in the implementation of the confidence-building measures agreed upon during the fourth round of inter-Tajik talks at Almaty and appealed to the parties to undertake the necessary steps for the early implementation of the confidence-building measures, warning that further inaction could undermine the credibility of the whole negotiating process.

At its 3589th meeting, on 6 November 1995, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

⁵⁸ S/1995/799, para. 20.

⁵⁹ *Ibid.*, para. 21.

The President (Oman) then made the following statement on behalf of the Council:⁶⁰

The Security Council welcomes the planned convening of the continual round of Inter-Tajik talks at Ashgabat. It commends the efforts of the President of Turkmenistan in this regard.

The Council calls upon the Tajik parties to begin as a matter of urgency the continual round of talks with the aim of concluding a general agreement in accordance with the provisions of the protocol on the fundamental principles for establishing peace and national accord in Tajikistan, signed by the President of the Republic of Tajikistan and the leader of the Tajik opposition on 17 August 1995.

The Council expresses the hope that the Special Envoy of the Secretary-General will be able to resume promptly his efforts with regard to the preparation of the forthcoming round of talks. The Council reaffirms its full support for the activities of the Special Envoy.

The Council urges the Tajik parties to comply strictly with the obligations assumed under the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks, signed at Teheran on 17 September 1994. The Council expresses the hope that the convening of the talks will contribute to a lessening of tensions along the Tajik-Afghan border and inside Tajikistan.

The Council notes that the relevant Afghan authorities have given their agreement to the establishment of a liaison post of the United Nations Mission of Observers in Tajikistan in Taloqan (northern Afghanistan). The Council welcomes this development and agrees with the proposal to establish such a post as put forward in paragraph 20 of the report of the Secretary-General of 16 September 1995, with the privileges and immunities necessary for the security of the United Nations personnel concerned and for their ability to carry out the mandate.

The Council also notes the Secretary-General's observations regarding the strengthening of the Mission in paragraph 21 of his report. The Council supports a corresponding increase in the Mission's strength.

**Decision of 14 December 1995 (3606th meeting):
resolution 1030 (1995)**

On 8 December 1995, pursuant to resolution 999 (1995), the Secretary-General submitted to the Council a report on the situation in Tajikistan.⁶¹ The Secretary-General reported that, while there continued to be uncertainty about the venue of the talks following their opening at Ashgabat, the parties had nevertheless

⁶⁰ S/PRST/1995/54.

⁶¹ S/1995/1024.

agreed to begin talks on 30 November. At the first working plenary session on 7 December, both parties had confirmed their commitment to the ceasefire and their determination to work to find viable solutions to the problems listed in the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan. The Secretary-General noted with concern the slow pace of progress towards a resolution of the conflict and the deteriorating situation on the ground. He was nevertheless encouraged that the parties had resumed negotiations on the basis of the Protocol. He therefore proposed that the Council extend the mandate of UNMOT for another six months. While he noted with satisfaction that the vast majority of internally displaced persons and refugees had been successfully resettled, he regretted that delays continued to occur in the implementation of other important confidence-building measures agreed upon during the fourth round of inter-Tajik talks at Almaty. He also called upon all concerned to cooperate more closely to stem a recent increase in military activities and incidents and a general rise of tension on the ground. In that respect, he welcomed the support of the members of the Security Council for his proposal to strengthen UNMOT and called upon Afghan authorities and the United Tajik Opposition to facilitate the establishment of an additional liaison post in northern Afghanistan. Finally, he called upon the Tajik parties to seize the opportunity of the newly convened talks in Ashgabat as a means of restoring peace and national accord in their country.

At its 3606th meeting, on 14 December 1995, the Security Council included in its agenda the report of the Secretary-General dated 8 December 1995.

Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶²

The draft resolution was then put to the vote and adopted unanimously as resolution 1030 (1995), which reads:

The Security Council,

Recalling all its previous resolutions and the statements by its President, in particular, the statement by its President of 6 November 1995,

⁶² S/1995/1032.

Having considered the report of the Secretary-General of 8 December 1995,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the beginning of the continual round of talks between the Government of Tajikistan and the Tajik opposition in Ashgabat,

Commending the efforts of the Secretary-General and his Special Envoy as well as of the countries and regional organizations acting as observers at the inter-Tajik talks,

Emphasizing that the primary responsibility for resolving their differences rests with the Tajik parties themselves and that the international assistance provided pursuant to the present resolution must be linked to the process of national reconciliation and the promotion of democracy,

Recalling the commitments made by the Tajik parties to resolve the conflict and to achieve national reconciliation in the country exclusively through peaceful political means on the basis of mutual concessions and compromises, and stressing the inadmissibility of any hostile acts on the Tajik-Afghan border,

Recalling the joint appeal by the Presidents of the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan of 10 February 1995 addressed to the President of the Security Council, the statements of Ministers for Foreign Affairs of these countries of 24 August and 30 September 1993, 13 October 1994, and 26 January and 20 April 1995 addressed to the Secretary-General,

Taking note with appreciation of the statement of the Ministry of Foreign Affairs of the Russian Federation of 26 April 1995 that the Russian border forces and the Russian military personnel of the collective peacekeeping forces of the Commonwealth of Independent States in Tajikistan, respecting and recognizing the agreements between the Tajik parties, do not violate them in the performance of their duties,

Expressing its satisfaction at the close contacts of the United Nations Mission of Observers in Tajikistan with the parties to the conflict, as well as at its liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

1. *Welcomes* the report of the Secretary-General of 8 December 1995;

2. *Decides* to extend the mandate of the United Nations Mission of Observers in Tajikistan until 15 June 1996, subject to the proviso that the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks signed at Tehran on 17 September 1994 remains in force and the parties continue to be committed to an effective ceasefire, to national reconciliation and to the promotion of

democracy, and further decides that the mandate will remain in effect unless the Secretary-General reports that these conditions have not been met;

3. *Requests* the Secretary-General to continue to pursue, through the good offices of his Special Envoy and with the assistance of the countries and regional organizations acting as observers at the inter-Tajik talks, efforts to speed up the progress towards the establishment of a durable peace and national accord in Tajikistan;

4. *Also requests* the Secretary-General to report to the Council every three months on the progress towards a comprehensive political settlement of the conflict and on the operations of the Mission;

5. *Reiterates its call* upon the parties to cooperate fully with the Mission, and to ensure the safety and freedom of movement of United Nations personnel;

6. *Regrets* the slow rate of progress towards a political solution to the conflict in Tajikistan, and emphasizes the need for the Tajik parties to take the opportunity of the continual round of talks in Ashgabat to reach a general agreement which will restore peace and national accord in their country in accordance with the provisions of the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan, signed by the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan on 17 August 1995;

7. *Calls upon* the parties to cooperate fully with the Special Envoy of the Secretary-General in order to achieve a comprehensive political settlement of the conflict through the inter-Tajik dialogue;

8. *Also calls upon* the parties to implement without delay all the confidence-building measures to which they committed themselves during the fourth round of the inter-Tajik talks;

9. *Encourages* the continuation of direct political dialogue between the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan;

10. *Emphasizes* the absolute necessity for the parties to comply fully with all the obligations they have assumed, and urges them, in particular, to observe strictly the Tehran agreement of 17 September 1994 and to agree to its substantial extension;

11. *Stresses* the urgency of the cessation of all hostile acts on the Tajik-Afghan border, and calls upon all States and others concerned to discourage any activities that could complicate or hinder the peace process in Tajikistan;

12. *Encourages* the relevant Afghan authorities to facilitate the arrangements that will permit the establishment of a liaison post at Taloqan in northern Afghanistan;

13. *Underlines* the need to develop further close cooperation between the Mission and the parties to the conflict, as well as its close liaison with the collective peacekeeping forces of the Commonwealth of Independent States in Tajikistan, the Russian border forces and the Mission in Tajikistan of the Organization for Security and Cooperation in Europe;

14. *Welcomes* the successful resettlement of the vast majority of internally displaced persons and refugees and the role played by the Office of the United Nations High Commissioner for Refugees in this effort, and commends the activities of other agencies and organizations assisting the civilian population;

15. *Welcomes* the contributions to the voluntary fund established by the Secretary-General in accordance with its resolution 968 (1994) of 16 December 1994, reiterates its encouragement to other States to contribute thereto, and also welcomes the voluntary contribution made to the Mission;

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

17. The situation in Afghanistan

Decision of 24 January 1994 (3330th meeting): statement by the President

At its 3330th meeting, on 24 January 1994, the Security Council included the item entitled "The situation in Afghanistan" in its agenda. After the adoption of the agenda, the Council invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President (Czech Republic) stated that, following consultations among members of the Council, he had been authorized to

make the following statement on behalf of the Council:¹

The Security Council deplores the continuing large scale fighting in Afghanistan, which is creating mass suffering among the civilian population and is jeopardizing efforts to provide humanitarian assistance to those in need.

The Council notes with concern that the ongoing conflict in Afghanistan disrupts efforts to establish a political process that would lead to a broad based government, is producing another wave of refugees and displaced persons and detracts from efforts to foster regional stability.

¹ S/PRST/1994/4.

The Council notes General Assembly resolution 48/208 of 21 December 1993, in which the Assembly requested the Secretary-General to dispatch as soon as possible a United Nations special mission to Afghanistan to canvass a broad spectrum of Afghanistan's leaders to solicit their views on how the United Nations can best assist Afghanistan in facilitating national rapprochement and reconstruction. The Council welcomes the reaffirmation of support for such a mission issued on 12 January 1994 by the Secretary-General and his intention to dispatch this mission.

The Council calls for an immediate cessation of hostilities in Afghanistan and the beginning of a process to create a broad based government acceptable to the Afghan people.

The Council appreciates the humanitarian assistance that the international community and the countries neighbouring Afghanistan have been providing to the most recent wave of refugees as well as to displaced persons within Afghanistan and encourages them to increase their assistance even further.

The Council commends the efforts of the Secretary-General, his Personal Representative and the United Nations agencies active in Afghanistan to alleviate the suffering caused by the conflict in that country. The Council attaches great importance to the continuation of their work.

The Council also commends the efforts of the General Assembly, the Organization of the Islamic Conference and a number of concerned States to promote peace in Afghanistan through a political dialogue among the Afghan parties.

**Decision of 23 March 1994 (3353rd meeting):
statement by the President**

At its 3353rd meeting, on 23 March 1994, the Security Council resumed consideration of the item. After the adoption of the agenda, the Council invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President (France) drew the attention of the members of the Council to a letter dated 7 February 1994 from the representative of Greece addressed to the Secretary-General,² transmitting the text of a communiqué of the Presidency on behalf of the European Union on the situation in Afghanistan issued on the same date; a letter dated 9 February 1994 from the representatives of the Russian Federation and Uzbekistan addressed to the Secretary-General,³ transmitting the text of a joint Russian-Uzbek statement of 8 February 1994 on Afghanistan; and a letter dated 14 March 1994 from the representative of Pakistan addressed to the

² S/1994/157.

³ S/1994/156.

Secretary-General,⁴ transmitting the text of a statement adopted by the Organization of the Islamic Conference Group in New York, on 16 February 1994, concerning the situation in Afghanistan.

At the same meeting, the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵

The Security Council deeply regrets that the food blockade imposed on Kabul continues. This situation is increasing the hardships of the population in all sectors of the capital, since the humanitarian aid that has so far been provided has not alleviated substantially the plight of hundreds of thousands of the city's starving inhabitants.

The Council continues to believe that the seriousness of the humanitarian situation is entirely due to the ongoing fighting in Afghanistan, and calls for its immediate cessation. This fighting has been the cause of the suffering of the Afghan population and of repeated interruptions in the delivery of humanitarian aid in that country.

The Council therefore calls for an immediate end to the obstacles to the passage of humanitarian aid in order to ensure that future supplies are distributed without hindrance to the whole of the population. In this regard, the Council expresses its appreciation to the countries in the region for facilitating efforts to provide humanitarian assistance to Kabul and other provinces of the country. Furthermore, the Council calls upon the international community to extend urgent humanitarian assistance to Afghanistan in order to alleviate the suffering of the Afghan people.

The Council stresses the importance that it attaches to full compliance with international humanitarian law in all its aspects and recalls that those who violate international humanitarian law bear individual responsibility.

The Council welcomes the Secretary-General's appointment of a special mission to Afghanistan, in accordance with General Assembly resolution 48/208 of 21 December 1993. This mission will canvass a broad spectrum of Afghanistan's leaders to solicit their views on how the United Nations can best assist Afghanistan in facilitating national rapprochement and reconstruction.

The Council supports this mission, which is due to leave Geneva soon, and urges all Afghans to assist it in carrying out its mandate and thus promote a cessation of hostilities, the resumption of humanitarian aid and the restoration of peace in Afghanistan.

⁴ S/1994/318.

⁵ S/PRST/1994/12.

**Decision of 11 August 1994 (3415th meeting):
statement by the President**

In a note dated 1 July 1994,⁶ the Secretary-General transmitted to the Security Council a progress report of the United Nations Special Mission to Afghanistan (UNSMA), pursuant to paragraph 4 (a) of General Assembly resolution 48/208 of 21 December 1993. UNSMA reported that it had begun its work in Afghanistan on 27 March 1994, travelling in Afghanistan and Pakistan from 27 March to 29 April 1994, and subsequently visiting a number of other countries. While travelling in Afghanistan, the mission had found that, although most of the country was at peace, the effect of the war could be felt throughout the country, spreading instability to various regions. The fighting had displaced hundreds of thousands of people, killed and wounded thousands more and obstructed United Nations reconstruction and humanitarian efforts. The economic infrastructure had been almost completely destroyed. Moreover, the fighting had undermined the very national institutions necessary to bring peace and to rebuild the country. The mission felt that it was time for the United Nations and the international community to assist the Afghans more actively in bringing peace to their country. That was also the wish of the Afghans who saw the United Nations as the last and only way out. A successful, comprehensive effort would have to link international reconstruction assistance to a national political dialogue on acceptable transitional arrangements. It would also have to pursue concerted and coordinated efforts to encourage regional disengagement. In that regard, the mission recommended the following in the first stage of its renewed engagement: the United Nations should re-establish its physical political presence in Kabul or Jalalabad and other specialized agencies and programmes as well as Governments should be encouraged to do the same; a working group of countries interested in peace and reconstruction in Afghanistan should be established to assist United Nations efforts and prepare for an international conference on Afghanistan; and the Organization should begin in-depth consultations with the various Afghan leaders on the establishment of a viable transitional authority and a country-wide ceasefire, which were essential preconditions for free and fair elections. Indigenous decision-making structures, such as a grand assembly or council, might be explored to

⁶ S/1994/766.

facilitate such elections which would be the best way to ensure that all segments of Afghan society would participate in determining the future of the country.

At its 3415th meeting, on 11 August 1994, the Security Council included the note by the Secretary-General in its agenda and resumed consideration of the item.

At the same meeting, the President (Russian Federation) drew the attention of the members of the Council to a letter dated 8 August 1994 from the representative of Afghanistan,⁷ addressed to the Secretary-General, transmitting the text of a resolution adopted at an extraordinary meeting of a Supreme Islamic Council convened at Herat, Afghanistan, on 25 July 1994. The resolution provided, inter alia, for the convening of a Grand National Assembly (Loya Jirga) on 23 October 1994 to ratify a constitution and to elect the political leadership of the country, as well as to resolve the country's destiny-making matters. It also urged the United Nations and the Organization of the Islamic Conference to act diligently towards putting an end to foreign interferences in the internal affairs of Afghanistan and contributing with all friendly countries to its reconstruction without imposing any condition.

The President then stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁸

The Security Council notes with appreciation the efforts of the United Nations special mission to Afghanistan in accordance with General Assembly resolution 48/208 of 21 December 1993, headed by Ambassador Mahmoud Mestiri, and welcomes its progress report of 1 July 1994, in particular the recommendations contained in paragraph 40 thereof.

The Council expresses its appreciation for the cooperation the Afghan people and leaders provided to the special mission. It calls upon all Afghans to continue to work with the special mission as it seeks to help Afghans begin a peaceful political process to end their differences.

The Council deplors the continuing civil war in Afghanistan, which has brought death and destruction to the people of Afghanistan and has created a threat to the stability and security of other countries in the region. The Council calls upon all parties to end hostilities and embark upon the process of political reconciliation, reconstruction and development.

⁷ S/1994/943.

⁸ S/PRST/1994/43.

The Council calls upon all States to take the necessary steps to promote peace in Afghanistan, to stop the flow of weapons to the parties and to put an end to this destructive conflict. It also urges the international community to assist Afghans in rebuilding their shattered country as conditions permit.

The Council commends the efforts of the United Nations humanitarian agencies in Afghanistan, and stresses the need for all States to continue contributing to those efforts.

The Council reaffirms its readiness to assist the Afghan people in their efforts to return peace and normalcy to their country, and encourages the countries neighbouring Afghanistan to continue their efforts to the same end.

The Council reaffirms its commitment to the sovereignty and territorial integrity of Afghanistan.

Decision of 30 November 1994 (3474th meeting): statement by the President

At its 3474th meeting, on 30 November 1994, the Security Council resumed consideration of the item. After the adoption of the agenda, the President (United States) drew the attention of the members of the Council to a letter dated 9 November 1994 from the representative of Afghanistan addressed to the President of the Security Council.⁹ The letter contained, in its annex, Afghanistan's views with regard to the peace process in the country, in particular the composition, duties and competence of the Convening Commission of the Supreme Islamic Assembly (Loya Jirga) and the qualifications of its members.

At the same meeting, the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁰

The Security Council notes with appreciation the progress made by the United Nations special mission to Afghanistan, led

by Ambassador Mahmoud Mestiri, and the report of the Secretary-General of 22 November 1994 to the General Assembly.

The Council fully supports the special mission's broad-based consultations with Afghan representatives and its proposals to bring about an end to the factional fighting, institute a process of political reconciliation and begin the tasks of rehabilitation and reconstruction of Afghanistan.

The Council welcomes the acceptance by the warring parties and other Afghan representatives of a step-by-step process of national reconciliation through the establishment of a fully representative and broad-based authoritative council, which would (a) negotiate and oversee a ceasefire, (b) establish a national security force to collect and safeguard heavy weapons and provide for security throughout the country, and (c) form a transitional government to lay the groundwork for a democratically chosen government, possibly utilizing traditional decision-making structures such as a "Grand Assembly".

The Council notes with grave concern, however, the continuation of hostilities among the warring parties in Afghanistan, involving the continued suffering, death and destitution of innocent citizens of the country, and calls for an immediate halt to these pointless and destructive attacks.

The Council calls upon all States to take the necessary steps to promote peace in Afghanistan, to prevent the continued flow of weapons, ammunition and military supplies to the warring parties in Afghanistan, and to put an end to this destructive conflict.

Recognizing that the rehabilitation, reconstruction and development of war-torn Afghanistan will be dependent in large part upon the progress made towards the establishment of a reliable ceasefire and the development of a viable political process, the Council urges all States to support the peacemaking proposals of the special mission and to recognize its primary role in the peacemaking process.

The Council calls upon all States to respect Afghanistan's sovereignty and territorial integrity, strictly refrain from interfering in the internal affairs of Afghanistan and respect the right of the Afghan people to determine their own destiny and reaffirms its readiness to assist the Afghan people in their desire to achieve peace and tranquillity in their country.

⁹ S/1994/1277.

¹⁰ S/PRST/1994/77.

Europe

18. The situation in Georgia

Decision of 29 January 1993 (3169th meeting): statement by the President

By a note verbale dated 25 December 1992 addressed to the Secretary-General,¹ the Ministry of Foreign Affairs of Georgia transmitted a letter of the same date in which the Chairman of the Parliament and Head of State of Georgia expressed his deep concern that an escalation of the conflict in Abkhazia could destabilize the entire Caucasus region.² In that letter, he stated, *inter alia*, that the illegal penetration of the Georgian territory by foreign nationals and military supplies from the Russian Federation in support of the Abkhaz forces was continuing. He requested that the issue be placed again on the agenda of the Security Council and that it be discussed in a formal meeting of the Council. He added that the Council may wish to adopt a resolution, which, *inter alia*, could provide for the sending of a United Nations peacekeeping force to Abkhazia. He further deemed it advisable that the Council appeal to all Member States not to allow any encroachment on the territorial integrity of Georgia. He pointed out that coordination efforts among the Council and various regional and subregional organizations could be highly effective.

On 28 January 1993, pursuant to the presidential statement of 10 September 1992 regarding the situation in Georgia,³ the Secretary-General submitted a report to the Council on the situation in Abkhazia, Georgia.⁴ The Secretary-General reported that the situation in Abkhazia had deteriorated since he last reported to the Council in November 1992. The continued fighting posed a serious threat to the maintenance of international peace and security in the entire Caucasus region and beyond. The outbreak of inter-ethnic fighting at the beginning of November 1992 between North Ossetian and Ingush forces in the North Caucasus region of the Russian Federation, prompting the establishment of a temporary state of emergency by the Russian President, was an additional indication of

the potentially explosive situation in the Caucasus. In his view, the Agreement of 3 September 1992 still offered the best basis for the resumption of the peace process in Abkhazia. However, the restoration of a viable peace process might require a more active support of the international community to assist the parties to agree to a ceasefire and to work out a political settlement. He was considering the possibility of dispatching a new mission to Georgia to review the situation in Abkhazia in order to assess the overall political situation and to discuss and provide advice on practical matters such as the establishment and monitoring of an immediate ceasefire, with particular emphasis on the border in Abkhazia between Georgia and the Russian Federation, and the protection of the railway and communication links in Abkhazia. He was also considering the dispatch of a human rights fact-finding mission to Abkhazia to look into allegations of human rights violations by both sides.

At its 3169th meeting, on 29 January 1993, in response to the request contained in the note verbale by Georgia, the Council included the note verbale and the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote.

The representative of Georgia warned that the conflict in Abkhazia might grow into an ethnic and intranational conflict and spread throughout the Caucasus and beyond if real preventive measures were not taken. Georgia believed that the Russian Federation could make a substantial contribution to the settlement of the conflict. For its part, Georgia was ready to proceed with the implementation of the 3 September Agreement, on the condition that refugees be returned to their permanent residences and that the parties revert to the positions held on 1 September 1992. Georgia sought wish the deployment of United Nations observers and troops to monitor the border between Georgia and the Russian Federation, to protect the railway and communication links, and to ensure compliance with the ceasefire. While representatives of the republics of the former Soviet Union might be part of such a United Nations force, it was very important that part of the high command of the force be made up

¹ S/25026.

² *Ibid.*, annex.

³ S/24542. See Supplement 1989-1992 to the *Repertoire*, chap. VIII, sect. 18.

⁴ S/25188.

of officers from other Member States. In addition, a group of military observers should be sent to the areas of conflict, endowed with negotiating powers and with a monitoring function to enable them to conduct a comprehensive study of the situation in Abkhazia and to make proposals for a settlement of the conflict. The approach of the Georgian authorities to ending the armed confrontation was based on the principles of respect for the inviolability of the territorial integrity and State sovereignty of Georgia and protection of human rights.⁵

The President (Japan) then stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:⁶

The Security Council takes note with appreciation of the report of the Secretary-General of 28 January 1993 on the situation in Abkhazia, Republic of Georgia.

The Council expresses its grave preoccupation regarding the further deterioration of the situation in Abkhazia and calls on all the parties immediately to cease the fighting and to observe and implement faithfully the terms of the agreement of 3 September 1992, which affirms that the territorial integrity of Georgia shall be ensured, provides for a ceasefire and the commitment by the parties not to resort to the use of force, and constitutes the basis for an overall political solution.

The Council shares the observation of the Secretary-General that the restoration of a viable peace process in Abkhazia, based on the agreement of 3 September 1992, may require more active support by the international community to assist the parties to agree to a ceasefire and to the return of refugees and to work out a political settlement. In that context the Council reiterates its support for the current efforts undertaken by the Conference on Security and Cooperation in Europe (CSCE).

The Council endorses, to this end, the proposal of the Secretary-General to send a new mission to Georgia to review the situation in Abkhazia and stresses the need to ensure effective coordination between the activities of the United Nations and those of the CSCE aiming at restoring peace. The Council believes that it is necessary to assess the overall political situation and to discuss and provide advice on practical matters such as the establishment and monitoring of an immediate ceasefire, the monitoring of the border in Abkhazia between Georgia and the Russian Federation, and the protection of the railway and communication links in Abkhazia.

The Council also endorses the proposal of the Secretary-General to send a fact-finding mission to Abkhazia to look into

⁵ S/PV.3169, pp. 6-21.

⁶ S/25198.

the allegations of violations of international humanitarian law by both sides.

The Council requests the Secretary-General to report on the outcome of the mission and to propose measures to consolidate the ceasefire and for an overall political settlement.

Decision of 11 May 1993: letter from the President to the Secretary-General

By a letter dated 5 May 1993 addressed to the President of the Council,⁷ the Secretary-General stated that, in view of the situation in Abkhazia, which had further deteriorated since the adoption of the presidential statement of 29 January 1993, he had concluded that the dispatch of another visiting mission, as he had originally envisaged, would not be an adequate approach in attempting to revive the peace process. He believed that a more concentrated effort was needed for the establishment of a lasting ceasefire and for the resumption of a process of political negotiation. He had decided, therefore, after the necessary consultations, to appoint a Special Envoy for Georgia for an initial period of three months to obtain agreement on a ceasefire; assist the parties in reviving the process of negotiations to find a political solution to the conflict; and enlist the support of neighbouring countries and others concerned in achieving those objectives, in close cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE).⁸

By a letter dated 11 May 1993,⁹ the President of the Council informed the Secretary-General that the members of the Council were concerned at the situation in Georgia and accordingly welcomed his decision to appoint a Special Envoy for Georgia. They looked forward to further reports on developments in Georgia, on the Special Envoy's mission and on any future recommendations the Secretary-General might wish to make in the context of that mission.

Decision of 2 July 1993 (3249th meeting): statement by the President

By a letter dated 2 July 1993 addressed to the President of the Security Council,¹⁰ the Head of State of Georgia requested an emergency meeting of the

⁷ S/25756.

⁸ For more details see chapter V.

⁹ S/25757.

¹⁰ S/26031.

Council, citing intense artillery bombardment of Sukhumi, causing civilian casualties at a “catastrophic” rate. Abkhazian separatists had commenced a wide-scale offensive along the entire front and in the coastal area controlled by Russian frontier troops, assault forces, consisting primarily of Russians, were landing.

At its 3249th meeting, on 2 July 1993, the Security Council included the letter in its agenda. The President (United Kingdom) then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹¹

The Security Council has considered the letter dated 2 July 1993 from the head of State of the Republic of Georgia to the President of the Security Council concerning the situation in Abkhazia, Republic of Georgia. The Council expresses its deep concern at the reports of increased fighting around Sukhumi. It calls on all the parties to cease military action immediately and to respect the ceasefire agreement of 14 May 1993. The Council will consider without delay the report of the Secretary-General of 1 July 1993, and the recommendations therein.

**Decision of 9 July 1993 (3252nd meeting):
resolution 849 (1993)**

On 1 July 1993, pursuant to the presidential statement of 10 September 1992,¹² the Secretary-General submitted to the Council a report on the situation in Abkhazia,¹³ in which he described intensified efforts by the United Nations to seek a settlement to the conflict. The Secretary-General reported that his Special Envoy had undertaken his first mission to Georgia from 20 to 25 May 1993 and had met the Georgian and Abkhaz authorities. Subsequently, he had travelled to Sweden and Moscow to meet the CSCE Chairman-in-Office and the Russian authorities. On 22 June 1993, his Special Envoy had a meeting with the Georgian Head of State in Brussels during which the latter had again stressed the need for urgent action by the United Nations and had strongly appealed for the immediate dispatch of United Nations military observers to be deployed in the Government-controlled area of Abkhazia. The Secretary-General further noted that the situation in Georgia was deteriorating and that continuing hostilities in Abkhazia were having a devastating effect on the country’s economy. He believed that a solution along

three tracks was needed: consolidation (and, if necessary, international monitoring) of the ceasefire; the launching of a political negotiating process, preferably under United Nations auspices; and support for those two processes by the neighbouring countries, among which the Russian Federation was of pre-eminent importance. His consultations and those of his Special Envoy had revealed that the Government of Georgia fully supported his approach, that the Abkhaz side favoured a peace conference under United Nations auspices but not, at the present time, the deployment of military observers, and that the Russian side favoured the deployment of United Nations military observers but had reservations about the conference at that time. The Secretary-General shared the view that the United Nations should think carefully before undertaking a peacekeeping operation that was not linked to a political process with a reasonable prospect of success. Unless that rule was observed, there was a danger of open-ended peacekeeping commitments from which it could be difficult to withdraw without causing new hostilities. He had therefore been reluctant to recommend the deployment of military observers before he was in a position to inform the Council that all concerned had agreed to engage in negotiations under United Nations auspices. However, the maintenance of that position could lead to a further intensification of the conflict, with potentially severe consequences for the whole Caucasus region. In view of the urgent need to get the conflict in Abkhazia under control, he recommended that a group of 50 United Nations military observers be deployed to Georgia, initially in the Sukhumi and Ochamchira districts of Abkhazia, with a mandate to (a) discourage further escalation of the conflict; (b) use its good offices to reinstate the ceasefire agreement; (c) report and investigate ceasefire violations and endeavour to restore the status quo; and (d) attempt to establish communications between the two sides to forestall violations of the ceasefire. The deployment of the military observer group would be without prejudice to his continuing efforts to launch a peace process involving the Government of Georgia, the two parties in Abkhazia and the Russian Federation. It would be his intention to invite the Chairman-in-Office of CSCE to be represented as an observer at an eventual peace conference.

¹¹ S/26032.

¹² S/24542.

¹³ S/26023. See also S/26023/Add.1 of 7 July 1993.

In an addendum to his report submitted on 7 July,¹⁴ the Secretary-General noted however a serious deterioration in the military situation in and around Sukhumi and cautioned against deploying military observers until the ceasefire was re-established and was being respected. He added that the Security Council might wish to authorize him to take all necessary steps to ensure that deployment could be done rapidly as soon as that condition was fulfilled.

At its 3252nd meeting, on 9 July 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations and read out a revision to be made to the draft resolution in its provisional form.¹⁵

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 849 (1993), which reads:

The Security Council,

Having considered the report of the Secretary-General of 1 and 7 July 1993,

Recalling the statements made by the President of the Security Council on 10 September and 8 October 1992 and 29 January 1993 concerning the situation in Abkhazia, Republic of Georgia,

Recalling the Moscow Agreement of 3 September 1992,

Endorsing the approach set out in the letter dated 5 May 1993 from the Secretary-General to the President of the Security Council,

Noting with concern the recent intensification of fighting around Sukhumi,

Reaffirming the statement made by the President of the Security Council on 2 July 1993, in which the Council called in particular on all parties to respect the ceasefire agreement of 14 May 1993,

Stressing the importance it attaches, in the context of the deployment of military observers, to the existence and implementation of a ceasefire and a peace process with the effective involvement of the United Nations,

1. *Notes with appreciation* the observations contained in the report of the Secretary-General;

2. *Requests* the Secretary-General to send his Special Envoy to the region to assist in reaching agreement on the implementation of the ceasefire and to begin immediately the necessary preparations, including contacting Member States which may be able to make observers available and sending a planning team to the area, for the dispatch of fifty military observers to Georgia once the ceasefire is implemented;

3. *Also requests* the Secretary-General to notify the Council, for its decision, when the ceasefire has been implemented and in his view conditions permit the deployment of the observers, and to make recommendations at that stage for their mandate, and declares its readiness to act expeditiously upon such notification;

4. *Welcomes* in this context the Secretary-General's continuing efforts to launch a peace process involving the parties to the conflict and with the participation of the Government of the Russian Federation as a facilitator;

5. *Supports* the Secretary-General's continuing cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe in their efforts to bring peace to the region;

6. *Calls* on the Government of the Republic of Georgia to enter expeditiously into discussion with the United Nations on a status-of-forces agreement to facilitate early deployment of observers when the Council so decides;

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

**Decision of 6 August 1993 (3261st meeting):
resolution 854 (1993)**

By a letter dated 4 August 1993 addressed to the President of the Security Council,¹⁶ the Secretary-General informed the Council that, pursuant to resolution 849 (1993), he had dispatched a planning team to Abkhazia on 19 July 1993. In the meantime, the parties to the conflict, together with the Russian Federation as facilitator, had signed an agreement on 27 July 1993, under which a ceasefire had taken effect on 28 July 1993. The Secretary-General believed that current conditions permitted the immediate deployment of observers. He proposed that an advance team of 5 to 10 observers be dispatched to the conflict area as soon as possible.

At its 3261st meeting, on 6 August 1993, the Security Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the

¹⁴ S/26023/Add.2.

¹⁵ S/26053.

¹⁶ S/26254.

members of the Council to a draft resolution prepared in the course of the Council's prior consultations and read out revisions to be made to the draft resolution in its provisional form.¹⁷ She also drew their attention to a letter dated 2 August 1993 addressed to the President of the Council from the representative of Georgia.¹⁸ She further stated that the nature of the situation in Georgia and the actions required by the United Nations as a result of the signing of the ceasefire agreement required an urgent response from the Council. Failure to take action would unduly delay the mission to Georgia. Moreover, the Secretary-General would soon submit to the Council his detailed proposals and recommendations on fully deploying such a mission. Therefore, as an exceptional matter, she asked the members of the Council to act on the draft resolution without the usual notice and discussion.

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 854 (1993), which reads:

The Security Council,

Recalling its resolution 849 (1993) of 9 July 1993, which reserved to the Council a decision on the deployment of military observers, following implementation of a ceasefire,

Welcoming the signing on 27 July 1993 of the agreement establishing the ceasefire in Abkhazia, Republic of Georgia,

1. *Approves* the Secretary-General's proposal as contained in his letter dated 4 August 1993 to the President of the Security Council that an advance team of up to ten United Nations military observers be deployed to the region as soon as possible to begin to help to verify compliance with the ceasefire as envisaged in the ceasefire agreement, the mandate of the team to expire within three months, and contemplates that this advance team will be incorporated into a United Nations observer mission if such a mission is formally established by the Council;

2. *Looks forward* to the report of the Secretary-General on the proposed establishment of a United Nations observer mission, including in particular a detailed estimate of the cost and the scope of this operation, a time-frame for its implementation and the projected conclusion of this operation;

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

¹⁷ S/26258.

¹⁸ S/26222.

**Decision of 24 August 1993 (3268th meeting):
resolution 858 (1993)**

On 6 August 1993, pursuant to resolution 849 (1993), the Secretary-General submitted to the Council a report on the situation in Abkhazia, Georgia,¹⁹ in which he described, inter alia, his concept of operation for a military observer mission to be known as the United Nations Observer Mission in Georgia (UNOMIG). Its tasks would be to (a) verify respect for the ceasefire agreement; (b) assist in avoiding any escalation of hostilities; (c) maintain a channel of communication with the military commanders of the parties to forestall violations of ceasefire; (d) investigate ceasefire violations; and (e) report to Headquarters. After considering the findings of the planning team, he had reached the conclusion that the dispatch of 50 military observers, as authorized by resolution 849 (1993), would not cope with the situation, which had developed since. He therefore recommended that the Council expand the mandate of the mission to include the deployment of 88 military observers without delay. He further recommended that the Council authorize the establishment of UNOMIG with such an expanded mandate. The Secretary-General also drew the Council's attention to novel features in the ceasefire agreement that could impinge upon the functioning of UNOMIG, including provisions for some sort of co-deployment with other contingents and groups that were also assigned responsibilities for maintaining the ceasefire and public order. He proposed that an advance team of the mission be dispatched to the area in order, inter alia, to clarify with the parties the relationship of UNOMIG with those entities and the extent of their respective responsibilities and authority, before the full deployment of the mission.

At its 3268th meeting, on 24 August 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to two letters dated 4 and 6 August 1993 from the Secretary-General, addressed to the President of the Council.²⁰ The President also drew the attention of Council members to a draft resolution prepared in the course of the Council's prior consultations.²¹

¹⁹ S/26250. See also S/26250/Add.1 dated 7 August 1993.

²⁰ S/26254 and S/26264.

²¹ S/26348.

The draft resolution was then put to the vote and adopted unanimously as resolution 858 (1993), which reads:

The Security Council,

Recalling its resolution 849 (1993) of 9 July 1993, in which it reserved to itself a decision on the deployment of observers, following implementation of a ceasefire,

Welcoming the signing of the ceasefire agreement of 27 July 1993 between the Republic of Georgia and forces in Abkhazia,

Recalling its resolution 854 (1993) of 6 August 1993, in which it approved the deployment of an advance team of observers for a period of three months,

Having considered the report of the Secretary-General of 6 and 7 August 1993,

Reaffirming previous statements which underscored the vital importance of the maintenance of ceasefire agreements, in particular the statement of the President of the Security Council on 2 July 1993,

Determining that continuation of the conflict in Georgia threatens peace and stability in the region,

Noting that the parties to the conflict have committed themselves to withdrawal of forces from Abkhazia and that this withdrawal is at present under way,

1. *Welcomes* the report of the Secretary-General of 6 and 7 August 1993;

2. *Decides* to establish a United Nations Observer Mission in Georgia in accordance with the above-mentioned report comprising up to eighty-eight military observers, plus minimal staff necessary to support the Mission, with the following mandate:

(a) To verify compliance with the ceasefire agreement of 27 July 1993 with special attention to the situation in the city of Sukhumi;

(b) To investigate reports of ceasefire violations and to attempt to resolve such incidents with the parties involved;

(c) To report to the Secretary-General on the implementation of its mandate including, in particular, violations of the ceasefire agreement;

3. *Decides* that the Mission is established for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council based on a report from the Secretary-General on whether or not substantive progress had been made towards implementing measures aimed at establishing a lasting peace;

4. *Requests* the Secretary-General to report as appropriate, but in any event within three months, on the activities of the Mission;

5. *Decides* to keep under constant review the operational arrangements to implement the mandate contained in the present resolution, in the light of any further recommendations that the Secretary-General may make in this regard;

6. *Welcomes* the proposed deployment of mixed interim monitoring groups of Georgian/Abkhaz/Russian units designed to consolidate the ceasefire, and requests the Secretary-General to facilitate cooperation between the United Nations observers and these units within their respective mandates;

7. *Calls on* all parties to respect and implement the ceasefire agreement of 27 July 1993 and to cooperate fully with the Mission and ensure the safety of all United Nations personnel and all other peacekeeping and humanitarian personnel within Georgia;

8. *Calls on* the Government of the Republic of Georgia to conclude expeditiously with the United Nations a status-of-forces agreement to facilitate deployment of the Mission;

9. *Requests* the Secretary-General to pursue energetically, through his Special Envoy, efforts to facilitate the peace process and negotiations, starting as soon as possible, towards the achievement of a comprehensive political settlement;

10. *Expresses its continuing support* for the Secretary-General's ongoing cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe in efforts to bring peace to Georgia and elsewhere in the region;

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

Speaking after the vote, the representative of France said the United Nations was again faced with a situation that was new to it in that it was intervening on the ground alongside regional players. Such action posed a number of problems, in particular delimiting precisely each one's respective responsibilities. His delegation welcomed the fact that the adopted resolution provided for a regular review of the operational provisions for implementing UNOMIG's mandate in the light of the progress made towards establishing a lasting peace. Another essential element was the start to a process of negotiating a political settlement. His delegation regretted the lack of precise provisions for convening an international conference under United Nations auspices and expected the parties to make formal commitments to that end.²²

Similarly, the representative of the United Kingdom noted that the relationship between UNOMIG and the bodies provided for in the ceasefire

²² S/PV.3268, p. 3.

agreement was not entirely clear, but would become so in the light of experience. He added that a comprehensive political settlement had yet to be worked out and encouraged the parties to meet as soon as possible. The Council should be aiming to encourage the rapid conclusion of such a settlement, without which a cease-fire agreement may not work over time.²³

The representative of the Russian Federation stressed the significance of the ceasefire agreement of 27 July 1993, which established a real basis for ensuring a stable ceasefire and for working out a comprehensive political settlement to the conflict in Abkhazia. He noted that the agreement provided for active assistance from the international community in normalizing the situation in Abkhazia. In that respect, the presence of United Nations observers was of extreme political and practical importance to ensure the stability of the ceasefire regime and strict compliance with the other provisions of the agreement. His Government agreed with the concept, approved in the resolution, of UNOMIG to monitor the ceasefire in Abkhazia, and with the size of the mission. He stressed that the resolution had to be implemented in the next few days and requested the Secretariat to conclude its work in preparing the Mission, and in detailed planning of its activities, in particular those related to the interaction of the international observers with the other monitoring groups, and to send the first group of observers within the next few days.²⁴

The President, speaking in her capacity as representative of the United States, noted that, while UNOMIG could play a vital role in helping to create the conditions necessary for genuine and substantive peace negotiations to proceed, it could not guarantee the success of such peace negotiations. The Mission could operate effectively only if the parties had the political will to resolve their differences by negotiation. Should that will be absent, her delegation would see no justification for prolonging the mission.²⁵

²³ Ibid., pp. 6-7.

²⁴ Ibid., pp. 4-6.

²⁵ Ibid., pp. 9-10.

Decision of 17 September 1993 (3279th meeting): statement by the President

By a letter dated 17 September 1993 addressed to the President of the Council,²⁶ the representative of Georgia transmitted a note verbale dated 16 September requesting an urgent Council meeting to discuss a full-scale offensive by the Abkhaz side against the cities of Sukhumi, Okhumi and Ochamchira and to dispatch the Secretary-General's Special Envoy to the region.

At its 3279th meeting, on 17 September 1993, the Security Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (Venezuela) then stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:²⁷

The Security Council expresses its extreme concern at the outbreak of fighting in Abkhazia, Republic of Georgia, arising from the attacks by the Abkhaz forces on the towns of Sukhumi and Ochamchira.

The Council strongly condemns this grave violation by the Abkhaz side of the Sochi ceasefire agreement of 27 July 1993, which was mediated by the Russian Federation and welcomed by the Council in resolutions 854 (1993) of 6 August 1993 and 858 (1993) of 24 August 1993.

The Council strongly demands that the Abkhaz leadership end immediately the hostilities and promptly withdraw all its forces to the ceasefire lines agreed upon in Sochi on 27 July 1993. Failure to take such action can entail the risk of serious consequences.

The Council urges all countries to encourage the re-establishment of the ceasefire and the resumption of the peace process.

The Council expresses its strong desire to see the Abkhaz side enter fully into the peace process without further delay.

The Council notes the oral report of the Secretary-General on 17 September 1993 regarding the situation in Abkhazia, Republic of Georgia, and welcomes his intention to send his Special Envoy for Georgia to Moscow and to the area to assess the situation and to establish a way forward to a peaceful settlement to the dispute.

The Council looks forward to receiving the Secretary-General's report at an early date.

²⁶ S/26462.

²⁷ S/26463.

**Decision of 19 October 1993 (3295th meeting):
resolution 876 (1993)**

On 7 October 1993, the Secretary-General submitted to the Security Council a report on the situation in Abkhazia,²⁸ in which he gave an account of the initial efforts to implement the mandate of UNOMIG and outlined the efforts to start a political process in view of the collapse of the ceasefire and the military advances by the Abkhaz party. UNOMIG had been in the early stages of its deployment when the ceasefire broke down on 16 September and Abkhaz forces launched attacks on Sukhumi and Ochamchira. Further deployment of UNOMIG was suspended, with the strength of the mission standing at 12 military observers. It was evident that the UNOMIG mandate had been invalidated as a result of the general breakdown of the ceasefire and the collapse of the tripartite machinery responsible for its implementation. The Secretary-General proposed to maintain the present strength of UNOMIG in Sukhumi. On the political front, his Special Envoy had made further efforts to call the participants together, proposing to hold a first round of talks at Geneva on 30 September and 1 October. The Secretary-General also expressed his concern at reports of atrocities and allegations of ethnic cleansing being committed as well as at the large numbers of displaced civilians and called on the Abkhaz leadership to exercise maximum restraint regarding the civilian population. His Special Envoy had issued an urgent appeal to Governments for humanitarian assistance. In conclusion, he hoped to present recommendations in a very near future relating to the future of UNOMIG and to the political aspects of the United Nations role in trying to end the conflict in Abkhazia.

By a letter dated 13 October 1993 addressed to the President of the Council,²⁹ the representative of Georgia transmitted a letter dated 12 October 1993 addressed to the Secretary-General from the Head of State of Georgia requesting a meeting of the Security Council in connection with the events that had taken place in Abkhazia on 16 September 1993.

At its 3295th meeting, on 19 October 1993, the Security Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to

participate in the discussion without the right to vote. The President (Brazil) then drew the attention of the members of the Council to the report of the Secretary-General dated 7 October 1993 as well as to a draft resolution prepared in the course of the Council's prior consultations.³⁰ He also drew their attention to other documents.³¹

The draft resolution was then put to the vote and was adopted unanimously as resolution 876 (1993), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993 and 858 (1993) of 24 August 1993,

Recalling the statement made by the President of the Council on 17 September 1993, in which the Council expressed its extreme concern for the situation in Abkhazia, Republic of Georgia, and urged all countries to encourage the resumption of the peace process,

Having considered the letter dated 12 October 1993 from the Chairman of the Parliament, head of State of the Republic of Georgia, to the Secretary-General,

Having also considered the report of the Secretary-General of 7 October 1993,

Deeply concerned at the human suffering caused by conflict in the region, and at reports of "ethnic cleansing" and other serious violations of international humanitarian law,

Determining that continuation of the conflict in Abkhazia, Republic of Georgia, threatens peace and stability in the region,

1. *Affirms* the sovereignty and territorial integrity of the Republic of Georgia;
2. *Reaffirms its strong condemnation* of the grave violation by the Abkhaz side of the ceasefire agreement of 27 July 1993 between the Republic of Georgia and forces in Abkhazia, and subsequent actions in violation of international humanitarian law;
3. *Condemns also* the killing of the Chairman of the Defence Council and Council of Ministers of the Autonomous Republic of Abkhazia;
4. *Demands* that all parties refrain from the use of force and from any violations of international humanitarian law, and welcomes the decision of the Secretary-General to send a fact-finding mission to the Republic of Georgia in this regard, in particular to investigate reports of "ethnic cleansing";

³⁰ S/26592.

³¹ Letters from the representative of Georgia addressed to the President of the Security Council dated 24 September 1993 (S/26487) and 4 October 1993 (S/26528).

²⁸ S/26551.

²⁹ S/26576.

5. *Affirms* the right of refugees and displaced persons to return to their homes, and calls on the parties to facilitate this;

6. *Welcomes* the humanitarian assistance already provided, including by international aid agencies, and urges Member States to contribute towards the relief efforts;

7. *Calls* for unimpeded access for international humanitarian relief assistance in the region;

8. *Calls* on all States to prevent the provision from their territories or by persons under their jurisdiction of all assistance, other than humanitarian assistance, to the Abkhaz side and in particular to prevent the supply of any weapons and munitions;

9. *Reiterates its support* for the efforts of the Secretary-General and his Special Envoy, in cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe and with the assistance of the Government of the Russian Federation as a facilitator, to carry forward the peace process with the aim of achieving an overall political settlement;

10. *Notes* the provisional steps the Secretary-General has taken with regard to the United Nations Observer Mission in Georgia, and welcomes his intention to provide a further report both on the future of the Mission and on the political aspects of the United Nations role in trying to end the conflict in Abkhazia;

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

Speaking after the vote, the representative of the United States said his country supported the adopted resolution because it underlined once again what had to be done to bring peace to Georgia. He stated that international condemnation of the Abkhaz side was a consequence of its unjustified use of force. The way to rectify the situation was to engage in good faith in a political process, which the Secretary-General and his Special Envoy were attempting to set in motion, in keeping with the sovereignty and territorial integrity of Georgia. His country would study carefully the report of the Secretary-General's fact-finding mission, in particular its findings on the subject of alleged acts of "ethnic cleansing".³²

The representative of France supported the Secretary-General's decision's to send a fact-finding mission to look into violations of human rights. He drew the attention of Council members to the provisions in the resolution dealing with the facilitation of the return of refugees and in particular, to the provision calling on all States to prevent the provision of any assistance other than humanitarian to the

³² S/PV.3295, pp. 3-4.

Abkhaz side. His Government paid particular attention to every effort that could lead to a comprehensive political settlement. His delegation welcomed the continuation of the efforts of the Secretary-General's Special Envoy in cooperation with the Chairman-in-Office of CSCE and hoped that the conditions would soon be spelled out for the holding of a conference under the auspices of the United Nations or according to any other formula which would win the consent of both parties.³³

The representative of the Russian Federation expressed his Government's readiness to cooperate with the United Nations in helping to launch forthwith effective machinery for international monitoring of the ceasefire. It also attached tremendous importance to the beginning of a political dialogue, under the auspices of the United Nations, and with Russia acting as a facilitator, aimed at reaching a comprehensive settlement of the conflict. Furthermore, in view of the complexity of the situation, only a "smooth pooling" and the close interaction of the efforts of the United Nations, CSCE and other parties involved would make it possible to ensure that the peace process was not reversed.³⁴

According to the representative of Hungary, the unanimous adoption of resolution 876 (1993) confirmed once again that the international community rejected the use of violence, including the acquisition of territory by force and "ethnic cleansing", to settle problems that could be resolved by political means. He attached great importance to cooperation between the United Nations and CSCE. He stated that, in the future, the activities of the two organizations should be better coordinated and complement each other. Furthermore, the exchange of information between UNOMIG and the Chairman-in-Office of CSCE should henceforth be an integral part of international efforts in Georgia.³⁵

**Decision of 4 November 1993 (3304th meeting):
resolution 881 (1993)**

On 27 October 1993, the Secretary-General submitted to the Council a report concerning the situation in Abkhazia,³⁶ in which he provided an update on his political efforts and those of his Special

³³ *Ibid.*, pp. 4-6.

³⁴ *Ibid.*, pp. 7-8.

³⁵ *Ibid.*, pp. 8-10.

³⁶ S/26646. See also S/26646/Add.1 of 3 November 1993.

Envoy, as well as on the status of UNOMIG. The Secretary-General reported that his Special Envoy had held bilateral discussions in October at Geneva with both parties. The Georgian side had agreed to a meeting, providing that such talks would be conducted on the basis of the inviolability of the territorial integrity of Georgia and that they would take place after the issuing of the report of the human rights mission. Thus, in view of the expressed willingness of both sides to meet, he planned for the Special Envoy to hold a first round of discussions with both parties in late November, under United Nations auspices and with the Russian Federation as facilitator and CSCE as a participant. Restating that the mandate of UNOMIG had been invalidated by the military developments of 16 to 27 September,³⁷ he recommended that the Mission be continued at its current military strength of five military observers for a further three months with the following interim mandate: (a) to maintain contacts with both sides to the conflict and military contingents of the Russian Federation; and (b) to monitor the situation and report to Headquarters, with particular reference to any developments relevant to the efforts of the United Nations to promote a comprehensive political settlement.

At its 3304th meeting, on 4 November 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 881 (1993), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993 and 876 (1993) of 19 October 1993,

Recalling in particular resolution 858 (1993) in which the Council decided to establish the United Nations Observer Mission in Georgia,

Having considered the report of the Secretary-General of 27 October 1993 concerning the situation in Abkhazia, Georgia,

Noting with concern that the original mandate of the Mission has been overtaken by the military developments of 16 to 27 September 1993,

Expressing its serious concern that continuation of the conflict in Abkhazia, Georgia, threatens peace and stability in the region,

1. *Welcomes* the report of the Secretary-General of 27 October 1993;

2. *Welcomes also* the continued efforts of the Secretary-General and his Special Envoy, in cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe and with the assistance of the Government of the Russian Federation as facilitator, to carry forward the peace process with the aim of achieving an overall political settlement, and in particular to bring both parties together in late November 1993 in Geneva;

3. *Reiterates* the demand in its resolution 876 (1993) that all the parties to the conflict in Abkhazia, Republic of Georgia, refrain from the use of force and from any violation of international humanitarian law, and looks forward to the report of the fact-finding mission sent by the Secretary-General to Georgia in this regard;

4. *Approves* the continued presence of the United Nations Observer Mission in Georgia until 31 January 1994 comprising up to five military observers plus minimal support staff, with the following interim mandate:

(a) to maintain contacts with both sides to the conflict and military contingents of the Russian Federation;

(b) to monitor the situation and report to Headquarters, with particular reference to any developments relevant to the efforts of the United Nations to promote a comprehensive political settlement;

5. *Decides* that the Mission will not be extended beyond 31 January 1994 unless the Secretary-General reports to the Council that substantive progress has been made towards implementing measures aimed at establishing a lasting peace or that the peace process will be served by the prolongation of its mandate, and requests the Secretary-General to report as appropriate, but in any event by late January 1994, on the activities of the Mission;

6. *Requests* the Secretary-General to take planning steps which would enable, upon a further decision by the Council, prompt deployment of additional personnel within the originally authorized strength of the Mission if the Secretary-General reports that the situation on the ground and in the peace process warrants it;

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

Speaking after the vote, the representative of the United Kingdom deemed it right that the action taken by the United Nations should take the form not just of resolutions and discussions but also of practical action

³⁷ See the report of 7 October (S/26551), para. 11.

³⁸ S/26688.

in the form of the continued limited deployment of UNOMIG with a revised mandate. He added that paragraph 3 of resolution 881 (1993) made very clear the importance the international community attached to the need for respect for human rights in Georgia. The international community also expected the parties to make progress towards a peace settlement, and none of the parties should interpret paragraph 5 of the resolution as implying that UNOMIG would in practice remain deployed whatever happened at the negotiating table.³⁹

The representative of France expressed his Government's support for the efforts made by the Secretary-General and his Special Envoy to achieve a negotiated solution between the parties. The role of UNOMIG in support of that process was of particular importance. Maintaining UNOMIG in Georgia until 31 January 1994 would allow it to maintain contact with the parties and to provide the Secretary-General and the Security Council with independent information on events that might influence the process of a political solution. He noted that the resolution just adopted made the possible extension of the UNOMIG mandate beyond 31 January 1994 conditional on progress in the negotiation process. It was clear that the justification for UNOMIG lay in its potential usefulness for the peace process.⁴⁰

According to the representative of the United States, resolution 881 (1993) reflected the United Nations continuing commitment to resolution of the conflict in keeping with the sovereignty and territorial integrity of Georgia. UNOMIG, with a new mandate and reduced in size, could still play a constructive role in monitoring the situation on the ground and helping create an atmosphere conducive to a negotiated settlement.⁴¹

The representative of the Russian Federation stated that his country attached great importance to the continued presence of UNOMIG as well as to the Council's decision to request the Secretary-General quickly to take steps that would permit, upon a further decision by the Council, the prompt deployment of additional personnel within the originally authorized strength of the Mission. He further stressed the need for close cooperation and interaction between the

United Nations, CSCE and other interested parties, including his country, in order to ensure the irreversibility of the peace process.⁴²

**Decision of 8 November 1993 (3307th meeting):
statement by the President**

At its 3307th meeting, on 8 November 1993, the Security Council resumed its consideration of the item. After the adoption of the agenda, the President stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:⁴³

The Security Council is following with deep concern developments in the Republic of Georgia, where the continuing disorder has led to mass suffering of the civilian population and threatens to worsen seriously the humanitarian situation in neighbouring Azerbaijan and Armenia.

In this connection, the Council notes the appeal by the Government of the Republic of Georgia to the Russian Federation, the Azerbaijani Republic and the Republic of Armenia for assistance to protect and ensure the uninterrupted operation of railroads in Georgia. These are crucial communication links for the three Transcaucasian countries. The Council welcomes the improvement in security for the lines of communication that has followed the Russian Federation's response, which was made in accordance with the wishes of the Government of Georgia.

The Council appeals to the international community to continue its efforts to provide emergency humanitarian assistance to the population of the Republic of Georgia.

The Council will remain seized of the matter, and asks to be kept informed of developments by the parties concerned on a regular basis.

**Decision of 22 December 1993 (3325th meeting):
resolution 892 (1993)**

By a letter dated 16 December 1993 addressed to the President of the Council,⁴⁴ the Secretary-General stated that the Memorandum of Understanding, signed by the parties to the conflict on 1 December 1993 at Geneva, manifested encouraging progress towards lasting peace in the area. Therefore, he sought from the Council contingent authority to deploy up to 50 additional military observers, together with a minimal number of civilian support staff. He indicated that UNOMIG, thus reinforced, would be better placed to

³⁹ S/PV.3304, p. 3.

⁴⁰ Ibid., pp. 3-4.

⁴¹ Ibid., pp. 4-5.

⁴² Ibid., p. 5.

⁴³ S/26706.

⁴⁴ S/26901.

ascertain the actual conditions on the ground and to plan and prepare for a further expansion, should the next round of negotiations, scheduled to begin on 11 January 1994, warrant it.

At its 3325th meeting, on 22 December 1993, the Security Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (China) then drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁵ He also drew their attention to several other documents.⁴⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 892 (1993), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993 and 881 (1993) of 4 November 1993,

Also reaffirming its resolution 868 (1993) of 29 September 1993 concerning the security of United Nations operations,

Having considered the letter dated 16 December 1993 from the Secretary-General to the President of the Security Council concerning the situation in Abkhazia, Republic of Georgia,

Taking note of the letter dated 9 December 1993 from the Permanent Representative of Georgia to the United Nations to the Secretary-General, transmitting the Memorandum of Understanding between the Georgian and Abkhaz sides signed in Geneva on 1 December 1993,

⁴⁵ S/26909.

⁴⁶ Letter dated 3 December 1993 from the representative of Italy addressed to the Secretary-General, transmitting the final documents issued by the CSCE Council at its fourth meeting, held in Rome on 30 November and 1 December 1993 (S/26843); letter dated 3 December 1993 from the representative of Belgium addressed to the President of the Security Council, transmitting a statement on Georgia issued by the European Union on 30 November 1993 (S/26856); and letter dated 9 December 1993 from the representative of Georgia addressed to the Secretary-General, transmitting a letter dated 8 December 1993 from the Minister for Foreign Affairs of Georgia addressed to the Secretary-General together with the text of the Memorandum of Understanding dated 1 December 1993 (S/26875).

Welcoming the signature of the Memorandum of Understanding,

Noting that the parties to the Memorandum of Understanding consider that the maintenance of peace would be promoted by an increased international presence in the zone of conflict,

Noting also the first expert-level talks held between the parties in Moscow on 15 and 16 December 1993 and the intention to convene a new round of negotiations in Geneva on 11 January 1994 with a view to achieving a comprehensive political settlement of the conflict,

Noting further that encouraging progress has been achieved in the negotiations between the parties, which justifies the deployment of additional United Nations military observers,

Taking note of the decisions of the ministerial meeting of the Conference on Security and Cooperation in Europe held in Rome on 30 November and 1 December 1993, and welcoming the continuing cooperation between the United Nations and the Conference in this matter,

Deeply concerned at the humanitarian situation in Georgia, in particular at the number of displaced persons and refugees,

1. *Welcomes* the letter dated 16 December 1993 from the Secretary-General to the President of the Security Council;

2. *Authorizes* the phased deployment of up to fifty additional United Nations military observers to the United Nations Observer Mission in Georgia, as recommended by the Secretary-General in his letter, to perform the functions described in paragraph 4 of resolution 881 (1993) and in this manner to contribute to the implementation by the parties of the provisions of the Memorandum of Understanding of 1 December 1993, and requests the Secretary-General to inform the Council of the duties of new observers as additional deployments beyond the initial ten referred to in his letter are undertaken;

3. *Notes* the intention of the Secretary-General to plan and prepare for a possible further expansion of the Mission to ensure prompt deployment should the situation on the ground and the course of negotiations warrant it;

4. *Expresses its willingness* to review the existing mandate of the Mission taking into account any progress achieved towards the promotion of a comprehensive political settlement and in the light of the report of the Secretary-General due late January 1994, which report should cover, inter alia, the specific activities the Mission will undertake, prospects for the Mission and anticipated costs, in light of the situation on the ground and in the negotiations;

5. *Urges* the parties to comply fully with all the commitments they have undertaken in the Memorandum of Understanding, and in particular with the commitments undertaken in accordance with the main provisions of the cease-fire agreement of 27 July 1993, set out in paragraph 1 of the Memorandum of Understanding;

6. *Urges* the parties to take all steps necessary to ensure the security of Mission personnel, and welcomes the readiness of the Government of the Russian Federation to assist the Secretary-General in this regard;

7. *Also urges* the parties fully to comply with their undertakings in the Memorandum of Understanding to create conditions for the voluntary, safe and speedy return of refugees to the places of their permanent residence and to facilitate the provision of humanitarian assistance to all victims of the conflict;

8. *Further urges* the parties not to take any political or any other steps that could aggravate the existing situation or hinder the process towards a comprehensive political settlement;

9. *Encourages* donor States to make contributions in response to the United Nations humanitarian appeal;

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

Speaking after the vote, the representative of France observed that, just as the Council had reduced the strength of UNOMIG following the violation of the ceasefire agreement, it was, in the light of the encouraging results of the Geneva negotiations, confirming the readiness of the United Nations to make its contribution, as soon as the parties proved their willingness to advance towards a political settlement of the conflict. If further progress were to be achieved in the coming weeks, France, together with a number of delegations directly concerned, would propose new forms of action to the Security Council.⁴⁷

The representative of the Russian Federation said his delegation had supported the adopted resolution, authorizing an increase in the strength of the United Nations Observer Mission in Georgia up to 50 additional military observers, in the belief that that was the first step in United Nations assistance. His delegation also believed that progress towards a political settlement should be accompanied by the deployment of a full-fledged United Nations operation, which would cover the entire territory of Abkhazia. At that point, questions of highest priority were the respect for human rights, the return of refugees, the restoration of law and order, and the cessation of violence. In that respect, the speaker hoped that the upcoming review of the mandate of UNOMIG would take into account the recommendation of the Secretary-General's fact-finding mission,⁴⁸ according to which human rights monitors placed in Abkhazia could make

an important contribution to the restoration of guarantees for the protection of civilians. It was obvious that international support commensurate with the intensity and scale of the conflict required a significant strengthening not only of the military but also of political, humanitarian and other types of United Nations presence in Abkhazia.⁴⁹

Similarly, the representative of the United Kingdom said United Nations assistance to Georgia was not and should not be confined to the provision of military observers. He agreed with the Secretary-General's view that a further deployment of UNOMIG, beyond that authorized in resolution 892 (1993) and up to the strength originally envisaged for the Mission, had to depend on progress at the political level.⁵⁰

The representative of the United States noted that the expansion of UNOMIG was in keeping with the intention of resolution 881 (1993), which took as its guidelines for further development an evaluation of the situation on the ground and in the negotiating process. He hoped that the parties would build upon their agreement to work out a framework for a formal ceasefire with which UNOMIG could interact, as was its original function. He also hoped that the Secretary-General in his next report would evaluate whether and to what degree UNOMIG might resume more traditional observer functions.⁵¹

**Decision of 31 January 1994 (3332nd meeting):
resolution 896 (1994)**

On 25 January 1994, the Secretary-General submitted to the Council a report on the situation in Abkhazia.⁵² The Secretary-General reported that, following the signature of the Memorandum of Understanding of 1 December 1993, his Special Envoy had chaired a second round of negotiations at Geneva in January. On 13 January, both sides signed a communiqué by which they noted the implementation of the Memorandum of Understanding of December 1993, including an exchange of prisoners, a preparatory visit of representatives of the United Nations High Commissioner for Refugees and an expert group meeting, held in Moscow on 15 and

⁴⁷ S/PV.3325, pp. 6-7.

⁴⁸ See S/26795.

⁴⁹ S/PV.3325, pp. 7-9.

⁵⁰ *Ibid.*, pp. 9-11.

⁵¹ *Ibid.*, pp. 12-13.

⁵² S/1994/80. See also S/1994/86/Add.1 of 27 January 1994.

16 December 1993, to prepare recommendations on the political status of Abkhazia.⁵³ The two sides reaffirmed their commitment not to use force or the threat of force against each other, recognized that their primary objective was a comprehensive political settlement and agreed that the deployment of a full-scale peacekeeping operation in Abkhazia would promote the establishment of favourable conditions for such a settlement. They also agreed to establish a special commission on refugees to begin work on 25 January; to start implementing a phased process of the return of refugees to Abkhazia on 10 February; and to hold a third round of negotiations on 22 February in Moscow or Geneva. The communiqué also contained a call from the United Nations, CSCE and the Russian Federation for the parties to proceed from the need to observe the territorial integrity of Georgia and to ensure fully the interests of the entire multinational population of Abkhazia.

On 21 January, the Head of State of Georgia had met the Secretary-General and had strongly urged him to recommend an increase in the United Nations military presence, as soon as possible. Noting that negotiations for an acceptable political status for Abkhazia would take time and that the present ceasefire remained fragile, and taking into account the fact that tensions and conflict situations, which existed in the newly independent States of the former Soviet Union, carried much significance for regional stability and international peace and security, the Secretary-General believed that the United Nations presence in the area should be prolonged. In that regard, following consultations with his Special Envoy and with the group of Member States constituting the “Friends of Georgia”,⁵⁴ he suggested as possible options either the establishment of a traditional United Nations peacekeeping force or the authorization of a multinational military force not under United Nations command to carry out an effective separation of forces, monitor the disarmament and withdrawal of armed units and create conditions conducive to the return of refugees and displaced persons. However, bearing in mind the Security Council’s clear indication that its attitude towards United Nations peacekeeping efforts in Abkhazia would depend on there being substantive progress towards a political settlement, which had so far been limited, he recommended that UNOMIG be

maintained with its present mandate and strength of up to 55 observers for a limited period to 15 March 1994.

At its 3332nd meeting, on 31 January 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the members of the Council to a draft resolution prepared in the course of the Council’s prior consultations.⁵⁵ He also drew their attention to two letters from the representative of Georgia, including a letter dated 13 January 1994 addressed to the President of the Security Council,⁵⁶ by which he transmitted the text of the communiqué and requested a meeting of the Council to discuss the question of dispatching United Nations peacekeeping forces to the region.

The representative of Georgia stated that the issue of refugees and displaced persons was of utmost importance for his country and urged that greater attention be paid to the peacekeeping operation in Abkhazia. He contended that the repopulation of the places where the refugees had resided, by non-indigenous elements, including foreign combatants, was a concealed form of ethnic cleansing, which challenged the efforts of the United Nations and previous agreements for a peaceful settlement. While the determination of the political status of Abkhazia, respecting the sovereignty and territorial integrity of Georgia was the key to an overall political settlement, an urgent resolution of the refugee problem was the key to the determination of the political status of Abkhazia itself. He stressed that the return of the refugees had to be carried out without any preconditions.⁵⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 896 (1994), which reads:

⁵⁵ S/1994/96.

⁵⁶ Letter dated 13 January 1994 from the representative of Georgia addressed to the President of the Security Council (S/1994/32); and letter dated 26 January 1994 from the representative of Georgia addressed to the Secretary-General (S/1994/88).

⁵⁷ S/PV.3332, pp. 3-4.

⁵³ See S/1994/32, annex.

⁵⁴ France, Germany, Russian Federation and United States.

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993 and 892 (1993) of 22 December 1993,

Reaffirming also its resolution 868 (1993) of 29 September 1993 concerning the security of United Nations operations,

Having considered the report of the Secretary-General of 25 January 1994 concerning the situation in Abkhazia, Republic of Georgia,

Welcoming the communiqué on the second round of negotiations between the Georgian and Abkhaz sides signed at Geneva on 13 January 1994, recalling the Memorandum of Understanding signed at Geneva on 1 December 1993, and emphasizing the importance of implementation by the parties of the obligations to which they have committed themselves,

Taking note of the fact that the parties, in the communiqué, state that they continue to favour the deployment in the zone of conflict of United Nations peacekeeping forces or other forces, subject to authorization by the United Nations,

Taking note also of the next expert-level talks to be held between the parties in Moscow on 8 February 1994 and of the intention of the Special Envoy of the Secretary-General to convene a new round of negotiations at Geneva on 22 February 1994,

Recognizing the grave situation in the Republic of Georgia created by the presence of almost 300,000 persons displaced from Abkhazia,

Noting again the conclusions of the ministerial meeting of the Conference on Security and Cooperation in Europe held at Rome on 30 November and 1 December 1993, and welcoming the continuing cooperation between the United Nations and the Conference in this matter,

1. *Takes note* of the report of the Secretary-General of 25 January 1994;

2. *Welcomes* the continued efforts of the Secretary-General and his Special Envoy, in cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe and with the assistance of the Government of the Russian Federation as facilitator, to carry forward the peace process with the aim of achieving an overall political settlement, and welcomes in particular the progress achieved so far;

3. *Urges* the parties to resume the negotiations as soon as possible and to demonstrate stronger willingness to achieve progress towards a comprehensive political settlement;

4. *Calls upon* all concerned to respect the sovereignty and territorial integrity of the Republic of Georgia, and stresses the importance it attaches to such respect;

5. *Stresses* that substantive progress must be made immediately on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, if the negotiations are to succeed and further conflict is to be avoided;

6. *Approves* the continuation of the mandate of the United Nations Observer Mission in Georgia until 7 March 1994 within the numbers authorized in resolution 892 (1993);

7. *Declares its readiness*, within this period, to consider promptly any recommendation from the Secretary-General to further increase the strength of the Mission up to the limit specified in resolution 858 (1993) should the Secretary-General so recommend;

8. *Takes note* of the options described by the Secretary-General in his report for the possible establishment of a peacekeeping operation in Abkhazia, Republic of Georgia;

9. *Requests* the Secretary-General to report to the Security Council immediately following the third round of negotiations between the parties on progress, if any, made in the negotiations and on the situation on the ground, with special attention to circumstances which might warrant a peacekeeping force and on the modalities for such a force;

10. *Underlines* the importance of substantive progress towards a political settlement at the next round of negotiations for further consideration by the Council of possible establishment of a peacekeeping force in Abkhazia, Republic of Georgia;

11. *Recognizes* the right of all refugees and displaced persons affected by the conflict to return, without preconditions, to their homes in secure conditions, calls upon the parties to honour the commitments they have already made in this regard, and urges the parties to come to an expeditious agreement, including a binding timetable, that would assure the rapid return of these refugees and displaced persons in secure conditions;

12. *Condemns* any attempts to change the demographic composition of Abkhazia, Republic of Georgia, including by repopulating it with persons not previously resident there;

13. *Calls upon* the parties to comply fully with the ceasefire to which they have committed themselves;

14. *Urges* the parties to take all steps necessary to ensure the security of Mission personnel and welcomes the readiness of the Russian Federation to assist them in this regard;

15. *Encourages* donor States to assist the Republic of Georgia to enable it to overcome the consequences of the conflict and to make contributions in response to the United Nations humanitarian appeal;

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

Speaking after the vote, the representative of the Russian Federation expressed his delegation's support for the request by the parties, as contained in their

communiqué, with respect to the deployment in the zone of conflict of United Nations peacekeeping forces or other forces approved by the United Nations, and with respect to the extension of the mandate of UNOMIG. His delegation considered the resolution just adopted to be an interim decision dictated by the need to extend the Mission's mandate, on the basis of which the Council could adopt a fundamental decision on deploying a full-scale United Nations peacekeeping operation. He stressed that the deployment of peacekeeping forces throughout the territory of Abkhazia would create the most favourable conditions for hastened progress towards a comprehensive political settlement as well as for ensuring the unconditional return of refugees, without which there could be no question of a final resolution of the political status of Abkhazia.⁵⁸

The representative of France stated that his delegation agreed with the Secretary-General that it was the duty of the United Nations, as soon as the political will of the parties to reach a negotiated settlement was confirmed, to become further involved and respond to the appeal to establish a peacekeeping operation in Abkhazia. The parties had to understand, therefore, that it was urgent that they made progress in that regard, particularly with respect to the refugee issue. The return of refugees and displaced persons was critical to the quest for a political settlement acceptable to all the parties.⁵⁹

Similarly, the representative of the United Kingdom said that a key factor in future decisions on the subject of the establishment of a peacekeeping force would be the extent of progress towards a political settlement in the negotiations between the parties. However, the Council would not wish that formula to be used by one of the parties to gain time in order to consolidate its position. Any solution to the problem had to respect the territorial integrity of Georgia and ensure the interests of the entire multinational population of Abkhazia.⁶⁰

According to the representative of the United States, the Council could not get ahead of the parties themselves in efforts towards a political solution to the conflict. The resolution rightly reminded the parties of the need to demonstrate willingness to work towards a

comprehensive political settlement and stressed that substantive progress had to be made immediately on the political status of Abkhazia. The resolution was also specific on the question of refugees and displaced persons. Although the Council had taken no position on exactly how the process of return should begin, it had made clear in the resolution that the process was to take place within an agreed framework, including a binding timetable.⁶¹

The representative of New Zealand stated that the Secretary-General rightly had recommended against the United Nations taking a decision at that time to establish a more elaborate peacekeeping operation in Georgia. The current *de facto* ceasefire was not a sure foundation for a peacekeeping operation of the kind requested by the parties or for decisions on the nature and duration of a such an operation. He stressed that, while the members of the Council would examine the Secretary-General's next report on the basis of the outcome of the upcoming negotiations between the parties, any new United Nations peacekeeping operation in Georgia would have to be structured along traditional lines. Recognizing the implications of the situation for regional security, he welcomed the willingness of regional countries — in particular the Russian Federation as facilitator — to play a constructive role in seeking a solution in that area.⁶²

The President, speaking in his capacity as representative of the Czech Republic, expressed support for Georgia's territorial integrity and stated that, while anything that both parties could agree to would probably be internationally acceptable, an autonomous status for Abkhazia within the Republic of Georgia would be preferable. While it would be very challenging to interpose a sizeable international contingent of peacekeepers in the conflict, his delegation could not support sending peacekeepers into a situation where a political settlement had not been achieved. Expressing satisfaction at the United Nations cooperation with CSCE in Georgia, he suggested that such cooperation be reinforced by considering the appointment of a "super-envoy", representing both the United Nations and CSCE. Such an appointment would send a signal about both organizations' willingness to

⁵⁸ S/PV.3332, pp. 5-7.

⁵⁹ *Ibid.*, pp. 7-8.

⁶⁰ *Ibid.*, pp. 8-10.

⁶¹ *Ibid.*, p. 11.

⁶² *Ibid.*, pp. 11-13.

pool resources with respect, perhaps, to all of Georgia's problems.⁶³

**Decision of 4 March 1994 (3345th meeting):
resolution 901 (1994)**

On 3 March 1994, pursuant to resolution 896 (1994), the Secretary-General submitted to the Council a report on the situation in Abkhazia,⁶⁴ in which he reported on progress made in the negotiations, and on the situation on the ground. The Secretary-General informed the Council that a second meeting of the group of experts to address the issue of the political status of Abkhazia had been held in Moscow in February. The group had discussed the division of competences between the Georgian and the Abkhaz authorities as well as the national and international guarantees, the rights to be recognized as those of Abkhazia and possible mechanisms for implementing the competences decided on. As a result of the meeting, the viewpoints of the two sides had seemed to have come closer although a number of difficulties remained unresolved. The meeting was followed by a third round of negotiations at Geneva in February. Despite every effort by his Special Envoy and the Russian facilitator to devise a compromise, it had proved impossible to obtain a document signed by both parties recognizing the sovereignty and territorial integrity of Georgia by all concerned. It had been agreed to resume the session in New York on 7 March.

The Secretary-General noted that the situation on the ground had worsened with renewed fighting in the Gali region, leading to more deaths, destruction of homes and refugee flows. In his view, the deployment of an international military presence could contribute much needed stability. However, the conditions set out by the Council for such a deployment had yet to be met. By not acceding to the Security Council's demand that all parties recognize the territorial integrity of Georgia, the Abkhaz side was preventing the United Nations from responding to a call for assistance from a Member State and blocking the orderly return of refugees. He therefore urged both parties to make the necessary compromises. In the meantime, he recommended a short extension of UNOMIG under its existing mandate.

⁶³ *Ibid.*, pp. 16-20.

⁶⁴ S/1994/253.

At its 3345th meeting, on 4 March 1994, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶⁵ He also drew their attention to several other documents,⁶⁶ including a letter dated 9 February 1994 from the representative of Georgia transmitting a letter dated 8 February 1994, in which the Head of State of Georgia informed the Secretary-General of the exacerbation of the tense situation in Abkhazia and reiterated his call for a prompt deployment of a peacekeeping force in Abkhazia, and a letter dated 28 February 1994 from the representative of Georgia addressed to the President, transmitting the text of a statement by the Head of State of Georgia issued on 26 February 1994, in which he agreed to the immediate continuation of the negotiations and expressed his readiness to visit the Security Council and meet the Secretary-General or his Special Envoy, the leadership of the Russian Federation and representatives of friendly States.

The draft resolution was then put to the vote and adopted unanimously as resolution 901 (1994), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993 and 896 (1994) of 31 January 1994,

⁶⁵ S/1994/251.

⁶⁶ Letter dated 4 February 1994 from the representatives of Georgia and the Russian Federation addressed to the Secretary-General transmitting the text of a joint message (S/1994/125); letter dated 9 February 1994 from the representative of Georgia addressed to the Secretary-General transmitting a letter dated 8 February from the Head of State of Georgia (S/1994/149); letter dated 24 February 1994 from the representative of Georgia addressed to the Secretary-General transmitting the text of a statement dated 15 February 1994 of the Georgia State Committee for Investigation and Revelation of Materials concerning the Policy of Genocide and Ethnic Cleansing against the Georgian Population in Abkhazia, and Submission of Such Materials to an International Tribunal (S/1994/225); and letter dated 28 February 1994 from the representative of Georgia addressed to the President of the Security Council (S/1994/234).

Noting the letter dated 28 February 1994 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council transmitting the statement of the Chairman of the Parliament, Head of State of the Republic of Georgia,

Noting also the resumption in New York on 7 March 1994 of the negotiations held at Geneva from 22 to 25 February 1994 between the Georgian and Abkhaz sides,

Urging the parties to achieve as soon as possible substantive progress towards a political settlement based on the principles set out in its previous resolutions so that the Security Council may adequately consider the possible establishment of a peacekeeping force in Abkhazia, Republic of Georgia,

1. *Decides* to extend the mandate of the United Nations Observer Mission in Georgia for an additional interim period terminating on 31 March 1994;

2. *Requests* the Secretary-General to report to the Council by 21 March 1994 on whatever progress has been made in the negotiations and on the situation on the ground, with special attention to circumstances which might warrant a peacekeeping force and on the modalities for such a force;

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

Speaking after the vote, the representative of the United States said that it was regrettable that the parties had not made sufficient progress towards a comprehensive political settlement. Accordingly, his Government called on the parties to demonstrate a stronger willingness to work towards such settlement. At the same time, it was committing itself to explore promising ways and means within the Council to support and guide the parties' work. In doing so, it would need to remain focused on the principles outlined in resolution 896 (1994) which had to guide the process.⁶⁷

The representative of the Russian Federation said his Government attached great importance to progress in the negotiating process, and in particular to attaining an agreement on the status of Abkhazia that fully respected the sovereignty and territorial integrity of Georgia. At the same time, it was firmly convinced that peacemaking forces must be deployed without delay throughout Abkhazia in order to add momentum to the peace process and make it durable and, in the final analysis, irreversible.⁶⁸

The President, in his capacity as the representative of France, contended that the adopted

resolution was a technical one. The negotiations between both sides were now entering a decisive phase. His Government urgently called on the parties to make the kind of progress that would allow the Council to adopt the necessary peacekeeping measures to settle the conflict.⁶⁹

Deliberations of 9 March 1994 (3346th meeting)

At its 3346th meeting, on 9 March 1994, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the members of the Council to the report of the Secretary-General of 3 March 1994.⁷⁰

At the outset, the representative of Georgia briefed the Council on the history of the conflict. First, the conflict in Abkhazia was not an inter-ethnic conflict. Secondly, neither before nor after the beginning of the conflict did Georgia ever call into question the issue of Abkhaz statehood. Thirdly, Georgia's will for peace had been reaffirmed by three ceasefire agreements and the adoption of appropriate measures required for their implementation. He then outlined Georgia's plan for a comprehensive settlement in Abkhazia. The plan provided for the holding, under international supervision, of elections leading to the establishment of new organs of power; the establishment, prior to the elections, of an international directorate with the participation of the parties, the Office of the United Nations High Commissioner for Refugees (UNHCR), the Russian Federation, the group of "Friends of Georgia", and other States Members of the United Nations; and the establishment of a provisional joint administration for Abkhazia. In addition, an international body would be established under United Nations auspices, with the Russian Federation as facilitator and with the participation of CSCE and would devise and implement, jointly with the international directorate and the Government, a programme for Abkhazia's economic revival. He also stressed that the only way towards a peaceful political settlement was the deployment in the conflict zone of international peacekeeping forces and that any delay in their deployment would have a detrimental effect on

⁶⁷ S/PV.3345, p. 2.

⁶⁸ Ibid.

⁶⁹ Ibid., pp. 2-3.

⁷⁰ S/1994/253.

the lot of refugees. He asked the Council to take those views into account when reaching a decision.⁷¹

The representative of the Russian Federation said that his country attached great importance to progress in the negotiations, particularly with respect to reaching agreement on a full-scale settlement on the basis of unconditional respect for the territorial integrity of Georgia and respect for and guarantees of the statehood and multi-nationality status of the people of Abkhazia. At the same time, his country was convinced that in order to encourage a successful and ultimately irreversible peace process, prompt deployment of peacekeeping forces to the zone of conflict was essential. Only such deployment could truly and effectively ensure maintenance of the ceasefire, the safe return of refugees and displaced persons to Abkhazia, and the parties' implementation of the agreements already reached. The Russian Federation considered it extremely important for the Security Council to respond positively to the frequent requests of the leadership of both parties to that effect.⁷²

The representative of the United States reaffirmed its strong support for the independence, sovereignty and territorial integrity of Georgia. Should the parties reach a settlement including a durable ceasefire and the return of refugees, his delegation would be inclined to support a carefully defined United Nations peacekeeping operation in Georgia, if certain conditions were met. In that connection, he noted that the Government of Georgia had indicated a willingness to negotiate far-reaching autonomy for Abkhazia. It must be prepared to define in detail how that autonomy would be exercised. But the Abkhaz forces must also recognize in word and deed Georgia's territorial integrity.⁷³

According to the representative of the United Kingdom, it was crucial that there should be a substantive political framework in place and clear progress made towards a political settlement before the Council approved a peacekeeping operation. Also, there had to be clarity as to the mandate that might be given to the peacekeeping forces in question, which had to avoid simply consolidating the status quo. He stressed that the international community, in his view,

would not have much patience if a party to the negotiations placed obstacles in their path in order to gain time and consolidate its position and, furthermore, that any solution to the problem had to respect the territorial integrity of Georgia as well as ensuring the interests of all the multi-ethnic communities of Abkhazia.⁷⁴

The President, speaking in his capacity as the representative of France, said that his Government wished to send a very clear message on three matters of principle: first, it was out of the question to compromise on the principle of the territorial integrity of Georgia within the framework of the final settlement; secondly, every effort should be made to ensure that the return of displaced persons and refugees to Abkhazia took place in the best conditions; and thirdly, the establishment of a peacekeeping operation would have to be in conformity with the customary rules governing United Nations peacekeeping involvement, in particular, the definition of its mandate, the force's composition and command and its financing.⁷⁵

Other speakers emphasized that any peace process should take into account the sovereignty and territorial integrity of Georgia.⁷⁶ Some of them considered favourably the establishment of a peacekeeping force in Georgia.⁷⁷

**Decision of 25 March 1994 (3354th meeting):
resolution 906 (1994)**

On 18 March 1994, pursuant to resolution 901 (1994), the Secretary-General submitted to the Council a report on the situation in Abkhazia.⁷⁸ The Secretary-General informed the Council that the third round of negotiations had been held in New York in March under the chairmanship of his Special Envoy. He also had a detailed exchange of views with the Head of State of Georgia on the state of the negotiations and the possibilities for action by the United Nations. Much of the draft political declaration and virtually the whole draft refugee agreement were acceptable to both sides. However, the parties diverged on three major issues:

⁷⁴ *Ibid.*, pp. 10-11.

⁷⁵ *Ibid.*, pp. 13-14.

⁷⁶ *Ibid.*, pp. 11-12 (Brazil); p. 12 (China); pp. 12-13 (Spain); and p. 13 (Argentina).

⁷⁷ *Ibid.*, pp. 11-12 (Brazil); and pp. 12-13 (Spain).

⁷⁸ S/1994/312 and Add.1.

⁷¹ S/PV.3346, pp. 2-8.

⁷² *Ibid.*, pp. 8-9.

⁷³ *Ibid.*, pp. 9-10.

recognition of the territorial integrity of Georgia; the repatriation of refugees and displaced persons; and the role and area of deployment of a peacekeeping force. Although conditions for the deployment of a peacekeeping force did not exist and negotiations were suspended, the Secretary-General did not believe that it was the time for the international community to abandon its efforts. At the same time, the parties could not expect the international community to maintain its assistance indefinitely if they did not both show a readiness to start rebuilding confidence and reconciling their differences. In that context, he informed the Council that he had received informal indications from both sides that they wished to find a negotiated settlement, and that he intended to ask his Special Envoy to resume contact with the parties and with the Russian Federation in its role as facilitator. In the meantime, he recommended an extension of the UNOMIG mandate for a further three months, until 30 June 1994.

At its 3354th meeting, on 25 March 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷⁹ He also drew their attention to two letters,⁸⁰ including a letter dated 24 March 1994 addressed to the President of the Security Council,⁸¹ in which the representative of Georgia informed the Council of his Government's readiness to continue negotiations on a comprehensive political settlement of the conflict.

Speaking before the vote, the representative of Oman noted that operative paragraph 4 of the draft resolution referred to consideration of the possible establishment of a peacekeeping force in Abkhazia. His delegation did not consider it appropriate for the Council to be considering that matter at present. On the contrary, his Government felt that the Council's involvement in such details was premature and might well set a dangerous precedent leading to

complications in the situation. The Security Council should not intervene. Nevertheless, aware that the concerned parties would accept the United Nations force, his delegation would vote in favour of the resolution.⁸²

The draft resolution was then put to the vote and adopted unanimously as resolution 906 (1994), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994 and 901 (1994) of 4 March 1994,

Having considered the reports of the Secretary-General of 3 March and 18 March 1994 on the situation in Abkhazia, Republic of Georgia,

Regretting that no agreement on a political settlement and on the return of refugees and displaced persons has so far been reached in the negotiations between the Georgian and Abkhaz sides,

Welcoming the letter dated 24 March 1994 from the Permanent Representative of the Republic of Georgia informing of the readiness of the Georgian Government to continue the negotiations on a comprehensive political settlement,

Stressing again the grave situation in the Republic of Georgia created by the presence of large numbers of persons displaced from Abkhazia, Republic of Georgia,

Deploring in particular the violence which occurred in early February 1994,

1. *Takes note* of the reports of the Secretary-General of 3 and 18 March 1994;
2. *Once again calls upon* all concerned to respect the sovereignty and territorial integrity of the Republic of Georgia;
3. *Stresses* the right of all refugees and displaced persons to return to their homes in secure conditions, throughout Abkhazia, Republic of Georgia, and urges the parties to come to an expeditious agreement with a view to facilitating the effective realization of this right;
4. *Urges* the parties to resume the negotiations as soon as possible and to achieve substantive progress towards a political settlement, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, based on the principles set out in previous Security Council resolutions, so that the Council may adequately consider the possible establishment of a peacekeeping force in Abkhazia, Republic of Georgia;

⁷⁹ S/1994/347.

⁸⁰ Letters dated 21 and 24 March 1994 from the representative of Georgia addressed to the President of the Security Council (S/1994/317 and S/1994/343).

⁸¹ S/1994/343.

⁸² S/PV.3354, pp. 2-3.

5. *Encourages* donor States to assist the Republic of Georgia to enable it to overcome the consequences of the conflict and to make contributions in response to the United Nations humanitarian appeal;

6. *Decides* to extend the mandate of the United Nations Observer Mission in Georgia for an additional interim period terminating on 30 June 1994;

7. *Urges* the parties to take all necessary steps to ensure the security of Mission personnel and their freedom of movement throughout the territory of the Republic of Georgia;

8. *Requests* the Secretary-General to report to the Council on whatever progress is made in the negotiations as soon as it is achieved, and in any case no later than 21 June 1994, and on the situation on the ground, with special attention to circumstances which might warrant a peacekeeping force and on the modalities for such a force;

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

Speaking after the vote, the representative of the Russian Federation said that his delegation attached importance to the appeal, contained in adopted resolution, for the parties to resume the negotiations as soon as possible and to achieve substantive progress towards a political settlement based on the principles set out in the Council's previous resolutions, especially that of respect for the sovereignty and territorial integrity of Georgia. His delegation believed that, within the existing mandate of UNOMIG, it would be possible to mobilize further the activities of the Mission and that the Secretary-General would keep in mind the possibilities available to him to expand it. Also of particular importance was the Council's confirmation of its intention duly to consider the possible establishment of a peacekeeping force in Abkhazia in the context of the efforts to achieve a political settlement. Meanwhile, the Secretariat should continue preparatory work for such a United Nations operation so that it could be deployed immediately once the Council had taken the decision to do so.⁸³

Referring to the third round of negotiations and the parties' disagreement on the role and area of deployment of peacekeepers, the representative of the Czech Republic rejected the idea supported by the Abkhaz leaders that a peacekeeping operation should petrify the line that separated the territory controlled by them from the rest of Georgia. On the other hand, the Georgian Government's wish for a peacekeeping force to oversee and safeguard the safe return of

refugees, against Abkhaz opposition if need be, would probably call implicitly for an operation under Chapter VII of the Charter. He also underlined the importance of cooperation between the United Nations and CSCE, stating that the early appointment of a liaison officer between the two organizations on the spot, as recently recommended by the CSCE Committee of Senior Officials, should be the next practical manifestation of that cooperation.⁸⁴

The President, speaking in his capacity as the representative of France, stated that the resolution on which his delegation had just voted in favour was not the one that his Government would have wished to see adopted. It would have much preferred to adopt provisions that would have enabled the United Nations to make its own contribution to the implementation of a comprehensive settlement agreed to between the parties. He therefore called on the parties to resume negotiations without delay and take fully account of the proposals put forward by the Secretary-General's Special Envoy. As soon as a lasting political agreement had been concluded and the conditions for United Nations intervention in line with the Organization's principles had been guaranteed, his Government would be prepared to consider favourably the establishment of a peacekeeping operation and to take action in the Council so that a decision to that end would be taken without delay. In that connection, his authorities regarded as essential that, firstly, United Nations involvement required respect for certain rules, in particular the impartiality of the forces in the field and effective control by the Security Council over the implementation of their mandate; and, secondly, that there could be no question of setting up a new buffer force which would only result in freezing the military situation and political positions.⁸⁵

**Decision of 8 April 1994 (3362nd meeting):
statement by the President**

At its 3362nd meeting, on 8 April 1994, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to a letter dated 5 April 1994 addressed to the President of the Council by the representative of Georgia,⁸⁶ transmitting the texts of the declaration on

⁸³ *Ibid.*, pp. 3-4.

⁸⁴ *Ibid.*, pp. 4-5.

⁸⁵ *Ibid.*, p. 6.

⁸⁶ S/1994/397.

measures for a political settlement of the Georgian-Abkhaz conflict and of the quadripartite agreement on the voluntary return of refugees and displaced persons, signed in Moscow on 4 April. Under that declaration, the parties committed themselves to a strict ceasefire and reaffirmed their commitment to the non-use of force or threat of force, as well as their request for the early deployment of a peacekeeping operation with the participation of a Russian military contingent. They agreed to continue energetic efforts to achieve a comprehensive political settlement and to set up an appropriate standing committee for that purpose with the participation of representatives of CSCE and the Russian Federation and with the involvement of international experts. The parties also had agreed to and signed a quadripartite agreement on the repatriation of refugees and displaced persons, which provided for the return of those persons in accordance with existing international practice, including the practice of UNHCR.

The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁸⁷

The Security Council welcomes the conclusion of the third round of the negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement of the conflict under the auspices of the United Nations with the assistance of the Russian Federation as facilitator, and also attended by representatives of the Conference on Security and Cooperation in Europe and the Office of the United Nations High Commissioner for Refugees.

The Council considers the signing in Moscow on 4 April 1994 of the Declaration on Measures for a Political Settlement of the Georgian/Abkhaz Conflict and the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons as an encouraging event, laying the basis for further progress towards the settlement of the conflict.

The Council calls upon both parties to observe strictly the ceasefire and other commitments under the agreements and to use the atmosphere of constructive cooperation, which has emerged during the negotiations, for the solution of other key issues of the settlement.

In this context, the Council supports a further increase in the deployed strength of the United Nations Observer Mission in Georgia up to the limit specified in resolution 892 (1993) of 22 December 1993, if the Secretary-General considers that the conditions on the ground make that appropriate.

⁸⁷ S/PRST/1994/17.

The Council reaffirms its support for the return of all refugees and displaced persons to their homes in secure conditions, in accordance with international law and as set out in the provisions of the Quadripartite Agreement, and calls upon the parties to honour the commitments they have already made in this regard.

The Council underlines the importance of substantive progress towards a political settlement during the next rounds of negotiations so that it may adequately consider the possible establishment of a peacekeeping force in Abkhazia, Republic of Georgia.

The Council expresses in this connection its hope for fruitful results of the work of the Quadripartite Commission on refugees and displaced persons, which begins its work in Sochi, Russian Federation, on 8 April 1994, and of the negotiations between the parties aimed at creating the conditions for the possible establishment of a peacekeeping force and the continuation of consultations on the political status of Abkhazia to be held on 12 and 19 April 1994, respectively.

The Council welcomes the efforts by the Secretary-General and his Special Envoy for Georgia aimed at achieving a comprehensive political settlement in Abkhazia, in accordance with the principles set out in its relevant resolutions, and looks forward to an early report by the Secretary-General as provided for in resolution 906 (1994) of 25 March 1994.

Decision of 16 June 1994: letter from the President to the Secretary-General

On 3 May 1994, pursuant to resolution 906 (1994), the Secretary-General submitted to the Council a report on the situation in Abkhazia, Georgia,⁸⁸ in which he reported on the negotiations that were held on the repatriation of refugees and displaced persons, the possible establishment of a peacekeeping force, and the achievement of a comprehensive political settlement, following the signing of the declaration⁸⁹ and the refugee agreement on 4 April.⁹⁰ He observed that those three areas had to be considered as a whole. Obviously, success in the political field could come only at the end of the process and was linked to the beginning of the return of the refugees as well as to the deployment of international peacekeepers. That was why the question of determining whether the “substantive progress” that was sought by the Council had been achieved was a question of interpretation. Given the intensity of the conflict and the high level of suspicion and mistrust that existed between the parties, it was the Secretary-General’s view that progress was being made as

⁸⁸ S/1994/529.

⁸⁹ S/1994/397, annex I.

⁹⁰ *Ibid.*, annex II.

quickly as reasonably practicable. While planning for repatriation of refugees and displaced persons was proceeding, it had become clear that the large-scale return of those persons would not take place until an international military presence was deployed in those parts of Abkhazia to which the refugees and displaced persons would be returning. The Secretary-General had hoped to be in a position to recommend to the Council that it decide now to establish a United Nations peacekeeping force and to authorize its deployment with the greatest possible speed. But the reservations raised by the Abkhaz side and the absence of acceptance by both sides of the United Nations proposals for the mandate and deployment of a United Nations peacekeeping force had made it impossible for him to submit such recommendation. In that context, he recalled that the Russian Federation had indicated its readiness to deploy an advance contingent of a United Nations force, should the Council decide to establish one. In those circumstances, he proposed that the Council either decide to establish such a force but not yet deploy it; authorize deployment of a non-United Nations peacekeeping force by the Russian Federation and other members of the Commonwealth of Independent States (CIS); or postpone a decision until further efforts were made to persuade the parties to agree on the mandate and deployment of a United Nations force.

In an addendum to his report dated 16 June,⁹¹ the Secretary-General recalled that in a letter dated 17 May 1994⁹² the representative of Georgia had transmitted a copy of the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May by the parties to the conflict. In that Agreement, the parties had agreed that a CIS peacekeeping force would be deployed to monitor compliance with the Agreement. The parties had also appealed to the United Nations Security Council to “expand the mandate of the United Nations military observers in order to provide for their participation in the operations” envisaged under the Agreement. The Secretary-General further informed the Council of a series of discussions held with the Russian Federation to clarify the role of the United Nations observers and their relationship with the CIS peacekeeping force envisaged in the Agreement. He intended to examine further, in consultation with the parties and the Russian Federation, expansion of the

mandate and size of UNOMIG, with a view to its undertaking certain tasks independently but in close coordination with the CIS peacekeeping force. He proposed that the strength of UNOMIG might be of the order of 150 military observers. Its mandate would be to monitor the implementation of the Agreement and observe the operation of the CIS peacekeeping force; to investigate violations of the Agreement and to attempt to resolve such incidents with the parties involved; to maintain close contacts with both sides to the conflict, the CIS peacekeeping force and any other military contingents of the Russian Federation and, by its presence, to ensure conditions conducive to the safe and orderly return of refugees and displaced persons; and to report to the Secretary-General on the implementation of that mandate.⁹³ Subject to the Council’s views, he would, as a first step, increase the number of UNOMIG military observers to 55, as authorized by the Council in resolution 892 (1993).

In a letter dated 16 June 1994, the President of the Security Council (Oman) informed the Secretary-General as follows:⁹⁴

The members of the Security Council have considered your report on the situation in Abkhazia, Georgia. They have noted that discussions were held in New York between the Secretariat and a delegation from the Russian Federation concerning the possible role of United Nations military observers and their relationship with the Commonwealth of Independent States peacekeeping force envisaged in the Agreement on a Ceasefire and Separation of Forces signed by the parties in Moscow on 14 May 1994.

The members of the Council regard these discussions as a positive step. The members of the Council also note your intention, as a first step and in consultation with the parties, to increase the number of military observers of the United Nations Observer Mission in Georgia up to fifty-five as authorized by the Council in its resolution 892 (1993) of 22 December 1993. The members of the Council note your ideas for a possible mandate for an expanded Mission, set out in paragraph 7 of your report, and your provisional assessment of the strength of the Mission that might be required to perform this task.

The members of the Council, noting again the conclusions of the ministerial meeting of the Conference on Security and Cooperation in Europe, held at Rome on 30 November and 1 December 1993, also welcome the continuing cooperation between the United Nations and the Conference in this matter.

The members of the Council would be grateful if the Secretariat could pursue its discussions with the parties, the

⁹¹ S/1994/529/Add.1.

⁹² S/1994/583.

⁹³ *Ibid.*, para. 7.

⁹⁴ S/1994/714.

Russian Federation and representatives of the Commonwealth of Independent States peacekeeping force in order to arrive at clear understandings on particular points of relevance to the Council's decision on a further increase in the strength and change in the mandate of the Mission, including the arrangements which would exist on the ground for coordination between the Mission and the Commonwealth of Independent States peacekeeping force; the period to be set for the mandate of the Commonwealth of Independent States peacekeeping force; assurances from the parties concerned of full freedom of movement for the Mission in the performance of its mandate, both within the zone of operations of the Commonwealth of Independent States peacekeeping force and in other relevant parts of the territory of Georgia; and the time-frame foreseen for the return of refugees and displaced persons.

On this basis, and following the further urgent consultations that you propose with the parties and the Russian Federation, the members of the Council stand ready to consider your detailed recommendations on the expansion of the Mission along the lines of the ideas set out in paragraph 7 of your report.

**Decision of 30 June 1994 (3398th meeting):
resolution 934 (1994)**

On 16 June 1994, pursuant to resolution 906 (1994), the Secretary-General submitted to the Council a report on the situation in Abkhazia, Georgia,⁹⁵ in which he informed the Council of continuing urgent consultations with the parties and the Russian Federation regarding the future mandate and deployment of the expanded UNOMIG, as well as the conditions and assurances of cooperation needed for an effective implementation of that mandate. He also informed the Council that a further round of negotiations convened by his Special Envoy took place in Moscow in May during which both parties to the conflict signed a Proposal for the Establishment of a Coordinating Commission to discuss practical matters of mutual interest. The Secretary-General noted that the Coordinating Commission held its first meeting at Sochi, Russian Federation, on 1 June under the chairmanship of the Russian Federation and that the next round of political negotiations was scheduled to take place in Geneva on 30 June and 1 July 1994. Under those circumstances, the Secretary-General recommended that the Council extend the existing mandate of UNOMIG at its current authorized strength until 31 July 1994.

At its 3398th meeting, on 30 June 1994, the Security Council included the report of the Secretary-

⁹⁵ S/1994/725.

General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁹⁶ He also drew their attention to a letter dated 21 June 1994 addressed to the Secretary-General from the representative of the Russian Federation,⁹⁷ transmitting a letter of the same date from the Minister for Foreign Affairs, informing him of the decision of CIS, acting on the basis of the provisions of Chapter VIII of the Charter, to introduce a collective peacekeeping force into the conflict zone for a period of six months, with an advance contingent of Russian troops present in Abkhazia being deployed immediately. The Security Council would always be kept fully informed of the size of such forces and of their activities, in accordance with Article 54 of the Charter. The letter specified that CIS was anxious not to supplant the United Nations, but to help create the most favourable conditions for the efforts of the United Nations. It was therefore essential to establish from the very outset close cooperation between the peacekeeping force and UNOMIG. In this respect, it was hoped that the Council would decide to enlarge the staff of the Mission and expand and refine its mandate.

The draft resolution was then put to the vote and adopted unanimously as resolution 934 (1994), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 901 (1994) of 4 March 1994 and 906 (1994) of 25 March 1994,

Having considered the report of the Secretary-General of 16 June 1994,

Recalling the letter dated 16 June 1994 from the President of the Security Council to the Secretary-General,

Noting the letter dated 21 June 1994 from the Minister for Foreign Affairs of the Russian Federation to the Secretary-General,

Noting that talks between the parties on a comprehensive political settlement will resume shortly, and urging the parties to achieve substantive progress towards a political settlement consistent with the principles set out in its previous resolutions,

⁹⁶ S/1994/781.

⁹⁷ S/1994/732.

1. *Welcomes* the report of the Secretary-General of 16 June 1994;

2. *Notes with satisfaction* the beginning of Commonwealth of Independent States assistance in the zone of conflict, in response to the request of the parties, on the basis of the 14 May 1994 Agreement on a Ceasefire and Separation of Forces, in continued coordination with the United Nations Observer Mission in Georgia, and on the basis of further coordinating arrangements with the Mission to be agreed upon by the time of the Council's consideration of the Secretary-General's recommendations on the expansion of the Mission;

3. *Decides* to extend until 21 July 1994 the existing mandate of the Mission at its current authorized strength, within which period the further expansion of the Mission as recommended in the report of the Secretary-General of 6 June 1994 will be addressed;

4. *Requests* the Secretary-General, in the light of the letter dated 16 June 1994 from the President of the Security Council, to report to the Council on the outcome of discussions between the Mission, the parties and the Commonwealth of Independent States peacekeeping force designed to reach an agreement on the arrangements which would exist on the ground for coordination between an expanded Mission and the Commonwealth of Independent States peacekeeping force;

5. *Reaffirms its readiness* to consider detailed recommendations on the expansion of the Mission along the lines of the ideas set out in paragraph 7 of the report of the Secretary-General;

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

Speaking after the vote, the representative of France stated that it was necessary that, together with the deployment of the CIS force requested by the parties to maintain the ceasefire and to facilitate the return of refugees and displaced persons, a new mandate be rapidly entrusted to UNOMIG to verify all aspects of the implementation of the agreement of 14 May 1994. The Council, however, would not be able to adopt a resolution to that effect until the Mission and the CIS force had concluded the necessary arrangements concerning the coordination of their activities and until the parties had given the assurances that would guarantee full freedom of movement.⁹⁸

The representative of the Russian Federation attached great importance to the fact that the resolution focused on the cooperation between UNOMIG and the CIS peacemaking forces in the conflict zone. He stressed that Georgia, the Russian Federation and the other CIS States were forced into deploying a

peacemaking operation in the Abkhaz conflict zone because of the dangerous way in which the situation was developing, and because of the lack of a positive response to numerous requests for the urgent dispatch to the conflict zone of a United Nations peacekeeping force. The Council must not delay adopting a "substantive" resolution on that item. Expressing dissatisfaction at the level of support and understanding from Council members for the peacemaking operation in Abkhazia, he stated that there should be no room in the Council for a double standard in approaching peacemaking operations. The Council was expected to provide no less genuine support for efforts to maintain peace in the Georgian-Abkhaz conflict zone than it did with regard to conflicts elsewhere.⁹⁹

According to the representative of the Czech Republic, resolution 934 (1994) was a purely technical one and, as such, should have contained only provisions relating to the extension of the mandate of UNOMIG and references to technical aspects of that Mission. The new element introduced in that resolution ran counter to the general understanding in the Council that it would be in a position to consider and pass judgement on the peacekeeping operation of CIS in Abkhazia only after it had received, and deliberated upon, the Secretary-General's substantive report on UNOMIG, which should address, inter alia, the vital issue of coordination and cooperation between UNOMIG and the CIS peacekeeping force. His delegation did not share the view that the Council could, without due consideration and almost automatically, endorse a peacekeeping operation without having all the facts available to it. Nor did it agree with the notion that different peacekeeping missions could be compared or that there existed an automatic linkage between them. Each peacekeeping operation or mission was unique and had its own specifics. Only after having carefully examined and considered all aspects, both technical and political, could Council members reach a definitive and responsible opinion on the form and substance of the Council's reaction. He concluded by reiterating his delegation's strong preference for a classic United Nations peacekeeping operation in Abkhazia, and its concern at the fact that many aspects of the CIS peacekeeping operation, including coordination and

⁹⁸ S/PV.3398, p. 2.

⁹⁹ *Ibid.*, pp. 2-3.

interaction with UNOMIG, had remained unclear and hazy.¹⁰⁰

**Decision of 21 July 1994 (3407th meeting):
resolution 937 (1994)**

On 12 July 1994, pursuant to the letter dated 16 June 1994 from the President of the Council and resolution 934 (1994), the Secretary-General submitted to the Council a report on the situation in Abkhazia, Georgia,¹⁰¹ in which he reported that the situation on the ground had improved with the arrival of the CIS peacekeeping force but remained tense in the Kodori valley. There were unconfirmed reports that both sides had completed the withdrawal of troops and heavy military equipment from their respective side of the security zone under the supervision of the CIS peacekeeping force, in accordance with the 14 May Agreement. While some spontaneous return of refugees and displaced persons reportedly continued, preparations were under way to start a programme of voluntary return under the lead of UNHCR, as agreed by the parties. With regard to political aspects, the Secretary-General indicated that he would inform in due course the Council on the outcome of a round of negotiations held at Sochi, Russian Federation, in July. Regarding the ongoing consultations with both parties, the Russian Federation and the CIS peacekeeping force, in order to reach clear understandings on specific points relevant to the Council's decision to amend the UNOMIG mandate and increase its strength, the Secretary-General stated that he was now in a position to propose to the Council the tasks which an expanded UNOMIG of 136 military personnel would undertake.¹⁰² Should the Council agree with the mandate and the concept of operations, he would recommend that UNOMIG also be authorized for a period of six months. He intended to send a letter to the President of the Council of the CIS defining the respective roles and responsibilities of UNOMIG and the CIS peacekeeping force.

At its 3407th meeting, on 21 July 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Germany, at his request, to participate in the discussion without the right to vote. The President (Pakistan) then

drew the attention of the members of the Council to a draft resolution submitted by France, Germany, the Russian Federation, the United Kingdom and the United States.¹⁰³

Speaking before the vote, the representative of the United States observed that, for the first time, the members of the Council had established a relationship between a United Nations observer mission and a peacekeeping force within a sovereign State of the former Soviet Union. She noted, *inter alia*, that the draft resolution provided a detailed framework for the operation of UNOMIG and set out the Council's expectations for UNOMIG's relationship to the CIS peacekeeping force. However, the draft resolution was not a blank check. UNOMIG had a six-month mandate, the renewal of which would be subject to review by the Council. She noted also that the draft resolution allowed for the possibility for more extensive United Nations involvement in the process in Georgia, should circumstances warrant.¹⁰⁴

The draft resolution was then put to the vote and adopted by 14 votes to none¹⁰⁵ as resolution 937 (1994), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 906 (1994) of 25 March 1994 and 934 (1994) of 30 June 1994,

Recalling the letter dated 16 June 1994 from the President of the Security Council to the Secretary-General,

Having considered the report of the Secretary-General of 12 July 1994,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Georgia and the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions, in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons signed in Moscow on 4 April 1994,

Welcoming the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994,

¹⁰⁰ *Ibid.*, pp. 3-4.

¹⁰¹ S/1994/818; see also S/1994/818/Add.1 of 15 July 1994.

¹⁰² See S/1994/818.

¹⁰³ S/1994/857.

¹⁰⁴ S/PV.3407, p. 3.

¹⁰⁵ Rwanda was not represented at the meeting; see also chap. IV, part III.

Recognizing the importance of consistent and full compliance with the Declaration on Measures for a Political Settlement of the Georgian/Abkhaz Conflict and the Quadripartite Agreement,

Stressing the crucial importance of progress in the negotiations under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and with the participation of representatives of the Conference on Security and Cooperation in Europe to reach a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, based on the principles set out in its previous resolutions,

Stressing also that this progress would allow the Council to reconsider the possible establishment of a peacekeeping force in Abkhazia, Republic of Georgia, as proposed in the letter dated 7 September 1993 from the Ministers for Foreign Affairs of the Republic of Georgia and the Russian Federation to the Secretary-General,

Stressing further the need to prevent any resumption of hostilities in the area,

Deeply concerned about the humanitarian situation and the dangers which could arise within the region if the large numbers of refugees and displaced persons are not able to return to their homes in secure conditions,

Taking note of the address of the Head of State of the Republic of Georgia of 16 May 1994, and that of the Chairman of the Supreme Soviet of Abkhazia of 15 May 1994, to the Council of Heads of State of the Commonwealth of Independent States, and recognizing that the deployment of a Commonwealth of Independent States peacekeeping force to the area is predicated upon the request and consent of the parties to the conflict,

Noting the statements in the letter dated 21 June 1994 from the Minister for Foreign Affairs of the Russian Federation to the Secretary-General concerning the mandate of the Commonwealth of Independent States peacekeeping force and its duration,

Noting with satisfaction the readiness of the Russian Federation to continue to inform the members of the Security Council of the activities of the Commonwealth of Independent States peacekeeping force,

Welcoming the closer cooperation and coordination envisaged between the Secretary-General and the Chairman-in-Office of the Conference on Security and Cooperation in Europe, in particular as regards their efforts to achieve a comprehensive political settlement in the Republic of Georgia,

Underlining the importance of the relevant provisions of the documents of the Helsinki Summit of the Conference on Security and Cooperation in Europe of 1992 and of the Conference's ministerial meeting held at Rome on 30 November

and 1 December 1993, including those concerning peacekeeping activities in the area covered by the Conference,

Noting the assurances given by the parties and the representatives of the Commonwealth of Independent States peacekeeping force concerning the full freedom of movement for the United Nations Observer Mission in Georgia in the performance of its mandate, both within the zone of operations of the Commonwealth of Independent States peacekeeping force and in other relevant parts of the territory of the Republic of Georgia,

1. *Welcomes* the report of the Secretary-General of 12 July 1994;

2. *Calls upon* the parties to intensify their efforts to achieve an early and comprehensive political settlement under the auspices of the United Nations with the assistance of the Russian Federation as facilitator and with the participation of representatives of the Conference on Security and Cooperation in Europe, and welcomes the wish of the parties to see the United Nations continue to be actively involved in the pursuit of a political settlement;

3. *Commends* the efforts of the members of the Commonwealth of Independent States directed towards the maintenance of a ceasefire in Abkhazia, Republic of Georgia, and the promotion of the return of refugees and displaced persons to their homes in accordance with the Agreement on a Ceasefire and Separation of Forces in full cooperation with the Office of the United Nations High Commissioner for Refugees and in accordance with the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons;

4. *Welcomes* the contribution made by the Russian Federation, and indications of further contributions from other members of the Commonwealth of Independent States, of a peacekeeping force, in response to the request of the parties, pursuant to the Agreement on a Ceasefire and Separation of Forces, in coordination with the United Nations Observer Mission in Georgia on the basis of the arrangements described in the report of the Secretary-General, and in accordance with the established principles and practices of the United Nations;

5. *Decides* to authorize the Secretary-General to increase the strength of the Mission, as required, up to one hundred and thirty-six military observers with appropriate civilian support staff;

6. *Decides also* that the mandate of an expanded Mission, based upon the recommendations in the report of the Secretary-General, shall be as follows:

(a) To monitor and verify the implementation by the parties to the Agreement on a Cease-fire and Separation of Forces;

(b) To observe the operation of the Commonwealth of Independent States peace-keeping force within the framework of the implementation of the Agreement;

(c) To verify, through observation and patrolling, that troops of the parties do not remain in or re-enter the security zone and that heavy military equipment does not remain or is not reintroduced in the security zone or the restricted weapons zone;

(d) To monitor the storage areas for heavy military equipment withdrawn from the security zone and the restricted weapons zone in cooperation with the Commonwealth of Independent States peacekeeping force as appropriate;

(e) To monitor the withdrawal of troops of the Republic of Georgia from the Kodori valley to places beyond the boundaries of Abkhazia, Republic of Georgia;

(f) To patrol regularly the Kodori valley;

(g) To investigate, at the request of either party or the Commonwealth of Independent States peacekeeping force or on its own initiative, reported or alleged violations of the Agreement, and to attempt to resolve or contribute to the resolution of such incidents;

(h) To report regularly to the Secretary-General within its mandate, in particular on the implementation of the Agreement, any violations and their investigation by the Mission, as well as other relevant developments;

(i) To maintain close contacts with both parties to the conflict and to cooperate with the Commonwealth of Independent States peacekeeping force and, by its presence in the area, to contribute to conditions conducive to the safe and orderly return of refugees and displaced persons;

7. *Notes* the Secretary-General's intention to write to the Chairman of the Council of Heads of State of the Commonwealth of Independent States on the respective roles and responsibilities of the Mission and the Commonwealth of Independent States peacekeeping force, and requests the Secretary-General to establish an appropriate arrangement to that effect, and requests the commanders of the Mission and the Commonwealth of Independent States peacekeeping force to conclude and implement the appropriate arrangements on the ground, described in the report of the Secretary-General, for coordination and cooperation between the Mission and the peacekeeping force in the implementation of their respective tasks;

8. *Calls upon* the parties to the conflict to extend full support, necessary protection and freedom of movement to the Mission in the performance of its mandate both within the zone of operations of the Commonwealth of Independent States peacekeeping force and in other relevant parts of the territory of the Republic of Georgia for it to fulfil its mandate, and requests that a status-of-mission agreement with the Government of the Republic of Georgia and necessary arrangements with the Abkhaz authorities be concluded without delay;

9. *Reaffirms its support* for the return of all refugees and displaced persons to their homes in secure conditions, in accordance with international law and as set out in the

Quadrupartite Agreement on Voluntary Return of Refugees and Displaced Persons, calls upon the parties to honour the commitments they have already made in this regard and to accelerate the process as far as possible, and requests the Office of the United Nations High Commissioner for Refugees to give its full assistance to the implementation of the Quadrupartite Agreement;

10. *Requests* the Secretary-General to establish a voluntary fund for contributions in support of the implementation of the Agreement on a Ceasefire and Separation of Forces and/or for humanitarian aspects including demining, as specified by the donors, which will in particular facilitate the implementation of the mandate of the Mission, and encourages Member States to contribute thereto;

11. *Decides* on this basis to extend the mandate of the Mission until 13 January 1995;

12. *Also requests* the Secretary-General to report within three months of the adoption of the present resolution on the situation in Abkhazia, Republic of Georgia, and on the implementation of all aspects of the above-mentioned agreements;

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

Speaking after the vote, the representative of France stressed the importance of resolution 937 (1994), which for the first time established cooperation between the United Nations and a regional stabilization operation in CIS. His delegation welcomed the fact that the Council had taken into account the specific nature and the innovative context of the peacekeeping operations of the CIS member States and of UNOMIG in the conflict zone. The two operations, although separate, had the same goal, namely the implementation of the 14 May agreement. There was a need, therefore, to find a balance between the autonomous action of the CIS peacekeeping force and that of a United Nations mission with a mandate from the Council. In those circumstances, it was important to recall the essential nature of the relevant provisions of the Helsinki documents of CSCE,¹⁰⁶ and of its ministerial meeting in Rome,¹⁰⁷ which laid down the framework for action by the peacekeeping force. It was also important to give UNOMIG the mandate to observe the action of the CIS peacekeeping force — a requirement that became legitimate once the United Nations was requested to participate in the 14 May Agreement. His delegation further welcomed the fact that the Russian Federation had sought the support of the Council for a regional stabilization operation in

¹⁰⁶ S/24370.

¹⁰⁷ S/1994/930.

CIS and that that operation thus became a part of the political process that was under United Nations auspices. This positive development emphasized the regulatory functions that the Security Council had shouldered for peacekeeping activities carried out by Powers or by regional forums.¹⁰⁸

The representative of the Russian Federation stated that the new mandate of UNOMIG gave it broad capabilities to effectively promote the stabilization of the situation in the region of conflict. The Russian Federation attached particular significance to the provision concerning cooperation with the CIS peacekeeping forces. It believed that the closest interaction between the CIS peacekeeping force and UNOMIG was the most important condition for the successful attainment of their parallel objectives. He reaffirmed his country's readiness to use all means available to ensure the effectiveness and safety of UNOMIG activities. Finally, the Russian Federation attached great significance to the resolution's provisions reflecting the intrinsic link between peacekeeping activities in the region and efforts to achieve a comprehensive political settlement and a solution to the problem of refugees and displaced persons.¹⁰⁹

The representative of New Zealand stated that his country had supported the resolution, but not without some reservations. It had voted in favour of it because the resolution ensured an expanded United Nations presence in Georgia. However, there was more than that in the resolution. According to the speaker, the presence of two peacekeeping operations in one country made it imperative that the relationship between those two forces be clearly set out and well understood by all involved at all levels. Resolution 937 (1994) addressed a number of elements relevant to such a situation. The first element was consistency between the concepts of operation of the two forces. In that regard, both operations were in Georgia with the consent of the parties, and their mandates were complementary, so there was an acceptable level of consistency. Secondly, the question of conformity with peacekeeping principles. In that respect, the resolution welcomed the fact that the CIS force would act in accordance with the established principles and practices of the United Nations, including those

relating to peacekeeping. The speaker recalled, in that regard, that the Council itself had approved a number of operational principles for peacekeeping, many of which would be applicable to non-United Nations forces which might be involved in peacekeeping. Thirdly, the need to establish satisfactory arrangements for interaction between the forces, as requested by the resolution. And fourthly, the question of communication at all levels of the chain of command, as set forth in the Secretary-General's report. Furthermore, it was important for all peacekeeping operations, given the political climate in which they necessarily operated, that the parties to a conflict were in no doubt as to what the United Nations operation was doing and what it was not doing. In that respect, the resolution set out the mandate of the expanded force with clarity and precision. At the same time, the speaker stressed a number of reservations regarding resolution 937 (1994). His delegation did not believe that it was a good precedent for a neighbouring State to play such a dominant role in such a force. Any operation which called itself a peacekeeping force should be conducted strictly in accordance with United Nations peacekeeping principles. If it did not accept in a transparent way such an operational framework, then it was appropriate for the international community to proceed with caution. For those reasons, his delegation did not agree that that operation set a good precedent. To the contrary, it was a precedent about which the international community should take care in the future.¹¹⁰

The representative of Brazil said that the members of the Council could not lose sight of the broader issue concerning the future of peacekeeping operations, in particular with regard to the question of the role played by regional arrangements and by individual countries with a direct interest in a given crisis. Resolution 937 (1994) represented an important departure from the original mandate of UNOMIG, as it envisaged a United Nations operation acting in parallel with, and observing, the operation of another entity. He noted that the deployment of the CIS peacekeeping force was predicated upon the request and consent of the parties to the conflict and that they wished the United Nations to continue to be actively involved in the pursuit of a political settlement. He further underlined the need to avoid situations which might put in jeopardy the very concept of a multilateral

¹⁰⁸ S/PV.3407, p. 4.

¹⁰⁹ *Ibid.*, pp. 5-6.

¹¹⁰ *Ibid.*, pp. 6-7.

peacekeeping force. The particular configuration of two concomitant operations contemplated in the resolution had received Brazil's support on the understanding that the CIS peacekeeping force would operate in accordance with the relevant established principles and practices of the United Nations in the field of peacekeeping operations, in particular: respect for sovereignty and territorial integrity; impartiality; commitment of the parties to a comprehensive political settlement; and a clearly defined mandate, concept of operations and winding-up process.¹¹¹

The representative of the Czech Republic contended that by adopting resolution 937 (1994) the Council had entered uncharted waters. For the first time, it was faced with a situation in which a State with openly declared national interests in the region was undertaking a peacekeeping operation in a neighbouring country. In that regard, he stressed that no peacekeeping operations were identical and that each had its unique settings and features. Therefore, he did not regard the adopted resolution as one setting a precedent. Noting that the CIS peacekeeping operation was taking place on the territory of a State member of CSCE and that the operation itself was being conducted by CSCE member States, he strongly advocated that the operation should be guided by the principles reflected in the decisions of the CSCE Council meeting held in Rome on 30 November and 1 December 1993. While keeping in mind the merit of such an operation, it was important that the Council leave the door open for consideration, at an appropriate point, of the establishment of a United Nations peacekeeping operation. Also of paramount importance was the establishment of the highest possible level of cooperation, interaction and coordination between UNOMIG and the CIS peacekeeping force. Only the full implementation of the UNOMIG mandate would create favourable conditions for the effective fulfilment of peacekeeping activities in Georgia.¹¹²

The representative of the United Kingdom stated that in many ways resolution 937 (1994) and the arrangements set out in it broke new ground. That approach came against the background of increasing demands on United Nations peacekeeping capabilities, demands which threatened to outstrip supply. It represented a response to a situation which was of

grave concern to all, but in which the conditions allowing for the deployment of a United Nations peacekeeping operation did not exist. It also reflected the importance which all attached to various standards on the basis of which international peacekeeping efforts should take place. In that respect, his delegation welcomed the recognition in the resolution of the relevance of the Rome 1993 CSCE ministerial decisions on such principles.¹¹³

The representative of Nigeria did not see resolution 937 (1994) as groundbreaking in terms of concept. With the demands for United Nations collective peacekeeping outstripping its ability and resources, it had already become clear and imperative that regional organizations and/or arrangements had to step in. His delegation could not but advert to the desirability of promoting cooperation between the United Nations and regional organizations in the maintenance of regional peace and security. He also noted also that the Council had not ruled out the option of deploying a full-fledged United Nations peacekeeping operation once a final political settlement was achieved.¹¹⁴

The President, speaking in his capacity as the representative of Pakistan, stated that his delegation would have preferred that any peacekeeping operation in Georgia be organized by the United Nations and that it be under United Nations command. Pakistan was concerned over an emerging tendency to attribute peacekeeping roles to the countries of the region, or those closest to the conflict, especially when such countries had direct political interests in the area of conflict. The States Members of the United Nations should in no way abrogate their Charter responsibilities in such a manner. Neither should the financial difficulties faced by the United Nations be allowed to impinge on the Organization's obligations to uphold international peace and security. Moreover, his delegation did not favour the practice of post-facto endorsement by the Council of a regional peacekeeping operation which was outside the purview of the United Nations.¹¹⁵

¹¹¹ Ibid., pp. 7-8.

¹¹² Ibid., pp. 8-9.

¹¹³ Ibid., pp. 9-10.

¹¹⁴ Ibid., pp. 12-13.

¹¹⁵ Ibid., p. 13.

**Decision of 2 December 1994 (3476th meeting):
statement by the President**

At its 3476th meeting, on 2 December 1994, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the President (Rwanda) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹¹⁶

The Security Council has received with deep concern a report from the Secretariat concerning a statement of 26 November 1994 attributed to the Supreme Soviet of Abkhazia, Republic of Georgia. It believes that any unilateral act purporting to establish a sovereign Abkhaz entity would violate the commitments assumed by the Abkhaz side to seek a comprehensive political settlement of the Georgian-Abkhaz conflict. The Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Georgia.

The Council calls upon all parties, in particular the Abkhaz side, to reach substantive progress in the negotiations under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and with the participation of representatives of the Conference on Security and Cooperation in Europe aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, based on the principles set out in all the relevant resolutions of the Council.

The Council reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, signed in Moscow on 4 April 1994. In this regard it expresses great concern at the continued obstruction of the return of refugees and displaced persons and calls upon the Abkhaz party to take all necessary measures, in cooperation with the Office of the United Nations High Commissioner for Refugees, to ensure a speedy and organized voluntary return of the refugees and displaced persons.

**Decision of 12 January 1995 (3488th meeting):
resolution 971 (1995)**

On 6 January 1995, the Secretary-General submitted to the Council a report on the situation in Abkhazia.¹¹⁷ The Secretary-General described the political progress as being at a standstill. Moreover, there had been few substantive results since negotiations for a comprehensive settlement had begun

just a year ago. The core question of the Georgian/Abkhaz conflict, namely the identification of a political status for Abkhazia acceptable to both sides, remained far from being resolved. However, the Secretary-General stated that he remained convinced that negotiations between the two sides were the only way that that complex issue could be satisfactorily resolved. The present situation prevented a successful resolution of the humanitarian problems of the refugees and displaced persons. He described the situation on the ground as “generally stable but tense” and noted that the parties continued to comply with the agreement of 14 May 1994. He recommended that the UNOMIG mandate be extended until 15 May 1995, to coincide with the mandate of the CIS peacekeeping force. In an addendum dated 10 January 1995,¹¹⁸ the Secretary-General informed the Council that he had received a letter from the Chairman of the CIS Council of Heads of State confirming his agreement with the Secretary-General’s proposals regarding the respective roles and responsibilities of UNOMIG and the CIS peacekeeping force concerning the 14 May agreement.

At its 3488th meeting, on 12 January 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (Argentina) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council’s prior consultations.¹¹⁹

The representative of Georgia contended that since the negotiations opened a year ago in Geneva, no arrangements had been made for the return of the more than 250,000 refugees and displaced persons to their homes and that the Abkhaz side was doing its utmost to prevent such a return. The current plight of refugees, who were scattered throughout Georgia, was affecting Georgia’s already devastated economy. He further recalled the statement made by the Head of State of Georgia before the forty-ninth session of the General Assembly, in which he had warned against the danger of aggressive separatism under the guise of the ideals of self-determination and urged the international community to take all necessary measures to keep at bay this new trend which ran counter to the purposes

¹¹⁶ S/PRST/1994/78.

¹¹⁷ S/1995/10.

¹¹⁸ S/1995/10/Add.1.

¹¹⁹ S/1995/23.

and principles of the United Nations. He had also warned that nowhere else as in Georgia was the danger so great that existing internal conflicts would merge with the ones in neighbouring States and grow into regional or even continental wars fought along national or religious lines. Under the circumstances, the Government of Georgia would welcome a decision by the Council to extend the mandate of UNOMIG.¹²⁰

Speaking before the vote, the representative of the Czech Republic stated that the humanitarian situation resulting from the conflict had always been the primary preoccupation of his country in that issue. In that context, his delegation was horrified by the complete lack of progress on the repatriation of one quarter of a million refugees and displaced persons. It was particularly chagrined that the draft resolution made no reference to a repatriation timetable, nor did it propose any other measures on the need to bring refugees and displaced persons back to their villages and fields. He also stressed the need for “richer reporting” on the operations of the CIS peacekeeping force. His delegation believed that it would be very advantageous for the content of the Russian delegation’s briefings to Council members in informal consultations to find its way into official documents of the Council, for the benefit both of greater transparency of the CIS peacekeeping operations and of fuller information for United Nations Members. He noted that no new ground would be broken in doing so since the United States delegation, for example, regularly provided comparable briefings on Haiti which were publicly available as part of the official record.¹²¹

The draft resolution was then put to the vote and adopted unanimously as resolution 971 (1995), which reads:

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 906 (1994) of 25 March 1994, 934 (1994) of 30 June 1994 and 937 (1994) of 21 July 1994,

Having considered the report of the Secretary-General of 6 January 1995,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Georgia, and, in this context, recalling the statement by the President of the Security Council of 2 December 1994,

Reaffirming the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, signed in Moscow on 4 April 1994,

Urging the parties to refrain from any unilateral actions that could complicate or hinder the political process aimed at an early and comprehensive settlement of the conflict,

Deeply concerned about the lack of progress regarding a comprehensive political settlement as well as the slow pace of return of refugees and displaced persons,

Calling upon the parties to intensify efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and the participation of representatives of the Organization for Security and Cooperation in Europe, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia, fully respecting the sovereignty and territorial integrity of the Republic of Georgia,

Expressing its satisfaction with the close cooperation and coordination between the United Nations Observer Mission in Georgia and the Commonwealth of Independent States peacekeeping force in the performance of their respective mandates,

Commending the contribution of the peacekeeping force and of the Mission to the maintenance of a ceasefire and to the stabilization of the situation in the zone of the Georgian-Abkhaz conflict,

1. *Welcomes* the report of the Secretary-General of 6 January 1995;
2. *Decides* to extend the mandate of the United Nations Observer Mission in Georgia, as set out in resolution 937 (1994), for an additional period terminating on 15 May 1995;
3. *Requests* the Secretary-General to report within two months of the adoption of the present resolution on all aspects of the situation in Abkhazia, Republic of Georgia;
4. *Encourages* the Secretary-General to continue his efforts aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, and calls upon the parties to reach substantive progress in the negotiations under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and the participation of representatives of the Organization for Security and Cooperation in Europe;

¹²⁰ S/PV.3488, pp. 2-3

¹²¹ *Ibid.*, pp. 3-4.

5. *Calls upon* the parties to comply with their commitments with regard to the return of refugees and displaced persons, as undertaken in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, and in particular calls upon the Abkhaz side to accelerate the process significantly;

6. *Decides* to undertake, on the basis of a report from the Secretary-General to be submitted by 4 May 1995 and in the light of any progress achieved towards a political settlement and the return of refugees and displaced persons, a thorough review of the situation in Abkhazia, Republic of Georgia;

7. *Requests* the Secretary-General to examine, within the existing mandate of the Mission, in cooperation with the relevant representatives of the Commonwealth of Independent States peacekeeping force, the possibility of additional steps to contribute to conditions conducive to the safe and orderly return of refugees and displaced persons;

8. *Reiterates* its encouragement to Member States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects including demining, as specified by the donors;

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

After the vote, the representatives of France and the United Kingdom stated that the Security Council was committed to securing a political settlement to the Georgian-Abkhaz conflict while respecting the sovereignty and territorial integrity of Georgia.¹²² The representative of the United Kingdom pointed out that it was contradictory that the Abkhaz authorities had declared Abkhazia to be a sovereign State while at the same time claiming to be ready to negotiate a political settlement in accordance with the Council's past decisions. That contradiction had to be resolved in a manner that respected Georgia's sovereignty and territorial integrity.¹²³

The representative of Germany noted that the mandate of UNOMIG was special in that it was built upon close cooperation with the CIS peacekeeping force in the area. Its presence in the area, however, was predicated upon a viable political process. His delegation believed that all possibilities under the existing mandates of UNOMIG and the CIS peacekeeping force should be examined in order to improve the situation on the ground. In that regard operative paragraph 7 of the resolution was of

particular importance. He noted with satisfaction the willingness expressed by the Russian Federation to brief the Council more frequently on the operation of the CIS peacekeeping force in the area, stressing that greater transparency could only be helpful in achieving common goals.¹²⁴

The representative of the Russian Federation considered it important that the Council confirmed its commitment to upholding the sovereignty and territorial integrity of Georgia and the right of all refugees and displaced persons to return home, and that it called upon the parties to refrain from any actions which might hinder or complicate the peace process. He noted the request made by the Council in the resolution to the Secretary-General to examine, in cooperation with the CIS peacekeeping force, the possibility of adopting additional steps to contribute to conditions conducive to the safe return of refugees. He also noted the satisfaction expressed by the Council with the close cooperation between the CIS peacekeeping force and UNOMIG and confirmed his country's readiness to continue to cooperate closely with the Mission. He expected that, in the course of the upcoming review of the situation to be undertaken by the Council and on the basis of a report by the Secretary-General, substantive consideration would be given to the gradual transformation of the current peacekeeping operation into a United Nations operation based initially on the already deployed CIS and UNOMIG forces in the area.¹²⁵

The representative of the United States stated that the message of the renewal resolution was clear: it was time for the parties to return to the table and to achieve real progress toward a political settlement and the return of refugees and displaced persons in secure and safe conditions. Referring to the upcoming review by the Council on the future of UNOMIG, the representative of the United States stated that his country would look closely and seriously at the entire situation to determine whether continuation of the Mission was justified. However, recent history did not paint an optimistic picture. The Abkhaz party bore a strong burden of responsibility for the absence of progress. By declaring themselves a foreign nation, Abkhaz leaders had violated their commitment to

¹²² *Ibid.*, p. 5

¹²³ *Ibid.*, pp. 5-6.

¹²⁴ *Ibid.*, p. 6.

¹²⁵ *Ibid.*, pp. 6-7.

reaching a mutually acceptable agreement with the Government of Georgia.¹²⁶

According to the representative of Italy, the renewal of the mandate of UNOMIG was an occasion to recognize the validity of the formula identified in resolution 937 (1994) concerning the coordination and cooperation between UNOMIG and the CIS peacekeeping force. Also, the Georgian crisis had provided proof of the cooperation that had developed between the United Nations and the Organization for Security and Cooperation in Europe (OSCE). Confirmed in resolution 971 (1995) was the fundamental concept of strong support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders; concern about unilateral acts that undermined the efforts to promote a peaceful settlement through negotiation; as well as concern about and condemnation of “ethnic cleansing” and the massive expulsion of people from the areas in which they lived. On the basis of those shared principles, a regional organization such as OSCE could continue to make a significant contribution to the United Nations efforts towards a final settlement of the crisis, especially in identifying neo-institutional arrangements.¹²⁷

**Decision of 17 March 1995 (3509th meeting):
statement by the President**

On 6 March 1995, pursuant to resolution 971 (1995), the Secretary-General submitted to the Council a report on the situation in Abkhazia.¹²⁸ The Secretary-General reported that there had been some movement, albeit not extensive, on the political side. For the first time, there had been a productive dialogue between the two sides. Common language had been found on some of the many issues related to the identification of a political status for Abkhazia acceptable to both sides. They had reached an understanding on certain provisions of a future agreement concerning a State within the boundaries of the former Georgian Soviet Socialist Republic as at 21 December 1991, including the establishment of a “federal legislative organ” and a “supreme organ of executive power” acting within the bounds of agreed competences. Core areas of disagreement remained, however, including recognition of Georgia’s territorial integrity, characterization of the

union State as federal in nature, the question of a joint army, and popular legitimisation of an agreement.

The Secretary-General further reported that the organized repatriation of refugees remained at a standstill. This situation was creating pressures which, if not eased, could result in explosive developments. He warned that continued lack of progress on that question was not only likely to derail the process of political negotiation but could also set in motion a chain of events that would lead to the resumption of a bitter war between the two sides. In spite of the generally unsatisfactory situation, the Secretary-General strongly believed that the presence of both UNOMIG and the CIS peacekeeping force in the region had contributed greatly to preventing a renewal of hostilities and paved the way for continued political negotiations.

At its 3509th meeting, on 17 March 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (China) drew the attention of the members of the Council to a letter dated 13 March 1995 addressed to the President of the Council from the representative of Georgia.¹²⁹ The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹³⁰

The Security Council welcomes the interim report of the Secretary-General of 6 March 1995 concerning the situation in Abkhazia, Republic of Georgia. The Council also welcomes the recent efforts of the Secretary-General’s Special Envoy, which enjoy the Council’s full support.

The Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Georgia and calls upon the parties to achieve a comprehensive settlement of the conflict, including on the political status of Abkhazia.

The Council notes that there has been little overall progress in achieving a comprehensive political settlement and that a stalemate exists with respect to the return of refugees and displaced persons.

The Council notes the movement which has occurred in the political talks which resumed in Geneva from 7 to 9 February 1995 and calls upon the parties to exert determined efforts towards achieving substantive progress during the next round of talks.

¹²⁶ Ibid., pp. 7-8.

¹²⁷ Ibid., pp. 8-9.

¹²⁸ S/1995/181.

¹²⁹ S/1995/200.

¹³⁰ S/PRST/1995/12.

The Council notes with concern that, despite the efforts of the United Nations Observer Mission in Georgia and the Commonwealth of Independent States peacekeeping force, the security situation, in the Gali region in particular, has deteriorated, causing great difficulty in the delivery of humanitarian supplies. The Council also notes with concern that reports of human rights abuses, largely against the Georgian population, have become more frequent. The Council calls upon the parties to provide a secure environment, inter alia, to provide security for returning refugees and displaced persons and to ensure that international relief supplies can be delivered safely.

The Council is deeply concerned about the lack of progress regarding the return of refugees and displaced persons. The Council deplores the continued obstruction on this issue displayed by the Abkhaz authorities and, in particular, the position taken by those authorities in the recent meeting of the Quadripartite Commission in Moscow. The Council expects the parties to implement fully their obligations under the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons. The Council urges the Abkhaz authorities to agree to a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees. The Council notes that cooperation between the United Nations Observer Mission in Georgia and the Office of the United Nations High Commissioner for Refugees is critical to the safe and orderly return of refugees and displaced persons.

The Council, while welcoming the pledge that has been announced to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces, notes the lack of contributions to this fund and reiterates its encouragement to Member States to make contributions to the voluntary fund in support of the implementation of the Agreement and/or for humanitarian aspects, including demining, as specified by the donors. The Council also welcomes all other relevant humanitarian contributions of Member States.

The Council welcomes the steps taken by the Mission and the peacekeeping force aimed at improving conditions for the safe and orderly return of refugees and displaced persons. The Council notes the increased patrolling of the Mission and looks forward to further information on the intensification of its activities within its mandate. The Council also welcomes the strengthening of cooperation between the Mission and the representatives of the Organization for Security and Cooperation in Europe in Georgia.

The Council agrees with the observation of the Secretary-General that, with patience and perseverance, solutions can be found to the situation in Abkhazia, Republic of Georgia. The Council underlines the fact that without progress in this direction it will not be possible to maintain the support of the international community.

The Council will remain seized of the matter.

**Decision of 12 May 1995 (3535th meeting):
resolution 993 (1995)**

On 1 May 1995, pursuant to resolution 971 (1995), the Secretary-General submitted to the Council a report on the situation in Abkhazia.¹³¹ The Secretary-General reported that once again the constructive dialogue that seemed to be leading towards progress had encountered difficulties. The Russian Federation, as facilitator, had drafted a document providing for a solution on the basis of a federal state within the borders of Georgia as of 21 December 1991, with certain competences for Abkhazia. The document was rejected by the Abkhaz side while the Georgian side stressed that the text had gone as far as Georgia was prepared to go.

The situation on the ground was extremely unstable and the organized repatriation of refugees and displaced persons to Abkhazia remained at a standstill, as the Abkhaz side continued to object to the large-scale and speedy return of refugees and displaced.

The Secretary-General noted that UNOMIG had been able to implement the tasks assigned, but its presence had not had the intended effect of contributing substantially to the creation of conditions conducive to the safe and orderly return of refugees and internally displaced persons. Pointing out that the untimely withdrawal of the CIS peacekeeping force and UNOMIG would lead to the resumption of conflict, he recommended that the Mission's mandate be extended until 15 November 1995, subject to revision in the light of the decision on the mandate of the CIS peacekeeping force.

At its 3535th meeting, on 12 May 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure. The President (France) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations and read out a revision to be made to the draft resolution in its provisional form.¹³²

¹³¹ S/1995/342.

¹³² S/1995/384.

The representative of Georgia stated that his country's reliance on and confidence in the United Nations and the international community as a whole were showing signs of changing: the Security Council had already adopted 12 resolutions and 6 presidential statements on Abkhazia; while those documents gave moral support, they were less effective in terms of yielding tangible, practical results. In particular, he called on the Council to be more outspoken and clear on the issue of the return of refugees and displaced persons. His delegation would welcome the Security Council's broadening of the UNOMIG mandate, noting that in order to step up the process of repatriation, observers had to be charged with additional responsibilities, especially in monitoring and recording human rights violations. It would also welcome the establishment of an international criminal court, a permanent judicial body capable of addressing the most serious crimes posing a threat to the international community. In that regard, his delegation looked forward to concluding a convention on the establishment of such a body in the near future. He concluded by reaffirming that the United Nations presence in the region was essential to its stability and to the peace process as a whole.¹³³

Speaking before the vote, the representative of Italy noted that the conditions set out by resolution 917 (1995) for an extended presence of UNOMIG in Georgia had been only partially met. Nevertheless, his delegation believed that a strong commitment to a political settlement of the crisis should be confirmed at two different levels. First, there should be support for the negotiations under the auspices of the United Nations and with the contribution of the Russian Federation as a facilitator and of OSCE, which should participate in every stage of the negotiations. Secondly, there should be an active UNOMIG presence in the field and constructive collaboration between the Mission and the CIS peacekeeping force. Significant aspects of the process which were to lead to a political settlement were defined more clearly in the draft resolution than in previous decisions, including the mention of the new constitution on which the Government of Georgia was working; the priority given to the return of all refugees to their places of origin; the inclusion of the principles of the decision on Georgia taken at the Budapest summit of CSCE; and the emphasis on the UNOMIG operation to contribute,

¹³³ S/PV.3535, pp. 2-5.

realistically and within the framework of its mandate, to the full respect for human rights.¹³⁴

The draft resolution, as orally revised in its provisional form, was then put to the vote and unanimously adopted as resolution 993 (1995), which reads:

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 971 (1995) of 12 January 1995,

Having considered the report of the Secretary-General of 1 May 1995,

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

Concerned that insufficient progress has been achieved towards a comprehensive political settlement,

Welcoming and encouraging continuing consultations regarding a new constitution for the Republic of Georgia based on federal principles in the context of a comprehensive political settlement,

Reaffirming the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, signed in Moscow on 4 April 1994, deploring the continued obstruction of such return by the Abkhaz authorities and underlining the fact that the return of refugees and displaced persons to the Gali region would be a welcome first step,

Expressing concern over the critical funding shortages which may result in suspension of important humanitarian programmes,

Recalling the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe regarding the situation in Abkhazia, Republic of Georgia,

Reaffirming the need for the parties to comply with international humanitarian law,

Noting that the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994, has been generally respected by the parties over the past year with the assistance of the Commonwealth of Independent States peacekeeping force and the United Nations Observer Mission in Georgia, but expressing concern at the continued lack of a secure environment, in particular recent attacks on civilians in the Gali region,

Expressing concern about the safety and the security of personnel of the Mission and the peacekeeping force, and

¹³⁴ *Ibid.*, pp. 5-6.

stressing the importance it attaches to their freedom of movement,

Stressing the importance it attaches to restrictions on the number and type of weapons which may be borne by the parties in the security zone, and welcoming the intention of the Secretary-General to pursue this question with the parties,

Expressing its satisfaction with the close cooperation and coordination between the Mission and the peacekeeping force in the performance of their respective mandates, and commending the contribution both have made to stabilization of the situation in the zone of conflict,

Paying tribute to those members of the peacekeeping force who have lost their lives in the exercise of their duties,

1. *Welcomes* the report of the Secretary-General of 1 May 1995;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Georgia for an additional period terminating on 12 January 1996, subject to review by the Council in the event of any changes that may be made in the mandate of the Commonwealth of Independent States peacekeeping force;

3. *Expresses its full support* for the efforts of the Secretary-General aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts, with the assistance of the Russian Federation as facilitator and with the support of the Organization for Security and Cooperation in Europe, to that end;

4. *Calls upon* the parties to reach substantive progress in the negotiations under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and the participation of representatives of the Organization for Security and Cooperation in Europe;

5. *Urges* the parties to refrain from any unilateral actions which could complicate or hinder the political process aimed at an early and comprehensive political settlement;

6. *Reiterates its call* to the Abkhaz side to accelerate significantly the process of the voluntary return of refugees and displaced persons by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees and to guarantee the safety of spontaneous returnees already in the area and regularize their status in accordance with the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons;

7. *Welcomes* the additional measures implemented by the Mission and the peacekeeping force in the Gali region aimed at improving conditions for the safe and orderly return of refugees and displaced persons;

8. *Calls upon* the parties to improve their cooperation with the Mission and the peacekeeping force in order to provide a secure environment for the return of refugees and displaced persons, and also calls upon them to honour their commitments with regard to the security and freedom of movement of all United Nations and Commonwealth of Independent States personnel;

9. *Requests* the Secretary-General, in the context of paragraph 7 of resolution 971 (1995), to consider ways of improving observance of human rights in the region;

10. *Reiterates its encouragement* to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces and/or for humanitarian aspects including demining, as specified by the donors;

11. *Encourages* States to respond to the consolidated inter agency appeal, in particular for the urgent needs of the Office of the United Nations High Commissioner for Refugees, and welcomes all relevant humanitarian contributions of States;

12. *Requests* the Secretary-General to report every three months from the date of the adoption of the present resolution on all aspects of the situation in Abkhazia, Republic of Georgia, including the operations of the Mission, and decides to undertake, on the basis of those reports, further reviews of the situation;

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

Speaking after the vote, the representative of the Russian Federation reiterated that a comprehensive political settlement of the Georgian-Abkhaz conflict was possible only on the basis of respect for the sovereignty and territorial integrity of Georgia and for the rights of the multi-ethnic people of that country. The adoption of resolution 993 (1995), which contained some “weighty political provisions”, was confirmation of the international community’s commitment to ensuring such a political settlement, on the understanding that the main responsibility for finding a solution to the crisis lay with the parties themselves. The Russian Federation was seriously concerned at the minimal progress made in the negotiations, including those on the political status of Abkhazia, and found very timely the Council’s reaffirmation of its call for substantive progress in that regard. It was important that the Council had welcomed and supported the continuing consultations on the question of a new constitution for Georgia, based on federative principles, within the context of a comprehensive political settlement. The speaker noted that the resolution expressed great appreciation for the contribution of UNOMIG and the CIS peacekeeping force in stabilizing the situation in the zone of conflict

and satisfaction at the close cooperation between the two entities. As representative of the country presiding over CIS, he reaffirmed its readiness to develop this cooperation further in the interests of ensuring the optimal conditions for a political settlement.¹³⁵

The representative of the United States, while noting that the extension of the UNOMIG mandate had been approached with an unusually high degree of consensus, stressed that the Mission would remain only as long as the Council was satisfied that the parties were doing their utmost to protect UNOMIG personnel. He noted with encouragement the positive role UNOMIG and the CIS peacekeeping force were playing and the effective coordination of those two separate missions. At the same time, he warned the parties that the willingness of the Council to continue its support of the existing processes through the presence of UNOMIG depended on real progress on the return of refugees and displaced persons and on negotiations towards a political settlement of the conflict. His Government's support for extending UNOMIG for a longer period than usual did not mean a greater satisfaction with the situation on the ground or with the negotiating process, nor did it predict infinite willingness to extend UNOMIG if its presence was not contributing to progress toward a settlement. Rather, the Council would be in a better position in mid-January 1996 to make a decision on the future of UNOMIG, in the light of the disposition of the CIS operation. The speaker concluded by expressing his concern that the UNOMIG operations be recognized as fully supportive of Georgia's territorial integrity, which the Council had repeatedly reaffirmed. While the Abkhaz might have de facto control over a part of the Republic of Georgia, they did not have the rights of a sovereign State. The ability of UNOMIG must be consistent with the position of the Council that it did not and would not accept Abkhaz independence.¹³⁶

The representative of the Czech Republic requested the Secretary-General to look into possibilities that might be available for improving the observance of human rights in the region in general. He further underscored that the reference in resolution 993 (1995) to the 1994 CSCE Budapest summit declaration was intended to address specifically the issue of "ethnic cleansing" in Abkhazia. He also

¹³⁵ Ibid., pp. 11-12.

¹³⁶ Ibid., pp. 12-13.

welcomed the fact that a solution to the conflict was being sought on the basis of Georgia's territorial integrity and that consultations regarding a new constitution for the country were based on federal principles. Finally, while expressing satisfaction at the contribution of and cooperation between UNOMIG and the CIS peacekeeping force, he also called on the Russian delegation to provide information on the CIS operation more frequently and in writing.¹³⁷

Other speakers also expressed support to efforts made by the Secretary-General and his Special Representative with the assistance of the Russian Federation and the participation of OSCE in the search for a peaceful settlement of the conflict.¹³⁸ Some of them saw the combined international and regional efforts as a true reflection of the call contained in the Charter for cooperation between the United Nations and regional organizations¹³⁹ and observed that such cooperation augured well for peacemaking and conflict resolution in the post-cold war era.¹⁴⁰ Others were also in favour of the consideration by the Security Council of the human rights situation on the ground, suggesting the inclusion of civilian observers in UNOMIG¹⁴¹ or supporting Georgia's proposal to establish an international tribunal to bring persons guilty of human rights violations in Abkhazia to justice.¹⁴²

**Decision of 18 August 1995 (3567th meeting):
statement by the President**

On 7 August 1995, pursuant to resolution 993 (1995), the Secretary-General submitted to the Council a report on the situation in Abkhazia.¹⁴³ The Secretary-General reported that his Special Envoy had visited the region from 15 to 18 July to meet with representatives of the Russian Federation and the parties to the conflict in a further effort to find an agreement on a Russian draft text. Both parties to the conflict continued to take positions that could not, as yet, be bridged. The Abkhaz side maintained that a federative arrangement had to be between two equal entities. The Georgian side, on the other hand, felt that further concessions on

¹³⁷ Ibid., pp. 15-16.

¹³⁸ Ibid., pp. 7-8 (Honduras); p. 8 (Nigeria); and pp. 10-11 (China).

¹³⁹ Ibid., pp. 6-7 (Indonesia).

¹⁴⁰ Ibid., p. 8 (Nigeria).

¹⁴¹ Ibid., pp. 14-15 (Argentina).

¹⁴² Ibid., p. 10 (Rwanda).

¹⁴³ S/1995/657.

its part would be unacceptable. The Secretary-General observed that the pursuit of a political solution to the Georgian-Abkhaz conflict needed to be conducted with appropriate support and resources. He had therefore decided to appoint a resident deputy to his Special Envoy, who would also be the head of UNOMIG, and who would assist the Special Envoy in the efforts to find and implement a comprehensive settlement based on three essential elements: the safe and early return of the refugees and internally displaced persons, maintenance of the territorial integrity of the Republic of Georgia, and a special status for Abkhazia.

At its 3567th meeting, on 18 August 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President (Indonesia) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁴⁴

The Security Council welcomes the report of the Secretary-General of 9 August 1995 on the situation in Abkhazia, Georgia, pursuant to its resolution 993 (1995).

The Council notes there has been little overall progress in achieving a comprehensive political settlement and that a stalemate exists with respect to the return of refugees and displaced persons.

The Council expresses its full support for the efforts of the Secretary-General and those of the Russian Federation in its capacity as facilitator aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia. The Council renews its call to the parties, in particular the Abkhaz side, to reach substantive progress in the political negotiations as a matter of urgency.

The Council remains deeply concerned at the continued obstruction of the return of the refugees and displaced persons by the Abkhaz authorities, which is totally unacceptable. Reaffirming its resolution 993 (1995), the Council reiterates its call to the Abkhaz authorities to accelerate the return process significantly, to guarantee the safety of all returnees and to regularize the status of spontaneous returnees, in accordance with internationally accepted practice and in cooperation with the Office of the United Nations High Commissioner for Refugees.

The Council welcomes the continuing close cooperation and coordination between the United Nations Observer Mission in Georgia and the Commonwealth of Independent States peacekeeping force in the performance of their respective mandates. It reminds the parties of their obligations to cooperate fully with the Mission and the peacekeeping force and to ensure the safety and freedom of movement of all United Nations and Commonwealth of Independent States personnel.

The Council takes note with appreciation of the decision of the Secretary-General regarding the resident deputy to his Special Envoy. The Council also supports the Secretary-General's efforts with regard to the establishment of a human rights monitoring mission in the area. It encourages the Secretary-General to continue his consultations with the parties to this end.

¹⁴⁴ S/PRST/1995/39.

19. Items relating to the situation between Armenia and Azerbaijan

A. Statement by the President of the Security Council (in connection with interruptions in supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan)

Decision of 29 January 1993: statement by the President

On 29 January 1993, following consultations with the members of the Council, the President made the following statement to the media on behalf of the members of the Council:¹

The members of the Security Council express their deep concern at the devastating effect of interruptions in the supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan. They note with serious concern that these interruptions, combined with an unusually harsh winter, have brought the economy and infrastructure of the region to near collapse and created a real threat of starvation.

The members of the Council urge all countries in a position to help to facilitate the provision of fuel and humanitarian assistance. They call on Governments in the region, with a view to preventing a further deterioration of the humanitarian situation, to allow humanitarian supplies to flow freely, in particular fuel to Armenia and to the Nakhichevan region of Azerbaijan.

The members of the Council reaffirm their full support for the efforts of the Conference on Security and Cooperation in Europe (CSCE), designed to bring the parties together and achieve peace in the region. They call upon the parties to agree to an immediate ceasefire and an early resumption of talks within the CSCE framework.

The members of the Council will keep the matter under consideration.

B. The situation relating to Nagorny Karabakh

Decision of 6 April 1993 (3194th meeting): statement by the President

By letters dated 30 and 31 March and 2 and 5 April 1993, addressed to the President of the Security

Council,² and by a letter dated 31 March 1993 addressed to the Secretary-General,³ and by identical letters dated 5 April 1993, addressed to the Secretary-General and the President of the Security Council,⁴ the representative of Azerbaijan referred to a number of instances of aggression that had been carried out against the territory of Azerbaijan by Armenian forces and requested, inter alia, that the issue be discussed at a meeting of the Security Council. The representative of Turkey made a similar request by a letter dated 3 April 1993 addressed to the President of the Security Council.⁵

By a letter dated 29 March 1993 addressed to the President of the Security Council,⁶ the representative of Azerbaijan transmitted the text of a note of the Ministry of Foreign Affairs, by which the latter registered a strong protest with the Ministry of Foreign Affairs of Armenia following “a violation on 23 March 1993 of the State border of Azerbaijan by Armenian armed forces”.

By a letter dated 1 April 1993 addressed to the President of the Security Council,⁷ the representative of Armenia rejected the accusations against his Government and presented his country’s view of the events, which occurred on 23 March 1993 along the Armenian-Azerbaijan border.

At its 3194th meeting, on 6 April 1993, the Security Council included the above-mentioned letters in its agenda.

Following the adoption of the agenda, the Council invited the representative of Azerbaijan, at his request, to participate in the discussion without the right to vote. The President (Pakistan) drew the attention of the members of the Council to several other documents⁸ and stated that, after consultations

² S/25491, S/25509, S/25525, S/25526 and S/25527.

³ S/25508.

⁴ S/25528.

⁵ S/25524.

⁶ S/25488.

⁷ S/25510.

⁸ S/25483: letter dated 29 March 1993 from the representative of Azerbaijan addressed to the President of the Security Council (S/25483); and letter dated 31 March 1993 from the representatives of France and the Russian Federation addressed to the Secretary-General (S/25499).

¹ S/25199.

among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁹

The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic, and at the escalation of hostile acts in the Nagorny Karabakh conflict, especially the invasion of the Kelbadjar district of Azerbaijan by local Armenian forces. The Council demands the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces.

In this context the Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expresses its support for the peace process of the Conference on Security and Cooperation in Europe (CSCE). It expresses the hope that the recent preliminary agreement reached by the Minsk Group will be expeditiously followed by agreements on a ceasefire, a timetable for the deployment of the monitors, a draft political declaration and the convening, as soon as possible, of the Minsk Conference.

The Council urges the parties involved to take all necessary steps to advance the CSCE peace process and refrain from any action that will obstruct a peaceful solution to the problem.

The Council also calls for unimpeded access to international humanitarian relief efforts in the region and in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population.

The Council requests the Secretary-General, in consultation with the CSCE, to ascertain facts, as appropriate, and to submit urgently a report to the Council containing an assessment of the situation on the ground.

The Council will remain seized of the matter.

**Decision of 30 April 1993 (3205th meeting):
resolution 822 (1993)**

On 14 April 1993, pursuant to the presidential statement of 6 April 1993, the Secretary-General submitted to the Council a report on the situation in Nagorny Karabakh.¹⁰ The Secretary-General reported that, in a personal letter dated 31 March 1993, the President of Azerbaijan had drawn his attention to the outbreak of fighting in the Kelbadjar district of Azerbaijan, taking the position that the Kelbadjar district of Azerbaijan had been attacked by forces from Armenia and from the enclave of Nagorny Karabakh. The Government of Armenia, on the other hand, maintained that no military forces from the Republic of

Armenia had been involved in the hostilities in the Kelbadjar district. Subsequently, the Secretary-General had instructed his representatives in Azerbaijan and Armenia to ascertain the facts on the ground.

The Secretary-General observed that the intensification of fighting in and around Nagorny Karabakh, especially the recent attacks against the Kelbadjar and Fizuli districts of Azerbaijan, posed a serious threat to the maintenance of international peace and security in the entire Transcaucasus region. Because of the hostilities, it had not been possible for United Nations personnel to visit the Kelbadjar district itself, but it was clear that there had been a major outbreak of fighting in various locations in Azerbaijan, outside the enclave of Nagorny Karabakh. Reports of the use of heavy weaponry were particularly disturbing, seeming to indicate the involvement of more than local ethnic forces. The fighting in the Kelbadjar district had led to a humanitarian emergency, with an estimated 50,000 persons displaced. The Secretary-General urged that unimpeded access to the area should be granted immediately to international relief organizations to ascertain the humanitarian situation and to provide relief to the civilian population.

The Secretary-General stated that the conflict over Nagorny Karabakh, involving both Armenia and Azerbaijan, could only be resolved by peaceful means. He urged all parties to cease fighting and return to the negotiating table, within the Minsk process of the Conference on Security and Cooperation in Europe (CSCE). The recent agreement on the terms of reference for the deployment of an Advance Monitoring Group of CSCE had been an encouraging first step towards a peaceful settlement of the conflict. Speedy progress should now be made to reach further agreements on the remaining documents, thus enabling the deployment of CSCE monitors in the region. The Secretary-General remained prepared, as he had been throughout the preceding twelve months, to give his full and active support to the effort of CSCE to convene the Minsk Conference as soon as possible and to lend technical assistance in the deployment of the CSCE monitoring mission.

At its 3205th meeting, on 30 April 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Armenia and Azerbaijan, at their request, to participate

⁹ S/25539.

¹⁰ S/25600.

in the discussion without the right to vote. The President (Pakistan) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations¹¹ and to several other documents.¹²

The draft resolution was then put to the vote and it was adopted unanimously as resolution 822 (1993), which reads:

The Security Council,

Recalling the statements of the President of the Security Council of 29 January and of 6 April 1993 concerning the Nagorny Karabakh conflict,

Taking note of the report of the Secretary-General of 14 April 1993,

Expressing its serious concern at the deterioration of the relations between the Republic of Armenia and the Azerbaijani Republic,

Noting with alarm the escalation in armed hostilities and, in particular, the latest invasion of the Kelbadjar district of Azerbaijan by local Armenian forces,

Concerned that this situation endangers peace and security in the region,

Expressing grave concern at the displacement of a large number of civilians and the humanitarian emergency in the region, in particular in the Kelbadjar district,

Reaffirming the respect for sovereignty and territorial integrity of all States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing its support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe, and deeply concerned at the disruptive effect that the escalation in armed hostilities can have on that process,

1. *Demands* the immediate cessation of all hostilities and hostile acts with a view to establishing a durable ceasefire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan;

2. *Urges* the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe and to refrain from any action that will obstruct a peaceful solution of the problem;

3. *Calls* for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population, and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;

4. *Requests* the Secretary-General, in consultation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe as well as the Chairman of the Minsk Group, to assess the situation in the region, in particular in the Kelbadjar district of Azerbaijan, and to submit a further report to the Council;

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

Speaking after the vote, the representative of Djibouti stated that it was disturbing that his delegation had to accept that the conflict was local and was being perpetrated and carried out solely by local Armenian forces. The truth was that it was a conflict between Armenia and Azerbaijan. It was his delegation's view that it was impossible to be optimistic so long as the Council postponed action, such as, at a minimum, a condemnation, pending the outcome of the "protracted" negotiations within the framework of CSCE. The Council could not remain on the sidelines for too long in the face of an act of aggression of such gravity, which had created a major humanitarian crisis and threatened peace and security. His delegation demanded that Armenia and Azerbaijan accept a

¹¹ S/25695.

¹² Letter dated 7 April 1993 from the representative of Denmark addressed to the Secretary-General (S/25564); letters dated 12, 13, 15 and 20 April 1993, respectively, from the representative of Azerbaijan addressed to the Secretary-General (S/25584, S/25599, S/25603 and S/25641); letter dated 17 April 1993 from the representative of Armenia addressed to the President of the Security Council (S/25626); letters dated 8 and 27 April 1993, respectively, from the representative of Turkey addressed to the President of the Security Council (S/25660 and S/25671); letters dated 7, 8, 12, 14, 19, 20, 26, 27 and 28 April 1993, respectively, from the representative of Azerbaijan addressed to the President of the Security Council (S/25553, S/25573, S/25582, S/25583, S/25585, S/25602, S/25625, S/25634, S/25635, S/25650, S/25660, S/25664, S/25684 and S/25685); and letter dated 28 April from the representative of Azerbaijan addressed to the President of the Security Council (S/25701).

ceasefire and that Armenia withdraw from all territories occupied during the recent aggression.¹³

The representative of France stated that his Government was guided in respect to the conflict by three principles, which had been faithfully reflected in the adopted resolution. First, it was essential to prevent the clashes from turning into a conflict between States. In that respect, the preambular part of the resolution seemed to strike a reasonable balance between acknowledging that tensions existed between Armenia and Azerbaijan and recognizing the localized nature of the fighting. Second, everything should be done to promote a negotiated settlement. France was playing an active role in the framework of CSCE, and particularly in what had come to be known as the “Minsk Group”, to facilitate such a settlement. He noted that a committee of high-level CSCE officials had met recently in Prague. Although his delegation regretted that it had not been possible for the parties to reach a conclusion to their negotiations in Prague, it welcomed the Council’s endorsement, with respect to the central question of the withdrawal of forces, of a formula that had enjoyed nearly unanimous support within CSCE. The third principle was humanitarian assistance, and France was particularly gratified that the Security Council had strongly reaffirmed the principle of unimpeded access by civilians to aid.¹⁴

The representative of the United Kingdom stated that the recent escalation of the fighting was a very serious development, which fully justified the adopted resolution. There had been a depressing trend of military offensives, with unwillingness on the part of the side winning on the ground at a given moment to make any effort to compromise. The most recent offensive had again coincided with renewed attempts within CSCE to resume talks. The United Kingdom condemned unreservedly the offensive in Kelbadjar and Fizuli and called for an immediate withdrawal of forces. It saw no alternative to a peaceful solution, which would require “historic” compromises on the parts of both sides and modifications to their stated positions. His delegation believed that the only realistic solution was for continued Azerbaijani sovereignty over Nagorny Karabakh, with real autonomy for the local Armenian population. The speaker also stated that the resolution just adopted was

valuable because it both provided firm backing for the CSCE process and included the essential elements of a draft statement upon which it had not been possible to agree in Prague, due to the opposition of one party.¹⁵

The representative of Venezuela said that, as a result of having become Members of the United Nations, Armenia and Azerbaijan had both won rights and assumed obligations. They were entitled to find within the United Nations, and in particular within the Security Council, a neutral and objective body in which to air their differences. But it was a fundamental corollary that they were also obliged to respect and to ensure that their national communities, and anyone else claiming a special relationship with them, respected all of the norms and principles of international conduct, which they had assumed when they had signed the Charter of the United Nations. In particular, they needed to show absolute respect for one another’s independence and territorial integrity and to renounce the use of force as a way of solving disputes. Two aspects of the conflict were of particular concern to his delegation: on the one hand his delegation saw alarming similarity between the situation in the former Yugoslavia; on the other hand, it saw a distorted concept of what should be the right to self-determination. Venezuela felt that regional bodies could identify solutions but the Security Council could not evade its responsibility to uphold the very principles that, in its judgment, must be abided by.¹⁶

The representative of the Russian Federation recalled that on 8 April 1993, President Yeltsin had appealed to the Presidents of Armenia and Azerbaijan for an immediate halt to hostilities and the start of serious conversations aimed at achieving a peaceful settlement of the conflict. President Yeltsin had also proposed his services as a mediator, and the parties had accepted his offer. The Russian Federation wished to see a speedy solution to the conflict and was interested in contributing actively by all existing means. The Russian Federation did not consider its endeavours to be an alternative to pan-European efforts and therefore supported energetically the Council’s appeal, contained in the resolution, that all parties negotiate their grievances within the framework of the Minsk Group of CSCE. Only a political settlement, achieved on the

¹³ S/PV.3205, pp. 7-8.

¹⁴ *Ibid.*, pp. 11-12.

¹⁵ *Ibid.*, pp. 12-13.

¹⁶ *Ibid.*, pp. 16-18.

basis of mutual compromise and concessions, could be a durable element of stability in the region.¹⁷

The President, speaking in his capacity as the representative of Pakistan, stated that his delegation had voted in favour of the resolution just adopted in the belief that it would contribute positively to the ongoing peace efforts within the framework of CSCE to put an immediate end to all hostilities in the region and would lead to an expeditious withdrawal of all Armenian forces from the territory of Azerbaijan, including the Kelbadjar district and the Lachin area. Pakistan called upon the concerned States to respect scrupulously the sovereignty and territorial integrity of all the States of the region and called upon them to respect the inviolability of international borders of all States and to refrain from the use, or the threat of the use of force. He also noted that it was his delegation's understanding that the expression "other recently occupied areas of Azerbaijan", in paragraph 1 of the resolution, included, *inter alia*, the Lachin area.¹⁸

**Decision of 29 July 1993 (3259th meeting):
resolution 853 (1993)**

By a letter dated 24 July 1993 addressed to the President of the Security Council,¹⁹ the representative of Azerbaijan transmitted a letter from the Acting President of the Azerbaijani Republic in which he requested that the Security Council be convened immediately to discuss ongoing Armenian aggression in the Agdam region of Azerbaijan. The representative of Turkey made a similar request by a letter dated 27 July 1993 addressed to the President of the Security Council.²⁰

At its 3259th meeting, on 29 July 1993, the Security Council included those letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Armenia, Azerbaijan and Turkey, at their request, to participate in the discussion without the right to vote. The President (United Kingdom) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations²¹ and read out a revision that had been

made to the draft resolution in its provisional form.²² He also drew the attention of the members of the Council to several other documents,²³ including a letter dated 28 July 1993 from the representative of Italy addressed to the President of the Security Council,²⁴ transmitting a report of the Chairman of the CSCE Conference on Nagorny Karabakh, in which he informed the President about a mission that he had undertaken to the Caucasus region and to the area of the Nagorny Karabakh conflict. The aim of the mission had been to determine whether and when the "timetable of urgent steps to implement United Nations Security Council resolution 822 (1993)", which had been worked out by the nine countries in the Minsk Group, could come into force. He indicated that the President of Armenia and the acting President of Azerbaijan had reconfirmed their full and determined support for the CSCE Minsk Group timetable. They had both insisted that it should enter into force as early as possible and without any changes. In Nagorny Karabakh, however, the attitude of the local Armenian community leaders had appeared to be completely different and governed by military, rather than diplomatic, considerations. The seizure of the city of Agdam by opposing forces had, however, caused a serious setback to the negotiating process. The Chairman was trying to assess whether the seizure signified a definitive departure by the Nagorny Karabakh Armenians from a compromise settlement. He further stated that the CSCE negotiating process would continue despite that setback, but that further political support and pressure by the international community was needed. In that respect, he suggested some areas where early action by the Security Council would contribute to the peaceful settlement of the conflict, in accordance with resolution 822 (1993).

²² See S/PV.3259, pp. 3-5.

²³ Letters dated 8, 21, 22, 23, 24, 27 and 28 July 1993 from the representative of Azerbaijan addressed to the President of the Security Council (S/26079, S/26129, S/26136, S/26137, S/26143, S/26158, S/26159, S/26160, S/26161, S/26163, S/26181, S/26187, S/26188, S/26189, S/26193 and S/26194); letters dated 22, 23 and 26 July 1993 from the representative of Armenia addressed to the President of the Security Council (S/26135, S/26154, S/26155, S/26156 and S/26157); and letter dated 28 July 1993 from the representative of Italy addressed to the President of the Security Council, transmitting a report dated 27 July 1993 of the Chairman of the CSCE Conference on Nagorny Karabakh (S/26184).

²⁴ S/26184.

¹⁷ *Ibid.*, pp. 18-20.

¹⁸ *Ibid.*, p. 21.

¹⁹ S/26164.

²⁰ S/26168.

²¹ S/26190.

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 853 (1993), which reads:

The Security Council,

Reaffirming its resolution 822 (1993) of 30 April 1993,

Having considered the report issued on 27 July 1993 by the Chairman of the Minsk Group of the Conference on Security and Cooperation in Europe,

Expressing its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them,

Welcoming acceptance by the parties concerned of the timetable of urgent steps to implement its resolution 822 (1993),

Noting with alarm the escalation in armed hostilities and, in particular, the seizure of the district of Agdam in Azerbaijan,

Concerned that this situation continues to endanger peace and security in the region,

Expressing once again its grave concern at the displacement of large numbers of civilians in Azerbaijan and at the serious humanitarian emergency in the region,

Reaffirming the sovereignty and territorial integrity of Azerbaijan and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

1. *Condemns* the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic;

2. *Also condemns* all hostile actions in the region, in particular attacks on civilians and bombardments of inhabited areas;

3. *Demands* the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of Azerbaijan;

4. *Calls* on the parties concerned to reach and maintain durable ceasefire arrangements;

5. *Reiterates* in the context of paragraphs 3 and 4 above its earlier calls for the restoration of economic, transport and energy links in the region;

6. *Endorses* the continuing efforts by the Minsk Group of the Conference on Security and Cooperation in Europe to achieve a peaceful solution to the conflict, including efforts to implement resolution 822 (1993), and expresses its grave concern at the disruptive effect that the escalation of armed hostilities has had on these efforts;

7. *Welcomes* the preparations for a monitor mission of the Conference on Security and Cooperation in Europe with a

timetable for its deployment, as well as consideration within the Conference of the proposal for a Conference presence in the region;

8. *Urges* the parties concerned to refrain from any action that will obstruct a peaceful solution to the conflict, and to pursue negotiations within the Minsk Group, as well as through direct contacts between them, towards a final settlement;

9. *Urges* the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of Azerbaijan with resolution 822 (1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group;

10. *Urges* States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory;

11. *Calls once again* for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict, in order to alleviate the increased suffering of the civilian population, and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;

12. *Requests* the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist displaced persons to return to their homes;

13. *Requests* the Secretary-General, in consultation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe as well as the Chairman of the Minsk Group, to continue to report to the Council on the situation;

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

Speaking after the vote, the representative of Pakistan stated that his country condemned the continuing Armenian aggression against the Azerbaijani Republic and demanded the immediate withdrawal of Armenian forces from all occupied Azerbaijani territories. Pakistan urged the Republic of Armenia to respect the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan, and it called for a just and peaceful settlement of the problem on the basis of respect for the principles of the territorial integrity of States and the inviolability of internationally recognized frontiers. Its position was consistent with the one that had been taken by the Organization of the Islamic Conference at a special ministerial meeting, which had been held in Islamabad on 12 and 13 July 1993. Pakistan commended the efforts of the Chairman-in-Office of the CSCE Minsk Group to find a peaceful solution to the conflict and expressed the hope that the Council's

adoption of the resolution would strengthen the CSCE peace process. It appealed to all parties concerned to refrain from action that would obstruct a peaceful solution and to engage earnestly in negotiations within the Minsk Group towards the attainment of a just, equitable and lasting settlement.²⁵

The representative of France said his delegation was pleased that the Council had been able to adopt swiftly and unanimously resolution 853 (1993). Recent events, marked by attacks by local Armenian forces against Agdam, in violation of the commitments that had been made during the recent CSCE mission to the region, called for clear condemnation which was what the resolution unambiguously did. The resolution also affirmed two principles to which the speaker's Government was especially devoted: first, the Council's support for the efforts of the Minsk Group to find a peaceful settlement to the conflict; and second, free access for humanitarian aid and the restoration of economic ties in the region. France had long taken a special interest in the painful conflict affecting the region of Nagorny Karabakh and it believed that every effort should be made to bring about a negotiated settlement. France, as a member of CSCE also playing an active role in the Minsk Group, would spare no effort in working multilaterally or bilaterally to facilitate the success of the CSCE peace process. It therefore welcomed the first step that had been taken the preceding day, in the form of the conclusion of an agreement between the authorities of Azerbaijan and Nagorny Karabakh, to extend the ceasefire.²⁶

The representative of the Russian Federation stated that the Russian leadership was deeply concerned at the offensive actions that had been taken by armed units of Nagorny Karabakh Armenians, as a result of which the town of Agdam had been seized. Those actions had been taken despite assurances previously given to Russian authorities by official Armenian representatives that no ground offensive operations would be undertaken by Nagorny Karabakh Armenians and that they did not intend to attack Agdam. There had, however, been some positive developments in the situation with respect to the Nagorny Karabakh conflict. A meeting had been held on 28 July between the Azerbaijan and the Nagorny Karabakh authorities, during which they had agreed to

extend the ceasefire for an additional seven days and to hold a summit meeting soon. The international community needed to welcome the positive changes in the positions of the parties concerned and to urge them speedily to attain mutually acceptable agreements. Those changes took nothing away from the importance of an immediate cessation of all hostilities and of an immediate, complete withdrawal by Armenians of Nagorny Karabakh from all occupied areas of Azerbaijan.²⁷

The representative of the United States said the seizure of Agdam could not be justified by any claim to self-defence. The capture of the city had disrupted the peace process being undertaken by the Minsk Group, which was the only existing means for all parties to resolve the conflict. The United States vigorously supported the efforts of the Minsk Group and saw in the resolution a reaffirmation of the conditions necessary to allow those efforts to proceed.²⁸

The representative of Hungary stated that his delegation reaffirmed the inadmissibility of the use of force for the acquisition of territory and the inviolability of international borders. Hungary welcomed the demand in the resolution for the cessation of all hostilities and the withdrawal of occupying forces, and that it called for unimpeded access for international humanitarian relief efforts in the region. Hungary strongly believed that cooperation and mutual support between the United Nations and CSCE had to play an essential role in the search for a just and peaceful settlement of the problem. The international community could not remain silent at the use of brute force as a means to settle problems that had been accumulating for decades and that had been ignored or suppressed by previous political régimes. The speaker reiterated that, in the absence of effective international action against arbitrary violence and genocide, some were drawing the conclusion that their goals could be achieved through aggression and that territory could be acquired through the use of force and by driving hundreds of thousands of people from their homes with complete impunity. Hungary believed that the way the Security Council reacted to such developments was critical for the maintenance of international peace and security.²⁹

²⁵ S/PV.3259, pp. 7-8.

²⁶ *Ibid.*, pp. 8-10.

²⁷ *Ibid.*, pp. 9-11.

²⁸ *Ibid.*, p. 12.

²⁹ *Ibid.*, pp. 14-15.

**Decision of 18 August 1993 (3264th meeting):
statement by the President**

By a letter dated 17 August 1993 addressed to the President of the Security Council,³⁰ the representative of Azerbaijan transmitted a letter from the Acting President of the Azerbaijani Republic, containing a request to convene the Security Council immediately in connection with the continuing aggression by Armenia against Azerbaijan and the failure by the Armenian side to comply with Security Council resolutions 822 (1993) and 853 (1993). The representative of Turkey made a similar request in a letter dated 17 August 1993 addressed to the President of the Security Council,³¹ in which he also stated that his country would not accept the acquisition of territory through the use of force and that Armenia's actions constituted a serious blow to the stability of a region neighbouring Turkey as well as to international peace and security. By a letter dated 18 August 1993 addressed to the President of the Security Council,³² the representative of Armenia requested an urgent meeting of the Security Council to address "the most recent evidence of Azerbaijani aggression against Armenia and to condemn Azerbaijan's continuing policy of expanding its war against Nagorny Karabakh to the borders of Armenia".

At its 3264th meeting, on 18 August 1993, the Security Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the Council invited the representative of Azerbaijan, at his request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the Council members to several other documents³³ and stated that, after consultations among members of the Security Council, he had been

³⁰ S/26318.

³¹ S/26319.

³² S/26322.

³³ Letters dated 14, 15, 16 and 17 August 1993 from the representative of Azerbaijan addressed to the President of the Security Council (S/26305, S/26306, S/26307, S/26308, S/26315, S/26316, S/26320, S/26323, S/26324 and S/26325); letter dated 16 August 1993 from the representative of Armenia addressed to the Secretary-General (S/26312); and letters dated 18 August 1993 from the representative of Armenia addressed to the President of the Security Council (S/26327 and S/26328).

authorized to make the following statement on behalf of the Council:³⁴

The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them. The Council calls upon the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of Azerbaijan with Council resolutions 822 (1993) and 853 (1993).

The Council also expresses its deep concern at the recent intensification of fighting in the area of Fizuli. It condemns the attack on the Fizuli region from the Nagorny Karabakh region of Azerbaijan, just as it has previously condemned the invasion and seizure of the districts of Kelbadjar and Agdam of Azerbaijan. The Council demands a stop to all attacks and an immediate cessation of the hostilities and bombardments, which endanger peace and security in the region, and an immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli and from the districts of Kelbadjar and Agdam and other recently occupied areas of Azerbaijan. The Council calls upon the Government of Armenia to use its unique influence to this end.

The Council reaffirms the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region and the inviolability of their borders, and expresses its grave concern at the effect these hostilities have had on the efforts of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) to achieve a peaceful solution to the conflict. The Council stresses its full support of the CSCE peace process and notes particularly the opportunity that the current round of Minsk Group talks has afforded the parties to the conflict to present their views directly. In this context, the Council calls upon all of the parties to respond positively and within the agreed time-frame to the 13 August adjusted version of the Minsk Group's "Timetable of urgent steps to implement United Nations Security Council resolutions 822 (1993) and 853 (1993)" and to refrain from any actions that would obstruct a peaceful solution. The Council welcomes the intention of the CSCE to send a mission to the region to report on all aspects of the situation.

In the light of this most recent escalation of the conflict, the Council strongly reaffirms its call in resolution 853 (1993) for States to refrain from supplying any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory of Azerbaijan. The Council calls upon the Government of Armenia to ensure that the forces involved are not provided with the means to extend their military campaign still further.

The Council also renews its calls in resolutions 822 (1993) and 853 (1993) for unimpeded access for international humanitarian relief efforts in the region, in all areas affected by the conflict, in order to alleviate the continually increasing

³⁴ S/26326.

suffering of the civilian population. The Council reminds the parties that they are bound by and must adhere to the principles and rules of international humanitarian law.

The Council will remain actively seized of the matter and will be ready to consider appropriate steps to ensure that all parties fully respect and comply with its resolutions.

**Decision of 14 October 1993 (3292nd meeting):
resolution 874 (1993)**

At its 3292nd meeting, on 14 October 1993, the Security Council resumed its consideration of the situation relating to Nagorny Karabakh. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,³⁵ and to several other documents, including letters dated 1, 6 and 8 October 1993, respectively, from the representatives of Italy, Armenia and Azerbaijan addressed to the President of the Security Council.³⁶ By a letter dated 1 October 1993,³⁷ the representative of Italy transmitted the text of a letter of the same date from the Chairman of the CSCE Minsk Conference on Nagorny Karabakh and enclosed an adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993).

Pursuant to resolution 853 (1993), in his letter, the Chairman reported on the state of the efforts of the Minsk Group to bring about a peaceful settlement of the Nagorny Karabakh conflict. As a result of consultations among the members of the Minsk Group and of direct contacts between the parties to the conflict, an adjusted timetable had been drafted, outlining urgent steps to be taken to implement Security Council resolutions 822 (1993) and 853 (1993). The timetable was being sent to the parties, with the request that they signify their acceptance of it by 7 October. In his letter, the Chairman stated that the adoption of a Security Council resolution or a presidential statement on the Nagorny Karabakh conflict would represent a source of guidance and

encouragement, both for the parties to the conflict and for the Minsk Group. He suggested some points that might be included in such a decision, as follows: (a) a confirmation of the earlier United Nations resolutions on the conflict; (b) a call for a withdrawal from recently occupied territories, including the newly occupied territories; (c) a welcoming of the direct contacts aimed in particular at establishing a stable and effective ceasefire, and a call to the parties to make the ceasefire permanent; (d) an expression of support for the "Adjusted timetable" of 28 September 1993, and a call to the parties to make the ceasefire permanent; (e) an underlining of the desirability of an early convening of the CSCE Minsk Conference, with a view to arriving at an overall settlement of the conflict, in conformity with the 24 March mandate of the CSCE Council of Ministers; (f) an expression of readiness on the part of the United Nations to send its representatives to observe the Minsk Conference, if invited, and to provide all possible assistance for the substantive negotiations that would follow the opening of the Conference; (g) an expression of support for the monitoring mission developed by CSCE and of the willingness of the United Nations to be associated with it in any possible way; (i) an expression of determination by the international community to help alleviate the human suffering caused by the conflict, in particular as concerns refugees and displaced persons, and human rights violations in general.

By a letter dated 6 October 1993,³⁸ the representative of Armenia transmitted a letter from the Foreign Minister of Armenia informing the Chairman of the CSCE Minsk Conference about the acceptance by his Government of the "timetable". In a letter dated 8 October 1993,³⁹ the representative of Azerbaijan argued that the "timetable" contained provisions which were contrary to Security Council resolutions 822 (1993) and 853 (1993) and the statement by the President of the Security Council of 18 August and therefore he could not agree to it.

The draft resolution was then put to the vote and adopted unanimously as resolution 874 (1993), which reads:

The Security Council,

Reaffirming its resolutions 822 (1993) of 30 April 1993 and 853 (1993) of 29 July 1993, and recalling the statement read

³⁵ S/26582.

³⁶ Letter dated 1 October 1993 from the representative of Italy addressed to the President of the Security Council (S/26522); letter dated 6 October 1993 from the representative of Armenia addressed to the President of the Security Council (S/26543); and letters dated 8 and 13 October 1993, respectively, from the representative of Azerbaijan addressed to the President of the Security Council (S/26556 and S/26577).

³⁷ S/26522.

³⁸ S/26543.

³⁹ S/26556.

by the President of the Security Council, on behalf of the Council, on 18 August 1993,

Having considered the letter dated 1 October 1993 from the Chairman of the Conference on Security and Cooperation in Europe Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council,

Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region,

Noting the high-level meetings which took place in Moscow on 8 October 1993 and expressing the hope that they will contribute to the improvement of the situation and the peaceful settlement of the conflict,

Reaffirming the sovereignty and territorial integrity of Azerbaijan and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing once again its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency in the region, and expressing in particular its grave concern at the displacement of large numbers of civilians in Azerbaijan,

1. *Calls upon* the parties concerned to make effective and permanent the ceasefire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the Minsk Group of the Conference on Security and Cooperation in Europe;

2. *Reiterates again its full support* for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe, and for the tireless efforts of the Minsk Group;

3. *Welcomes and commends* to the parties the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" set out on 28 September 1993 at the meeting of the Minsk Group and submitted to the parties concerned by the Chairman of the Group with the full support of nine other members of the Group, and calls on the parties to accept it;

4. *Expresses the conviction* that all other pending questions arising from the conflict and not directly addressed in the "Adjusted timetable" should be settled expeditiously through peaceful negotiations in the context of the Minsk process;

5. *Calls* for the immediate implementation of the reciprocal and urgent steps provided for in the Minsk Group's "Adjusted timetable", including the withdrawal of forces from recently occupied territories and the removal of all obstacles to communications and transportation;

6. *Calls also* for an early convening of the Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict as provided for in the "Adjusted timetable", in conformity with the 24 March 1992 mandate of the Council of Ministers of the Conference on Security and Cooperation in Europe;

7. *Requests* the Secretary-General to respond favourably to an invitation to send a representative to attend the Minsk Conference and to provide all possible assistance for the substantive negotiations that will follow the opening of the Conference;

8. *Supports* the monitoring mission developed by the Conference on Security and Cooperation in Europe;

9. *Calls* on all parties to refrain from all violations of international humanitarian law, and renews its call in resolutions 822 (1993) and 853 (1993) for unimpeded access for international humanitarian relief efforts in all areas affected by the conflict;

10. *Urges* all States in the region to refrain from any hostile acts and from any interference or intervention which would lead to the widening of the conflict and undermine peace and security in the region;

11. *Requests* the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist refugees and displaced persons to return to their homes in security and dignity;

12. *Requests* the Secretary-General, the Chairman-in-Office of the Conference on Security and Cooperation in Europe and the Chairman of the Minsk Conference to continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, and on present and future cooperation between the Conference on Security and Cooperation in Europe and the United Nations in this regard;

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

Speaking after the vote, the representative of the United States stated that, through the adopted resolution, the international community was expressing its strong support for the vital, continuing efforts of the Minsk Group to help resolve the conflict in the Nagorny Karabakh region. In the spirit of that resolution and the previous one, the Minsk Group had developed a plan that envisaged international monitoring of a phased ceasefire and negotiations among all the parties through the early convening of the Minsk Conference. He hoped that the parties to the conflict would seize the opportunity offered by the Minsk Group's plan. The international community and the parties to the conflict, working together through the

Minsk process, also needed to act to alleviate the human suffering and to find a peaceful solution.⁴⁰

The representative of France stated that, in his Government's view, the resolution ought to allow for progress towards the settlement of the conflict. His delegation also noted that the Council, in the resolution, had reaffirmed its support for the Minsk peace process, to which France was particularly committed. The resolution addressed a clear message to the parties by asking them to agree a timetable of urgent measures. His delegation hoped that the parties would grasp the meaning of the resolution and that they would soon inform the Chairman of the Minsk Group of their acceptance of the timetable, an essential step toward the negotiation of which was to open under the auspices of the Minsk Conference.⁴¹

The representative of the Russian Federation described his country's efforts to end the Nagorny Karabakh conflict. He noted that, despite isolated incidents, the ceasefire had been observed since the beginning of September, which was very important. Azerbaijan and Armenia had turned to the Russian Federation for assistance in formalizing the agreement achieved during the Moscow meetings, on the 24 and 25 September, on extending the ceasefire for one month. On 1 October it had been extended to 5 November. The Russian Federation attached special significance to the appeal in the adopted resolution that the existing ceasefire be made a lasting one. Once that priority had been achieved, the next step would be to take mutual, urgent measures to reach a full settlement of the conflict. The Russian Federation felt that a constructive joining of efforts by all the parties and organizations was necessary, primarily those of CSCE and its Minsk Group.⁴²

Decision of 12 November 1993 (3313th meeting): resolution 884 (1993)

By a letter dated 26 October 1993 addressed to the President of the Security Council,⁴³ the representative of Azerbaijan transmitted a letter dated 26 October 1993 from the President of the Azerbaijani Republic, in which he referred to the ongoing aggression being conducted by the Republic of

Armenia and requested: an urgent meeting of the Security Council; the condemnation by the Security Council of the aggression by the Republic of Armenia against the Azerbaijani Republic; and the imposition of military, political and economic sanctions by the Security Council on the Republic of Armenia, in conformity with Chapter VII of the Charter of the United Nations. The representative of Turkey made a similar request by a letter dated 27 October 1993 addressed to the President of the Security Council,⁴⁴ in which he stated that the recent Armenian attacks against Azerbaijani territory constituted a serious threat to international peace and security and brought the situation closer to regional conflict. By a letter dated 28 October 1993 addressed to the President of the Security Council,⁴⁵ the representative of the Islamic Republic of Iran made a similar request and requested the Security Council to take necessary measures, including the dispatch of peacekeeping forces to the area, to consolidate the ceasefire and allow for efforts aimed at achieving a just and honourable solution to the conflict. He contended that the national security of his country was threatened.

At its 3313th meeting, on 12 November 1993, the Security Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Armenia, Azerbaijan, Iran and Turkey, at their request, to participate in the discussion without the right to vote. The President (Cape Verde) drew the attention of the Council members to the draft resolution that had been prepared during the course of the Council's prior consultations.⁴⁶ He also drew the attention of the

⁴⁴ S/26650.

⁴⁵ S/26662.

⁴⁶ S/26719.

⁴⁰ S/PV.3292, p. 3.

⁴¹ *Ibid.*, pp. 3-4.

⁴² *Ibid.*, pp. 4-6.

⁴³ S/26647.

members of the Council to several other documents,⁴⁷ including a letter dated 9 November 1993 from the representative of Italy addressed to the President of the Security Council,⁴⁸ transmitting a letter of the same date from the Chairman of the CSCE Minsk Conference on Nagorny Karabakh. The Chairman's letter enclosed a declaration that had been approved by the countries of the Minsk Group on Nagorny Karabakh, concerning the most recent developments on the ground and a package of proposals worked out by the same countries and submitted to the parties to the conflict. In its declaration, the Minsk Group vigorously condemned the behaviour of the parties to the Nagorny Karabakh conflict during the most recent ceasefire violation and the seizure of additional territory by force. Those actions constituted unacceptable violations of the CSCE principle of the non-use of force and they undercut the efforts of the international community to find a peaceful solution to the conflict. The Minsk Group parties insisted on the acceptance of their proposed timetable providing for: a full and permanent ceasefire; withdrawals from the occupied territories; and the dispatching of a monitor mission, leading to the early convening of the Minsk Conference. Acceptance of the timetable, which had been called for by Security Council resolution 874 (1993), was essential for the implementation of

Security Council resolutions 822 (1993), 853 (1993) and 874 (1993).

Speaking before the vote, the representative of Pakistan stated that his delegation remained gravely concerned about the situation in the Azerbaijani Republic, resulting from the aggression against Azerbaijani territory. The Council needed to take immediate note of the most recent offensive launched by the Armenian forces and the occupation of the Azerbaijani districts of Djebail, Fizuli, Zangelan and Kubatli. Not only did the offensive constitute a violation of the sovereignty and territorial integrity of a State Member of the United Nations but the aggression had also resulted in a colossal humanitarian tragedy forcing more than 60,000 local inhabitants to flee their homes and seek refuge in neighbouring countries. The situation constituted a threat to the peace and security of the region. Pakistan commended the efforts that had been made by the Chairman of the Minsk Group to find a peaceful solution to the conflict and it hoped the Council's adoption of the draft resolution would strengthen the CSCE process. The speaker noted that his delegation supported the draft resolution, but he said it would have preferred to see the draft include an expression of the Council's intention to take further appropriate steps if the resolutions of the Council continued to be defied.⁴⁹

⁴⁷ Letters dated 15, 18, 19, 21, 26, 27 and 28 October and 2 and 4 November 1993 from the representative of Azerbaijan addressed to the President of the Security Council (S/26589, S/26595, S/26602, S/26615, S/26637, S/26647, S/26657, S/26658, S/26682 and S/26693); letters dated 21, 26 and 27 October 1993 from the representative of Armenia addressed to the President of the Security Council (S/26612, S/26643 and S/26645); letter dated 28 October 1993 from the representative of Turkey addressed to the President of the Security Council (S/26665); letter dated 29 October 1993 from the representative of Azerbaijan addressed to the Secretary-General (S/26674); letter dated 9 November 1993 from the representative of Italy, transmitting a letter of the same date from the Chairman-in-Office of the CSCE Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council (S/26718); letter dated 11 November 1993 from the representative of Belgium addressed to the President of the Security Council (S/26728); and letter dated 12 November 1993 from the representative of Italy addressed to the President of the Security Council (S/26732).

⁴⁸ S/26718.

The draft resolution was then put to the vote and adopted unanimously as resolution 884 (1993), which reads:

The Security Council,

Reaffirming its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993 and 874 (1993) of 14 October 1993,

Reaffirming its full support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe, and for the tireless efforts of the Minsk Group of the Conference,

Taking note of the letter dated 9 November 1993 from the Chairman-in-Office of the Conference on Security and Cooperation in Europe Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council and its enclosures,

Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region,

⁴⁹ S/PV.3313, pp. 4-5.

Noting with alarm the escalation in armed hostilities in consequence of the violations of the ceasefire and excesses in the use of force in response to those violations, in particular the occupation of the Zangelan district and the city of Goradiz in Azerbaijan,

Reaffirming the sovereignty and territorial integrity of Azerbaijan and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing grave concern at the latest displacement of a large number of civilians and the humanitarian emergency in the Zangelan district and the city of Goradiz and on Azerbaijan's southern frontier,

1. *Condemns* the recent violations of the ceasefire established between the parties, which resulted in a resumption of hostilities, and particularly condemns the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic;

2. *Calls upon* the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of Azerbaijan with resolutions 822 (1993), 853 (1993) and 874 (1993) and to ensure that the forces involved are not provided with the means to extend their military campaign further;

3. *Welcomes* the declaration of 4 November 1993 of the nine members of the Minsk Group of the Conference on Security and Cooperation in Europe and commends the proposals contained therein for unilateral ceasefire declarations;

4. *Demands* from the parties concerned the immediate cessation of armed hostilities and hostile acts, the unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of Azerbaijan in accordance with the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" as amended by the Minsk Group meeting held at Vienna from 2 to 8 November 1993;

5. *Strongly urges* the parties concerned to resume promptly and to make effective and permanent the ceasefire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the Minsk Group, and to continue to seek a negotiated settlement of the conflict within the context of the Minsk process and the "Adjusted timetable" as amended by the Minsk Group meeting of 2 to 8 November 1993;

6. *Urges again* all States in the region to refrain from any hostile acts and from any interference or intervention, which would lead to the widening of the conflict and undermine peace and security in the region;

7. *Requests* the Secretary-General and relevant international agencies to provide urgent humanitarian assistance

to the affected civilian population, including that in the Zangelan district and the city of Goradiz and on Azerbaijan's southern frontier, and to assist refugees and displaced persons to return to their homes in security and dignity;

8. *Reiterates its request* that the Secretary-General, the Chairman-in-Office of the Conference on Security and Cooperation in Europe and the Chairman of the Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between the Conference on Security and Cooperation and the United Nations in this regard;

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

Speaking after the vote, the representative of the United States noted that his Government's support for the adopted resolution rested on a simple premise: where ceasefires were continually violated and the ensuing violence escalated far beyond any conceivable military necessity, innocent civilians on both sides of the conflict suffered more and more. The resolution rightly laid the blame for the appalling situation on both parties — the party that had initiated the current round of ceasefire violations and the party that had responded out of all proportion to those violations. The speaker observed that there was a way out. It was offered by the Minsk process and the tireless efforts of the Minsk Group, which had fashioned a framework by which a ceasefire could be stabilized and negotiations undertaken.⁵⁰

The representative of France stated that the acquisition of territory by force was inadmissible and that doing so for the purposes of negotiation could not be countenanced. France demanded the immediate cessation of armed hostilities, the unilateral withdrawal of occupying forces from the Zangelan district and the withdrawal from other recently occupied areas of the Azerbaijani Republic, in accordance with the adjusted timetable of the Minsk Group. In approving the Declaration of the Minsk Group, which had been adopted on 4 November 1993 in Vienna, the Council was again expressing its full support for the sustained efforts of the CSCE and was charging the parties to continue their discussions with a view to the convening of the Minsk Conference as soon as possible. The speaker stressed his Government's concern at the effects that the continuation of the conflict was having on the humanitarian situation. His delegation

⁵⁰ *Ibid.*, pp. 5-6.

welcomed the appeal that the Council was making that day for increased humanitarian assistance to the civilian populations of the region and it recalled its insistence on ensuring that such assistance was guaranteed free access.⁵¹

The representative of the Russian Federation stated that his country was seriously concerned at the escalation of the Nagorny Karabakh conflict, which was the result of local violations of the ceasefire and of excessive retaliation with catastrophic consequences for tens of thousands of Azerbaijani refugees. The Russian Federation took a positive view of the decisions of the recently concluded Vienna meeting of the Minsk Group, in which it had actively participated, and it believed that the parties would heed those decisions. It also hoped that the adopted resolution would be an important signal that the international community would no longer tolerate the continuation of bloodshed, nor the ever-more-dangerous escalation of the conflict. The Russian Federation attached great importance to the demand contained in the resolution for immediately resuming, and making permanent and effective, the ceasefire.⁵²

The representative of Hungary said that the Council had every reason to take up the matter of the continuing conflict in Nagorny Karabakh and the tension between Armenia and Azerbaijan because the crisis was likely to jeopardize peace and security throughout the region. Hungary welcomed the declaration that had been made by the Minsk Group and it extended its full support to the Group's peace process. The speaker stressed the importance of the resolution's reaffirmation of the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region, as well as of the resolution's reaffirmation of the inadmissibility of the use of force for the acquisition of territory. He also highlighted the position set out in the Minsk Group's declaration of 4 November that the occupation of territory could not be used to try to obtain international recognition or to impose a change of legal status.⁵³

The representative of the United Kingdom stated that violations of the sovereignty and territorial integrity of the Azerbaijani Republic, and of all other States in the region, had to cease, as the adopted

resolution and previous resolutions had made clear. The United Kingdom looked to all parties to adopt a positive approach to the Minsk Group's negotiations, and in particular to accept the Group's new package by the deadline of 22 November.⁵⁴

The representative of Brazil said that Brazil remained deeply concerned by the precarious humanitarian situation prevailing in the region. As with other conflicts in the world, it was imperative that full attention be paid to tackling the urgent needs of the civilian population, independently of political or military considerations. All the parties and others concerned remained bound to comply with the rules of international humanitarian law and to ensure unimpeded access for humanitarian relief efforts throughout the region. The speaker noted that the Security Council had from the outset agreed to recognize the prominent role to be played by CSCE to find a negotiated solution to the conflict concerning Nagorny Karabakh. The resolution just adopted confirmed that the efforts being undertaken at the regional level in the context of the Minsk process continued to have the support of the Council. The best chance of achieving a lasting solution to the problems that had arisen in connection with the dispute lay in that framework. The speaker echoed the wish of other speakers that the Minsk Group's timetable of urgent steps to be taken to implement the peace process would be accepted and followed by the parties. He also observed that, while the Security Council continued to lend its backing to the diplomatic efforts of CSCE, it was also important that the Council remain seized of the matter and that it monitor the situation closely.⁵⁵

The representative of Spain reaffirmed the importance that should be attached to the territorial integrity and sovereignty of the Azerbaijani Republic, without ignoring the rights of the Armenians of Nagorny Karabakh, in conformity with the principles of the Charter of the United Nations and CSCE. Of special concern was the humanitarian situation, especially the increase in the number of refugees and displaced persons, which was causing the problem to spread beyond the borders of the Azerbaijani Republic. In addition to achieving an immediate ceasefire, the international community needed to give priority to the problems of securing asylum and protection for the

⁵¹ Ibid., pp. 6-7.

⁵² Ibid., pp. 7-9.

⁵³ Ibid., pp. 9-10.

⁵⁴ Ibid., pp. 10-11.

⁵⁵ Ibid., pp. 11-13.

tens of thousands of refugees fleeing the conflict areas and of ensuring the free movement and delivery of humanitarian assistance. The speaker said that the conflict threatened to spread beyond the territory of the Azerbaijani Republic, endangering peace and security in the region, which justified, indeed necessitated, redoubled efforts by the United Nations and CSCE to halt and end the conflict. In conclusion, the representative cautioned that, if the parties did not respond positively to the Minsk Group's initiatives, thus setting in motion a true peace process, the Security Council would have to re-examine the item with a view to adopting such measures as might be deemed appropriate in the light of information and recommendations received from the Secretary-General, the Chairman-in-Office of CSCE and the Chairman of the Minsk process.⁵⁶

**Decision of 26 April 1995 (3525th meeting):
statement by the President**

At its 3525th meeting, on 26 April 1995, the Security Council resumed its consideration of the situation relating to Nagorny Karabakh. Following the adoption of the agenda, the Council invited the representative of Azerbaijan, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the Council members to letters dated 30 March 1995 and 20 April 1995, respectively, from the representatives of the Russian Federation and Sweden addressed to the President of the Security Council.⁵⁷

The letter of 30 March transmitted a letter dated 21 March from the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe (OSCE). Pursuant to resolution 884 (1993), the Co-Chairmen reported, in their letter, on the efforts that had been made in the framework of the Minsk Process to bring about a peaceful settlement of the Nagorny Karabakh conflict, in particular since the decision that had been made by the CSCE Summit at Budapest on 6 December 1994 concerning the intensification of CSCE action in relation to the Nagorny Karabakh conflict. In accordance with that decision, a Co-Chairmanship for the OSCE Minsk Process had been established between Sweden and the Russian Federation. The Co-Chairmen noted that the

ceasefire, which had been in effect since 12 May 1994, was still largely being respected. The parties were committed to respecting the ceasefire until a political agreement on the cessation of the armed conflict had been attained. Through the efforts of the Co-Chairmen, the parties had further committed themselves to mutual obligations to strengthen the ceasefire through direct contacts and other confidence-building measures. The Co-Chairmen foresaw the finalization, in the near future, of an agreement to establish an OSCE presence in the region, in the form of a personal representative of the Chairman-in-Office of OSCE, along with field representatives. It also remained the view of the parties that a peacekeeping operation would be necessary to guarantee the eventual political agreement on the cessation of hostilities. A High-level Planning Group had been established and it was actively working on recommendations for the OSCE Chairman-in-Office on planning and preparations for an OSCE peacekeeping force. The Co-Chairmen intended in the near future to undertake a visit to the region to consult the parties and would report to the Council on that matter.

The letter dated 20 April 1995 transmitted a letter of the same date from the Co-Chairmen of the OSCE Minsk Conference. In the letter, the Co-Chairmen provided, pursuant to resolution 884 (1993), additional information on efforts made in the framework of the OSCE Minsk process for the peaceful settlement of the Nagorny Karabakh conflict. They noted that the ceasefire was still largely being respected, although several incidents had occurred recently on the border between Armenia and Azerbaijan and along the line of contact. The continued observance of the ceasefire and the repeatedly reaffirmed intention of the parties to abide by it were encouraging. However, due to the fact that there was "neither war nor peace", there remained a risk of an unsatisfactory and even dangerous freezing of the situation. A continued lack of progress in the political process might very well endanger the existing ceasefire.

The Co-Chairmen recalled that a substantial number of OSCE States had earlier stated their readiness in principle to contribute to an OSCE multinational peacekeeping force and they warned that there was a risk that such readiness might be adversely affected by a lack of concrete progress in the negotiation process. It was of great importance that the planning and preparatory work be concluded and that the peacekeeping operation be made credible, assuring

⁵⁶ Ibid., pp. 13-15.

⁵⁷ S/1995/249 and S/1995/321.

the parties and the contributing States of an effective and secure implementation of the agreement. The Co-Chairmen observed that continuing political support from the Security Council for the possible deployment of an OSCE peacekeeping force, as well as continued United Nations technical advice and expertise, would be required if such an operation were to be carried out.

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵⁸

The Security Council has considered the reports of the Co Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe on Nagorny Karabakh submitted in accordance with paragraph 8 of its resolution 884 (1993). It expresses its satisfaction that the ceasefire in the region agreed upon on 12 May 1994 through the mediation of the Russian Federation in cooperation with the Minsk Group of the Organization for Security and Cooperation in Europe has been holding for almost a year.

At the same time, the Council reiterates the concern it has previously expressed at the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic and at the tensions between the Republic of Armenia and the Azerbaijani Republic. In particular, it expresses its concern at recent violent incidents and emphasizes the importance of using the mechanism of direct contacts for the settlement of incidents as agreed upon on 6 February 1995. It strongly urges the parties to the conflict to take all necessary measures to prevent such incidents in future.

The Council reaffirms all its relevant resolutions, inter alia, on the principles of sovereignty and territorial integrity of all States in the region. It also reaffirms the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory.

The Council reiterates its full support for the efforts of the Co-Chairmen of the Minsk Conference to assist in conducting speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties, inter alia, ensuring withdrawal of forces, and permit the convening of the Minsk Conference.

The Council stresses that the parties to the conflict themselves bear the main responsibility for reaching a peaceful settlement. It stresses the urgency of concluding a political agreement on the cessation of the armed conflict on the basis of the relevant principles of the Charter of the United Nations and of the Organization for Security and Cooperation in Europe. It strongly urges those parties to conduct constructively negotiations without preconditions or procedural obstacles and to refrain from any actions that may undermine the peace process. It emphasizes that the achievement of such an agreement is a prerequisite for the deployment of a multinational peacekeeping force of the Organization for Security and Cooperation in Europe.

The Council welcomes the decision of the Budapest summit of the Conference on Security and Cooperation in Europe of 6 December 1994 on the intensification of action by the Conference in relation to the Nagorny Karabakh conflict. It confirms its readiness to provide continuing political support, inter alia, through an appropriate resolution regarding the possible deployment of a multinational peacekeeping force of the Organization for Security and Cooperation in Europe following agreement among the parties for cessation of the armed conflict. The United Nations also stands ready to provide technical advice and expertise.

The Council underlines the urgency of the implementation by the parties of confidence building measures, as agreed upon within the Minsk Group on 15 April 1994, in particular in the humanitarian field, including the release of all prisoners of war and civilian detainees by the first anniversary of the ceasefire. It calls upon the parties to prevent suffering of the civilian populations affected by the armed conflict.

The Council reiterates its request that the Secretary-General, the Chairman in Office of the Organization for Security and Cooperation in Europe and the Co Chairmen of the Minsk Conference continue to report to the Council on the progress of the Minsk process and on the situation on the ground, in particular on the implementation of its relevant resolutions and on present and future cooperation between the Organization for Security and Cooperation in Europe and the United Nations in this regard.

The Council will keep the matter under consideration.

⁵⁸ S/PRST/1995/21.

20. The situation in Cyprus

Decision of 26 March 1993: statement by the President

On 26 March 1993, following consultations among the members of the Security Council, the President (New Zealand) made the following statement on behalf of the Council:¹

The members of the Security Council have reviewed the situation related to the Secretary-General's mission of good offices in Cyprus.

The members of the Council welcomed the acceptance by the two leaders of the invitation of the Secretary-General to attend a joint meeting on 30 March 1993 to discuss the timing, modalities and preparation for the resumption of substantive direct negotiations as mandated by the Council.

The members of the Council reaffirmed their position that the status quo is not acceptable and that a mutually acceptable overall framework agreement should be achieved without delay on the basis of the set of ideas endorsed by the Council.

The members of the Council called on the leaders of the two communities in Cyprus to manifest their goodwill by cooperating fully with the Secretary-General so that the substantive direct negotiations which are due to resume shortly will result in significant progress.

The members of the Council reaffirmed their determination to remain seized of the Cyprus question on an ongoing basis and to lend their active support to the effort of the Secretary-General.

The members of the Council requested the Secretary-General to report to the Council on the outcome of the meeting of 30 March.

By a letter dated 2 April 1993 addressed to the President of the Security Council,² the Secretary-General informed the Council that the two leaders had met him on 30 March in New York to discuss the timing, modalities and preparations for the resumption of substantive negotiations as mandated by the Council. His spokesperson had issued a statement at the conclusion of the meeting in which both leaders had agreed to resume the joint negotiations on 24 May, at United Nations Headquarters, using the set of ideas for the purpose of reaching a mutually acceptable overall framework agreement.³ Furthermore, they had

agreed that the joint negotiations would be preceded by a preparatory process in which the Secretary-General's representatives would meet them in Nicosia to clarify and address the concerns of the two leaders related to the set of ideas with a view to facilitating progress at the resumed joint negotiations. They would also discuss the implementation of confidence-building measures to foster mutual confidence conducive to the success of the negotiating process.

Decision of 11 May 1993 (3211th meeting): rejection of a draft resolution

On 30 March 1993, pursuant to resolution 796 (1992) of 14 December 1992, the Secretary-General submitted a report to the Security Council on the United Nations Peacekeeping Force in Cyprus (UNFICYP) and on the results of his consultations with troop-contributing Governments about restructuring the Force.⁴ The consultations had focused on two proposals. One would entrust the Force's mandate to military observers, backed up by a small infantry element. The other would restructure the Force and reduce it to the minimum number of infantry battalions required to maintain effective control on the buffer zone. While most of the troop contributors had expressed a preference for the first proposal, his representatives had supported the second proposal, contending that the current political and military situation in Cyprus and in the region did not yet justify UNFICYP being converted to an observer mission. Moreover, his military and civilian advisers unanimously had agreed that if the Force was to lose its capacity to maintain control of the buffer zone, there would be a real danger that small incidents could rapidly escalate and threaten the ceasefire on which depended not only the security of the people of Cyprus but also the maintenance of an atmosphere conducive to success in the political negotiations. In his report, the Secretary-General pointed out that the question before the Security Council was not whether the UNFICYP mandate could better be carried out by infantry or by a mixture of infantry and military observers. Neither would be practicable unless the Security Council could accept funding of the Force by assessed contributions. The question was thus whether to decide on such funding or allow UNFICYP to

¹ S/25478.

² S/25517.

³ The set of ideas had emerged from the 1991 talks and were endorsed by the Security Council in resolution 774 (1992).

⁴ S/25492.

dissolve into a token presence of a few military observers. He strongly recommended converting the Force to assessed funding.

At its 3211th meeting, on 11 May 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution submitted by the United Kingdom.⁵ He also drew their attention to a letter dated 21 April 1993 from the representative of Cyprus addressed to the Secretary-General,⁶ confirming the offer of the Government of Cyprus to contribute, on a continuing basis, one third of the annual cost of UNFICYP.

Speaking before the vote, the President, in his capacity as representative of the Russian Federation, recalled that his delegation had stated on many occasions its position on the question of the financing of UNFICYP and that it continued to have fundamental objections to the proposed changes. If contributions were made mandatory, he said, as had been the case with two recent peacekeeping operations, there would be no operations left that would be paid for on a voluntary basis. His delegation was of the view that voluntary contributions should not have a decreasing but an increasing role. It would therefore vote against the draft resolution, not for political reasons but for practical considerations.⁷

The draft resolution was thereupon put to the vote and was not adopted, owing to the negative vote of a permanent member of the Council (Russian Federation). Under the operative part of the draft resolution, the Council would have decided that, with effect from the next extension of the UNFICYP mandate on or before 15 June 1993, the costs of the Force should be treated as expenses of the Organization under Article 17 (2) of the Charter of the United Nations. It would have also decided that UNFICYP should be restructured as a first step on the basis of the proposal in paragraphs 16 to 19 of the Secretary-General's report, with the addition of a limited number of observers for reconnaissance and with a view to further restructuring. It would have further decided to conduct a comprehensive reassessment of UNFICYP, to include the implications

for the Force of progress on confidence-building measures and towards a political settlement, additional to the regular six-monthly consideration of the extension of the Force's mandate provided for in its earlier resolutions, at the latest one year after the adoption of that resolution.

Speaking after the vote, the representative of the United Kingdom reiterated that the financing of UNFICYP should be supported by the whole membership. The Force could no longer be sustained on the basis of voluntary contributions alone. His Government found the Russian Federation's decision to vote against the draft resolution both "regrettable" and "disproportionate", given the extremely modest financial implications for that country now that, thanks to the Cypriot and Greek Governments, a substantial proportion of the Force's expenses would continue to be covered by voluntary contributions. That decision also put in jeopardy the whole operation, as well as the Secretary-General's good offices mission. His Government therefore appealed to the Russian Federation to reconsider its position and to agree to provide a sound basis for the financing of UNFICYP, along the lines proposed by the Secretary-General.⁸

The representative of the United States stated that the presence of an effective peacekeeping force in Cyprus was an important element in maintaining an atmosphere conducive to the success of United Nations-sponsored negotiations between the two Cypriot parties. Calling the Russian Federation's veto "regrettable", she stressed that discussions towards finding a way to maintain a stable force in Cyprus had to continue urgently. Her Government nevertheless understood and shared some of the concerns expressed by the Russian Federation over the broader question of peacekeeping financing. The inequalities in the existing peacekeeping assessment scale were beginning to call into question the ability to carry out the Organization's work. The time had come to consider the issue seriously and to find urgent solutions within the context of "An Agenda for Peace".⁹

The representative of France contended that the rejection of the draft resolution did not mean the end of UNFICYP. It only meant that the text required further improvement and that additional consultations were needed to reach a solution, which would be acceptable

⁵ S/25693.

⁶ S/25647.

⁷ S/PV.3211, pp. 3-5.

⁸ *Ibid.*, pp. 6-9.

⁹ *Ibid.*, pp. 9-10.

to all. He noted that the Council's task would be greatly facilitated if the parties showed their intention of "speedily tackling the political solution" and if they displayed an "indisputable will" for reconciliation. The European States members of the Conference on Security and Cooperation in Europe and the Council of Europe, he said, would then have to define, as a matter of priority, the application of the principle of the peaceful settlement of disputes. That would permit UNFICYP to become an observer force very quickly with the mandate of overseeing the implementation of confidence-building measures and the reconciliation process.¹⁰

The representative of New Zealand contended that UNFICYP troops "deserved better than today's unfortunate decision". His country believed that support for peacekeeping was the responsibility of all United Nations Members, and therefore regretted that the Russian veto had prevented the Council from taking a reasonable, logical and practical decision.¹¹

The representative of China noted that his delegation had supported the draft resolution, because it reflected the principle of diversity of the financing of United Nations peacekeeping operations. He hoped that, in the future, that principle would be respected.¹²

**Decision of 27 May 1993 (3222nd meeting):
resolution 831(1993)**

At its 3222nd meeting, on 27 May 1993, the Security Council included in its agenda the report of the Secretary-General.¹³ Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.¹⁴ He also drew their attention to a letter dated 21 April 1993 from the representative of Cyprus addressed to the Secretary-General.¹⁵

Speaking before the vote, the representative of Pakistan stated that Pakistan fully endorsed the principle that the financing of peacekeeping operations was a collective responsibility of the States Members in accordance with Article 17 (2) of the Charter, and

that it should be treated as an expense of the United Nations according to the existing special scale of assessments, which particularly took into account the special responsibility of the permanent members of the Security Council. Accordingly, his delegation had voted in favour of the earlier draft resolution. The present draft however touched upon issues that went beyond technical matters. It would have been more appropriate if the text had retained its focus on the technical financing problem, particularly since negotiations between the parties were at a critical juncture. The Council should exercise great care so as not to send any signals that might be misinterpreted by the parties. His delegation would therefore abstain in the vote of the draft resolution before the Council.¹⁶

The draft resolution was thereupon put to the vote and was adopted by 14 votes in favour, to none against, with 1 abstention (Pakistan), as resolution 831 (1993), which reads:

The Security Council,

Recalling its resolution 186 (1964) of 4 March 1964 and subsequent relevant resolutions,

Reaffirming that the extension of the mandate of the United Nations Peacekeeping Force in Cyprus should be considered every six months,

Noting the recent communication from the Government of Cyprus to the Secretary-General,

Noting also that both voluntary and assessed methods of contribution are acceptable for United Nations peacekeeping operations and stressing the importance of maximizing voluntary contributions,

Stressing the importance it attaches to the achievement of early progress towards a political settlement in Cyprus, and also to the implementation of confidence-building measures,

Reiterating in particular its call to both sides to cooperate with the Force in order to extend the unarming agreement of 1989 to all areas of the United Nations-controlled buffer zone where the two sides are in close proximity to each other,

Reaffirming that the status quo is not acceptable, and concerned that the United Nations should not be entering into open-ended peacekeeping commitments,

1. *Welcomes* the report of the Secretary-General of 30 March 1993 on the United Nations operation in Cyprus;

2. *Expresses its appreciation* for past voluntary contributions to the United Nations Peacekeeping Force in

¹⁰ Ibid., pp. 13-14.

¹¹ Ibid., p. 16.

¹² Ibid., pp. 16-17.

¹³ S/25492.

¹⁴ S/25831.

¹⁵ S/25647.

¹⁶ S/PV.3222, pp. 3-4.

Cyprus and for those that have recently been offered for the future, which are essential for the continuation of the Force;

3. *Stresses* the importance of the continuation of voluntary contributions to the Force and calls for maximum voluntary contributions in the future;

4. *Decides* that, with effect from the next extension of the mandate of the Force on or before 15 June 1993, those costs of the Force which are not covered by voluntary contributions should be treated as expenses of the United Nations under Article 17, paragraph 2, of the Charter of the United Nations;

5. *Decides also* that the Force should be restructured as a first step on the basis of the proposal in paragraphs 16 to 19 of the report of the Secretary-General, with the addition of a limited number of observers for reconnaissance and with a view to further restructuring in the light of the reassessment referred to in paragraph 7 below;

6. *Underlines* the responsibility of the parties for minimizing tension and facilitating the operation of the Force, including through the implementation of confidence-building measures, including that the number of foreign troops in the Republic of Cyprus undergo a significant reduction and that a reduction of defence spending be effected in the Republic of Cyprus, as envisaged in its earlier relevant resolutions;

7. *Decides* to conduct a comprehensive reassessment of the Force at the time of the consideration of the mandate of the Force in December 1993, including of the implications of progress on confidence-building measures and towards a political settlement for the future of the Force;

8. *Requests* the Secretary-General to submit a report to the Security Council one month before that reassessment, to cover all aspects of the situation, including confidence-building measures, progress in political negotiations and possible progressive steps towards an observer force based on the proposal described in paragraph 12 of the report of the Secretary-General;

9. *Invites* the Secretary-General to take the necessary steps to implement the present resolution.

Speaking after the vote, the representative of the United States welcomed the resolution and the new possibilities that it provided for ensuring that UNFICYP would continue its essential role in stabilizing the situation in Cyprus. Her delegation fully supported the Secretary-General's efforts in the ongoing meetings with the leaders of the two Cypriot communities to achieve an agreement on the package of confidence-building measures. In view of the Force's planned restructuring and imminent reductions, it would be particularly important for the two sides to take concrete steps to reduce tensions and to increase safety along the buffer zone. However, if the current round of negotiations did not bring a positive result,

the Secretariat should provide the Council with an accounting of where it believed the responsibility lay, as well as information on how the negotiations would be pursued. With such information in hand, the Council would then be in a position to consider future steps, including, perhaps, a new resolution.¹⁷

The representative of the United Kingdom stated that his delegation welcomed the fact that the financing of UNFICYP had now been put on an equitable and sound basis. It was, however, concerned at the slow progress in the ongoing talks. He therefore echoed the view expressed by the representative of the United States that the Secretary-General should inform the Council if he felt one party was more responsible than the other for that lack of progress.¹⁸

The representative of France stated that his delegation attached great importance to the reaffirmation of the principle of collective responsibility. Equally important was the principle that the beneficiaries had to help finance their security, to the extent that they were able. Keeping that balance would be indispensable to maintaining UNFICYP. Noting that the Council would reassess the Force every year, he said that it would be a question of gradually converting the unit into a force of observers until, eventually, when the political situation permitted, it was disbanded. He further stressed that UNFICYP from now on had to operate in conditions of reunification and reconciliation, instead of simply being a buffer preventing violent confrontations.¹⁹

The President, speaking in his capacity as representative of the Russian Federation, said that the resolution clearly indicated a combined method for financing the Force, with the main part of the expenditures covered by voluntary contributions, first and foremost by the parties concerned, and the remainder by the Member States. He also noted that the resolution called for a comprehensive reassessment of UNFICYP, when its mandate would next be considered in December 1993. In that regard, he expressed hope that in the near future, there would no longer be a need for the Force to remain in Cyprus. It was his belief that, if the current round of talks yielded no results, the Secretary-General should present the Security Council with exhaustive information as to why the talks ended

¹⁷ *Ibid.*, p. 6.

¹⁸ *Ibid.*, p. 7.

¹⁹ *Ibid.*, pp. 8-9.

in that way. In the light of that information, the Council might need to consider further steps to settle the Cyprus problem, including the adoption of a new resolution.²⁰

**Decision of 11 June 1993 (3235th meeting):
resolution 839 (1993)**

On 9 June 1993, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 1 December 1992 to 31 May 1993.²¹ The Secretary-General called the Council's decision of 27 May 1993 on the financing of UNFICYP a "landmark", not only because it assured the Force's financial stability but also because it acknowledged the importance of voluntary contributions for some peacekeeping operations, particularly from the beneficiaries of long-term operations. Moreover, it would put the financing of the operation on an equitable and sound basis, which should resolve the difficulties it had experienced in retaining troop contributors. The Secretary-General stated that the restructuring of the Force, as endorsed by Security Council resolution 831 (1993), following successive reductions in strength, had major implications for the two parties. Greater responsibility rested with them for ensuring that there was no increase in tension in Cyprus and that conditions could be maintained for a speedy overall agreement, as envisaged by the Security Council. He stressed that the two sides had to exercise maximum restraint and, in accordance with the proposed package of confidence-building measures, extend without delay the 1989 unmanning agreement to all parts of the buffer zone where their forces remained in close proximity. He urged them to take reciprocal measures to lower the tension, including mutual commitments, through UNFICYP, not to deploy along the ceasefire lines live ammunition or weapons other than hand-held ones, and to prohibit firing of weapons within sight or hearing of the buffer zone. He also urged them to work together so that their own agencies could assume the humanitarian functions carried out by the Force over the years.

The Secretary-General further expressed concern about the situation in the mixed village of Pyla, located in the buffer zone. It was his view that the bicomunal

nature of the village demanded special cooperation and understanding by both sides, which he urged not to interfere in local activities.

The Secretary-General concluded that, under the prevailing circumstances, the presence of UNFICYP on the island remained indispensable, and recommended an extension of its mandate for a further six months, until 15 December 1993.²²

At its 3235th meeting, on 11 June 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Spain) said that he had received requests for participation in the meeting. However, those making the requests had responded to his appeal, made on behalf of the Council, and had agreed not to press their requests at the present time, without prejudice to their right to request participation at future meetings. The President then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.²³ The draft resolution was thereupon put to vote and was adopted unanimously as resolution 839 (1993), which reads:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 9 and 10 June 1993,

Noting the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that, in view of the prevailing conditions in the island, it is necessary to keep the Force in Cyprus beyond 15 June 1993,

Recalling its resolution 831 (1993) of 27 May 1993, in particular its paragraphs 2 to 4 on financing, as well as its paragraphs 5 and 7 on the restructuring of the Force and the comprehensive reassessment which is to be conducted in December 1993,

Reiterating in particular its call to both sides to cooperate with the Force in order to extend the unmanning agreement of

²⁰ Ibid., pp. 10-12.

²¹ S/25912 and Add.1.

²² Subsequently, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had indicated their concurrence with the proposed extension, while the Government of Turkey continued to support the position of the Turkish Cypriot side, as expressed at previous Council meetings on the extension of the mandate (S/25912/Add.1).

²³ S/25927.

1989 to all areas of the United Nations-controlled buffer zone where the two sides are in close proximity to each other,

Reaffirming the provisions of its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 December 1993;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 15 November 1993 as part of the report called for in its resolution 831 (1993);

3. *Supports* the recommendation of the Secretary-General expressed in paragraph 48 of his report that both sides take reciprocal measures to lower the tension, including mutual commitments, through the Force, to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also firing of weapons within sight or hearing of the buffer zone, and requests the Secretary-General to negotiate the necessary agreements between the parties to implement those measures;

4. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate;

5. *Calls on* both parties to carry forward expeditiously and in a constructive manner the intercommunal talks under the auspices of the Secretary-General, and requests the Secretary-General to report to the Security Council on progress in the current round of talks.

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

On 1 July 1993, the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus.²⁴ The Secretary-General informed the Council on the extensive preparatory work undertaken by his Deputy Special Representative between mid-April and mid-May in Nicosia with the leaders of the two communities. Those discussions made it possible to develop ample material to enable the two leaders first, to reach agreement on a list of confidence-building measures, including on Varosha and Nicosia International Airport; and, second, to make progress towards reconciling differences on a number of substantive issues as part of the ongoing process to reach agreement on the draft framework contained in the Set of Ideas. Three draft papers had thus emerged from that preparatory process: a list of 14 confidence-building measures; detailed provisions concerning

Varosha; and detailed provisions concerning Nicosia International Airport.²⁵ The two leaders had also agreed that the joint meetings to resume on 24 May in New York would be devoted to reaching agreement on confidence-building and that the aforementioned papers would serve as the basis for the discussion.

The Secretary-General further reported that the discussions from 24 May to 1 June in New York had revealed that the Greek Cypriot side was agreeable to the arrangements proposed for Varosha and Nicosia International Airport, provided that no provisions were added that would have the effect of recognizing the "Turkish Republic of Northern Cyprus". The Turkish Cypriot side had stated that the placing of Varosha under United Nations administration was a major concession on its part, for which the establishment of Varosha as a special area for bicomunal contact and commerce, even when supplemented with the reopening of Nicosia International Airport, represented an inadequate recompense. It had repeated that a proportionate compensation would be the removal of the embargo against the Turkish Cypriot side through the lifting of all restrictions on airports and seaports on the Turkish Cypriot side. Serious consideration was given to the views expressed by both sides and the proposed arrangements were adjusted. The revised proposal concerning Varosha was that the fenced area would be placed under United Nations administration as from an agreed date, pending a mutually agreed overall solution to the Cyprus problem. It would be a kind of free-trade zone in which both sides could trade goods and services. The revised proposal on Nicosia International Airport would open the airport for the equal benefit of both sides. On 28 May, the Secretary-General had asked both sides to give their views on the three papers as supplemented. The Turkish Cypriot leader had indicated that he would have to consult first with his authorities as well as with the Government of Turkey. Despite his undertaking, stated on 1 June 1993, to use his visit to Cyprus and Turkey to promote acceptance of the package and to resume the joint meetings in New York on 14 June,²⁶ he had during the visit strongly criticized the package and announced that he would not return to New York.

The Secretary-General observed that the Varosha/Nicosia International Airport package would

²⁴ S/26026.

²⁵ See S/26026, annex I.

²⁶ See S/26026, annex II.

bring considerable and proportionate benefits to both communities. For the Turkish Cypriot side, it would mean the lifting for all practical purposes of the economic obstacles that had been weighing so heavily on their community. For the Greek Cypriot side, it would open the way for owners of property in the fenced area of Varosha to reclaim possession of their property. Acceptance of such a package would help to overcome the existing mistrust between the two communities and would serve as a catalyst for achieving an overall settlement on the island. He remained hopeful that once the package was fully presented, its benefits would be recognized, as its implementation would undoubtedly constitute the most important forward step in Cyprus in almost two decades. He was also encouraged that the Government of Turkey had supported the package and encouraged its acceptance. He therefore intended to persevere in his efforts to reach agreement on the package without delay, and would send his Special Representative to Cyprus, Greece and Turkey in the coming weeks.

By a letter dated 7 July 1993,²⁷ the President of the Security Council informed the Secretary-General as follows:

I have the honour to inform you that your report of 1 July 1993 on your mission of good offices in Cyprus has been considered by the members of the Council.

The members of the Council have asked me to convey to you their full support for your current efforts. They have noted with appreciation the work undertaken during the extensive preparatory phase in Nicosia and the joint meetings in New York on the package in Nicosia and the joint meetings in New York on the package of confidence-building measures related in particular to Varosha and Nicosia International Airport. They agree with your assessment that the implementation of this package would not only significantly benefit both communities, but would also have a dramatic impact on overcoming the existing mistrust and in facilitating an overall settlement of the Cyprus problem. They fully share your disappointment that Mr. Denktash had not yet adhered to the agreement of 1 June 1993, in which he undertook to promote the acceptance of the package on Varosha and Nicosia International Airport, and that he failed to return to New York, which prevented the resumption of the joint meetings on 14 June. The members of the Council are convinced that once the package is fully presented its significant benefits would be recognized.

The members of the Council wish to underline the obligation of both parties to cooperate with you fully and without further delay in reaching promptly an overall framework agreement on the Cyprus problem and, in the first instance, to

arrive at an agreement on the proposals related to Varosha and Nicosia International Airport which will create a climate more conducive to engaging in negotiations on the basis of the set of ideas.

The members of the Council welcome your decision to send your Special Representative to Cyprus, Greece and Turkey in the next few weeks. The members of the Council would like you to submit a full report to the Council in September 1993 on the outcome of your efforts to make progress in your mission of good offices, in particular in achieving an agreement on the proposals related to Varosha and Nicosia International Airport and, if necessary, your recommendation for action by the Council.

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

On 14 September 1993, the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus.²⁸ During July 1993, his representatives had visited the region and had met the leaders of the two communities and the main political parties as well as with representatives of civil society. They had also held meetings with the Greek and Turkish authorities. The discussions with the leaders of the two communities, however, did not reveal any change in their respective positions. The Secretary-General was therefore obliged to report that the Turkish Cypriot side had not yet shown the goodwill and cooperation required to reach an agreement on the package. At the same time, he was encouraged by the widespread interest in the package shown by the Turkish Cypriot community during the discussions. He stressed that the Government of Turkey's reiteration of its full support for the package must be followed up by a concrete effort to make the Turkish Cypriot community aware of its position. He informed the Council that he intended to send two teams of experts to Cyprus in early October to address fully the questions that had been raised concerning the effects of the package, including those relating to the economic imbalance between the two communities and to assess the technical requirements for reopening Nicosia International Airport. The Secretary-General stressed that if his current efforts did not succeed, his mission of good offices would be seriously undermined. If that was the case, he would invite the members of the Council to consider alternative ways to promote the effective implementation of its many resolutions on Cyprus.

²⁷ S/26050.

²⁸ S/26438.

By a letter dated 20 September 1993,²⁹ the President of the Security Council informed the Secretary-General as follows:

I have the honour to inform you that your report of 14 September 1993 on your mission of good offices in Cyprus has been considered by the members of the Council.

The members of the Council have asked me to convey to you their continuing support for your efforts and those of your Special Representative and Deputy Special Representative. They fully endorse your report and your observations on the current situation.

The members of the Council reiterate the obligation of both parties to cooperate with you fully and without further delay in reaching promptly an overall framework agreement on the package of proposals and, in the first instance, to arrive at an agreement on the package of proposals related to Varosha and Nicosia International Airport, which will create a climate more conducive to engaging in negotiations on the basis of the set of ideas. They note with concern that the Turkish Cypriot side has not yet shown the necessary goodwill and cooperation required to achieve an agreement.

The members of the Council express their deep disappointment that an agreement on the package had not yet been reached and agree that you cannot continue your current effort indefinitely. They call on the Turkish Cypriot side to give its active support to the effort. They also recognize the important role that Turkey could play in this effort.

The members of the Council agree that it is encouraging that there is widespread interest in the package within the Turkish Cypriot community. In this context, they support your proposals to send two technical teams to Cyprus to analyse the implications of the package, in the terms suggested in paragraph 20 of your report, and to identify the requirements for making Nicosia International Airport operational.

The members of the Council look forward to receiving the report requested in resolution 831 (1993) of 27 May 1993, which will cover the outcome of your further efforts to achieve an agreement on the Varosha and Nicosia International Airport package, including the results of the two technical missions. On the basis of that report the members of the Council will undertake a thorough review of the situation and, if necessary, consider alternative ways to promote the implementation of the resolutions on Cyprus.

Decision of 15 December 1993 (3322nd meeting): resolution 889 (1993)

On 22 November 1993, pursuant to resolution 831 (1993), the Secretary-General submitted to the Council a report in connection with the Security

²⁹ S/26475.

Council's comprehensive reassessment of the United Nations operation in Cyprus.³⁰

In his report, the Secretary-General stated that, since December 1990, the strength of UNFICYP had fallen from 2,132 to 1,203 as the results of decisions by troop-contributing countries to withdraw or substantially reduce their contingents. The Force now covered the ceasefire lines more thinly than before and its capacity to react to incidents and to prevent their escalation had been affected. At the same time, the mandate of the Force had remained unchanged, as essentially had the functions deriving from that mandate. UNFICYP should be able to carry out its task, provided that the military on both sides maintained their present level of restraint and cooperation with the Force and that no major incidents occurred. He noted that a number of arguments continued to weigh heavily against the deployment of military observers. There was no clear agreement between the two sides on the delineation of the ceasefire lines or about what was permitted under the ceasefire. Moreover, because of intense distrust between the two communities, economic activity in the buffer zone had to be carefully controlled by UNFICYP to ensure that it did not lead to incidents. The alternative option of dividing the Force's functions between infantry and military observers was not viable, and he did not recommend it, because the unarmed military observers would not have the capacity to deploy an armed patrol as soon as they observed an incident.

The Secretary-General said that while UNFICYP had successfully kept the peace, the two sides had not used the opportunity to reach an overall agreement. It was often asked whether the Force was not part of the problem in Cyprus, rather than part of the solution. The ancillary question was how long UNFICYP would remain on the island. In weighing those questions, the Council might take into account the following considerations: (a) each side had its own perspective on the future of UNFICYP; (b) if the Force were to be withdrawn, the present buffer zone would be a vacuum that each side would want to fill; and (c) a negotiated settlement, mutually acceptable to the two communities, was needed. The Secretary-General expressed his intention to concentrate his immediate efforts on the package of confidence-building

³⁰ S/26777 and Add.1.

measures, with a view to facilitating the overall framework agreement. He also intended to resume intensive contacts with both sides and with Turkey, after the elections in the Turkish Cypriot community, on 12 December 1993. In the meantime, he urged once again that, as a first step towards the withdrawal of non-Cypriot troops, the Turkish forces on the island should be reduced to their level of 1982 and that the reduction be reciprocated by a suspension of weapons acquisition programmes on the Greek Cypriot side. He would report to the Council on the outcome of his efforts by the end of February 1994.

The Secretary-General further called upon the military on both sides to cooperate with UNFICYP in extending the 1989 unmanning agreement so that it would cover all areas of the buffer zone where they were in close proximity to each other. That would significantly reduce the tensions and facilitate the Force's tasks. He also urged them, and especially the Turkish forces, in line with resolution 839 (1993), to enter into mutual commitments to prohibit along the ceasefire line live ammunition or weapons other than hand-held ones, as well as the firing of weapons within sight or hearing of the buffer zone. In the prevailing circumstances, he recommended an extension of its mandate for a further six months, until 15 June 1994.³¹

At its 3322nd meeting, on 15 December 1993, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (China) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations,³² and read out a revision to be made to the draft in its provisional form. He also drew their attention to several other documents.³³

³¹ Subsequently, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had indicated their concurrence with the proposed extension. The Government of Turkey continued to support the position of the Turkish Cypriot side, as expressed at previous Council meetings on the extension of the mandate (S/26777/Add.1).

³² S/26873.

³³ Letter dated 26 October 1993 from the representative of Cyprus addressed to the Secretary-General (S/26642); letters dated 9 and 30 November 1993 from the representative of Turkey addressed to the Secretary-General (S/26720 and S/26832); and letter dated 3 December 1993 from the representative of Turkey addressed to the President of the Security Council (S/26833).

The draft resolution, as orally revised, was thereupon put to the vote and was adopted unanimously as resolution 889 (1993), which reads:

The Security Council,

Recalling its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

Having considered the report of the Secretary-General of 22 November and 13 December 1993 submitted pursuant to resolutions 831 (1993) of 27 May 1993 and 839 (1993) of 11 June 1993 in connection with the Security Council's comprehensive reassessment of the United Nations operation in Cyprus,

Noting the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peacekeeping Force in Cyprus in its present strength and structure for a further period of six months,

Noting also that the Government of Cyprus has agreed that, in view of the prevailing conditions in the island, it is necessary to keep the Force in Cyprus beyond 15 December 1993,

1. *Extends* once more the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 June 1994;

2. *Notes* the conclusion of the Secretary-General that the present circumstances do not allow for any modification in the structure and strength of the force, and requests him to keep those matters under constant review with a view to the further possible restructuring of the Force;

3. *Calls upon* the military authorities on both sides to ensure that no incidents occur along the buffer zone and to extend their full cooperation to the Force;

4. *Urges* all concerned once again to commit themselves to a significant reduction in the number of foreign troops in the Republic of Cyprus and a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as set out in the set of ideas;

5. *Also calls upon* the military authorities on both sides, in line with paragraph 3 of resolution 839 (1993), to begin discussions with the Force without further delay with a view to entering into mutual commitments to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held, and to prohibit also the firing of weapons within sight or hearing of the buffer zone;

6. *Further calls upon* the military authorities on both sides to cooperate with the Force in extending the 1989 unmanning agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other;

7. *Urges* the leaders of both communities to promote tolerance and reconciliation between the two communities as

recommended in paragraph 102 of the report of the Secretary-General of 22 November 1993;

8. *Reaffirms* that the status quo is unacceptable, and encourages the Secretary-General and his Special Representative to pursue the Secretary-General's mission of good offices on the basis of the set of ideas and the package of confidence-building measures relating to Varosha and Nicosia International Airport referred to in paragraph 45 of the above-mentioned report of the Secretary-General;

9. *Notes with interest* the confirmation by the team of international economic experts that the package of confidence-building measures holds significant and proportionate benefits for both sides, and looks forward to receiving the full reports of the economic and civil aviation experts;

10. *Welcomes* in this context the decision of the Secretary-General to resume intensive contacts with both sides and with others concerned and to concentrate at this stage on achieving an agreement on the package of confidence-building measures, intended to facilitate the political process towards an overall settlement;

11. *Also welcomes* the declared support of the Government of Turkey for the package of confidence-building measures, would also welcome a statement of support for that package by the Government of Greece, and expresses the hope that rapid progress will now be made on achieving agreement on the package;

12. *Requests* the Secretary-General to submit a report to the Security Council by the end of February 1994 on the outcome of his efforts to achieve an agreement on the package of confidence-building measures;

13. *Decides* to undertake, on the basis of that report, a thorough review of the situation, including the future role of the United Nations, and, if necessary, to consider alternative ways to promote the implementation of its resolutions on Cyprus.

Speaking after the vote, the representative of Venezuela said his country had voted in favour of the resolution because it considered that the extension of the UNFICYP mandate was justified in the present circumstances. Nevertheless, his delegation believed that the decision was linked to the Council's appeal in paragraph 7 of the resolution to the leaders of the two communities to promote tolerance and reconciliation between the two communities. His delegation also considered that decision to be linked to paragraph 12 and 13 of the resolution. It believed that, upon receiving the Secretary-General's next report, the Council should consider the future renewal of the mandate of UNFICYP in the light of real progress achieved towards the definitive solution of the conflict and carry out a thorough evaluation of that mandate. The speaker contended that the mandate of UNFICYP

had been established in vague terms and with the passage of time the Force had been assigned additional functions that in many cases were not appropriate for a United Nations peacekeeping operation.³⁴

**Decision of 11 March 1994 (3347th meeting):
resolution 902 (1994)**

On 4 March 1994, pursuant to resolution 889 (1993), the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus in which he reported on his efforts to achieve agreement on the package of confidence-building measures.³⁵ His Special Representative had visited Cyprus from 22 to 26 January 1994 and had held intensive discussions with the leaders of the two communities, proceeding thereafter to Greece and Turkey. Upon his return to Cyprus, both leaders had confirmed to him their acceptance in principle of the package on confidence-building measures and their readiness to work out the modalities for its implementation. Proximity talks were launched on 17 February and addressed seven key issues: (i) the United Nations administration of the fenced area of Varosha and of Nicosia International Airport; (ii) the schedule for implementing the package; (iii) arrangements for making the fenced area of Varosha a special area for bicomunal contact and commerce; (iv) traffic rights at Nicosia airport for foreign airlines and those registered in Turkey; (v) safe operation of the airport; (vi) free access to the airport for civilian passenger and cargo traffic from both sides; and (vii) consideration of the 12 additional confidence-building measures set out in the report of the Secretary-General of July 1993.³⁶ The Secretary-General noted that the proceedings to date had clarified the position of the two sides to the point where his representatives could now bring forward ideas that ought to enable the two leaders to reach common understandings on the implementation of the package. He emphasized the importance of reaching a positive

³⁴ S/PV.3322, pp. 6-10.

³⁵ S/1994/262. Annex I to the report contains a letter dated 17 December 1993 from the Secretary-General to the leaders of the two communities in Cyprus, to the Prime Ministers of Greece and Turkey and to the President of the Security Council, forwarding the reports of the two teams of experts sent to Cyprus. Annex II contains the arrangements for working out the modalities for implementing the package of confidence-building measures of 15 February 1994.

³⁶ S/26026.

conclusion on those issues without delay. The confidence-building measures would open avenues of contact between the two communities and would lay the foundation for the kind of relationship that should exist in a federation. He suggested that the Security Council might undertake a thorough review by the end of March and therefore he would report to the Council by that time.

At its 3347th meeting, on 11 March 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.³⁷

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 902 (1994), which reads:

The Security Council,

Recalling its relevant resolutions on Cyprus,

Welcoming the report of the Secretary-General of 4 March 1994 on his mission of good offices in Cyprus, submitted pursuant to resolution 889 (1993) of 15 December 1993,

Recalling its support for the decision of the Secretary-General to concentrate at this stage on achieving an agreement on the confidence-building measures relating to Varosha and Nicosia International Airport, as well as the other measures outlined in annex I to his report of 1 July 1993,

Reaffirming that the confidence-building measures, while not an end in themselves, nor a substitute for the wider political process, would offer significant benefits to both communities and would facilitate the political process towards an overall settlement,

1. *Reiterates* that the maintenance of the status quo is unacceptable;

2. *Welcomes* the acceptance in principle by both parties of the confidence-building measures relating, in particular, to Varosha and Nicosia International Airport;

3. *Welcomes* the fact that intensive discussions have made it possible for the representatives of the Secretary-General to bring forward ideas that should facilitate the discussions aimed at reaching agreement on the key issues for implementing the confidence-building measures, and stresses the need to conclude such an agreement without delay;

³⁷ S/1994/285.

4. *Requests* the Secretary-General to submit a further report by the end of March 1994 on the outcome of his efforts to finalize that agreement;

5. *Decides* to review the matter further, pursuant to paragraph 13 of resolution 889 (1993), on the basis of that report.

Decision of 11 April 1994: letter from the President to the Secretary-General

On 4 April 1994, pursuant to resolution 902 (1994), the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus.³⁸ On 9 March 1994, his Deputy Special Representative had submitted to each leader a paper entitled "Draft ideas for the implementation of the package of confidence-building measures". Extensive discussions had been engaged and had led on 21 March to a revised draft which was submitted to both parties on 21 March. The Turkish Cypriot leader had voiced numerous objections, claiming that the new text contained changes from the wording of the original package of 1 July 1993 which favoured the Greek Cypriot side. The leader of the Greek Cypriot community, on the other hand, had stated that, while he did not like many of the changes that had been introduced to the 21 March text, he was prepared to accept the revised text if the Turkish Cypriot leader would do likewise. The Secretary-General further informed the Council that the discussions between his representatives and the Turkish Cypriot side had not yielded the response necessary to make an agreement possible. He continued to believe, however, that the package of confidence-building measures offered real benefits to both sides. He would therefore pursue his efforts and report to the Council by the end of April.

By a letter dated 11 April 1994,³⁹ the President of the Security Council informed the Secretary-General as follows:

The members of the Security Council have considered your interim report of 4 April 1994 on your efforts to finalize an agreement on the modalities for implementing the package of confidence-building measures outlined in your report of 1 July 1993. They also had the benefit of a useful and informative briefing from your Special Representative, Mr. Joe Clark, on 8 April.

The members of the Council have asked me to convey to you their full support for the intensive efforts which you, your

³⁸ S/1994/380.

³⁹ S/1994/414.

Special Representative and his Deputy made to facilitate agreement on the key issues for implementing the confidence-building measures without delay. They regret that insufficient progress has been made to enable agreement to be reached in the time-scale envisaged in your report of 4 March 1994. This is a matter of concern. They note that the leader of the Greek Cypriot community is ready to accept the 21 March 1994 text of ideas on implementation, provided that the Turkish Cypriot leader, who has voiced numerous objections, does likewise. They believe that the next few weeks will provide an important test of the commitment of the parties to making progress towards an overall settlement.

The members of the Council take this opportunity to reiterate the terms of Council resolutions 889 (1993) of 15 December 1993 and 902 (1994) of 11 March 1994. They endorse your approach and underline the need to conclude an agreement on the implementation of the confidence-building measures on the basis suggested by you before the end of April. They look forward to receiving your full report at that time.

**Decision of 15 June 1994 (3390th meeting):
resolution 927 (1994)**

On 30 May 1994, pursuant to resolutions 889 (1993) and 902 (1994), the Secretary-General submitted to the Council a report on his mission of good offices.⁴⁰ He informed the Council that despite further contacts with the parties concerned no agreement was reached on the 21 March text. The Secretary-General observed that the Security Council was facing again a familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side. He put forward a range of options that the Security Council could examine in its review of the situation. One would be to conclude that the political will to resolve the conflict did not exist and that the peacekeeping and peacemaking resources should be redirected elsewhere. Alternatively, it could be concluded that the good offices mission, which depended on the consent and cooperation of the parties, was not adequate to deal with the situation, and the international community, through the Council, could look into coercive measures. Another possibility was to put aside the package currently under discussion and resume discussion of substantive questions which had been presented to the parties in July 1992.⁴¹ Yet another option would be to undertake a fundamental and far-reaching reflection on how to approach the Cyprus problem and consult the members of the

Council, the Guarantor Powers,⁴² the two leaders in Cyprus and others, with a view to exploring far-reaching options. A last option would be to build on the fact that both sides had accepted in principle the package of confidence-building measures and to renew the international community's efforts to obtain agreement on their implementation. A decision by the Council on any of the options could be preceded by international consultations or deliberations, such as an international conference, a visit to the area by a commission composed of some or all Council members, or a further visit by his Special Representative. All options, except the first, would require the continued presence of UNFICYP in the island.⁴³

On 7 June 1994, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus,⁴⁴ covering developments from 23 November 1993 to 31 May 1994. The Secretary-General reported that detailed parallel discussions between UNFICYP and the respective military authorities on further unmanning of the buffer zone and on prohibition of live ammunition, weapons other than those that were hand-held and the firing of weapons within sight or hearing of the buffer zone had not taken place owing to the position taken by the Turkish Forces. For the same reasons, difficulties with regard to access to Varosha persisted. UNFICYP intended to redouble its effort to engage the Turkish Forces and others in practical discussions on those important military issues and on the reinstatement of long-standing practical arrangements with regard to access to Varosha. He would report to the Council on those matters at the next opportunity. The Secretary-General was also concerned by the lack of progress in those areas as well as in efforts to reduce the level of troops on the island, particularly when taken in the context of the lack of political will recently encountered in the efforts to reach agreement on implementation of the package of confidence-building measures. In the prevailing circumstances, the Secretary-General believed that the continued presence of the Force on

⁴⁰ S/1994/629.

⁴¹ See S/24472.

⁴² Greece, Turkey and the United Kingdom.

⁴³ The comparison of the package of confidence-building measures of 1 July 1993 and the draft ideas of 21 March 1994 are contained in annex I to the report of the Secretary-General. Annex II gives the schedule of benefits from the implementation of the confidence-building measures.

⁴⁴ S/1994/680 and Add.1.

the island remained indispensable, and recommended an extension of its mandate until 31 December 1994.⁴⁵

At its 3390th meeting, on 15 June 1994, the Security Council included the report of the Secretary-General dated 7 June 1994 in its agenda. Following the adoption of the agenda, the President (Oman) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁴⁶ The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 927 (1994), which reads:

The Security Council,

Taking note of the report of the Secretary-General of 7 June 1994 on the United Nations operation in Cyprus,

Taking note also of the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six and one half months,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 June 1994,

Expressing concern that, during the period reviewed in the report of the Secretary-General, patrols of the Force continued to encounter interference in or around the buffer zone, that ceasefire violations continued and that no progress was made on an unmanning agreement,

Concerned also that there has been no progress towards a final political solution, no significant reduction in the number of foreign troops in the Republic of Cyprus and no reduction of defence spending in the Republic of Cyprus,

Recalling its resolution 831 (1993) of 27 May 1993, and in particular its provisions on the financing of the Force,

Recalling also its resolution 889 (1993) of 15 December 1993,

Reaffirming the provisions of its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

Noting that it is continuing its consideration of the report of the Secretary-General of 30 May 1994 on his mission of good offices in Cyprus and that a further communication is awaited on the subject,

⁴⁵ Subsequently, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had indicated their concurrence with the proposed extension. The Government of Turkey continued to support the position of the Turkish Cypriot side, as expressed in previous Council meetings on the extension of the mandate (S/1994/680/Add.1).

⁴⁶ S/1994/706.

1. *Extends* the stationing in Cyprus of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1994;

2. *Calls upon* the military authorities on both sides to ensure that no incidents occur along the buffer zone and to extend their full cooperation to the Force;

3. *Requests* the Secretary-General to keep under review the structure and strength of the Force with a view to the possible restructuring of it;

4. *Urges* all concerned to commit themselves to a significant reduction in the number of foreign troops in the Republic of Cyprus and a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as set out in the set of ideas;

5. *Once again calls upon* the military authorities on both sides, in line with paragraph 3 of its resolution 839 (1993) of 11 June 1993, to begin discussions with the Force without further delay with a view to entering into mutual commitments to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone;

6. *Also calls upon* the military authorities on both sides to cooperate with the Force in extending the 1989 unmanning agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other;

7. *Also urges* the leaders of both communities to promote tolerance and reconciliation between the two communities as recommended in paragraph 7 of its resolution 889 (1993);

8. *Stresses* the urgent need for the implementation of the confidence-building measures referred to in the report of the Secretary-General of 1 July 1993;

9. *Stresses also* that it will conduct a thorough and comprehensive review of the situation, including the role of the United Nations in Cyprus and the progress achieved towards a political settlement, in the context of its consideration of the report of the Secretary-General of 30 May 1994 and the further communication, and in particular a re-evaluation based upon the options proposed by the Secretary-General;

10. *Requests* the Secretary-General to submit a report on the implementation of the present resolution by 15 December 1994.

Speaking after the vote, the representative of Pakistan said his delegation would have preferred a brief procedural resolution extending the Force's mandate without going into the substance of the political issues. Those would be best addressed when the Council carried out an in-depth consideration of the Secretary-General's report of 30 May 1994 and his forthcoming report. His delegation remained optimistic

about the prospects for positive results on the package of confidence-building measures. He noted the recent steps taken by the Turkish Cypriot side in that regard, which demonstrated the leadership's political will to make progress on the question of confidence-building measures, as well as on an overall political settlement of the problem.⁴⁷

**Decision of 29 July 1994 (3412th meeting):
resolution 939 (1994)**

By a letter dated 28 June 1994,⁴⁸ the Secretary-General brought to the Council's attention the developments that had taken place since the submission of his last report on 30 May. The Secretary-General recalled that discussion of the implementation of the package of confidence-building measures had been based on a paper dated 21 March 1994,⁴⁹ which was subsequently revised on the basis of extensive discussions with both leaders. On 6 June 1994, the Turkish Cypriot leader had provided the Secretary-General's Deputy Special Representative with further information on his side's position which clearly showed that it had evolved in a positive direction. However, in all recent discussions, the Turkish Cypriot leader had insisted that the 21 March paper should be amended to incorporate the clarifications which had emerged in Vienna in May while his Deputy Special Representative had argued that those clarifications would not require any textual amendment but would be reflected in a letter from the Secretary-General to both leaders and would also be made available to the Council. Meanwhile, the leader of the Greek Cypriot community had reiterated his acceptance of the 21 March paper but had stated that he could not accept the continuation of negotiations on the confidence-building measures. The Secretary-General observed that there was now a very substantial measure of agreement on the substance of the confidence-building measures. However, agreement was lacking on how to record the clarifications that had emerged. He therefore suggested that the Council begin considering the options presented in his report of 30 May.

At its 3412th meeting, on 29 July 1994, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the

agenda, the President (Pakistan) drew the attention of the members of the Council to the report of the Secretary-General of 30 May 1994,⁵⁰ as well as to the text of a draft resolution prepared in the course of the Council's prior consultations.⁵¹ The resolution was thereupon put to the vote and was adopted by 14 votes in favour⁵² as resolution 939 (1994), which reads:

The Security Council,

Recalling its relevant resolutions on Cyprus,

Welcoming the report of the Secretary-General of 30 May 1994 and his letter dated 28 June 1994, concerning his mission of good offices,

Reaffirming, in this context, that the confidence-building measures, while not an end in themselves, nor a substitute for the wider political process, would offer significant benefits to both communities and would facilitate the political process towards an overall settlement,

Recalling the acceptance in principle by both parties of the confidence-building measures, and welcoming the acceptance by the leader of the Greek Cypriot Community of the 21 March 1994 "Draft ideas for the implementation of the package of confidence-building measures", and welcoming also the considerable progress towards agreement made by the leader of the Turkish Cypriot community, as described in the letter from the Secretary-General dated 28 June 1994,

Noting that there is now a substantial measure of agreement on the substance of the confidence-building measures and the modalities for their implementation, but also noting with concern that neither leader is yet prepared to proceed to their implementation on the basis outlined in the letter from the Secretary-General dated 28 June 1994,

Having studied the options and ideas for future action set out in paragraphs 57 to 62 of the report of the Secretary-General of 30 May 1994,

1. *Reiterates* that the maintenance of the status quo is unacceptable;

2. *Reaffirms its position* that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

⁴⁷ S/PV.3390, p. 2.

⁴⁸ S/1994/785.

⁴⁹ "Draft ideas for the implementation of the package of confidence-building measures" (S/1994/785, annex).

⁵⁰ S/1994/629.

⁵¹ S/1994/895.

⁵² Rwanda was not represented at the meeting; see also chapter IV, part III.

3. *Requests* the Secretary-General to begin consultations with members of the Council, with the Guarantor Powers and with the two leaders in Cyprus with a view to undertaking a fundamental and far-reaching reflection on ways of approaching the Cyprus problem in a manner that will yield results, and reiterates its call to the parties to demonstrate their commitment by cooperating fully to this end;

4. *Urges*, in this context, the parties to cooperate fully with the Secretary-General and his Special Representative to achieve agreement on the modalities for implementing the confidence-building measures at the earliest possible time;

5. *Also requests* the Secretary-General to submit a report by the end of October 1994, including a programme for achieving an overall solution to the issues involved in the Cyprus problem, following his consultations referred to in paragraph 3 above and on progress made towards the implementation of the confidence-building measures;

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

Decision of 4 November 1994: letter from the President to the Secretary-General

On 29 October 1994, the Secretary-General submitted to the Security Council a report on his mission of good offices in Cyprus,⁵³ informing the Council of action taken in pursuance of resolution 939 (1994). On 18 August, he had written to the Council members and the Guarantor Powers, seeking their views on matters covered by the resolution. The responses had indicated continuing support for his good offices, but had reaffirmed, for the most part, the positions taken in that resolution. In September, his Special Representative had travelled to the United Kingdom, Cyprus and Turkey for consultations with the Guarantor Powers and the parties. Upon his return, he had reported that matters were close to an impasse both on the substance of the Cyprus problem and on the confidence-building measures. The Secretary-General had thus written again to both leaders on 10 October, inviting them to join his Deputy Special Representative in informal consultations to explore further concrete ways for implementing the confidence-building measures and achieving an overall settlement of the problem. The Secretary-General informed the Council that the invitation had been accepted and that the first meetings had taken place on 18 October. He intended to submit a definitive report at a later stage.

⁵³ S/1994/1229.

By a letter dated 4 November 1994,⁵⁴ the President of the Security Council informed the Secretary-General as follows:

The members of the Security Council wish to express their appreciation for the report on your mission of good offices in Cyprus of 29 October 1994. The members of the Council note that your review of the situation remains in progress. They look forward to receiving your definitive report at an appropriate time.

The members of the Council wish to take this opportunity to thank you, your Special Representative and you Deputy Special Representative for the continuous efforts aimed at a peaceful settlement of the Cyprus problem in accordance with relevant Council resolutions.

Decision of 21 December 1994 (3484th meeting): resolution 969 (1994)

On 12 December 1994, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 1 June to 12 December 1994.⁵⁵ Reporting on his mission of good offices, the Secretary-General said that following recent separate meetings with the leaders of both communities, he had instructed his Deputy Special Representative to continue his contacts with the two leaders and to make every effort to find a basis for a resumption of direct talks.

The Secretary-General further reported that during the last six months, UNFICYP had continued to carry out its functions in Cyprus effectively, with the cooperation of both sides, and the situation remained generally quiet. That, however, should not obscure the fact that there was only a ceasefire in Cyprus, not peace. In the absence of progress towards a settlement, the overall situation remained subject to sudden tensions, generated by events outside the island, as well as from within. In that connection, he emphasized that the relations between Greece and Turkey were particularly important.

The Secretary-General said that the excessive level of armaments and forces in Cyprus, and the rate at which they were being strengthened, gave cause for serious concern. Moreover, it was to be deplored that the Council's call to all concerned to commit themselves to a significant reduction in the number of foreign troops and defence spending in the Republic of

⁵⁴ S/1994/1256.

⁵⁵ S/1994/1407 and Add.1.

Cyprus had not been heeded. Similarly, so far it had not been possible to make progress on the modest measures, repeatedly called for by the Council, aimed at reducing the confrontation between the two sides along the ceasefire lines. The Secretary-General concluded that the presence of UNFICYP remained indispensable and he therefore recommended an extension of its mandate for a further six months, until 30 June 1995.⁵⁶

At its 3484th meeting, on 21 December 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Rwanda) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁵⁷

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 969 (1994), which reads:

The Security Council,

Taking note of the report of the Secretary-General of 12 December 1994 on the United Nations operation in Cyprus,

Taking note also of the recommendation of the Secretary-General that the Security Council extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions in the island, it is necessary to keep the Force in Cyprus beyond 31 December 1994,

Expressing concern that, during the period reviewed in the report of the Secretary-General, patrols of the Force continued to encounter interference in or around the buffer zone, that ceasefire violations continued and that no progress was made on an unmanning agreement,

Expressing its concern once again that there has been no progress towards a final political solution, no significant reduction in the number of foreign troops in the Republic of Cyprus and no reduction of defence spending in the Republic of Cyprus,

Recalling its resolution 831 (1993) of 27 May 1993 and, in particular, its provisions on the financing of the Force,

Recalling also its resolution 889 (1993) of 15 December 1993,

Reaffirming the provisions of its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

Noting that a review of the situation on the Secretary-General's mission of good offices in Cyprus remains in progress, and looking forward to receiving a definitive report at an appropriate time,

1. *Extends* the stationing in Cyprus of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1995;

2. *Calls upon* the military authorities on both sides to ensure that no incidents occur along the buffer zone and to extend their full cooperation to the Force;

3. *Requests* the Secretary-General to keep under review the structure and strength of the Force with a view to the possible restructuring of it;

4. *Urges* all concerned to commit themselves to a significant reduction in the number of foreign troops in the Republic of Cyprus and a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as set out in the set of ideas, and calls upon the Secretary-General to promote efforts in this direction;

5. *Once again calls upon* the military authorities on both sides, in line with paragraph 3 of resolution 839 (1993) of 11 June 1993, to begin discussions with the Force without further delay with a view to entering into mutual commitments to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone;

6. *Also calls upon* the military authorities on both sides to cooperate with the Force in extending the 1989 unmanning agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other;

7. *Also urges* the leaders of both communities to promote tolerance and reconciliation between the two communities as recommended in paragraph 7 of resolution 889 (1993);

8. *Welcomes* the decision of the Secretary-General to continue contacts with the two leaders, to make every effort to find common ground for the basis for a resumption of direct talks;

9. *Reaffirms* the importance it attaches to early progress being made on the substance of the Cyprus question and on the implementation of the confidence-building measures referred to in the report of the Secretary-General of 1 July 1993;

10. *Requests* the Secretary-General to submit a report on the implementation of the present resolution by 15 June 1995.

⁵⁶ S/1994/1407, para. 34.

⁵⁷ S/1994/1433.

**Decision of 23 June 1995 (3547th meeting):
resolution 1000 (1995)**

On 15 June 1995, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus covering developments from 13 December 1994 to 15 June 1995.⁵⁸ The Secretary-General reported that during the period under review, both sides had generally respected the ceasefire and the military status quo. However, UNFICYP had intervened in response to numerous minor incidents, to correct violations and prevent any escalation. He stated that, despite the Council's call urging a significant reduction in the number of foreign troops in Cyprus,⁵⁹ both sides had continued to improve their military capabilities through the acquisition or upgrading of armaments and equipment and the recruitment of additional personnel. Nor had progress been made so far in pursuance of the Council's call on both sides to prohibit the firing of weapons within sight or hearing of the buffer zone and to extend the unmanning agreement to cover all areas of the buffer zone.⁶⁰

The Secretary-General also reported that his representatives had continued contacts with the leaders of the two communities and with the Government of Greece and Turkey with a view to finding a basis for a resumption of direct talks.

The Secretary-General concluded that, in view of the prevailing circumstances, the presence of UNFICYP remained indispensable. He therefore recommended an extension of its mandate until 31 December 1995.⁶¹

At its 3547th meeting, on 23 June 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Germany) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's consultations.⁶²

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1000 (1995), which reads:

⁵⁸ S/1995/488 and Add.1.

⁵⁹ Resolution 969 (1994), para. 4.

⁶⁰ *Ibid.*, paras. 5 and 6.

⁶¹ See S/1995/488/Add.1.

⁶² S/1995/503.

The Security Council,

Welcoming the report of the Secretary-General of 15 June 1995 on the United Nations operation in Cyprus,

Taking note of the recommendation of the Secretary-General that the Security Council extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the force in Cyprus beyond 30 June 1995,

Reaffirming its earlier relevant resolutions on Cyprus, and in particular resolutions 186 (1964) of 4 March 1964 and 969 (1994) of 21 December 1994,

Expressing its concern that there has been no progress towards a final political solution,

Noting that no progress has been made on extending the unmanning agreement of 1989,

Noting also that a review of the situation on the Secretary-General's mission of good offices in Cyprus remains in progress, and looking forward to receiving a definitive report at an appropriate time,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1995;

2. *Calls upon* the military authorities on both sides to ensure that no incidents occur along the buffer zone and to extend their full cooperation to the Force;

3. *Requests* the Secretary-General to keep under review the structure and strength of the Forces with a view to its possible restructuring, bearing in mind the possible implications of an agreement on the extension of the unmanning agreement of 1989;

4. *Expresses concern* about the modernization and upgrading of military forces in the Republic of Cyprus and the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, urges once again all concerned to commit themselves to such a reduction and to a reduction of defence spending in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, and calls upon the Secretary-General to promote efforts in this direction;

5. *Expresses concern also* about the failure by the military authorities on both sides to take reciprocal measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone, and calls upon those authorities to enter into discussions with the Force on this matter in line with paragraph 3 of resolution 839 (1993) of 11 June 1993;

6. *Regrets* the failure to reach agreement on the extension of the unmanning agreement of 1989 to cover all areas of the buffer zone where the two sides are in close proximity to each other, and calls upon the military authorities on both sides to cooperate urgently with the Force to this end;

7. *Urges* the leaders of both communities to promote tolerance and reconciliation between the two communities as recommended in the relevant reports of the Secretary-General;

8. *Welcomes* the Secretary-General's decision to continue contacts with the two leaders to make every effort to find common ground for the basis for a resumption of direct talks;

9. *Reaffirms* the importance it attaches to early progress being made on the substance of the Cyprus question and on the implementation of the confidence-building measures as called for in resolution 939 (1994) of 29 July 1994;

10. *Requests* the Secretary-General to submit a report by 10 December 1995 on the implementation of the present resolution and on any obstacles he may have encountered;

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

Decision of 11 July 1995: letter from the President to the Secretary-General

By a letter dated 7 July 1995,⁶³ the Secretary-General informed the Council that the Turkish Cypriot authorities had begun large-scale excavations in the old city of Nicosia, immediately behind the Turkish forces' ceasefire line in an area specifically covered by the 1989 unmanning agreement. Although the Turkish Cypriot authorities had informed UNFICYP that they intended to build a playground at the site, the extensive digging of trenches had raised doubts as to the real purpose. As provided for in the 1989 unmanning agreement, the Force had requested regular access to the excavations, as well as a detailed briefing on the construction plans. Regrettably, both requests had been denied. For its part, the Government of Cyprus had indicated that, if the existing situation was not rectified, it would consider that the unmanning agreement had been breached and would accordingly contemplate taking countermeasures. Despite United Nations representations to the Turkish Cypriot side, no progress had been made towards a resolution of the problem.

⁶³ S/1995/561.

The Secretary-General cautioned that if the situation was not resolved quickly, it would not only present an obstacle to the implementation of resolution 1000 (1995) but would also put at risk the unmanning agreement of 1989 and the benefits that had flowed from it.

By a letter dated 11 July 1995,⁶⁴ the President of the Security Council informed the Secretary-General as follows:

The members of the Security Council have considered your letter dated 7 July 1995 concerning the requests by the United Nations Peacekeeping Force in Cyprus to the Turkish and Turkish Cypriot authorities regarding access by the Force to the excavations currently being undertaken in the old city of Nicosia, Cyprus, and the need for a full and detailed briefing on the plans which have been put into effect.

The members of the Council recall the provisions of resolution 1000 (1995) of 23 June 1995, in which the Council called upon the military authorities on both sides in Cyprus to cooperate fully with the Force. The members of the Council note that the requests by the Force regarding the excavations in question fall within the terms of the unmanning agreement of 1989, and extend their full support to the efforts being made by the United Nations to secure access without further delay by the Force to inspect the excavations. The members ask you to inform the Council of the outcome of the inspection, once it has taken place.

By a letter dated 25 July 1995,⁶⁵ the Secretary-General informed the President of the Security Council that, on 13 July, his Deputy Special Representative had received a detailed briefing by the Turkish Cypriot authorities on the excavations carried out by them and had visited the site. On 14 and 15 July, two United Nations technical teams had inspected the area. Based on their findings, UNFICYP concluded that the construction did not indicate work carried out to normal military specifications. At the same time, the construction appeared unnecessarily elaborate and costly for its stated purpose. His Deputy Special Representative had also informed him that the Turkish Cypriot authorities had agreed that UNFICYP would have unhindered regular access to the site during the work and thereafter. Those arrangements would enable UNFICYP to satisfy itself that the new construction continued to be used exclusively for civilian purposes.

⁶⁴ S/1995/562.

⁶⁵ S/1995/618.

**Decision of 19 December 1995 (3608th meeting):
resolution 1032 (1995)**

On 10 December 1995, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 16 June to 10 December 1995.⁶⁶ The Secretary-General reported that his representatives had continued contacts with the leaders of the two communities in Cyprus and the parties concerned, with a view to finding a basis for a resumption of direct talks. He noted that almost all of the elements required for a just and lasting settlement were on the table. He was hoping that in the next few months it would be possible to generate the necessary political will to overcome the long-standing deadlock in the negotiating process.

The Secretary-General again expressed his concern at the excessive levels of military forces and armaments in Cyprus and at the rate at which they were being strengthened. Neither side had heeded the Council's repeated calls for a significant reduction of foreign troops and in defence spending in Cyprus. In addition, it had not been possible to make progress even on modest measures aimed at reducing confrontation between the two sides along the ceasefire lines.

The Secretary-General further noted that the large attendance at the bicomunal events organized by UNFICYP, in connection with the fiftieth anniversary of the United Nations, had demonstrated that there was a strong desire on the part of both Greek and Turkish Cypriots to develop contacts and mutual understanding with their compatriots in the other community.

Referring to the humanitarian situation, he said that the review conducted by UNFICYP had shown that the Greek Cypriots and Maronites in the northern part of the island were far from leading the normal life they had been promised under the agreement reached between the two sides in 1975.⁶⁷ Although the Turkish Cypriot authorities had recently announced limited measures to improve the situation, much more needed to be done. UNFICYP would pursue the matter and would follow up with the Government of Cyprus on the measures to eliminate any discrimination against or harassment of the Turkish Cypriots living in the southern part of the island. The Secretary-General

concluded that the presence of UNFICYP on the island remained indispensable and therefore recommended an extension of its mandate until 30 June 1996.⁶⁸

At its 3608th meeting, on 19 December 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁶⁹

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1032 (1995), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 10 December 1995 on the United Nations operation in Cyprus,

Taking note of the recommendation of the Secretary-General that the Security Council extend the mandate of the United Nations Peacekeeping Force in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the force in Cyprus beyond 31 December 1995,

Reaffirming its earlier relevant resolutions on Cyprus, and in particular resolutions 186 (1964) of 4 March 1964 and 1000 (1995) of 23 June 1995,

Expressing its concern that there has been no progress towards a final political solution,

Noting that no progress has been made on extending the unmanning agreement of 1989,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1996;

2. *Calls upon* the military authorities on both sides to ensure that no incidents occur along the buffer zone and to extend their full cooperation to the Force;

3. *Requests* the Secretary-General to keep under review the structure and strength of the Force with a view to its possible restructuring, and to present any new considerations he may have in this regard;

4. *Welcomes* the humanitarian review undertaken by the Force with regard to the living conditions of the Greek Cypriots and the Maronites living in the northern part of the island and of Turkish Cypriots living in the southern part of the island, supports the recommendations of the Force contained in

⁶⁶ S/1995/1020 and Add.1.

⁶⁷ S/11789, annex.

⁶⁸ See S/1995/1020/Add.1.

⁶⁹ S/1995/1045.

the report of the Secretary-General, and decides to keep the matter under review;

5. *Expresses concern* about the continuing modernization and upgrading of military forces in the Republic of Cyprus and the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, urges once again all concerned to commit themselves to such a reduction and to a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, and calls upon the Secretary-General to promote efforts in this direction;

6. *Expresses concern also* about the failure by the military authorities on both sides to take reciprocal measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone, and calls upon those authorities to enter into discussions with the Force on this matter in line with paragraph 3 of resolution 839 (1993) of 11 June 1993;

7. *Regrets* the failure to reach agreement on the extension of the 1989 unarming agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other, and calls upon the military authorities on both sides to cooperate urgently with the Force to this end;

8. *Welcomes* the initiative of the Force in organizing successful bicomunal events, urges the leaders of both communities to promote tolerance, confidence and reconciliation between the two communities as recommended in the relevant reports of the Secretary-General, and calls upon them to promote further bicomunal contacts and to remove obstacles to such contacts;

9. *Welcomes* the Secretary-General's decision to continue contacts with the two leaders to make every effort to find common ground for the basis for a resumption of direct talks;

10. *Reaffirms* the importance it attaches to early progress being made on the substance of the Cyprus question and on the implementation of the confidence-building measures as called for in resolution 939 (1994) of 29 July 1994;

11. *Requests* the Secretary-General to submit a report during the coming mandate period on his mission of good offices, including a full assessment of his efforts towards reaching a settlement of the situation in Cyprus;

12. *Also requests* the Secretary-General to submit a report by 10 June 1996 on the implementation of the present resolution;

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

21. Items relating to the situation in the former Yugoslavia

A. The situation in the Republic of Bosnia and Herzegovina

Decision of 8 January 1993 (3159th meeting): statement by the President

By a letter dated 8 January 1993 addressed to the President of the Security Council,¹ the representative of Bosnia and Herzegovina informed the Council that the Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina had been killed by Serbian extremists, as he was returning from the airport in a convoy of the United Nations Protection Force (UNPROFOR). Bosnia and Herzegovina requested an emergency meeting of the Security Council to consider immediate and resolute action, including the use of force under Chapter VII of the Charter.

¹ S/25074.

The representative of Turkey made a similar request by a letter of the same date addressed to the President of the Security Council.²

At its 3159th meeting, on 8 January 1993, the Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Japan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³

The Security Council is profoundly shocked to learn of the killing of Mr. Hakija Turajlic, Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina, by Bosnian Serb forces, while he was under the protection of the United Nations Protection Force (UNPROFOR).

The Council strongly condemns this outrageous act of terrorism which is a grave violation of international

² S/25077.

³ S/25079.

humanitarian law and a flagrant challenge to the authority and the inviolability of UNPROFOR, as well as to the serious efforts undertaken with the aim of achieving an overall political settlement of the crisis.

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

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

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

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

At its 3160th meeting, on 8 January 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴

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

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

The Council appeals to all the parties involved to cooperate to the fullest with the peace efforts and warns any

⁴ S/25080.

party which would oppose an overall political settlement against the consequences of such an attitude; lack of cooperation and non-compliance with its relevant resolutions will compel the Council to review the situation in an urgent and most serious manner and to consider further necessary measures.

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

At its 3164th meeting, on 25 January 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Japan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵

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

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

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

The Council will remain actively seized of the matter.

⁵ S/25162.

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

At its 3173rd meeting, on 17 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶

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

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

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

At its 3176th meeting, on 24 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Morocco) then stated that, after consultations among members of the Security Council,

⁶ S/25302.

he had been authorized to make the following statement on behalf of the Council:⁷

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

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

At its 3177th meeting, on 25 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁸

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

The Council deplors the deterioration of the humanitarian situation in Bosnia and Herzegovina at a time when discussions are to resume with a view to reaching a just and durable agreement to end the conflict. It regards the blockade of relief efforts as a serious impediment to a negotiated settlement in Bosnia and Herzegovina and to the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. It notes with concern that the measures taken by Serb paramilitary units to interdict humanitarian convoys, in flagrant violation of relevant Council

⁷ S/25328.

⁸ S/25334.

resolutions, expose the personnel of the United Nations Protection Force and the Office of the United Nations High Commissioner for Refugees as well as other humanitarian organizations to physical harm.

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

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

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

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

By a letter dated 3 March 1993 addressed to the President of the Security Council,⁹ the representative of Bosnia and Herzegovina informed the Council that Serbian and Montenegrin extremist forces had overrun the town of Cerska in a new round of expulsions and genocide and that they were threatening the region of Srebrenica. They had also blocked all humanitarian convoys. Bosnia and Herzegovina requested an emergency meeting of the Council.

The representative of the United States made a similar request by a letter of the same date.¹⁰

At its 3180th meeting, on 3 March 1993, the Council included those letters in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his

⁹ S/25358.

¹⁰ S/25353.

request, to participate in the discussion without the right to vote.

The President (New Zealand) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹¹

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

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

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

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

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

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

¹¹ S/25361.

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

At its 3184th meeting, on 17 March 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the President (New Zealand) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹²

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

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

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

The Council demands that these violations cease forthwith and reiterates its strong determination to ensure full respect for its resolutions. It particularly underlines its condemnation of all violations, especially those reported by the Secretary-General in his letters referred to above, at a time when the peace process has reached a critical juncture and when humanitarian relief efforts require full cooperation by all parties.

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

It requests the Secretary-General to ensure that an investigation is made of the reported possible use of the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro)

to launch air attacks against the territory of the Republic of Bosnia and Herzegovina.

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

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

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

At its 3186th meeting, on 25 March 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (New Zealand) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹³

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

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

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

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

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

¹² S/25426.

¹³ S/25471.

**Decision of 31 March 1993 (3191st meeting):
resolution 816 (1993)**

By a letter dated 18 March 1993 addressed to the President of the Security Council,¹⁴ the representative of Bosnia and Herzegovina informed the Council that Srebrenica and Sarajevo had been attacked by Serbian forces, and that non-Serb citizens of Bjelina were issued an ultimatum to leave immediately or face the consequences. Bosnia and Herzegovina requested an emergency meeting of the Security Council, in the light of continuing hostilities directed against its citizens, gross violations of Security Council resolution 781 (1992), grave breaches of the Geneva Conventions, and acts of foreign aggression against a Member State.

The representative of Turkey made a similar request on behalf of the Contact Group of the Organization of the Islamic Conference (OIC) by a letter of the same date addressed to the President of the Security Council,¹⁵ urging the Council to take effective measures to deal with the continuing challenge to the United Nations including, in particular, the adoption of a resolution to enforce the “no-fly zone” established under resolution 781 (1992).

At its 3191st meeting, held on 31 March 1993 in response to the requests contained in the above-mentioned letters, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution submitted by France, Morocco, Pakistan, Spain, the United Kingdom and the United States¹⁶ and to several other documents.¹⁷

Speaking before the vote, the representative of France stated that the Security Council was meeting to adopt a resolution of great political importance. The previous week the Council had welcomed decisive progress in the search for a peaceful solution, with the signing by two of the parties concerned of the Vance-Owen peace plan. All that was lacking was the agreement of the Bosnian Serb side. It was in that context that the Council would be adopting under Chapter VII, a resolution authorizing the use of force to ensure compliance with the ban on flights in the no-fly zone established by resolution 781 (1992). It was essential that the Serbian side understand that a new stage had been reached in the conflict and that the Security Council had decided to have recourse to force to see that its decisions were respected. The resolution that the Council was about to adopt would mark the involvement of new actors — States or regional organizations arrangements — which would intervene in new circumstances, as peacemakers and not simply as peacekeepers. The speaker also welcomed the fact that a balance had been struck between the technical necessity of setting up effective military structures and the political need to place them under the authority of the Security Council, in close coordination with the Secretary-General. Those principles should serve as a model for future peacekeeping or peacemaking operations, to be carried out with Member States acting in their national capacity or in the framework of regional organizations or arrangements.¹⁸

The representative of the United Kingdom believed that the Council should be slow to authorize the use of force. However, combat flights, that had been flown against East Bosnian villages a few days earlier, had been a step too far to tolerate under any circumstances. He noted that the enforcement of the no-fly zone, which the Council would authorize under the draft resolution before it, would not be directed against any one party. All sides had violated the no-fly zone, although the Serb parties had done so more than others. Nor did the no-fly zone require the use of force; no force would need to be used if no flights violated the no-fly zone. If the Serbs in Bosnia and the authorities in Belgrade did not heed the Council, then the prospects would be grim indeed, with increasing isolation, both economic and political. If they did heed

¹⁴ S/25434.

¹⁵ S/25437.

¹⁶ S/25440.

¹⁷ Communications dated 6, 13, 20, 27 November and 4 December 1992 and 12, 16, 19 and 22 March 1993 from the Secretary-General addressed to the President of the Security Council (S/24783, S/24810, S/24840, S/24870, S/24900 and Add.1-31, S/25443, S/25444, S/25456 and S/25457, respectively); letter dated 22 March 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25459); letters dated 22 and 23 March, respectively, from the representative of Yugoslavia

addressed to the President of the Security Council (S/25450 and S/25467).

¹⁸ S/PV.3191, pp. 3-5.

the Council's message, however, then all the republics of the former Yugoslavia would be able to take their places as European States, with the prospect of putting the horrors of the previous two years behind them.¹⁹

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (China) as resolution 816 (1993), which reads:

The Security Council,

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

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

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

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

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

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

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

Acting under Chapter VII of the Charter,

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

2. *Requests* the Force to modify the mechanism referred to in paragraph 3 of resolution 781 (1992) so as to provide for the authorization, in the airspace of Bosnia and

Herzegovina, of humanitarian flights and other flights consistent with relevant resolutions of the Council;

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

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

5. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are taking to implement paragraph 4 above, including the rules of engagement, and on the starting date of its implementation, which should be no later than seven days from the date when the authority conferred by paragraph 4 above takes effect, and to report the starting date to the Council through the Secretary-General;

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

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

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

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

Speaking after the vote, the representative of Brazil stated that enforcement actions under Chapter VII should be a last resort. The resolution just adopted derived not only from non-compliance with previous relevant resolutions, but also from changes in the qualitative nature of the violations. Brazil attached particular importance to the fact that, in accordance with the resolution just adopted, the implementation of the authorization contained in operative paragraph 4 would be conducted with the Secretary-General and

¹⁹ *Ibid.*, pp. 16-17.

UNPROFOR; the Security Council would be kept thoroughly informed of the relevant actions; the measures to be taken in the airspace of Bosnia and Herzegovina in the event of further violations would be proportionate to the specific circumstances and the nature of the flights; regional organizations or arrangements involved in the action would be doing so under the provisions of Chapter VIII of the Charter; and all care would be taken to ensure the safety on the ground of the personnel of the United Nations and of humanitarian organizations. His delegation also understood that the measures taken would be of limited duration and that, as soon as the situation were to warrant it, the Council, which would remain actively seized of the matter, would proceed to review these measures.²⁰

The representative of the United States stated that the Bosnian Serbs must understand that the resolution just adopted was evidence of the international community's growing concern with, and intolerance of, their acts of aggression. The credibility of the United Nations and its entire approach to resolving the conflict rested on its willingness to act strongly and effectively, as the Council was doing through the resolution just adopted. The resolution just adopted should send the message that, if the Bosnian Serbs wanted to rejoin the family of nations, then their behaviour must conform to international norms. The speaker also observed that, while the international community had a duty to encourage the parties to reach a settlement, it also needed to demonstrate that signing pieces of paper without intent to implement them was not enough. By showing its will to enforce agreements, the Council had demonstrated its commitment to peace and its resolve to end the conflict.²¹

The representative of China stated that, in principle, his delegation did not oppose the establishment of a no-fly zone in Bosnia and Herzegovina, with the consent of the parties concerned, with a view to easing the tension and ensuring the smooth conduct of international humanitarian relief activities. However, China's principled position on Security Council resolution 781 (1992) remained unchanged. The Chinese delegation had reservations on the invocation of Chapter VII to authorize countries to use force in implementing the no-fly zone. Moreover, it

noted that the Secretary-General had sent a letter to the President of the Security Council dated 22 March 1993, stating that the Force Commander of UNPROFOR had taken the view that the enforcement action authorized by the resolution would have negative consequences for the viability of UNPROFOR within its existing mandate. In view of those considerations, the Chinese delegation had abstained in the vote on the resolution just adopted.²²

The representative of the Russian Federation observed that no one had the right to violate Security Council resolutions and yet all three Bosnian parties, notwithstanding the ban on unauthorized military flights in the airspace of Bosnia and Herzegovina established by the Council in resolution 781 (1992), had perpetrated acts that ran counter to the demands of the Security Council. The resolution just adopted envisaged the application of enforcement measures against those who violated the airspace of Bosnia and Herzegovina. That included the possibility of appropriate self-defence measures on the part of the monitoring aircraft. The speaker drew attention to the fact that the appropriate rules of conduct of the operation must, as stated in paragraph 5 of the resolution, be coordinated with the Secretary-General and with UNPROFOR. The provision of the resolution regarding the 14-day deferral of the start of the implementation of the measures envisaged in the resolution was also important. The Russian Federation hoped that the adoption of the resolution would send a serious message to all Bosnian parties regarding the resolve of the Security Council to seek a speedy end to the Bosnian conflict through implementation of the Vance-Owen peace plan. For its part, it would continue to do everything to promote the attainment of that goal.²³

Other speakers also stressed that the action taken by the Council should be supplemented by other measures and, in particular, a ban on the use of heavy weapons and effective international control of such weapons.²⁴

²⁰ Ibid., pp. 17-20.

²¹ Ibid., pp. 19-21.

²² Ibid., p. 22.

²³ Ibid., pp. 23-25.

²⁴ Ibid., pp. 13-15 (Cape Verde); and pp. 29-31 (Pakistan).

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

By a letter dated 2 April 1993,²⁵ the Secretary-General transmitted to the President of the Security Council a letter from the United Nations High Commissioner for Refugees. The letter described the disturbing situation that had developed in Srebrenica following the decision of Bosnian Serb military authorities not to permit any further aid to be delivered to that town and proposed two options. The first option would be to turn Srebrenica into a United Nations protected area, and the second to organize a large-scale evacuation of the population. The Secretary-General noted that the Force Commander of UNPROFOR had been instructed to take the matter up immediately with the Bosnian Serb leadership and to insist that the Office of the United Nations High Commissioner for Refugees (UNHCR) be permitted to resume delivering aid to Srebrenica. In the meantime, he suggested that the members of the Security Council might wish to consider supportive action in relation to the situation.

At its 3192nd meeting, on 3 April 1993, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Pakistan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁶

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

The Council recalls and reaffirms all its relevant resolutions and statements and condemns the continuing disregard and wilful flouting of them by the Bosnian Serb party, which once again, in pursuit of its unlawful, unacceptable and abhorrent policy of "ethnic cleansing" aimed at territorial aggrandizement, has blocked the United Nations humanitarian relief efforts.

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

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

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

The Council will remain actively seized of the matter.

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

On 8 April 1993, after consultations with the members of the Council, the President made the following statement to the media on behalf of the members of the Council:²⁷

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

The members of the Council, recalling all the relevant resolutions and statements of the Council, remind all the parties that they are responsible at all times for the detainees' safety and that they must not compel detainees to do work of a military nature or destined to serve a military purpose. The ICRC had

²⁵ S/25519.

²⁶ S/25520.

²⁷ S/25557.

already repeatedly called on all parties to the conflict in Bosnia and Herzegovina strictly to observe the provisions of international humanitarian law.

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

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

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

By a letter dated 9 April 1993 addressed to the President of the Security Council,²⁸ the Secretary-General, referring to resolution 816 (1993) of 31 March 1993, reported that Member States concerned, acting nationally as well as through the regional arrangement of the North Atlantic Treaty Organization (NATO), had been closely coordinating with him and UNPROFOR on the measures they were taking to ensure compliance with the ban on all flights in the airspace of Bosnia and Herzegovina. He also reported that the NATO Secretary-General had informed him, in a letter dated 8 April 1993, that the North Atlantic Council had adopted the necessary arrangements. The Secretary-General further noted that the rules of engagement established by the Member States concerned were in conformity with the requirements set out in paragraph 4 of resolution 816 (1993), and that, as requested in paragraph 2 of that resolution, UNPROFOR had modified the mechanism referred to in paragraph 3 of Council resolution 781 (1992). The revised guidelines for the authorization of non-UNPROFOR and non-UNHCR flights in the airspace of Bosnia and Herzegovina were attached as an annex to the letter. The Secretary-General, lastly, reported that the NATO Secretary-General had informed him that his military authorities were prepared to begin the operation at noon GMT on Monday, 12 April 1993.

By a letter dated 10 April 1993,²⁹ the President of the Security Council informed the Secretary-General of the following:

²⁸ S/25567.

²⁹ S/25568.

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

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

Decision of 16 April 1993 (3199th meeting): resolution 819 (1993)

At its 3199th meeting, on 16 April 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Pakistan) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations³⁰ and to several other documents.³¹

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

The Security Council,

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

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

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

Reaffirming also its call on the parties and others concerned to observe immediately the ceasefire throughout Bosnia and Herzegovina,

³⁰ S/25617.

³¹ Letters dated 5, 15 and 16 April 1993, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25529, S/25609 and S/25616).

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

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

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

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

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

Aware that a tragic humanitarian emergency has already developed in Srebrenica and its surrounding areas as a direct consequence of the brutal actions of Bosnian Serb paramilitary units, forcing the large scale displacement of civilians, in particular women, children and the elderly,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Decision of 17 April 1993 (3200th meeting):
resolution 820 (1993)**

By a letter dated 17 April 1993 addressed to the President of the Security Council,³² the representative of France requested an immediate meeting of the Council to discuss the situation in Bosnia and Herzegovina.

³² S/25622.

In a letter of the same date addressed to the President of the Council,³³ the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela also requested an urgent meeting of the Council to consider the situation in the Republic of Bosnia and Herzegovina, particularly in Srebrenica, and to take action on a proposed draft resolution,³⁴ since the conditions justifying the adoption of resolution 819 (1993) had not been met.

At its 3200th meeting, held on 17 April 1993 in response to the requests contained in the above-mentioned letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to take a seat at the Council table, and it extended an invitation to Mr. Cyrus Vance, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

The President (Pakistan) then drew the attention of the Council members to the text of a draft resolution submitted by Cape Verde, Djibouti, France, Morocco, Spain, the United Kingdom, the United States and Venezuela and read out revisions to be made to the draft.³⁵ He also drew attention to a series of reports of the Secretary-General,³⁶ including a report on the activities of the International Conference on the Former Yugoslavia dated 26 March 1993, and to several other documents.³⁷ In his report of 26 March,³⁸

the Secretary-General informed the Council on the latest round of peace talks held from 16 to 25 March 1993 by the Co-Chairmen of the Steering Committee of the Conference with the three sides to the conflict. The Bosnian Croats and the Bosnian Government had signed all the elements of the peace package put forward by the Co-Chairmen, namely the Constitutional Principles, the map of provincial boundaries, the military agreement and the interim arrangements whereas the Bosnian Serbs had declined to sign the provincial map and the agreement on interim arrangements. The Secretary-General urged the Council to approve the peace package proposed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and to call upon the Bosnian Serbs side to sign the remaining two parts of the peace plan. He also recommended the early establishment of an International Human Rights Monitoring Mission, which all three sides had accepted.

Mr. Vance stated that the Co-Chairmen of the International Conference on the Former Yugoslavia hoped that the Council would adopt the draft resolution forthwith, and thus send the clear message to the Bosnian Serb side and its supporters that time was running out and the international community would wait no longer. Should the measures envisaged in it fail to achieve the desired effect, they should be followed by additional measures of sterner persuasion. The speaker added that everything possible must be done to bring humanitarian relief and assistance to the suffering communities in Bosnia and Herzegovina. There could be no excuse for obstructing humanitarian convoys.³⁹

Speaking before the vote, the representative of France noted that, by agreeing, as a last concession, to postpone the adoption of the draft resolution, his

President of the Security Council (S/25604); letter dated 15 April 1993 from the representative of Venezuela addressed to the President of the Security Council (S/25605); letter dated 15 April 1993 from the representative of Turkey addressed to the President of the Security Council (S/25607); letter dated 14 April 1993 from the representative of Yugoslavia addressed to the President of the Security Council (S/25619); and letter dated 17 April 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25624).

³⁸ S/25479.

³⁹ S/PV.3200, pp. 6-7.

³³ S/25623.

³⁴ S/25558.

³⁵ *Ibid.*

³⁶ S/25221, S/25248, S/25403, S/25479 and S/25490.

³⁷ Letter dated 6 April from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/25546); letter dated 22 February 1993 from the representatives of Bulgaria, Romania and Ukraine addressed to the President of the Security Council (S/25322); letter dated 6 April 1993 from the representative of Italy addressed to the Secretary-General (S/25551); letter dated 8 April 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25566); letter dated 12 April 1993 from the representatives of France, Spain, the United Kingdom and the United States addressed to the President of the Security Council (S/25580); letter dated 15 April 1993 from the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela addressed to the

delegation had hoped that the situation on the ground would stabilize and that there would be progress in negotiating the Vance-Owen plan. On the contrary, the Serbian side had taken advantage of that postponement to take control of Srebrenica, while at the same time rejecting the peace plan. His delegation believed that the Council should vote to strengthen the sanctions. He further observed that the draft resolution, by strengthening the provisions of resolution 757 (1992), marked the total economic and financial isolation of Serbia. France was prepared to take immediate steps to make the implementation of the resolution effective and was working on setting up assistance to the countries along the Danube to suspend all river traffic destined for Serbia. Stating that the measures contained in the draft resolution were not “sanctions for sanctions’ sake”, but rather part of a global political plan, the speaker observed that the Council’s support for the Vance-Owen plan sent a clear signal to the Serbs that there was a path other than conflict. In that respect, section C of the draft resolution was something new and reflected the desire to see the Federal Republic of Yugoslavia (Serbia and Montenegro) rejoin the international community, provided that it fully respected the relevant United Nations resolutions.⁴⁰

The representative of the Russian Federation stated that the adoption, at that juncture, of a resolution strengthening the sanctions, was quite untimely. The Russian Federation supported all the provisions of section A of the draft resolution, under which the Security Council would call upon all sides to reach a rapid and peaceful solution. It was important to give the parties the possibility, through international mediation, of reaching an agreement on the Vance-Owen plan, and of completing the intensive negotiations that were proceeding at that time. It was the Russian Federation’s view, however, that the Security Council should provide one last chance — which should be used primarily by the Serbian side — for the achievement of a realistic agreement by observing a ceasefire and refraining from any actions that might be regarded as “ethnic cleansing”. The most reasonable approach would have been to delay voting on the draft resolution until 26 April. Since the majority of the Council members, however, had insisted upon an immediate vote, the Russian Federation would not hinder the adoption of that decision, particularly in view of the fact that it would

enter into force only nine days after its adoption, unless an agreement were to be signed on the Vance-Owen plan. Nevertheless, it retained serious misgivings about the possible negative consequences of the Council’s haste, and it would abstain in the voting on the draft resolution.⁴¹

The representative of Brazil stated that the draft resolution presented three fundamental aspects. The first aspect was the support by the Security Council for the Vance-Owen peace plan. In that respect, his delegation believed that the Security Council should always favour the resort to and the exhaustion of the peaceful and negotiated means for the settlement of disputes. The second aspect was the strengthening of the measures imposed by earlier resolutions. As a matter of principle, Brazil had always held that action under Chapter VII of the Charter should be taken only in extreme circumstances. In the case before it, the grave deterioration of the situation in Bosnia and Herzegovina justified such an exceptional course of action. Brazil was aware that the measures that the Council was about to approve would entail complex considerations of a legal, economic, financial and administrative order. While some of these measures could be readily implemented, others might require the enactment of appropriate enabling legislation. He stated that his Government would take all necessary steps to put such legislation in place as soon as possible. It was his understanding that the specific provisions of paragraph 29 of the draft resolution, as they referred to the territorial sea of the Federal Republic of Yugoslavia, were of an exceptional nature, related specifically to the particular situation, and that they could not be considered as a precedent that in any way altered or derogated from the regime of coastal-State rights in that territorial sea, in accordance with the 1982 United Nations Convention on the Law of the Sea and other relevant norms of international law. The third aspect — namely, the provisions of section C of the draft resolution, to which Brazil attached importance, made it clear that the exceptional measures contained in section B were not irreversible. He hoped that they might soon lead to the creation of conditions that would permit resort to the review mechanisms provided for in paragraph 31 of the draft resolution.⁴²

⁴¹ *Ibid.*, pp. 11-12.

⁴² *Ibid.*, pp. 12-13.

⁴⁰ *Ibid.*, pp. 7-10.

The representative of Spain noted that the draft resolution before the Council incorporated essential elements for a package proposed by the European Community with a view to increasing the effectiveness of the sanctions imposed on the Federal Republic of Yugoslavia and at the same time opened up other prospects if there was a radical change in the attitude of the Bosnian Serbs. Indeed, if the Bosnian Serbs accepted the peace plan and implemented it fully and in good faith, it would make possible a gradual easing of the pressure brought to bear on them and the Federal Republic of Yugoslavia; it would pave the way for a review of the sanctions and their eventual lifting. If, on the contrary, the Bosnian Serbs did not desist from their current policy, they and the Federal Republic of Yugoslavia would remain isolated from the rest of the international community and would suffer the full effects of the Council's sanctions. The speaker further noted that the time allowed by the Council, as a gesture of goodwill had in fact been used to create de facto situations in the field. These situations were contrary to the objectives sought by the international community as embodied in the Vance-Owen plan. In these circumstances, his Government had reached the conclusion that the draft resolution must be put to a vote without further delay.⁴³

The draft resolution, as orally revised in its provisional form, was then put to the vote, and was adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 820 (1993), which reads:

The Security Council,

Reaffirming all its earlier relevant resolutions,

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

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

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

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

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

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

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

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

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

A

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

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

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

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

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

6. *Condemns once again* all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the massive, organized and systematic detention and rape of women, and reaffirms that those who commit or have committed or order or have ordered the commission of

⁴³ Ibid., pp. 16-19.

such acts will be held individually responsible in respect of such acts;

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

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

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

B

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

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

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

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

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

the Government of the Republic of Bosnia and Herzegovina respectively;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. *Decides* that all States shall impound all vessels, freight vehicles, rolling stock and aircraft in their territories in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) and that these vessels, freight vehicles, rolling stock and aircraft may be forfeit to the seizing State upon a determination that they have been in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution;

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

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

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

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

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

30. *Confirms* that the provisions set forth in paragraphs 12 to 29 above, strengthening the implementation of the measures imposed by its earlier relevant resolutions, do not apply to activities related to the United Nations Protection

Force, the International Conference on the Former Yugoslavia or the European Community Monitor Mission;

C

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

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

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

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

Speaking after the vote, the representative of the United Kingdom said that the resolution just adopted had a triple purpose. The first purpose was to throw the weight of the Council firmly behind the peace process of the two Co-Chairmen and to get across to the Bosnian Serbs that signature of these documents represented the only way to assure their future as a distinct community within Bosnia. The second purpose was to bring home to the Bosnian Serbs and their backers in Belgrade the consequences of rejection, in the form of tightened sanctions and complete isolation. The third was to show that acceptance and implementation of the peace process and the plan, and the cessation of all military attacks, would bring real benefits to all Serbs in the form of a gradual lifting of sanctions and a reintegration into the international family.⁴⁴

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

⁴⁴ Ibid., pp. 26-27.

impunity, were legitimate means of manifesting the right to self-determination. It was also necessary to curtail any claim that ethnic, cultural or religious ties gave States the right to interfere in the internal crises of any other State.⁴⁵

The representative of China noted that the resolution just adopted commended the unremitting efforts of the Co-Chairmen in the peace negotiations, reiterated the necessity of achieving a lasting peace acceptable to all the parties in Bosnia and Herzegovina, and emphasized the importance of ensuring the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina. Those elements were in conformity with China's principled position and it therefore welcomed and supported them in the resolution. At the same time, however, China found it difficult to support such elements in the resolution as the invocation of Chapter VII of the Charter of the United Nations, the adoption of enforcement measures and the authorization of measures to strengthen and expand the existing sanctions regime against the Federal Republic of Yugoslavia. History had shown that it was impossible to find lasting solutions to conflicts and disputes by exerting pressure externally and adopting such enforcement actions as sanctions. The speaker contended that the actions authorized by the resolution would not only bring suffering to the people in the country targeted by the sanctions regime, but would also be gravely detrimental to the economies of the third countries implementing such sanctions provisions. From the long-term point of view, such a practice would create adverse political and economic consequences for the regions concerned. It was China's view that the international community should continue to explore all possibilities to promote peace negotiations and that it should avoid taking action that might further complicate the issue. China had also noted that there were also some elements in the resolution just adopted that ran counter to the principle of respect for sovereignty contained in the Charter. Since the resolution contained both elements that China could support and elements that it could not support, the Chinese delegation had abstained in the vote.⁴⁶

The representative of Hungary stated that the resolution just adopted was a dilemma for his

⁴⁵ Ibid., pp. 28-31.

⁴⁶ Ibid., pp. 31-32.

delegation. He contended that the general arms embargo as well as the economic sanctions regime were not producing the results that the international community had expected because of the specific conditions in the former Yugoslavia, the particular features resulting from the geographic situation of the country, the establishment of domestic mitigating arrangements, and the nature of any sanctions regime which was porous. The Hungarian economy had suffered important losses because of the sanctions regime and the strengthening of the sanctions was going to engender further economic difficulties. However, everything had to be done to put an end to the activity between the territory of the Federal Republic of Yugoslavia and the zones controlled by the Serbs in the Republic of Bosnia and Herzegovina, and that the military machine of the Serbs in Bosnia was immobilized. In conclusion, his delegation had voted in favour of the resolution just adopted because it was an important step toward a settlement of the crisis in the former Yugoslavia. It had also voted in favour because of the resolution's stipulations reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina, the illegality and unacceptable nature of any acquisition of territory by force and of any practice of "ethnic cleansing", as well as the international community's readiness to take all necessary measures to help implement the peace plan for Bosnia and Herzegovina.⁴⁷

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

⁴⁷ Ibid., pp. 33-42.

Muslims of Bosnia and Herzegovina to exercise their inherent right of self-defence.⁴⁸

Deliberations of 19 and 20 April 1993 (3201st, 3202nd and 3203rd meetings)

The Council began its consideration of the item at its 3201st and continued until its 3203rd meeting. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote. At the 3201st meeting, the representatives of Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, the Comoros, Croatia, Denmark, Ecuador, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Jordan, Lithuania, Malaysia, Malta, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Sweden, Turkey, Ukraine and the United Arab Emirates; and at the 3202nd meeting, the representative of the Czech Republic. The Council also extended invitations, at its 3201st meeting, to Mr. Engin Ansay, Permanent Observer of OIC, and, at his request, to Ambassador Dragomir Djokic to address the Council in the course of the discussion of the item. At the 3202nd meeting, the President drew the attention of the Council members to a letter dated 19 April 1993 from the representative of the Islamic Republic of Iran addressed to the Secretary-General.⁴⁹

Commencing the discussion, the representative of Bosnia and Herzegovina stated that the international community had an obligation to take concrete steps to halt immediately genocide and aggression in his country. Genocide and aggression were the reality of Bosnia and Herzegovina, no matter what attempts were made to exclude those words from the relevant resolutions. The International Court of Justice had defined the situation in Bosnia and Herzegovina as genocide and the Security Council had failed to fulfil its responsibility to stop the aggression and genocide. Nevertheless, the efforts of the non-aligned caucus and other members of the Security Council, in promoting the swift adoption of resolutions 819 (1993) and 820 (1993), and in calling for a more legally and ethically responsible answer to genocide and aggression against Bosnia were most consistent with the principles of the United Nations and international law. Bosnia and

⁴⁸ Ibid., pp. 44-45.

⁴⁹ S/25632.

Herzegovina fully endorsed the draft resolution before the Council and demanded that the following measures be considered: (a) to take control of or neutralize, by all necessary means, heavy weapons; (b) to interdict supply lines from Serbia and Montenegro to Bosnia and Herzegovina; and (c) to clarify that the arms embargo did not apply to the defence forces of Bosnia and Herzegovina. Should these measures pose an unacceptable risk to UNPROFOR, the Government of Bosnia and Herzegovina would request that such mission be modified and that its personnel take precautionary measures or withdraw if necessary.⁵⁰

The representative of Slovenia noted that the need for action by the international community was becoming more and more compelling. While resolution 820 (1993) represented a step in the right direction, further thought should be given to the adoption of measures to assist in the implementation of peace, particularly in the case the Vance-Owen plan was not accepted by all parties or if it was accepted in bad faith. The speaker recalled the proposal made on 8 April 1993 by the Foreign Minister of Slovenia, noting that its main thrust was the immediate deployment of the United Nations peacekeeping forces in the territories controlled by the parties which had accepted the Vance-Owen peace plan. Several reasons supported that line of action. First, the troops would be deployed in areas in which United Nations protection was accepted. Secondly, the troops would have a preventive role as a deterrent to further acts of aggression. Thirdly, such deployment would provide an opportunity to develop a more robust mandate of the peacekeeping force in Bosnia and Herzegovina and fourthly, the proposed action was compatible with the existing humanitarian missions. He stressed that further action by the Council should not be made contingent upon agreement of the Serbs to the Vance-Owen peace plan.⁵¹

The representative of Croatia, referring to the resolution of the General Assembly of 18 December 1992, in which the General Assembly had expressed determination to restore peace in Bosnia and Herzegovina as well as to preserve its unity, sovereignty, political independence and territorial integrity, pointed out that none of those goals had been achieved. Noting that in paragraph 7 of that resolution

⁵⁰ S/PV.3201, pp. 6-11.

⁵¹ *Ibid.*, pp. 48-52.

the Assembly had urged the Security Council to consider measures on an urgent basis, no later than 15 January 1993, using all necessary means to stop the Serbian aggression, including the lifting of the arms embargo, he observed that that date had passed long ago and there had only been further destruction and additional territory “ethnically cleansed” by Serbian forces. The fact that Serbian extremists were openly refusing to honour the relevant Security Council resolutions emphasizing the commitment to ensure respect for the sovereignty and territorial integrity of Croatia and Bosnia and Herzegovina must lead to appropriate United Nations action. The UNPROFOR mandate should be strengthened and the force should be changed from a peacekeeping to a peacemaking force. The Security Council, acting under Chapter VII, should immediately take the strongest possible measures against the Serbian aggressors. The United Nations must at least lift the arms embargo against Croatia and Bosnia and Herzegovina and provide the Croats and Muslims the opportunity to defend their freedom and human dignity. The speaker concluded by saying that the legitimate right to self-defence inscribed in the Charter of the United Nations must not be limited for the sake of “dubious political pragmatism”.⁵²

Mr. Ansay, Permanent Observer of OIC to the United Nations, stated that the Secretary-General of OIC regarded resolutions 819 (1993) and 820 (1993) on Srebrenica and the economic sanctions adopted as inadequate and insufficient. For OIC, the fall of Srebrenica would sound the “death knell” of the ongoing peace efforts under the auspices of the United Nations and the European Community. Those tragic events constituted an “affront” to the authority of the United Nations and compelled a reassessment of the efficacy of the principle of collective security. The speaker noted that the question before the Council was no longer one of acting with a view to isolating Serbia or decreeing new economic sanctions against it. Rather, the tragic course of events called for vigorous and determined action on the part of the Security Council. OIC called for the immediate lifting of the “iniquitous” arms embargo against Bosnia and Herzegovina and the adoption of effective military measures under the aegis of the Security Council to bring the Serbian aggression to an end. Those measures included, *inter alia*, interdicting the supply line from Serbia and

⁵² *Ibid.*, pp. 73-80.

Montenegro and placing all heavy weapons under the control of the international community.⁵³

The representative of Ukraine said that in his delegation's view, enforcement measures taken so far by the Council against the Federal Republic of Yugoslavia were designed to bring about a speedy resolution to the crisis in the region. At the same time, it was incumbent upon the Security Council to adopt measures to mitigate the negative consequences of the sanctions for those States which not only complied with the sanctions, but were also entrusted with the task of ensuring the enforcement of the sanctions regime. Ukraine believed that the time had come, especially after the adoption of resolution 820 (1993), to find practical ways to implement Article 50 of the Charter. Such a decision would make sanctions an effective instrument, enjoying the support of the international community as a whole. It was necessary to remember that Security Council sanctions were directed against a specific State or States, and that other countries of the region must not be the eventual or unintentional targets of enforcement measures. Thus, there should be close cooperation between the sanctions Committees and regional arrangements, including sanctions assistance missions.⁵⁴

Mr. Djokic noted that despite the fact that his delegation had stated on numerous occasion that the Federal Republic of Yugoslavia had no territorial claims on its neighbours and that, since May 1992, not a single soldier of the Yugoslav army had remained in the territory of Bosnia and Herzegovina, the international community continued to label Yugoslavia as the aggressor and called for its punishment and isolation. Moreover, the positive role of the Federal Republic of Yugoslavia in the peace process had been ignored by the Security Council in all its relevant resolutions. While the Federal Republic of Yugoslavia shared the concern and impatience of the international community and understood the responsibility of the Security Council in its effort to reinstate peace and security in the region, it believed, however, that peace and security could not be achieved by isolating one side and imposing new sanctions on the people of the Federal Republic of Yugoslavia. The isolation of the Federal Republic of Yugoslavia could not lead to peace, but could only contribute to the destabilization

of the entire Balkan region. The closing of the Danube was itself a measure which posed a great danger to the region and the introduction of new punitive measures could only cause more innocent victims, suffering and instability. The speaker concluded by saying that the Federal Republic of Yugoslavia remained fully committed to the policy of peace and to overcoming the crisis in Bosnia and Herzegovina by political means, on the basis of equal respect for the legitimate rights of all three constituent peoples. In that regard, the Federal Republic of Yugoslavia would continue to cooperate closely with the United Nations and its representatives. It would, however, firmly defend its sovereignty and territorial integrity if forced to do so.⁵⁵

In the course of the discussions, several speakers agreed that the situation on the ground in Bosnia called for more decisive action to be taken by the Council. Proposed measures included the following: (a) placing heavy weapons under United Nations control; (b) establishing additional safe areas; (c) interdicting the supply lines of the Serbian forces in Bosnia; and (d) lifting the arms embargo in order to allow the Republic of Bosnia and Herzegovina to exercise its right to self-defence under Article 51 of the Charter.⁵⁶ Concerning the lifting of the arms embargo, some speakers, however, were of the view that such measure would more likely lead to further escalation of violence.⁵⁷

A number of speakers argued that if the Council did not shoulder its responsibilities and did not act, then the Members of the United Nations should consider convening a special session of the General Assembly to take action.⁵⁸

Several speakers drew attention to the effects of economic sanctions on neighbouring countries and to

⁵⁵ S/PV.3203, pp. 26-38.

⁵⁶ S/PV.3201, pp. 11-18 (Turkey); pp. 18-22 (Austria); pp. 23-27 (Malaysia); pp. 27-31 (Senegal); pp. 31-37 (Islamic Republic of Iran); pp. 38-43 (Indonesia); and pp. 67-72 (Afghanistan); S/PV.3202, pp. 10-13 (United Arab Emirates); pp. 13-22 (Comoros); and pp. 22-30 (Egypt); and S/PV.3203, pp. 3-8 (Jordan); pp. 12-16 (Algeria); and pp. 16-21 (Saudi Arabia).

⁵⁷ S/PV.3201, pp. 43-47 (Sweden); and S/PV.3203, pp. 46-48 (Denmark); and pp. 57-62 (Argentina).

⁵⁸ S/PV.3201, pp. 23-27 (Malaysia); and S/PV.3202, pp. 22-30 (Egypt).

⁵³ *Ibid.*, pp. 81-85.

⁵⁴ S/PV.3202, pp. 31-35.

the need for the international community and the Security Council to address that issue.⁵⁹

Decision of 21 April 1993: note by the President

On 21 April 1993, after consultations with the members of the Council, the President issued the following note on behalf of the members of the Council:⁶⁰

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

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

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

Decision of 21 April 1993: statement by the President

On 21 April 1993, after consultations with the members of the Council, the President made the following statement to the media on behalf of the members of the Council:⁶¹

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

The members of the Council strongly condemn this new outbreak of violence undermining the overall efforts to establish a ceasefire and achieve a political solution of the conflict in the Republic of Bosnia and Herzegovina, and demand that Bosnian governmental forces and Bosnian Croat paramilitary units cease immediately those hostilities and that all parties refrain from taking any action which endangers the lives and well-being of the inhabitants of the region, strictly comply with their previous commitments including the ceasefire, and redouble their efforts

to settle the conflict. They call upon all the parties to cooperate with the current efforts in this regard by UNPROFOR and Lord Owen, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

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

**Decision of 6 May 1993 (3208th meeting):
resolution 824 (1993)**

By a letter dated 30 April 1993 addressed to the President of the Security Council,⁶² the Security Council mission to Bosnia and Herzegovina, pursuant to resolution 819 (1993), transmitted its report to the Council. The mission composed by France, Hungary, New Zealand, Pakistan, the Russian Federation and Venezuela reported that it had travelled to the region from 22 to 27 April 1993 and met with the leaders of all the parties to the conflict in Bosnia and Herzegovina, as well as with the President of Croatia, the Vice-President of Bosnia and Herzegovina and the Force Commander of UNPROFOR. The mission found that Srebrenica was under siege and that the conditions there were inhuman. As for Gorazde, Zepa, Tuzla and Sarajevo they should be declared immediately safe areas. In its conclusions, the mission recognized that the designation of those towns as safe areas would require a larger UNPROFOR presence and a revised mandate to encompass ceasefire/safe area monitoring, and different rules of engagement. Enforcement measures could be considered at a later stage if the Serbs were to ignore the integrity of Security Council safe areas.

At its 3208th meeting, on 6 May 1993, the Council included that report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (the Russian Federation) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the

⁶² S/25700.

⁵⁹ S/PV.3201, pp. 59-66 (Romania); S/PV.3202, pp. 3-10 (Bulgaria); and S/PV.3203, pp. 57-62 (Argentina).

⁶⁰ S/25645.

⁶¹ S/25646.

Council's prior consultations⁶³ and to several other documents.⁶⁴

Speaking before the vote, the representative of France stated that the draft resolution was intended to convey the concern of the Council in the face of a further deterioration in the situation in Bosnia and Herzegovina, and a growing threat to the security of the civilian population in a number of communities, particularly in the eastern part of the country. The Council's concern had been heightened by the fact that UNPROFOR military observers had recently been prevented from reaching the city of Zepa, where they had intended to gain an overview of the situation. In requesting that the parties treat the cities of Zepa, Gorazde, Tuzla, Bihac and Sarajevo as safe areas, free from armed attacks and from other hostile acts likely to endanger the well-being and safety of their inhabitants, the Security Council was sending a signal to the parties: the civilian population must no longer be made to bear the consequences of the Bosnian conflict. In that regard, the example of Srebrenica had provided a valuable experience by showing both the limits and the advantages arising from the establishment of a safe area. The most important thing was to save human lives seriously threatened by the extension of the conflict.⁶⁵

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

The Security Council,

Reaffirming all its earlier relevant resolutions,

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

Having considered the report of the Security Council mission to the Republic of Bosnia and Herzegovina authorized

⁶³ S/25722.

⁶⁴ Letter dated 30 April 1993 from the representative of Yugoslavia addressed to the President of the Security Council (S/25170); letter dated 30 April 1993 from the representative of Pakistan addressed to the Secretary-General (S/25714); letters dated 4 and 5 May, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25718, S/25728 and S/25730); and letter dated 6 May 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25731).

⁶⁵ S/PV.3208, pp. 8-10.

by resolution 819 (1993) of 16 April 1993, and in particular its recommendations that the concept of safe areas be extended to other towns in need of safety,

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

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

Taking also into consideration the formal request submitted by Bosnia and Herzegovina,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. *Declares its readiness*, in the event of the failure by any party to comply with the present resolution, to consider immediately the adoption of any additional measures necessary with a view to its full implementation, including to ensure respect for the safety of United Nations personnel;

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

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

Speaking after the vote, the representative of the United States reminded the Bosnian Serb leadership that her Government had made it clear that it was consulting with its allies about new, stronger and tougher measures. The implementation, or lack thereof, of the resolution just adopted and all other relevant Security Council resolutions over the following few days would determine whether the United States and

the rest of the international community would have to decide that the use of force was inevitable.⁶⁶

The representative of Pakistan stated that his delegation was pleased at the unanimous adoption of resolution 824 (1993). Pakistan believed that declaring those threatened areas in Bosnia and Herzegovina to be safe areas would go a long way to ensuring the safety of civilian populations in the region. He observed that the international community was witnessing escalating defiance of its will by the Bosnian Serbs. In total disregard of the mandatory resolutions of the Security Council, the Bosnian Serbs had persisted in their “repulsive” policy of “ethnic cleansing” and genocide. The time had come for the Council to compel the Serbian side to accept the Vance-Owen peace plan. Pakistan believed that the Council should take immediate appropriate measures, including the authorization of the use of force under Chapter VII of the Charter of the United Nations, to ensure (a) that all heavy weapons in Bosnia and Herzegovina were placed under effective international physical control or neutralized; (b) the interdiction of all arms supplies to the Bosnian Serbs; (c) the institution of appropriate measures for reparations for the Government of Bosnia and Herzegovina by Serbia and Montenegro; (d) that Serbia and Montenegro was liable, under international law, for any direct loss or damage, including environmental damage, or injury to foreign Governments, nationals or corporations as a result of its aggression against Bosnia and Herzegovina; and (e) the effective imposition of a comprehensive economic and financial blockade against Serbia and Montenegro. Pakistan also believed that States Members of the United Nations should extend their cooperation to Bosnia and Herzegovina in the exercise of its inherent right of individual and collective self-defence, in accordance with Article 51 of the Charter, including the supply of arms to enable them to defend themselves.⁶⁷

The representative of Hungary noted that the resolution just adopted reaffirmed the inadmissibility of any acquisition of territory by force. Hungary believed that the resolution could be seen, on the one hand, as part of the process of implementation of the Vance-Owen plan and, on the other hand, as a follow-up to the preventive diplomacy efforts. The Council

⁶⁶ Ibid., pp. 11-13.

⁶⁷ Ibid., pp. 14-16.

must be prepared, if necessary, to consider immediately the necessary steps to ensure implementation of resolution 824 (1993).⁶⁸

The President, speaking in his capacity as representative of the Russian Federation, noted that his country's leaders had repeatedly said that there was no alternative to the Vance-Owen plan, and that they had pointed out that any party that did not adopt the plan bore a heavy responsibility. Following the talks in Athens, there should be no further obstacles to the implementation of the Vance-Owen plan. If the plan was not adopted and carried out, the Russian Federation delegation was prepared to discuss further and harsher steps, to put an end to attempts to attain further territorial gains by military force, to any actions that resulted in suffering for the Bosnian people and in violations of international humanitarian law. The Russian Federation supported the creation of additional safe areas in Bosnia and Herzegovina, and had therefore voted in favour of the resolution just adopted. It believed that the creation of safe areas, with the presence of United Nations personnel, would help to improve the humanitarian situation in Bosnia and Herzegovina and to achieve a peaceful settlement.⁶⁹

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

At its 3210th meeting, on 10 May 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (the Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council, which included a number of revisions agreed upon by Council members:⁷⁰

⁶⁸ Ibid., pp. 18-20.

⁶⁹ Ibid., pp. 24-26.

⁷⁰ S/25746.

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

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

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

The Council once again reiterates its demand that UNPROFOR personnel be allowed unimpeded access throughout Bosnia and Herzegovina, and in this particular case demands that the Bosnian Croat paramilitary units ensure the safety and security of UNPROFOR as well as all United Nations personnel in the areas of Mostar, Jablanica and Dreznica. In this connection, the Council expresses its deep concern at the increasing hostile attitude of Bosnian Croat paramilitary units towards UNPROFOR personnel.

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

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

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

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

By a letter dated 14 May 1993 addressed to the President of the Security Council,⁷¹ the Secretary-General referred to recent developments in Bosnia and Herzegovina and attached the text of an agreement on the cessation of hostilities, concluded between the Bosnian Croat and Bosnian Muslim sides on 12 May 1993, in Mostar. The Secretary-General noted that in terms of its mandate under resolution 776 (1992), UNPROFOR had found that the fighting in Mostar was extremely disruptive for the delivery of humanitarian relief aid. The Force therefore had no choice but to intervene if its original mandate were to be implemented. Recalling resolution 824 (1993), in which the Council had declared a number of safe areas and had referred to "other such threatened areas", the Secretary-General observed that Mostar qualified as a "threatened area." That consideration had helped to set the terms of the active involvement of UNPROFOR in witnessing the agreement concluded on 12 May 1993 and in, *inter alia*, deploying a company of the Spanish Battalion in an interposition role. The presence of UNPROFOR was an integral part of the ceasefire agreement and had without doubt helped to defuse the tension and stabilize the situation. Nonetheless, some concern had been expressed in the Security Council about the formal mandate of UNPROFOR in that regard. That concern also applied to the involvement of civilian police officers provided for in the agreement of 12 May 1993, for which no authorization from the Security Council existed. In order to clarify the mandate, the Secretary-General requested confirmation as to whether the above interpretation of the mandate of UNPROFOR was acceptable to the Security Council.

By a letter dated 22 May 1993,⁷² the President of the Security Council informed the Secretary-General of the following:

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

⁷¹ S/25824.

⁷² S/25825.

**Decision of 4 June 1993 (3228th meeting):
resolution 836 (1993)**

At its 3228th meeting, on 4 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States,⁷³ and to several other documents.⁷⁴

The representative of Bosnia and Herzegovina stated that, although his delegation had not been consulted on the content of the draft resolution, it had nevertheless made a number of key suggestions which had been rejected. First, the safe areas concept should be applied more broadly to address the threats against other population centres in Bosnia and Herzegovina. Second, a time frame should be established in which there would be a shift from the temporary relief offered by the safe areas programme to the implementation of the Vance-Owen plan. Third, if the Bosnian Serbs were unwilling to accept the Vance-Owen plan by a

⁷³ S/25870.

⁷⁴ Note verbale dated 19 May 1993 from the representative of France addressed to the President of the Security Council (S/25800); letter dated 21 May 1993 from the representative of Italy addressed to the Secretary-General (S/25823); letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Security Council, enclosing a joint action programme on Bosnia and Herzegovina, formulated by the Foreign Ministers of those States in Washington, D.C., on 22 May 1995 (S/25829); letter dated 14 May 1993 from the representative of Pakistan addressed to the President of the Security Council, transmitting a memorandum on the situation in Bosnia and Herzegovina formulated by the members of the Council that were members of the Non-Aligned Movement (S/25782); letter dated 25 May 1993 from the representative of Pakistan addressed to the Secretary-General, transmitting a declaration on the situation in Bosnia and Herzegovina, adopted by the Organization of the Islamic Conference in New York on 29 May 1993 (S/25860); letters dated 30 May 2 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25872, S/25877 and S/25878).

stipulated date, then either all necessary measures should be employed to restore peace, or the right of Bosnia and Herzegovina to act in self-defence, consistent with Article 51, should be fully recognized. Fourth, the United Nations should develop a mandate, drawing on all the resources necessary to defend the safe areas, and produce a realistic plan for implementing and enforcing that mandate. Fifth, the period for reviewing the implementation of the resolution should have been shortened from 60 days to 30 days.⁷⁵

The representative of Turkey observed that the draft resolution fell short of his delegation's expectations. The draft resolution should have included a deadline for initiating the implementation of the Vance-Owen plan; a guarantee of effective enforcement measures to reverse the consequences of the use of force; and an acknowledgement of Bosnia and Herzegovina's inherent right to self-defence. He stressed that Bosnia and Herzegovina should be exempted without delay from the arms embargo, in accordance with its inherent right of collective self-defence under Article 51 of the Charter of the United Nations.⁷⁶

Speaking before the vote, the representative of France noted that, following the adoption by France, the Russian Federation, the United Kingdom and the United States of a joint programme of action on the situation in Bosnia and Herzegovina, on 22 May 1993 in Washington, France and its partners had proposed that the Council adopt a resolution ensuring full respect for the safe areas named in resolution 824 (1993) and extending the mandate of UNPROFOR. The draft resolution addressed an "immediate, vital humanitarian objective" of ensuring the survival of civilian populations in the safe areas, as well as a "paramount political objective" of maintaining the territorial basis necessary for the development and implementation of the Peace Plan for Bosnia and Herzegovina. Stressing that the designation and protection of safe areas was a temporary measure and not an end in itself, the speaker stated that the Vance-Owen plan remained the basis for any settlement. He added that the draft resolution would strengthen UNPROFOR, enabling it to protect the safe areas by deterring attacks, monitoring the ceasefire, promoting the withdrawal of military units,

and by occupying several key points on the ground. Furthermore, the draft resolution explicitly provided for the possibility of using force to respond to bombardments against the safe freedom of movement of UNPROFOR and of humanitarian convoys. It also provided for the use of air power within and around the safe areas, if necessary to support UNPROFOR in the fulfilment of its mandate.⁷⁷

The representative of Venezuela noted that the draft resolution had been put to the vote despite a request made by his delegation to wait for a report by the Secretary-General on the means he would need to implement the resolution. He contended that the draft resolution was incomplete in scope and contrary to its own objectives. Furthermore, his delegation was of the view that safe areas should be temporary, intermediate steps in the peace process. They should not be a substitute for peace. Safe areas should guarantee freedom of movement into and out of the area; international military presence, unrestricted presence of humanitarian agencies; the right to humanitarian assistance; respect for human rights; uninterrupted access to basic services; and access to economic activities. In addition to being provided security, these areas should be able to restore their civil government, local police and social services. These conditions were almost the exact opposite of those existing today in the so-called safe areas and the draft resolution before the Council did not address their main points. The speaker further noted that the Government of Bosnia and Herzegovina had communicated to the Council its rejection of the particular modality of "safe areas" as contained in the draft resolution but that position had not even been considered by the Council. He also recalled that his delegation had taken an active part in working on the resolutions that provided for the creation of "safe areas" for Sarajevo and other cities and it could thus never be opposed to the concept. His delegation was opposed to the shape that humanitarian modality had taken in practice. The speaker concluded by saying that while there had been an attempt to negotiate the Peace Plan, Bosnia had lost two thirds of its territory and its people had been the victims of crimes and violations on an unprecedented scale. That was the time for the Council to really take action, not just appear to be taking action. For all these reasons,

⁷⁵ S/PV.3228, pp. 3-8.

⁷⁶ *Ibid.*, pp. 8-11.

⁷⁷ *Ibid.*, pp. 11-14.

his delegation would abstain from the vote on the draft resolution.⁷⁸

The representative of Pakistan recalled that his country, together with other non-aligned members of the Council, had been the proponent of the concept of safe areas. The experience in Srebrenica, Zepa and Gorazde, however, had revealed fundamental shortcomings in that concept in the absence of the international community's commitment to endorse the Vance-Owen peace plan. Turning to the draft resolution, he stated that in his delegation view, the draft resolution did not address certain core issues in the conflict. Unless the measures contained in the draft resolution were supplemented by enforcement actions in a given time frame and as part of an overall plan, the situation on the ground might be frozen to the advantage of the Serbs. Moreover, the modality of safe areas as contained in the draft resolution was not in full conformity with Pakistan's political and humanitarian concerns. The concept of safe area would only be acceptable to the Pakistani delegation if the international community committed itself to the full implementation of the Vance-Owen peace plan, and in particular to its provisions on territorial arrangements for Bosnian Muslim communities. All Bosnian Muslim regions, as specified in the peace plan, and Sarajevo, should be declared safe areas, and those regions already identified as safe areas should be given the maximum possible protection. For these reasons, his delegation would abstain in the vote on the draft resolution.⁷⁹

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

The Security Council,

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

Reaffirming in particular its resolutions 819 (1993) of 16 April 1993 and 824 (1993) of 6 May 1993, in which it demanded that certain towns and their surrounding areas in the Republic of Bosnia and Herzegovina should be treated as safe areas,

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

Condemning military attacks, and actions that do not respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, which, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

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

Reaffirming once again that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and totally unacceptable,

Commending the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party for having signed the Vance-Owen plan,

Gravely concerned at the persistent refusal of the Bosnian Serb party to accept the Vance-Owen plan, and calling upon that party to accept the peace plan for the Republic of Bosnia and Herzegovina in full,

Deeply concerned by the continuing armed hostilities in the territory of Bosnia and Herzegovina which run totally counter to the peace plan,

Alarmed by the resulting plight of the civilian population in the territory of Bosnia and Herzegovina, in particular in Sarajevo, Bihac, Srebrenica, Gorazde, Tuzla and Zepa,

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

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

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

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

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

Stressing that the lasting solution to the conflict in Bosnia and Herzegovina must be based on the following principles: immediate and complete cessation of hostilities, withdrawal from territories seized by the use of force and "ethnic cleansing", reversal of the consequences of "ethnic cleansing" and recognition of the right of all refugees to return to their

⁷⁸ Ibid., pp. 14-26.

⁷⁹ Ibid., pp. 27-30.

homes, and respect for the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina,

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

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

Acting under Chapter VII of the Charter,

1. *Calls* for the full and immediate implementation of all its relevant resolutions;

2. *Commends* the peace plan for the Republic of Bosnia and Herzegovina as contained in document S/25479;

3. *Reaffirms* the unacceptability of the acquisition of territory by the use of force and the need to restore the full sovereignty, territorial integrity and political independence of Bosnia and Herzegovina;

4. *Decides* to ensure full respect for the safe areas referred to in resolution 824 (1993);

5. *Also decides* to extend to that end the mandate of the United Nations Protection Force in order to enable it, in the safe areas referred to in resolution 824 (1993), to deter attacks against the safe areas, to monitor the ceasefire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776 (1992) of 14 September 1992;

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

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

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

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

8. *Calls upon* Member States to contribute forces, including logistic support, to facilitate the implementation of the

provisions regarding the safe areas, expresses its gratitude to Member States already providing forces for that purpose, and invites the Secretary-General to seek additional contingents from other Member States;

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

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

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

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

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

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

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

Speaking after the vote, the representative of Brazil observed that the resolution just adopted was to be understood as a temporary measure, with the twofold objective of preserving the safety of the populations in the safe areas and restoring normalcy to those areas. Referring to the concern that the implementation of the safe areas concept might lead to a freezing of the existing situation, thus rewarding “military might” to the detriment of the Muslim community, the speaker noted that Brazil considered it essential that, in due course, the resolution just adopted be complemented by appropriate additional measures.

Brazil continued to believe that the ultimate solution to the conflict in Bosnia and Herzegovina must come through negotiation and peaceful means, and that the Vance-Owen plan therefore retained its “full value”.⁸⁰

The representative of the Russian Federation stated that the tragic events that had recently taken place in safe areas made it necessary to expand the UNPROFOR mandate, in order to ensure the safe areas, deter aggression, monitor the ceasefire, and allow for the unhindered delivery of humanitarian assistance. The Russian Federation was convinced that the implementation of the resolution just adopted would help to curb the violence. Henceforth, any military attacks against, shelling of, incursions into, or hindrance of humanitarian deliveries to, the safe areas, would be responded to by United Nations forces through the use of all necessary measures, including the use of armed force. That would be an important factor in stabilizing the situation in those areas and for lessening the suffering of the civilian population. The speaker further contended that by adopting the resolution, the Council had taken a concrete step towards the implementation of the joint programme of action adopted at Washington on 22 May by the Ministers for Foreign Affairs of France, the Russian Federation, Spain, the United Kingdom and the United States. He noted in that regard that the Washington programme did not exclude the adoption of new, firmer measures.⁸¹

The representative of the United States observed that the resolution just adopted was an intermediate step. Both the Security Council and the Governments that had developed the Washington programme of action had agreed that they would keep open options for new and tougher measures. Her Government’s view of what these tougher measures should be had not changed. It expected full cooperation of the Bosnian Serb party in implementing the resolution. If that cooperation was not forthcoming, the United States would move to seek further action in the Council.⁸²

The representative of China stated that the continued escalation of the conflict in Bosnia and Herzegovina constituted a great threat to peace and security in the region. Under those circumstances, the establishment of safe areas might as well be tried as a

temporary measure, even though they could not provide a fundamental solution to the conflict, and they could not supplant the Vance-Owen plan for a comprehensive political solution to the conflict. Reiterating China’s position that international disputes should be settled through dialogue and negotiation, rather than through the threat or use of force, the speaker stated that his delegation had reservations regarding the invocation of Chapter VII in the resolution just adopted, as it feared that further military action might complicate the issue and adversely affect the peace process.⁸³

The representative of the United Kingdom, acknowledging that the safe areas would not stop the war and were therefore a temporary measure, argued that they could nevertheless provide areas of stability and complement the important efforts undertaken by United Nations forces throughout Bosnia. Referring to suggestions that the policy of safe areas might be combined with a lifting of the arms embargo, the speaker noted that the two policies were “distinct and alternative” and contended that it would be hard to reconcile the supply of arms with United Nations peacekeeping on the ground. He concluded by stating that as the resolution made clear, neither the Washington Agreement, nor the view of his Government ruled out other stronger measures as the situation developed.⁸⁴

**Decision of 10 June 1993 (3234th meeting):
resolution 838 (1993)**

At its 3234th meeting, on 10 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States,⁸⁵ and read out a revision to be made to the draft. He also drew the attention of the Council members to several other

⁸⁰ Ibid., pp. 42-43.

⁸¹ Ibid., pp. 43-47.

⁸² Ibid., pp. 47-48.

⁸³ Ibid., pp. 48-49.

⁸⁴ Ibid., pp. 56-58.

⁸⁵ S/25798.

documents.⁸⁶ The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 838 (1993), which reads:

The Security Council,

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

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

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

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

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

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

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

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

Considering that all appropriate measures should be undertaken to achieve a peaceful settlement of the conflict in

Bosnia and Herzegovina provided for in the Vance-Owen peace plan,

Bearing in mind paragraph 4 (a) of its resolution 757 (1992) concerning the prevention by all States of imports into their territories of all commodities and products originating in or exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) and paragraph 12 of its resolution 820 (1993) concerning import to, export from and trans-shipment through those areas of Bosnia and Herzegovina under the control of Bosnian Serb forces,

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

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

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

Speaking after the vote, the representative of the United Kingdom noted that the resolution just adopted was an important element of the immediate steps that his Government believed needed to be taken straight way. The placing of border monitors, particularly on the border between Bosnia and the Federal Republic of Yugoslavia was of considerable significance since it could bring home to the Bosnian Serbs the bankruptcy of their present policies and the need to reconsider their rejection of the Vance-Owen Peace Plan. The decision taken a month ago by the authorities of the Federal Republic of Yugoslavia to limit to humanitarian supplies any traffic across the border between Bosnia and the Federal Republic of Yugoslavia had been welcome but it was essential to put that policy to the test by deploying monitors along that border.⁸⁷

The representative of France stated that the aim of the resolution just adopted was to show the intent of the Council to deploy the necessary observers for

⁸⁶ Letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Council (S/25829); letter dated 1 June 1993 from the representative of Croatia addressed to the President of the Council (S/25874); and letter dated 8 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Council (S/25907).

⁸⁷ S/PV.3234, pp. 6-7.

effective monitoring of the application of sanctions against the territories controlled by the Bosnian Serbs. By controlling the conditions for applications of the embargo against the territories controlled by the Serbs of Bosnia, Bosnian Serbs would be led to end their attacks and the practice of “ethnic cleansing”, and finally to start out along the road towards a peaceful settlement in the accordance with the provisions set out in the Vance-Owen Plan. He further stated that the reaction of the Federal Republic of Yugoslavia, and in particular that of Serbia, to the resolution would be significant. If the authorities of these countries were to decide to reject the deployment of observers on their side of the frontier with Bosnia, the situation would become clear and the Council would then have to draw the necessary conclusions.⁸⁸

The representative of Hungary stated that his delegation had voted in favour of the resolution just adopted, as it was convinced that all foreign interference in Bosnia and Herzegovina must cease immediately and that the neighbours of that country must respect its territorial integrity. It was clear that there could not be a settlement and lasting peace while such interference persisted. It was also clear that such a settlement would become possible only with the firm determination of the international community. Hungary attached particular importance to the fact that the resolution was in strict conformity with previous Council resolutions concerning the sanctions regime imposed on the Federal Republic of Yugoslavia. The speaker further stated that his delegation considered the resolution primarily as a declaration of intent that would have to be followed up as soon as possible by a report from the Secretary-General and a resolution on the deployment. In that context there were some important questions that would have to be clarified concerning the mandate, emplacement and other aspects of the observers’ activities.⁸⁹

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

affirmative vote did not represent a change in its position vis-à-vis sanctions against the Federal Republic of Yugoslavia.⁹⁰

**Decision of 18 June 1993 (3241st meeting):
resolution 844 (1993)**

On 14 June 1993, pursuant to resolution 836 (1993), the Secretary-General submitted to the Council a report containing an analysis of the modalities for implementation of that resolution.⁹¹ The analysis indicated that such implementation would require the deployment of additional troops on the ground as well as the provision of air support. While an additional troop requirement of approximately 34,000 would be necessary, it would be possible, however, to start implementing the resolution under a light option envisaging a troop reinforcement of around 7,600.⁹² The Secretary-General noted that while that option could not completely guarantee the defence of safe areas, it relied on the threat of air action against any belligerents. He indicated in that regard that he had invited NATO to coordinate with him the use of air power in support of UNPROFOR. It was understood that the first decision to initiate the use of air power would be taken by him in consultation with the Security Council. The Secretary-General further noted that such option represented an initial approach and had limited objectives. It assumed the consent and cooperation of the parties and provided a basic level of deterrence. In conclusion, he recommended that the Council approve the arrangements outlined in his report. At the same time, he stressed the overwhelming importance of seeking a comprehensive political solution to the conflict, noting that a negotiated and equitable settlement would enable the international community to devote its resources to reconstruction and development rather than to successive expansions of the United Nations activities in the former Yugoslavia.

At its 3241st meeting, on 18 June 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members

⁸⁸ Ibid., pp. 7-8.

⁸⁹ Ibid., pp. 8-10.

⁹⁰ Ibid., pp. 11-12.

⁹¹ S/25939 and Corr.1 and Add.1.

⁹² For further details see S/25939 and Corr.1, para. 6.

to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom⁹³ and the United States. He also referred to several other documents.⁹⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 844 (1993), which reads:

The Security Council,

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

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

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

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

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

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

1. *Approves* the report of the Secretary-General;

2. *Decides* to authorize the reinforcement of the United Nations Protection Force to meet the additional force requirements mentioned in paragraph 6 of the report of the Secretary-General as an initial approach;

3. *Requests* the Secretary-General to continue the consultations, inter alia, with the Governments of the Member States contributing forces to the Force, called for in resolution 836 (1993);

4. *Reaffirms its decision* in paragraph 10 of resolution 836 (1993) on the use of air power in and around the safe areas to support the Force in the performance of its mandate, and encourages Member States, acting nationally or through regional organizations or arrangements, to coordinate closely with the Secretary-General in this regard;

5. *Calls upon* Member States to contribute forces, including logistic support and equipment, to facilitate the implementation of the provisions regarding the safe areas;

6. *Invites* the Secretary-General to report to the Council on a regular basis on the implementation of resolution 836 (1993) and the present resolution;

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

Speaking after the vote, the representative of Hungary stated that his delegation's vote in favour of the resolution just adopted, reflected its conviction that resolution 836 (1993) establishing safe areas in Bosnia and Herzegovina must be implemented as quickly as possible. For Hungary, the only remaining question related to the specific modalities to do that and the modalities outlined in the resolution just adopted were not entirely what it had hoped for. They were acceptable only to the extent that under the present circumstances, the international community was neither in a position, nor was it inclined to do more. Hungary hoped that the measures proposed in the report of the Secretary-General would be taken as soon as possible and in such a way as to make possible progress towards a fair overall settlement of the Bosnian crisis.⁹⁵

The representative of the United States stated that his delegation had voted in favour of the resolution just adopted as an intermediate step that did not foreclose options involving tougher measures. The United States continued to expect the full cooperation of the Bosnian Serb party in implementing the resolution. If that cooperation was not forthcoming, then the United States would seek further action in the Security Council to stop the violence.⁹⁶

The representative of France said that, although the deployment of reinforcements was what might be called "the light option", it was nevertheless the only realistic option at that time, given the means available to UNPROFOR in the short term. France believed that those measures, coupled with the threat of air strikes, could deter attacks against the safe areas, in conformity with resolution 836 (1993).⁹⁷

The representative of the Russian Federation noted that his delegation shared the Secretary-General's view that the implementation of the decision to set up safe areas, needed to be predicated upon the consent and cooperation of all the Bosnian parties. The Russian Federation called upon them to cooperate with UNPROFOR in implementing the Council's resolutions

⁹³ S/25966.

⁹⁴ Letters dated 5, 6, 11, 13 and 16 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25908, S/25909, S/25933, S/25943 and S/25959).

⁹⁵ S/PV.3241, pp. 6-8.

⁹⁶ *Ibid.*, p. 8.

⁹⁷ *Ibid.*, pp. 8-10.

on the safe areas. The parties needed to realize that if they refused such cooperation, then new, tougher measures might be adopted.⁹⁸

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

At its 3247th meeting, on 29 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, the Comoros, Costa Rica, Croatia, Egypt, Estonia, Indonesia, the Islamic Republic of Iran, Jordan, Latvia, the Libyan Arab Jamahiriya, Malaysia, Senegal, Slovenia, the Syrian Arab Republic, Tunisia, Turkey, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council. The President (Spain) then drew the attention of the Council members to the text of a draft resolution submitted by Cape Verde, Djibouti, Morocco, Pakistan and Venezuela,⁹⁹ who were joined as sponsors by Afghanistan, Algeria, the Comoros, Egypt, Estonia, Latvia, Malaysia, Senegal, the Syrian Arab Republic and Turkey.¹⁰⁰

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

Herzegovina be halted forthwith and the consequences of hostilities against the Republic of Bosnia and Herzegovina be reversed in accordance with the principles outlined above. It would have also decided to exempt the Government of the Republic of Bosnia and Herzegovina from the arms embargo imposed on former Yugoslavia by its resolution 713 (1991) with the sole purpose of enabling the Republic of Bosnia and Herzegovina to exercise its inherent right of self-defence.

The representative of Cape Verde contended that the failure of the Council to implement effectively the Charter collective security provisions in respect of the situation in Bosnia, would have a negative impact on the outcome of current and future conflicts. He cautioned that one of the most negative lessons that might be drawn from the Bosnian conflict was that countries might have to rely on their own capacity to defend themselves in future. For small nations, which were the majority of the Members of the Organization, and which could meet their security needs only by relying on respect for the principles and norms of international law and on the effective implementation of the decisions of the Security Council, especially its Chapter VII decisions, the Bosnian experience was very disturbing. For a long time, calls for United Nations action to defend the Bosnian civilian population had gone unheeded, whilst safe areas declared under Chapter VII continued to be jeopardized. In submitting the draft resolution, the caucus of non-aligned members of the Security Council was responding to a moral call aimed at enabling the victims of aggression and ethnic cleansing to exercise their inherent right of self-defence, as recognized in the Charter of the United Nations. If the United Nations did not have the political will to take prompt and effective action to stop the killing of Bosnian Muslim civilians, then it should at least allow them legitimately to defend themselves. Indeed, the draft resolution made it clear that the sole purpose of lifting the arms embargo against Bosnia and Herzegovina was to enable that Republic to defend itself from attacks.¹⁰¹

The representative of Bosnia and Herzegovina contended that two questions were relevant in evaluating the merit of the draft resolution. First, had the Security Council compelled the necessary means to stop the aggression and genocide against Bosnia and

⁹⁸ *Ibid.*, p. 11.

⁹⁹ S/25997.

¹⁰⁰ During the 3247th meeting, the following also joined in sponsoring the draft resolution: Albania, Indonesia, the Islamic Republic of Iran, Jordan, the Libyan Arab Jamahiriya, Tunisia and the United Arab Emirates.

¹⁰¹ S/PV.3247, pp. 6-10.

Herzegovina? Second, if not, what were the measures that should be taken to stop the aggression and, particularly should the arms embargo against Bosnia and Herzegovina be declared invalid in accordance with the United Nations Charter's guarantee of the right of self-defence? Noting that Bosnia and Herzegovina had waited for over a year for "the most empowered members of the Council" to fulfil their commitment to confront the Serbians, the speaker pointed out that his country had sought to reassert its right to obtain the means of self-defence only after those members had failed to meet their commitment. The speaker further stated that the Bosnians must be provided with the leverage to undertake fair and promising negotiations or to confront the undiminished aggression.¹⁰²

The representative of Pakistan argued that Bosnia and Herzegovina had been at a "grave disadvantage" in responding to aggression, not only because of the large and well-equipped Serb army and paramilitary units, but also because it had been prevented by the United Nations from acquiring the means for self-defence. He also contended that it had become clear that Serbian forces would not be deterred by the exhortations of the Council so long as it was not prepared to take enforcement measures, including the use of force under Chapter VII of the Charter. The speaker further stated that his country could not accept and legitimize the consequences of blatant acts of aggression against a State Member of the United Nations, nor could it accept the "disintegration" of a sovereign State. He warned that the consequences of accepting the situation in Bosnia and Herzegovina would be terrible not only for the people of Bosnia and Herzegovina but for the international community as a whole. It would encourage those who believed that force could be a viable instrument for territorial expansion and political domination, and it would erode the credibility of the Security Council as an instrument of peace and justice, not only in respect of Bosnia and Herzegovina, but also in relation to other conflicts and disputes. Furthermore, it would revive the global arms race, as all nations exposed to aggression and domination would seek to arm themselves against such threats. Referring to the draft resolution, the speaker stated that the most important provision was the one exempting Bosnia and Herzegovina from the arms embargo imposed against the former Yugoslavia by resolution 713 (1991). That

¹⁰² Ibid., pp. 9-17.

measure had been proposed by a majority of the United Nations membership in General Assembly resolution 47/121 of 18 December 1992. It was also consistent with Article 51 of the Charter. The speaker concluded by stating that the options available to the Security Council were stark: either the international community, in accordance with the collective security system envisaged in the Charter, should take effective measures to defend Bosnia and Herzegovina, or it should remove the shackles preventing the victim from exercising its inherent right of self-defence.¹⁰³

The representative of Croatia said that it was unfortunate that the Security Council had not endorsed, nor been prepared to enforce, the Vance-Owen plan. Although it was necessary for the international community to stop the tragedy taking place in Bosnia and Herzegovina, Croatia did not believe that providing more arms to Bosnian Muslims would accomplish that purpose. If the arms embargo were to be lifted, the Croatian Government could only support a general lifting for all the victims of Serbian aggression. A selective approach to the issue would only aggravate the ongoing situation.¹⁰⁴

The representative of Morocco contended that the arms embargo, which the Council had adopted with a view to reducing violence and suffering, had unfortunately not had any effect on either the Serbs or the Croats. Rather, it had increased the military superiority of the Serbs. He argued that, as long as an imbalance existed, the Serbs would continue to impose conditions and refuse to compromise, as they had done with respect to the Vance-Owen plan. The legitimate Government of Bosnia and Herzegovina had suffered the most from the arms embargo. Authorizing the Bosnian Government to acquire the means to defend its civilian population would help deter the Serbs from pursuing policies of aggression and occupation. It was therefore essential to exempt it from the provisions of resolution 713 (1991). The speaker also argued that the lifting of the arms embargo should be accompanied by strengthened monitoring of the sanctions regime, in order to prevent the Bosnian Serbs from continuing to acquire additional weapons and territory.¹⁰⁵

Mr. Djokic stated that the Government of the Federal Republic of Yugoslavia strongly opposed

¹⁰³ Ibid., pp. 17-26.

¹⁰⁴ Ibid., pp. 33-37.

¹⁰⁵ Ibid., pp. 47-52.

exempting one side from the arms embargo imposed by resolution 713 (1991). He warned that, should the draft resolution be adopted, the Security Council would, under the pretext of protecting the inherent right to self-defence, merely be contravening its past efforts to contain the crisis and find a lasting solution. He further argued that lifting the arms embargo and supplying arms to one side would invariably lead to an arms race between the warring parties in Bosnia and Herzegovina, with unforeseeable consequences. The Federal Republic of Yugoslavia, despite the unfair and inhumane sanctions imposed against it, would spare no effort to help prevent further bloodshed between the “three constituent nations” and to find a solution based on their legitimate interests and rights. Before concluding, the speaker contended that the draft resolution was one of war rather than of peace and he urged the Security Council, not to adopt it.¹⁰⁶

The representative of Slovenia noted that although the Council had devoted much of its time to the conflict in Bosnia and Herzegovina the previous months, the resolutions adopted so far had not yielded the expected results and had in some cases avoided the crucial issues. He also stressed the following basic principles. First, the war in Bosnia and Herzegovina was neither a civil war, nor an ethnic conflict. It was a war of aggression perpetrated from outside Bosnia and Herzegovina, and it was a war for territory. Every State had the inherent right, in accordance with Article 51 of the Charter, to legitimate self-defence and that right should not be denied to Bosnia and Herzegovina. Second, genocide must be stopped, and deeds rather than words were necessary to do so. Third, the Security Council needed to find a way to preserve the existence of a United Nations Member State, or else the whole system of collective security would be put in jeopardy. Fourth, preservation of Bosnia and Herzegovina was a vital requirement for peace and political stability in south-eastern Europe and in Europe as a whole.¹⁰⁷

The representative of Ukraine urged the Council to consider additional effective measures to protect United Nations peacekeepers in Bosnia and Herzegovina, and expressed concern at the possibility that hostilities would be intensified if the arms embargo were lifted in Bosnia and Herzegovina. It favoured strict compliance with the resolutions that had

already been adopted by the Security Council. It suggested that an important step might be to put under effective United Nations control all heavy weapons at the disposal of the Bosnian Serbs. In its opinion, such a step would lower the level of military confrontation in the region and would remove from the agenda the question of lifting the arms embargo.¹⁰⁸

During the debate, other speakers also referred to the inability of the Security Council to fulfil its responsibilities under Article 24 of the Charter and to enforce its resolutions adopted under Chapter VII. They reaffirmed the right of Bosnia and Herzegovina to self-defence in accordance with Article 51 and urged the Council to lift the arms embargo against Bosnia and Herzegovina.¹⁰⁹

Speaking before the vote, the representative of the United Kingdom regretted that a political settlement had not yet been achieved. But the United Nations could not simply impose a political solution. While acknowledging that the existing situation in Bosnia and Herzegovina was “deeply worrying”, the speaker stated that his Government nevertheless did not see a reason for adopting what it regarded as a “solution of despair”, which was how it viewed the proposal to lift the arms embargo. He contended that lifting the arms embargo would clearly result in an increase in fighting and would provide an “irresistible temptation” to the Bosnian Serbs and Bosnian Croats to intensify their military efforts and to ensure that, by the time any substantial delivery of weapons was made to the Government of Bosnia, the military threat it posed to them had been neutralized. In addition to these drawbacks, the United Kingdom did not see how the United Nations current efforts in Bosnia and Herzegovina could be sustained following a decision to lift the arms embargo. The United Kingdom was of the view that the adoption of the draft resolution would be seen as a signal that the United Nations was turning its back on Bosnia and leaving its inhabitants to “fight it out, come what may”. It could not therefore support the draft. The speaker further stated that his delegation

¹⁰⁸ *Ibid.*, pp. 111-113.

¹⁰⁹ *Ibid.*, pp. 26-33 (Egypt); pp. 38-41 (Malaysia); pp. 41-47 (Jordan); pp. 52-54 (Albania); pp. 54-59 (Indonesia); pp. 60-63 (Turkey); pp. 72-77 (Islamic Republic of Iran); pp. 77-83 (United Arab Emirates); pp. 83-88 (Senegal); pp. 92-96 (Algeria); pp. 96-102 (Libyan Arab Jamahiriya); pp. 102-106 (Bangladesh); and pp. 106-108 (Costa Rica).

¹⁰⁶ *Ibid.*, pp. 89-91.

¹⁰⁷ *Ibid.*, pp. 108-110.

regretted that the issue of lifting the arms embargo, which was “so divisive”, was being pressed to a vote. The unity of the Council was an “absolute prerequisite” to achieving results in handling what was the “most complex and difficult” international issue in recent years. The United Kingdom believed that priority should be given to making the safe areas safer. In addition, the economic sanctions against Serbia and Montenegro should be sustained and strengthened. It was crucial that the Bosnian Serbs and the authorities in Belgrade understood that there would be no easing or lifting of the sanctions until the conditions set out in the Security Council’s resolutions, most recently in resolution 820 (1993), had been fulfilled. The United Kingdom also believed that the Council should do everything in its power to sustain and nourish the peace process.¹¹⁰

The representative of France stated that his Government did not believe that the draft resolution should be adopted for reasons of principle, timing and substance. He argued that the role of the United Nations and the Security Council was not to organize for war or to wage war. According to the Charter, its role was to contribute to the settlement of conflict by peaceful means. Deciding to lift the arms embargo selectively would mean, contrary to the principles of the Charter, setting out on the path of war rather than of peace. Moreover, lifting the arm embargo would put an end to the safe areas and could have dangerous consequences for the very existence of Bosnia and Herzegovina.¹¹¹

The representative of the Russian Federation stated that his delegation could not accept the draft resolution. The position of principle of the Russian Federation on the crisis in Bosnia was that there should be a halt in hostilities and a peaceful settlement, which would satisfy all three sides within the context of the territorial integrity of Bosnia and Herzegovina. Lifting the arms embargo would not increase the chance of achieving such a settlement; on the contrary, it would open the “floodgates” for an escalation of the war, potentially leading to results completely contradictory to the goals proclaimed in the draft. It might actually neutralize the entire United Nations operation in Bosnia and Herzegovina. The Russian Federation continued to support the concept of safe areas and of

building up an international presence in Bosnia and Herzegovina, as one way of making progress towards a peaceful settlement.¹¹²

The representative of Hungary stated that his delegation continued to endorse the principles set out in the draft resolution, including the cessation of hostilities, the withdrawal from territories occupied by force, reversal of the consequences of the policy of “ethnic cleansing”, and restoration of the territorial integrity of Bosnia. Furthermore, Hungary thought that it was “enormously important” to make a clear distinction between the aggressor and the victim of aggression. It was also intolerable that one of the parties to the conflict continued to be supplied with weapons from outside sources, while another party had no such ability. The point was to halt all supplies of weapons and ammunition to Bosnia and Herzegovina. To that end, international inspection facilities should be set up along all of the borders of Bosnia and Herzegovina, as had been indicated in resolution 838 (1993). The Serbs’ heavy weapons should be placed under effective control, as they were the weapons that were responsible for so much of the violence. The Security Council needed only to apply its own resolutions. The speaker further stated that the question before the Council was whether, in the existing circumstances, the actions envisaged in the draft resolution would promote a solution to the Bosnian problem. After carefully weighing the various arguments concerning the draft resolution, however, Hungary had concluded that lifting the arms embargo against Bosnia and Herzegovina would not necessarily have a positive impact on subsequent developments in that country and the vicinity. In Hungary’s opinion, lifting the arms embargo would be to admit the irreversible failure of efforts for a negotiated, political solution.¹¹³

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

Speaking after the vote, the representative of the United States recalled that her Government had consistently advocated lifting the arms embargo on the

¹¹⁰ Ibid., pp. 132-135.

¹¹¹ Ibid., pp. 136-138.

¹¹² Ibid., pp. 138-142.

¹¹³ Ibid., pp. 143-147.

Government of Bosnia and Herzegovina. By voting in favour of the draft resolution, the United States reaffirmed its belief that Bosnia and Herzegovina, as a sovereign State and Member of the United Nations, had a right to defend itself. The speaker warned that, although the Council had not acted on the arms embargo, it would be a grave mistake for the Bosnian Serbs to interpret that action as an endorsement of their intransigence or of their attempts to use military force to change international boundaries and destroy a neighbour. Nor should the vote be seen as an indication that the international community was willing to turn a blind eye to the gross violations of human rights committed in Bosnia, primarily by the Bosnian Serbs. The United States would continue to insist that, if the authorities in Belgrade wanted to rejoin the family of nations, they would have to stop the violence and comply with all relevant Security Council resolutions. Until that day, the Council would have no choice but to maintain the pressure. The goal remained a negotiated settlement freely agreed to by all the parties, and the United States continued to believe that exempting Bosnia and Herzegovina from the arms embargo was a means to that end.¹¹⁴

The representative of China stated that his delegation held that the sovereignty, political independence and territorial integrity of all United Nations Member States should be fully respected by the international community. It therefore supported such elements in the draft. Based on China's principled position, the Chinese delegation had abstained on the vote on the draft resolution.¹¹⁵

The representative of Brazil stated that his delegation had supported many of the elements in the draft resolution, including that there should be an immediate cessation of hostilities, a halt to the abhorrent practice of ethnic cleansing, and that the acquisition of territories by the use of force could not be tolerated. Notwithstanding those considerations, however, the Brazilian delegation had not been in a position to vote in favour of the draft resolution. Brazil continued to believe in the overwhelming importance of seeking a comprehensive political solution to the Bosnian conflict. It maintained that the international community needed to aim its actions and decisions at restraining and putting an end to the armed conflict and

should avoid the risk that, as a consequence of its actions and decisions, war might escalate or expand. Furthermore, there appeared to be grounds to fear that some of the measures envisaged in the draft resolution, if they were to be implemented, might prompt drastic actions which would affect the very populations that the Security Council would be trying to protect. The international community should not give up on the hope of reaching a peaceful solution to the conflict.¹¹⁶

The representative of New Zealand noted that his delegation shared a deep sense of frustration about the situation in Bosnia and Herzegovina. It believed, however, that a durable solution to the situation in Bosnia and Herzegovina should come through intensified efforts towards a political settlement. New Zealand continued to support United Nations humanitarian efforts and Security Council measures, such as sanctions, designed to persuade the parties of the need to look for a political solution, but the action proposed in the draft resolution had been of quite a different nature. Lifting the arms embargo would, in New Zealand's view, immediately intensify the military pressure on the Bosnian forces, inevitably resulting in more civilian casualties and more refugees. It would also force an end to the United Nations humanitarian operations. The speaker cautioned that the Council's decision should not be misinterpreted as meaning that the Council had turned its back on the Bosnian people. On the contrary, the Council had established safe areas under resolution 836 (1993) and had decided to respond with force if those areas were threatened. It was necessary to address urgently the practical implementation of the safe areas.¹¹⁷

The President, speaking in his capacity as the representative of Spain, stated that his delegation shared, in large measure, the motivations of the countries that had sponsored the draft resolution. It was Spain's view, however, that lifting the arms embargo would lead to an escalation of the violence and would only increase the suffering of the civilian population. Moreover, the measures proposed in the draft resolution would escalate the risk of an expansion of the conflict, with potentially serious consequences for the entire region. In addition, lifting the arms embargo would be incompatible with the maintenance of the presence of UNPROFOR and that therefore the

¹¹⁴ Ibid., pp. 148-149.

¹¹⁵ Ibid., pp. 150-151.

¹¹⁶ Ibid., pp. 151-153.

¹¹⁷ Ibid., pp. 153-155.

humanitarian agencies would not be able to operate. Spain believed that the Council should not abandon its efforts to achieve the implementation of resolutions 836 (1993) and 844 (1993), on the safe areas. He noted that, if all else failed, Spain was prepared to consider recourse to more forceful measures, without prejudging or excluding consideration of any of them.¹¹⁸

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

On 1 July 1993, pursuant to resolution 838 (1993), the Secretary-General submitted to the Council a report on options for the deployment of international observers on the borders of the Republic of Bosnia and Herzegovina.¹¹⁹ The Secretary-General noted that the relevant resolutions of the Security Council would require border monitors to address movements of regular and irregular military personnel, weapons and other military equipment and supplies, as well as goods subject to sanctions from neighbouring countries destined for Bosnia and Herzegovina or the United Nations Protected Areas of Croatia. Two options were proposed, the first consisting of border monitoring and the second consisting of border control. Both options were based on the following assumptions: (a) border monitoring arrangements would require the full cooperation of all parties concerned; (b) border monitoring would include all international borders of Bosnia and Herzegovina, with priority given to those with the Federal Republic of Yugoslavia; (c) given the nature of the terrain and the length of the borders, only major crossing points could be effectively monitored; and (d) where applicable, UNPROFOR would focus its monitoring activity on the work of the national border control agencies.

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

¹¹⁸ Ibid., pp. 156-159.

¹¹⁹ S/26018 and Corr.1 and Add.1.

By a letter dated 7 July 1993,¹²⁰ the President of the Security Council informed the Secretary-General of the following:

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

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

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

Decision of 22 July 1993 (3257th meeting): statement by the President

By a letter dated 19 July 1993 addressed to the President of the Security Council,¹²¹ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the President of Bosnia and Herzegovina in which he reported that Serbian forces had launched an offensive towards the Sarajevo safe zone, and that forces had been also directed to Mount Igman. He called upon the Council to intervene immediately to stop the aggression against Bosnia and Herzegovina.

At its 3257th meeting, on 22 July 1993, the Council included the letter from the representative of Bosnia and Herzegovina in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (United Kingdom) stated that, after consultations among members of the

¹²⁰ S/26049.

¹²¹ S/26107.

Security Council, he had been authorized to make the following statement on behalf of the Council:¹²²

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

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

The Council reaffirms its resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in the first of which it declared Sarajevo a safe area that should be free from armed attacks and any hostile acts, and from which Bosnian Serb military or paramilitary units should be withdrawn to a distance wherefrom they cease to constitute a menace to its security and that of its inhabitants. It condemns the offensive by the Bosnian Serbs on Mount Igman aimed at further isolating Sarajevo and escalating the recent unprecedented and unacceptable pressures on the Government and people of the Republic of Bosnia and Herzegovina before the forthcoming talks in Geneva. It demands an immediate end to this offensive and to all attacks on Sarajevo. It also demands an immediate end to all violations of international humanitarian law. It demands an end to the disruption of public utilities (including water, electricity, fuel and communications) by the Bosnian Serb party and to the blocking of, and interference with, the delivery of humanitarian relief by both the Bosnian Serb and the Bosnian Croat parties.

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

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

¹²² S/26134.

**Decision of 24 August 1993 (3269th meeting):
resolution 859 (1993)**

At its 3269th meeting, on 24 August 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to letters dated 3, 6, 20 and 23 August 1993 from the Secretary-General addressed to the President of the Security Council,¹²³ conveying reports dated 2, 5 and 20 August 1993 of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, as well as to the text of a draft resolution prepared in the course of the Council's prior consultations¹²⁴ and a number of other documents.¹²⁵

The representative of Bosnia and Herzegovina stated that the last time he had spoken before the Council, his country had been told that its right to obtain defensive weapons and fully exercise self-defence would pose a threat to United Nations forces and prolong the war. Now it was being suggested that the reemphasis of the principles of the Charter of the United Nations, international law, Security Council resolutions, decisions of the International Court of Justice and the London Conference on the Former Yugoslavia would somehow undermine the chances for a negotiated settlement. He urged the Security Council to adhere to its resolutions and commitments, warning that failure to do so would be "catastrophic", not only for the people of Bosnia and Herzegovina, but also for the people of the world, who deserved and commanded the very ideals upon which the Council had been established. Turning to the draft resolution he stated that it was timely, in that it was being adopted prior to the resumption of the

¹²³ S/25233, S/26260 and S/26337 and Add.1, respectively.

¹²⁴ S/26182.

¹²⁵ Letters dated 2, 3, 4, 5, 6, 16 and 23 August 1993, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/26227, S/26232, S/26244, S/26245, S/26256, S/26309, S/26340 and S/26342); letters dated 6 August 1993 from the representative of Morocco addressed to the President of the Security Council (S/26257 and S/26266); and letter dated 9 August 1993 from the representative of Croatia addressed to the Secretary-General (S/26281).

Geneva process to find a just and durable peace. Bosnia and Herzegovina hoped that the members of the Security Council would remain committed to the application of the draft resolution's principles and that they would ensure that the Co-Chairmen of the Conference would promote those principles in Geneva.¹²⁶

Speaking before the vote, the representative of Pakistan noted that the non-aligned members of the Security Council had originally submitted the draft resolution with a view to achieving two fundamental objectives: first, to ensure a complete ceasefire and cessation of all hostilities throughout Bosnia and Herzegovina, which was an essential prerequisite for a just and equitable political solution to the conflict through peaceful negotiations; and second, to set out a framework of principles which should constitute the fundamental basis for peace and a politically negotiated settlement of the crisis. Despite the unanimous view that the tragedy in Bosnia and Herzegovina was caused by flagrant violations of international law and the principles enshrined in the Charter, the political will to end it appeared to be deficient. The draft resolution came at a crucial time, and Pakistan therefore hoped that its successful adoption would help to create the conditions necessary for transparent and free negotiations among the parties concerned.¹²⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 859 (1993), which reads:

The Security Council,

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

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

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

Noting that Bosnia and Herzegovina has continued to be subject to armed hostilities in contravention of Security Council resolution 713 (1991) of 25 September 1991 and other relevant Council resolutions and that, despite all efforts by the United Nations as well as regional organizations and arrangements,

there is still no compliance with all relevant Council resolutions, in particular by the Bosnian Serb party,

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

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

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

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

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

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

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

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

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

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

Acting under Chapter VII of the Charter,

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

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

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

¹²⁶ S/PV.3269, pp. 7-15.

¹²⁷ *Ibid.*, pp. 22-23.

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

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

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

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

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

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

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

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

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

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

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

Speaking after the vote, the representative of France contended that the terms for a comprehensive settlement as defined after the most recent negotiations certainly did not represent an ideal solution. However, they had the merit of preserving what was essential: the continued existence of Bosnia and Herzegovina

through a union of three member Republics; a territorial base for each of the three communities, but above all for the most sorely tried community, the Bosnian Muslims, economically viable areas; and finally the maintenance of Sarajevo as the united capital of that entity. Another essential element, the continued membership of Bosnia and Herzegovina in the United Nations, was presently assured by the Council. Therefore, in his Government view, such an accord, if scrupulously adhered to, would be a realistic solution, permitting the foundation of a lasting agreement. His delegation welcomed the fact that the Council had stressed its readiness to take immediately the necessary measures to implement a political solution. The speaker noted that such action clearly benefited the party who was in a situation of weakness. A massive United Nations presence in Bosnia was the best guarantee of the rights of the weakest.¹²⁸

The representative of New Zealand noted that for the past months the Council had been seriously divided on how to respond to the increasingly tragic situation in Bosnia. That division, and the consequent inaction, had put at risk not only the interests of Bosnia but also the longer-term credibility of the United Nations system and the Council's role in collective security. His delegation was pleased that the Council had finally rose to the challenge. The small and the vulnerable must be able to depend on the collective security mechanism of the United Nations, and that meant that the Council must be willing to act when it was seized of an issue. The speaker further stated that the resolution just adopted underlined the importance the Council attached to backing up UNPROFOR with force, and it emphasized the support that the Secretary-General enjoyed on that issue. The resolution also addressed three other matters that his delegation believed to be essential for any fair and freely accepted settlement: first, the continuity of the Bosnian State; secondly, the special status of Sarajevo as a unified capital; and, thirdly, the reiteration of the general principles under which the negotiations had proceeded. On the question of the implementation of the settlement, his delegation was very pleased that the resolution looked forward to the role that the Council would have to play once a settlement was concluded.¹²⁹

¹²⁸ Ibid., pp. 26-27.

¹²⁹ Ibid., pp. 33-36.

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution just adopted on the basis of its firm conviction that all steps taken by the Security Council on the issue of a Bosnian settlement must be aimed solely at assisting the negotiations in Geneva, which provided a “unique opportunity” to halt the bloodshed and lead to a political settlement. It was the Russian Federation’s fundamental position that the international community, through the Security Council, must give clear signals promoting peacemaking and not actions likely to impede the negotiating process. The speaker contended that there remained “unbalanced and biased elements” in the resolution concerning one of the parties to the conflict, thus incorrectly reflecting the state of affairs existing in Bosnia and Herzegovina. Moreover, in connection with paragraph 5, The Russian Federation unequivocally believed in the need for the Secretary-General to hold consultations with members of the Security Council before adopting a decision on air support for UNPROFOR. He warned that there should be no “automatic response” on that important question. The Russian Federation also emphasized that such air power could only be used in support of UNPROFOR, as provided in resolution 836 (1993). In conclusion, the speaker stated that, in the view of his delegation, the Security Council must not only promote the speedy achievement of an agreement on Bosnia and Herzegovina, but it should also specify its own role as a guarantor of the agreement’s implementation. Immediately after the signing of the Geneva package, the Security Council should therefore adopt a supporting resolution, providing not only for active, positive steps to implement the agreements, but also for stricter measures concerning those who violated them.¹³⁰

The President, speaking in her capacity as representative of the United States, stated that the resolution just adopted, fairly and properly urged the parties to reach a just and comprehensive political settlement as soon as possible. The resolution did not take a stand on the points that the parties had taken to their constituencies from the Geneva negotiations. The decision had to remain with the parties. It was also necessary to keep in mind that signing a political settlement was only the first step towards a return to normalcy. The United States would continue to support efforts to reach a solution, consistent with Security

¹³⁰ Ibid., pp. 47-50.

Council resolutions, to the problem of the United Nations protected areas in Croatia. Similarly, the parties must cooperate with the international war crimes tribunal. The speaker reiterated her Government’s belief that signing a political agreement was not enough; a willingness effectively to implement what they had signed would be the real test of any of the parties’ good will.¹³¹

Decision of 14 September 1993 (3276th meeting): statement by the President

At its 3276th meeting, on 14 September 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Venezuela) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹³²

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

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

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

The Council calls upon the Bosnian Croats to supply immediately to the ICRC complete information on all camps where Bosnian Muslim and other prisoners are being held, and to assure the ICRC and all other legitimately concerned

¹³¹ Ibid., pp. 58-59.

¹³² S/26437.

international bodies free and unhindered access to the detained, wherever they may be held.

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

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

The Council decides to remain seized of the matter.

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

On 28 October 1993, after consultations with the members of the Council, the President made the following statement on behalf of the members of the Council:¹³³

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

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

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

¹³³ S/26661.

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

At its 3308th meeting, on 9 November 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Cape Verde) drew the attention of the members of the Council to several documents¹³⁴ and stated that, after consultations among members of the Security Council, he had been authorized to make two statements on behalf of the Council:

The first statement¹³⁵ reads:

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

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

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

The Council, aware of the heavy burden that these developments add to the existing precarious humanitarian situation of the refugees and displaced persons in Bosnia and Herzegovina and in the surrounding countries, calls on all parties to assist the competent United Nations agencies and other humanitarian organizations in their efforts to provide relief to the affected civilian population in those countries.

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

The second statement¹³⁶ reads:

The Security Council is profoundly shocked to learn of the incident which took place on 8 November 1993 in which two persons were taken hostage by the Bosnian Serb forces, while

¹³⁴ Letters dated 3 and 9 November 1993, respectively, from the representative of Croatia addressed to the President of the Security Council (S/26690 and S/26715); and letter dated 8 November 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/26692).

¹³⁵ S/26716.

¹³⁶ S/26717.

members of a delegation headed by Monsignor Vinko Puljic, the Archbishop of Sarajevo, travelling to the city of Vares on a mission of peace under the protection of the United Nations Protection Force (UNPROFOR).

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

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

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

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

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

At its 3327th meeting, on 7 January 1994, the Council resumed its consideration of the situation in Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) drew the attention of the members of the Council to a letter dated 6 January 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council,¹³⁷ transmitting a letter of the same date from the President of the Presidency of Bosnia and Herzegovina addressed to the President of the Security Council. The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹³⁸

The Security Council expresses its deep concern at the continuing widespread hostilities in the Republic of Bosnia and

¹³⁷ S/1994/15.

¹³⁸ S/PRST/1994/1.

Herzegovina. It deplores the failure of the parties to honour the agreements they have already signed, in the context of the International Conference on the Former Yugoslavia, to implement a ceasefire and to permit the delivery of humanitarian assistance. It condemns the flagrant violations of international humanitarian law which have occurred, for which it holds the perpetrators personally responsible.

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

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

The Council also condemns recent attacks against the personnel of the United Nations Protection Force as well as of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations. It reiterates the demand that all parties ensure the safety and security of the Force, as well as all other United Nations personnel and those of non-governmental organizations, and their unimpeded access throughout the Republic of Bosnia and Herzegovina.

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

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

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

By a letter dated 28 January 1994 addressed to the President of the Security Council,¹³⁹ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the Prime Minister of Bosnia and Herzegovina addressed to the Security

¹³⁹ S/1994/95.

Council, in which he requested an emergency meeting of the Council pursuant to a military intervention of the armed forces of Croatia against Bosnia and Herzegovina. He further requested the Security Council to condemn firmly Croatia's military activities and to take all the necessary measures in accordance with Chapter VII of the Charter of the United Nations and all of the relevant General Assembly and Security Council resolutions.

At its 3333rd meeting, held on 3 February 1994 in response to the request contained in the above-mentioned letter, the Council included the letter of the representative of Bosnia in its agenda. Following the adoption of the agenda, the President (Djibouti) drew the attention of the members of the Council to several documents¹⁴⁰ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁴¹

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

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

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

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

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

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

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

The Council will remain seized of the matter.

Deliberations of 14 and 15 February 1994 (3336th meeting)

By a letter dated 5 February 1994 addressed to the President of the Security Council,¹⁴² the representative of Bosnia and Herzegovina transmitted a letter from the Prime Minister of Bosnia and Herzegovina in which he reported that Serbian gunners had shelled a market in Sarajevo, killing 66 civilians and wounding 197 civilians. The Prime Minister requested an emergency meeting of the Security Council to determine why the existing mandate given by the Council under resolution 836 (1993) to "deter attacks against the safe area" had not been utilized to confront those who had committed these acts.

By a letter dated 8 February 1994 addressed to the President of the Security Council,¹⁴³ the representative of Pakistan requested, on behalf of the OIC Contact Group on Bosnia and Herzegovina,¹⁴⁴ that an urgent meeting of the Council be convened, to consider the extremely grave situation in Sarajevo.

By a letter dated 10 February 1994 addressed to the President of the Security Council,¹⁴⁵ the representative of the Russian Federation transmitted a

¹⁴⁰ Letter dated 1 February 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/109); and letters dated 30 January and 2 February 1994, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1994/101 and S/1994/110).

¹⁴¹ S/PRST/1994/6.

¹⁴² S/1994/124.

¹⁴³ S/1994/135.

¹⁴⁴ Egypt, Islamic Republic of Iran, Malaysia, Pakistan, Saudi Arabia, Senegal and Turkey.

¹⁴⁵ S/1994/152.

statement dated 10 February 1994 by the Ministry of Foreign Affairs of the Russian Federation containing a request for an urgent meeting of the Security Council to consider practical ways to demilitarize Sarajevo and introduce a United Nations administration.

At its 3336th meeting, held on 14 and 15 February 1994 in response to the requests contained in the above-mentioned letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Canada, Colombia, Croatia, Denmark, Egypt, Estonia, Finland, Germany, Greece, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kuwait, Lithuania, Luxembourg, Malaysia, Morocco, the Netherlands, Norway, Portugal, Saudi Arabia, Senegal, Slovenia, the Sudan, Sweden, Tunisia, Turkey, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item. The Council further extended invitations to Mr. Mohammed Peyrovi, Deputy Permanent Observer of OIC, and Mr. Ahmet Engin Ansay, Permanent Observer of OIC to the United Nations.

The President (Djibouti) then drew the attention of the Council members to several documents.¹⁴⁶

¹⁴⁶ Letter dated 5 February 1994 from the Prime Minister of Bosnia and Herzegovina addressed to the President of the Council, transmitted by a letter of the same date from the representative of Bosnia and Herzegovina addressed to the President of the Council (S/1994/124); letter dated 8 February 1994 from the representative of Pakistan addressed, on behalf of the members of the OIC Contact Group on Bosnia and Herzegovina, to the President of the Council (S/1994/135); letter dated 10 February 1994 from the representative of the Russian Federation addressed to the President of the Council (S/1994/152); letters dated 4, 8 and 9 February 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/123, S/1994/134 and S/1994/142); letter dated 7 February 1994 from the representative of Turkey addressed to the President of the Security Council (S/1994/126); letter dated 6 February 1994 from the representative of Yugoslavia addressed to the Secretary-General (S/1994/127); letter dated 7 February 1994 from the representative of Slovenia addressed to the Secretary-

The representative of Bosnia and Herzegovina welcomed the NATO ultimatum to the Serbian forces besieging Sarajevo and commended the Secretary-General for initiating the use of air strikes to deter further attacks. He observed in that regard, that resolutions 824 (1993) and 836 (1993) did not require any further action or consultation by the Security Council, if the terms of those resolutions and ultimatum were not met by the Serbians. The conditions of resolutions 824 (1993) and 836 (1993) and the withdrawal of Serbian forces and their weapons should be executed fully and in a timely manner. The speaker added that the Secretary-General and NATO had been delegated that responsibility, and the international community and Member States expected that those delegated obligations and commitments would be carried out without equivocation. Noting that the plight of Sarajevo was "only the tip of the iceberg" of the suffering of the Bosnian people, the speaker stressed that, if peace were to be secured and the

General (S/1994/129); letter dated 8 February 1994 from the representative of Pakistan addressed to the Secretary-General (S/1994/136); letter dated 7 February 1994 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/1994/137); letter dated 7 February 1994 from the representative of the Russian Federation addressed to the Secretary-General (S/1994/138); letter dated 8 February 1994 from the representative of Egypt addressed to the President of the Security Council (S/1994/139); letter dated 9 February 1994 from the representative of the Sudan addressed to the President of the Security Council (S/1994/143); letter dated 9 February 1994 from the representative of Azerbaijan addressed to the Secretary-General (S/1994/144); letter dated 7 February 1994 from the representative of Algeria addressed to the Secretary-General (S/1994/145); letter dated 9 February 1994 from the representative of Malaysia addressed to the President of the Security Council (S/1994/146); note verbale dated 5 February 1994 from the representative of Tunisia addressed to the Secretary-General (S/1994/148); letter dated 10 February 1994 from the representative of Lithuania addressed to the Secretary-General (S/1994/153); letter dated 10 February 1994 from the representative of Israel addressed to the Secretary-General (S/1994/158); letter dated 11 February 1994 from the representative of Yugoslavia addressed to the Secretary-General (S/1994/166); and letter dated 14 February 1994 from the Secretary-General addressed to the President of the Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (S/1994/173).

credibility of the negotiating process established, the international community must implement resolutions 824 (1993) and 836 (1993) in the other five safe areas and take the necessary measures to secure the safety of Bosnians throughout the country. He contended that the Council's commitment to ensure full and timely compliance with resolutions 824 (1993) and 836 (1993) around Sarajevo, and to extend that commitment to the other safe areas and the remainder of the country would be critical in determining the necessity for Bosnia and Herzegovina to exercise its full rights under Article 51. He added that although his delegation was prepared to consider United Nations demilitarization and administration of Sarajevo as part of a final and overall peace plan, such premature attempts could only delay the taking of the necessary steps and deviate from the desired conclusion. In conclusion, Bosnia and Herzegovina would support any efforts to broaden the involvement of the Security Council and Member States in the peace process, and in that context it backed the relocation of talks to New York.¹⁴⁷

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

call into question the decisions of the NATO Council, which should be implemented fully.¹⁴⁸

The representative of the United States stated that her Government believed that the conflict should be resolved at the negotiating table, not on the battlefield. She argued, however, that diplomacy must be backed by a willingness to use force, when essential, in the cause of peace, for it was only "force plus diplomacy" that could stop the "slaughter" in Sarajevo and break the "stalemate" in Geneva. Referring to the decisions taken by the NATO Council, she stated that those steps were consistent with resolutions adopted by the Council, and did not require further Council action. She recalled in that regard that the decision to initiate air strikes lay in the hands of the Secretary-General and that it had been the Council that had placed it there. Acknowledging that neither NATO nor the Security Council should impose a settlement upon the parties, as such a settlement would not be lasting, the speaker stated that by seeking to reduce the level of violence around Sarajevo, it was hoped that the negotiating process would be reinvigorated. She also noted that, for the first time, a regional security organization, NATO, had acted to implement a decision of the Council to use force under Chapter VII of the Charter. Cooperation between NATO and the United Nations would be essential, not only for the citizens of Sarajevo and the other safe areas in Bosnia, but also for the precedent it would set for the future of collective security.¹⁴⁹

The representative of Pakistan recalled that his country had consistently urged the international community to act decisively in order to halt and reverse aggression against the Bosnian Government. Pakistan had advocated resolute action, including the use of force, and in particular air strikes, to enforce and implement the mandatory decisions of the Council. Regrettably, despite the fact that most of the Council resolutions on Bosnia and Herzegovina were adopted under Chapter VII, they remained by and large unimplemented. His delegation believed that only the decisive use of force, through the use of "surgical, punitive air strikes", would make the Serbs conform to Security Council resolutions. It further considered that the requisite legal framework for such action existed in Security Council resolutions, and in particular in

¹⁴⁷ S/PV.3336, pp. 7-13.

¹⁴⁸ *Ibid.*, pp. 14-18.

¹⁴⁹ *Ibid.*, pp. 18-21.

resolution 836 (1993). The speaker also reiterated the view that the arms embargo against Bosnia and Herzegovina was “selective” and “contrary” to Article 51 of the Charter, arguing that it had prevented the victim of aggression from exercising its legitimate right of self-defence. He observed that the need to allow the Government of Bosnia to defend itself had become all the more urgent given recent reports of the presence of regular troops of the Serbian and Croatian armies in Bosnia and Herzegovina. His delegation was awaiting with “keen interest” a report by the Secretary-General on the full withdrawal of Croatian army troops and military equipment from Bosnia and Herzegovina. If Croatia failed to comply with the demands of the Council than stringent sanctions should be imposed against that country. In conclusion, his delegation shared the view that the peace negotiations should be moved to New York, so that they would be under the “direct supervision” of the Security Council.¹⁵⁰

The representative of the Russian Federation stated that the proposal to convene an immediate meeting of the Council to consider practical ways to demilitarize Sarajevo and introduce United Nations control had been put forward by his country, in view of the need for the international community to take the most decisive action to put an end to the escalating violence in Bosnia and Herzegovina. His delegation welcomed the agreement between the Bosnian Serbs and the Government of Bosnia and Herzegovina on a ceasefire and on action towards ensuring that all sides either placed their heavy weapons in the Sarajevo area under UNPROFOR control or withdrew them from the area. Such steps would constitute major progress towards settling the conflict. The speaker noted, however, that as past ceasefires and agreements between the parties had often broken down, it was of great importance that the Security Council “back up” its demands with a strong decision supporting the Secretary-General’s request to NATO, encouraging positive progress in Sarajevo, and supporting the prompt conclusion of an agreement on an effective ceasefire in and around Sarajevo; the withdrawal or placing under United Nations control of heavy weapons; and ensuring strict compliance with the security regime in the Sarajevo area, including

protection for UNPROFOR personnel, in accordance with Security Council decisions.¹⁵¹

The representative of China believed that the fundamental solution to the conflict in Bosnia and Herzegovina would come in the form of a political settlement, which depended on the parties themselves. Recalling that China had always advocated the peaceful settlement of conflict through dialogue and negotiation, he noted that his delegation was opposed to the use or threat of force. He contended that the peace process was at a crucial juncture and further military actions would not help achieve a political settlement. Rather, such actions would entail negative consequences. His delegation’s understanding with regard to the use of air power in Bosnia and Herzegovina was that such actions should be limited to self-defence by UNPROFOR. The speaker also expressed his country anxiety at the possible serious consequences of air strikes for the safety of UNPROFOR and humanitarian personnel. It was therefore necessary to act prudently and refrain from taking hasty action.¹⁵²

The representative of Germany welcomed the decision by the NATO Council, noting that the decisions taken by the NATO Council and the Council of Europe were part of the political process towards a negotiated settlement. Only when a political solution proved impossible was the use of force permitted to achieve the aims set out in Security Council resolutions 824 (1993) and 836 (1993). The decision of the NATO Council was aimed at demilitarizing Sarajevo and placing it under United Nations administration, through negotiations and in agreement with the European Union’s Action Plan. Germany had always supported the Bosnian Muslims in the search for a solution which secured the physical and political survival of the Muslims as a nation in their home State of Bosnia and Herzegovina. That implied a satisfactory territorial solution, including access to the Sava River and to the sea. The speaker also argued that the city of Mostar should be placed under the administration of the European Union and noted that Germany had offered to provide an administrator for that city.¹⁵³

The representative of Malaysia stated that his Government had always maintained that firmness of

¹⁵⁰ Ibid., pp. 36-41.

¹⁵¹ Ibid., pp. 41-44.

¹⁵² S/PV.3336 (Resumption 1), pp. 68-70.

¹⁵³ Ibid., pp. 76-79.

authority and commitment were necessary to make the Serbs respond positively or comply. It would appeal to the United States and other members of NATO that the recourse to credible threat of force should not apply only to Sarajevo. His Government further opposed the idea of a United Nations administration in Sarajevo, contending that Sarajevo was the political capital, symbol and heart of Bosnia and Herzegovina's resistance against genocide and aggression. It was also of the view that the efforts so far had not taken fully into account the serious implications of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. That raised the question again of whether the Council arms embargo on Bosnia and Herzegovina remained valid in the presence of evidence that maintaining the embargo favoured or contributed to the commission of genocide. In such circumstances, resolution 713 (1991) could not apply to Bosnia and Herzegovina, thus making the lifting of the arms embargo against Bosnia and Herzegovina the most pressing issue before the Council. The speaker also noted that his Government had always maintained that the central authority and responsibility for bringing about a comprehensive and honourable peace in Bosnia and Herzegovina lay with the Security Council and not with the efforts in Geneva, which Malaysia contended had deviated from the relevant Security Council resolutions. Malaysia therefore felt that it was time for the negotiations to be held directly under the auspices of the Council, in New York.¹⁵⁴

The representative of Croatia believed that the decision of NATO to relieve the siege of Sarajevo was mandated by the Council's existing resolutions. What was needed in Bosnia and Herzegovina was a carefully balanced policy of a credible threat of force and straight forward support for the peace plans. Croatia had always advocated a peaceful, political settlement of the conflict. It had accepted the Vance plan for Croatia and it was now advocating the European Union Action Plan for Croatia and for Bosnia. Furthermore, it was the view of the Croatian Government that the Council should also give its unequivocal support to that plan. Stressing that the recent joint statement made by the Foreign Minister of Croatia and the Prime Minister of Bosnia and Herzegovina was a further step towards peace, the speaker noted that the statement had, *inter alia*, requested international control of the borders of Bosnia and Herzegovina, in accordance with

Security Council resolutions 787 (1992) and 838 (1993), and that it had called for a ceasefire agreement between the Bosnian Croat army and the Bosnian Muslim army within seven days.¹⁵⁵

The representative of Egypt stated that the Council must take the following measures. First, it should implement previous resolutions such as those concerning a ceasefire and the use of international force, including air strikes. Secondly, it should exempt Bosnia and Herzegovina from the arms embargo, so that the Government of Bosnia and Herzegovina could ensure its self-defence under Article 51 of the Charter. Thirdly, it was necessary to ensure that any settlement was peaceful and just. In that regard, the speaker stressed that the Council must exercise its prerogatives in order to bring about a peaceful resolution. The Council, in that regard, should examine existing settlement plans to ensure that they were in accordance with the Charter, norms of international law and Council resolutions. It must also directly oversee the negotiations, because it was the body which determined the mandate of the Secretary-General's Special Representative. He stressed that the Special Representative must in no circumstances deviate from the mandate given to him by the Council. He must also return to the Council and report to it and he must not make any amendments to the settlement plan contrary to Council's resolutions without its prior authorization. The speaker noted that it was time to change the mandate of the negotiations in Geneva, as well as the team charged with those negotiations. Neighbouring States, States which had contributed to United Nations forces in Bosnia and Herzegovina, and States members of the Islamic contact group dealing with Bosnia and Herzegovina should be included in the negotiations.¹⁵⁶

The representative of Slovenia noted that many lessons could be drawn from the efforts made so far for peace in Bosnia and Herzegovina. The most important lesson was that diplomacy could not produce good results without realistic and well-informed analysis. Another major lesson was that diplomacy without strength was fruitless when confronted with the forces of aggression. Noting that the efforts for peace had been evolving for two years, he stressed the need to develop an imaginative framework for these efforts. In that context, the speaker recalled that his Government

¹⁵⁴ *Ibid.*, pp. 79-85.

¹⁵⁵ *Ibid.*, pp. 85-90.

¹⁵⁶ *Ibid.*, pp. 95-101.

had recently formulated a four-point appeal containing the core elements of a framework to resolve the situation. First, heavy weapons should be withdrawn from the vicinity of Sarajevo and other areas with a high concentration of civilians. Second, there should be unimpeded delivery of humanitarian assistance to the civilian population. Third, private property should be restored and places of worship safeguarded. Fourth, territories seized by force and “ethnic cleansing” should be returned without delay.¹⁵⁷

Mr. Djokic stated that his country strongly opposed the NATO decision to use air strikes. That decision was politically and military unwise and could have serious consequence on the ground. He further argued that it did not fall within the purview of the relevant resolutions of the Security Council authorizing air strikes and that any attempt to carry out air strikes on the basis of that decision would represent a direct involvement in the civil war, on one side. He also contended that while the Muslim side had rejected all peace projects, the Serbian Serbs had proved their readiness to accept a viable compromise by offering numerous concessions. Yugoslavia expected that, in the light of that situation, the international community would make it clear to the Muslim side that it only stood to lose if it persisted with the war option. Instead, some influential countries were ready to use force, thus jeopardizing the results of the negotiations reached so far. The speaker concluded by stating that peace could not be achieved in Bosnia and Herzegovina through “one-sided accusations” or “irrational demands” for the lifting of the arms embargo for one of the sides, nor through the escalation of military activities. The only possible solution was a political one.¹⁵⁸

While considering the NATO decision as another important element of international efforts aimed at resolving the Yugoslav crisis that under certain circumstances could bring about positive results, the representative of Ukraine warned that that decision could have negative consequences, such as bringing about new suffering, jeopardizing the delivery of international humanitarian aid, and placing UNPROFOR personnel at risk of retaliatory strikes by the Serb forces. His delegation, however, did not rule out the possibility of using all necessary means,

¹⁵⁷ S/PV.3336 (Resumption 2), pp. 141-145.

¹⁵⁸ *Ibid.*, pp. 194-199.

including force, to address deliberate hostile acts against areas of deployment of United Nations contingents, where there was no other option to stop the killing of innocent people. Such a course of action should be undertaken only in the event of a clearly expressed decision by the international community, namely the Security Council, and not as a result of a decision by an individual State. The seriousness of the matter required that all relevant procedures be employed, in accordance with the Charter, in order to reaffirm previous Council resolutions regarding the complex situation in Bosnia and Herzegovina. Ukraine shared the view that a viable solution to the crisis might include a ceasefire, placing heavy weapons under UNPROFOR control, the withdrawal of Serb units from Sarajevo, and the takeover of their positions by UNPROFOR. The demilitarization of Sarajevo and the introduction of United Nations administrative control in the city would stop the “senseless bloodshed” and serve as a starting-point for the achievement of lasting peace. Before concluding, the speaker stated that the time had come to address the question of the effectiveness of the economic sanctions against the Federal Republic of Yugoslavia in the context of an overall settlement, with the aim of mitigating the adverse consequences of the sanctions regime on the economies of third countries, in accordance with Article 50 of the Charter.¹⁵⁹

The representative of Greece noted that his Government had expressed reservations with regard to the advisability and the repercussions of eventual air strikes, and the ensuing escalation of the conflict in Bosnia and Herzegovina. The ultimate goal was the restoration of peace in former Yugoslavia, and the consequences of such air strikes ought to be evaluated very carefully. Greece was one of the countries that were closest to the crisis area and as such, all its initiatives were geared towards the exhaustion of all possible means, rather than the resort to force. It could not become involved in military activities and no other country in the region should.¹⁶⁰

Mr. Ansay recalled that an extraordinary Ministerial Meeting of the OIC Contact Group on Bosnia and Herzegovina, held in Geneva on 17 January 1994, had stressed that, in order to have any success and legitimacy, the peace process must ensure the

¹⁵⁹ *Ibid.*, pp. 199-203.

¹⁶⁰ S/PV.3336 (Resumption 3), pp. 223-226.

following: the independence, territorial integrity and sovereignty of Bosnia and Herzegovina; a geographically and economically viable and defensible territory for Bosnia and Herzegovina; the return of all lands seized by force and “ethnic cleansing”; the retention by Bosnia and Herzegovina of access to the Sava river and the Adriatic Sea; the retention of Sarajevo as the undivided capital of Bosnia and Herzegovina; the return of refugees and displaced persons to their homes; and international guarantees for the implementation of a peace agreement and guarantees for future security. The OIC Ministers had also called for the reopening of the Tuzla airport, as well as the lifting of the siege against Sarajevo. The speaker noted that OIC saw the decision of the NATO Council as “a step in the right direction”, but that it believed that the international community should also pay attention to the security of the civilian population in all “safe areas”, and that it supported the concept of declaring the city of Mostar a “safe area”. OIC also believed that the International Tribunal should start functioning without further delay. Reiterating the full support of OIC for the right of Bosnia and Herzegovina to defend itself under Article 51 of the Charter, the speaker called for the lifting of the arms embargo against Bosnia and Herzegovina. Referring to reports of the presence of regular troops of the Serbian and Croatian armies in Bosnia and Herzegovina, the speaker noted that OIC was awaiting with keen interest the report by the Secretary-General regarding the full withdrawal of Croatian army elements from Bosnia. If the Croats failed to comply with the Council’s demand on that score, then stringent economic sanctions should be imposed on Croatia immediately.¹⁶¹

Most of the speakers in the debate supported the use of air strikes by NATO to deter further attacks against Sarajevo by Bosnian Serbs, and shared the view that the decisions taken by NATO were consistent with resolutions 824 (1993) and 836 (1993) and did not require further approval by the Security Council.¹⁶² A

¹⁶¹ *Ibid.*, pp. 237-242.

¹⁶² S/PV.3336, pp. 22-25 (United Kingdom); pp. 25-32 (Spain); pp. 44-49 (New Zealand); pp. 49-54 (Nigeria); pp. 54-59 (Argentina); pp. 60-63 (Oman); and pp. 64-67 (Czech Republic); S/PV.3336 (Resumption 1), pp. 71-73 (Rwanda); pp. 73-76 (Djibouti); pp. 90-92 (Austria); pp. 93-95 (Norway); pp. 102-106 (Afghanistan); pp. 107-111 (Turkey); pp. 112-116 (Sweden); pp. 116-120 (Italy); pp. 120-124 (Islamic Republic of Iran); pp. 129-133 (Indonesia); pp. 133-136

number of them, however, stressed that the use of force should always be an instrument of last resort.¹⁶³ Others advocated the extension of use of force to the other five safe areas.¹⁶⁴

Some speakers supported the proposal to place Sarajevo under temporary United Nations administration.¹⁶⁵

Several speakers reiterated that Bosnia and Herzegovina should be allowed to exercise its right of self-defence and demanded that the Council lift the arms embargo against the Government of Bosnia.¹⁶⁶

A number of speakers called for the perpetrators of war crimes and crimes against humanity committed on the territory of Bosnia and Herzegovina to be

(Netherlands); pp. 136-139 (Canada); and pp. 139-140 (Japan); S/PV.3336 (Resumption 2), pp. 146-148 (Algeria); pp. 148-156 (Jordan); pp. 157-163 (Tunisia); pp. 164-167 (Albania); pp. 167-174 (Senegal); pp. 174-177 (Colombia); pp. 178-179 (Finland); pp. 179-181 (Belgium); pp. 181-187 (Saudi Arabia); pp. 187-190 (Sudan); pp. 190-193 (Ireland); pp. 204-207 (Portugal); pp. 207-210 (Luxembourg); and pp. 210-211 (Denmark); and S/PV.3336 (Resumption 3), pp. 213-216 (Morocco); pp. 216-219 (Bangladesh); pp. 219-223 (United Arab Emirates); pp. 226-231 (Kuwait); pp. 232-235 (Estonia); pp. 235-236 (Brunei Darussalam); and pp. 242-244 (Lithuania).

¹⁶³ S/PV.3336, pp. 44-49 (New Zealand); pp. 90-92 (Austria); and pp. 112-116 (Sweden); and S/PV.3336 (Resumption 2), pp. 178-179 (Finland).

¹⁶⁴ S/PV.3336, pp. 73-76 (Djibouti); and pp. 120-124 (Islamic Republic of Iran); S/PV.3336 (Resumption 2), pp. 157-163 (Tunisia); pp. 167-174 (Senegal); and pp. 181-187 (Saudi Arabia); and S/PV.3336 (Resumption 3), pp. 213-216 (Morocco); pp. 216-219 (Bangladesh); pp. 219-223 (United Arab Emirates); and pp. 226-231 (Kuwait).

¹⁶⁵ S/PV.3336, pp. 54-59 (Argentina); and S/PV.3336 (Resumption 2), pp. 204-207 (Portugal).

¹⁶⁶ S/PV.3336, pp. 49-54 (Nigeria); and pp. 60-63 (Oman); S/PV.3336 (Resumption 1), pp. 71-73 (Rwanda); pp. 102-106 (Afghanistan); pp. 107-111 (Turkey); pp. 120-124 (Islamic Republic of Iran); pp. 124-129 (Azerbaijan); and pp. 129-133 (Indonesia); S/PV.3336 (Resumption 2), pp. 146-148 (Algeria); pp. 148-156 (Jordan); pp. 157-163 (Tunisia); pp. 164-167 (Albania); pp. 181-187 (Saudi Arabia); and pp. 187-190 (Sudan); and S/PV.3336 (Resumption 3), pp. 219-223 (United Arab Emirates); pp. 226-231 (Kuwait); and pp. 232-235 (Estonia).

brought before the International Tribunal on the Former Yugoslavia.¹⁶⁷

Some speakers endorsed the proposal that the peace talks be relocated to New York, in the proximity of the Security Council.¹⁶⁸

Decision of 25 February 1994: letter from the President to the Secretary-General

On 10 February 1994, pursuant to the statement by the President dated 28 October 1993,¹⁶⁹ the Secretary-General submitted to the Council a report on the massacre of the civilian population in Stupni Do, on 23 October 1993.¹⁷⁰ The Secretary-General reported on the findings of the investigation carried out by UNPROFOR military police. Twenty-three victims so far had been clearly identified, with a further 13 villagers unaccounted for and presumed dead. The main suspects for the crimes appeared to be extremist elements of the Croatian Defence Council. Investigations were continuing in order to gather as much evidence as possible, with a view to identifying the perpetrators for eventual trial before the International Tribunal.

By a letter dated 25 February 1994,¹⁷¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council are grateful for your report of 10 February 1994 on the massacre of the civilian population in Stupni Do, Bosnia and Herzegovina.

The members of the Council are greatly disturbed by the findings of the investigation contained in your report and thus request you to transmit the report, as well as all information at the disposal of the Secretariat that may reveal serious violations of international humanitarian law committed in the territory of the Former Yugoslavia, to the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The members of the Council welcome the fact that investigations are continuing in order to gain as much evidence

as possible and would be grateful if they could be kept informed of the progress of the investigations.

Decision of 4 March 1994 (3344th meeting): resolution 900 (1994)

At its 3344th meeting, on 4 March 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States,¹⁷² and to several other documents.¹⁷³

The representative of Bosnia and Herzegovina noted that three recent developments had created a sense of optimism. First, the NATO ultimatum to the Bosnian Serbs had resulted in the cessation of the shelling of Sarajevo. Second, NATO aircraft had recently confronted Serbian aircraft violating the no-fly zone over the airspace of Bosnia and Herzegovina. Third, there had been an agreement between Croatia, Bosnia and Herzegovina and Bosnian Croat elements establishing a confederation between Croatia and Bosnia and Herzegovina, as well as a federation within Bosnia and Herzegovina. The speaker felt that the draft resolution before the Council should aim for the full implementation of resolutions 824 (1993) and 836 (1993) in regard to Sarajevo, thus resulting in the full withdrawal of Serb forces, the full lifting of the road blocks and the restoration of essential services to the city and its population. He stressed that unless the draft resolution was correctly implemented, Sarajevo would remain under siege. While the Government of Bosnia and Herzegovina welcomed the assistance of all Governments in trying to bring peace, it would not feel bound by agreements reached between forces

¹⁷² S/1994/224.

¹⁷³ Letter dated 24 February 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/216); letter dated 24 February 1994 from the representative of Indonesia addressed to the Secretary-General (S/1994/221); letter dated 3 March 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/249); and letter dated 3 March 1994 from the representatives of Bosnia and Herzegovina and Croatia addressed to the Secretary-General (S/1994/255).

¹⁶⁷ S/PV.3336, pp. 107-111 (Turkey); and pp. 124-129 (Azerbaijan); S/PV.3336 (Resumption 2), pp. 148-156 (Jordan); and S/PV.3336 (Resumption 3), pp. 219-223 (United Arab Emirates); and pp. 226-231 (Kuwait).

¹⁶⁸ S/PV.3336 (Resumption 2), pp. 157-163 (Tunisia); and S/PV.3336 (Resumption 3), pp. 226-231 (Kuwait).

¹⁶⁹ S/26661.

¹⁷⁰ S/1994/154.

¹⁷¹ S/1994/217.

occupying Bosnia and Herzegovina and members of the Security Council, unless such agreements were consistent with the status of Bosnia and Herzegovina as a Member of the United Nations and with its sovereignty and territorial integrity.¹⁷⁴

Speaking before the vote, the representative of Pakistan, while welcoming the progress that had resulted from the NATO ultimatum, expressed concern over the fact that the Bosnian Serbs were persisting with the siege of Sarajevo and were refusing to remove all their heavy weaponry from certain locations around the city. He warned that the international community should not become complacent, nor relent in its resolve to secure the safety and security of the civilian population in all designated “safe areas” and other threatened towns and cities in Bosnia and Herzegovina. Turning to the draft resolution, the speaker noted that the draft resolution reflected the determination of the international community to secure the end of the siege of Sarajevo, including the restoration of essential services and a return to normal life, in accordance with the objectives set by the Council in resolution 824 (1993). It, however, could have been reinforced by a reference to the threat of air strikes, in the event that the aggressors were to resume bombardment of Sarajevo or to redeploy heavy weapons in the exclusion zone. The speaker further noted that with the adoption of the draft resolution, the Council would be setting in motion a process which could lead to the effective lifting of the siege of Sarajevo. It should also lead to a mechanism to secure the protection of other safe areas and threatened towns such as Maglaj, Mostar and Vitez.¹⁷⁵

The representative of the Czech Republic stated that the draft resolution before the Council was directed at capitalizing on the Sarajevo success. Several warning points, however, had to be made in that context. First, the Security Council had declared as safe areas not just Sarajevo, nor the three cities mentioned in the preamble of the draft resolution, but six cities, including Zepa, Gorazde and Bihac. It was necessary to pay heed to seeing that earlier commitments made by the Council were met as well. Secondly, UNPROFOR was already stretched thin and it was important that its size be commensurate to the tasks it was given by the Council. Thirdly, while the

draft welcomed the significant developments that had taken place in negotiations between Bosnia and Herzegovina, Croatia and the Bosnian Croats, there still remained the “vexing” question of the involvement of Croatian troops in Bosnia and Herzegovina. Those troops must leave, as the Council had demanded in its presidential statement of the previous month.¹⁷⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 900 (1994), which reads:

The Security Council,

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

Taking note of the positive developments in and around Sarajevo, which constitute only a first step towards the restoration of peace and security throughout the Republic of Bosnia and Herzegovina on the basis of a negotiated settlement between the parties, recalling the measures taken in and around Sarajevo under resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, and welcoming the agreement between the Government of the Republic of Bosnia and Herzegovina and the Special Representative of the Secretary-General for the Former Yugoslavia and between the Bosnian Serb party and the Special Representative of the Secretary-General on the ceasefire and measures related to heavy weapons in and around Sarajevo, reached on 9 February 1994,

Emphasizing the crucial importance of achieving complete freedom of movement for the civilian population and humanitarian goods and of the restoration of normal life in Sarajevo,

Determined to restore essential public services in Sarajevo,

Welcoming, as part of the international effort to restore normal life to the city, the intention of the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America, announced on 2 March 1994, to send immediately a joint civil mission to Sarajevo to assess the requirements for the restoration of essential public services, within the United Nations framework,

Reaffirming in this context the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

Reiterating the importance of maintaining Sarajevo, capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre,

Welcoming the goal of achieving the prompt rotation of United Nations Protection Force personnel in Srebrenica and the early reopening of the Tuzla airport,

¹⁷⁴ S/PV.3344, pp. 2-4.

¹⁷⁵ *Ibid.*, pp. 4-5.

¹⁷⁶ *Ibid.*, pp. 6-7.

Mindful of the serious discussions which have taken place on the issue of Sarajevo, as part of an overall settlement, at the negotiations in the context of the International Conference on the Former Yugoslavia,

Deeply concerned by the deteriorating situation in Maglaj,

Deeply concerned also by the situation of the civilian population in other parts of the territory of the Republic of Bosnia and Herzegovina, including in and around Mostar and Vitez,

Welcoming in this context the recent significant developments in peace negotiations between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and with the Government of the Republic of Croatia, as steps towards an overall political settlement, as well as negotiations involving the Bosnian Serb party,

Bearing in mind the importance of facilitating the return of refugees and displaced persons to their homes,

Stressing the importance it attaches to full compliance with international humanitarian law in all its aspects in the Republic of Bosnia and Herzegovina,

Recalling the provisions of its resolution 824 (1993) concerning safe areas, determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, and in this context acting under Chapter VII of the Charter of the United Nations,

1. *Calls* for all parties to cooperate with the United Nations Protection Force in the consolidation of the ceasefire in and around Sarajevo;

2. *Calls upon* all parties, with the assistance of the United Nations, to achieve complete freedom of movement for the civilian population and humanitarian goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement, and to help restore normal life to the city;

3. *Requests* the Secretary-General to appoint, as a matter of urgency, for a limited period, a senior civilian official, who will act under the authority of the Special Representative of the Secretary-General for the Former Yugoslavia, to draw up an overall assessment and plan of action, in conjunction with the Government of the Republic of Bosnia and Herzegovina and also in consultation with all relevant local authorities, for the restoration of essential public services in the various *opstine* of Sarajevo, other than the city of Pale; this official will be empowered to assist the Government of the Republic of Bosnia and Herzegovina and, in close coordination with all relevant local authorities and the local representatives of the United Nations, to work to implement the plan;

4. *Invites* the Secretary-General to establish a voluntary trust fund, to be disbursed within the framework set out in paragraph 3 above, for the restoration of essential public services in Sarajevo to promote a return to normal life in the city, and encourages States and other donors to contribute thereto;

5. *Requests* the Secretary-General to present within one week of the adoption of the present resolution a report on ways and means for, including the estimated cost of, the implementation of the objectives set forth above;

6. *Calls upon* States and other donors to assist the Secretary-General, in particular by contributing personnel and equipment, in the implementation of the relevant Security Council resolutions concerning Bosnia and Herzegovina;

7. *Further requests* the Secretary-General to report within ten days of the adoption of the present resolution on the feasibility and modalities for the application of the protection, defined in resolutions 824 (1993) and 836 (1993), to Maglaj, Mostar and Vitez, taking into account all developments both on the ground and in the negotiations between the parties;

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

Speaking after the vote, the representative of China noted that the main purpose of the resolution just adopted was to improve the humanitarian situation in Sarajevo and to restore essential services. On the basis of humanitarian considerations, the Chinese delegation had voted in favour. Reiterating the Chinese position that conflicts should be settled by peaceful means, the speaker expressed his delegation's reservations on the resolution's invocation of Chapter VII of the Charter. China also maintained that the establishment of safe areas in Bosnia and Herzegovina was only a temporary measure and not a fundamental solution. When considering additional safe areas, it would be necessary to conduct a serious review of whether the expected results had been achieved in the safe areas already established and whether, in existing circumstances, UNPROFOR possessed sufficient human and financial resources to perform additional tasks.¹⁷⁷

The President, speaking in his capacity as the representative of France, noted that the Council had adopted the resolution under Chapter VII of the Charter, as the other resolutions on Bosnia had been since August 1992. In the existing context, not to have resorted to Chapter VII would have been "the worst of signals". Beyond that, the application of Chapter VII, which did not imply an automatic resort to force, would give UNPROFOR the authority necessary to surmount obstacles that might complicate the execution of its mandate.¹⁷⁸

¹⁷⁷ *Ibid.*, p. 11.

¹⁷⁸ *Ibid.*, pp. 14-15.

**Decision of 14 March 1994 (3349th meeting):
statement by the President**

On 11 March 1994, pursuant to resolution 900 (1994), the Secretary-General submitted to the Council a report on the feasibility of extending the safe area concept to the cities of Maglaj, Mostar and Vitez.¹⁷⁹ The report also provided an outline of the major concepts and requirements of UNPROFOR. The Secretary-General noted that the utility of extending the concept of safe areas to Mostar and Vitez must be considered in the larger context of the overall situation on the ground. Had the conflict still been in progress, the prospect of deterring attacks might have warranted such a step. With the ceasefire signed on 23 February between Bosnia and Croatia, new priorities commended themselves. UNPROFOR did not believe there was, at that point, a need to apply the protection defined in resolutions 824 (1993) and 836 (1993) to Mostar and Vitez. It, however, believed that there might be merit, in extending the safe area concept to Maglaj, in view of the continuing hostilities there. At the same time, it was clear that UNPROFOR would not be able to provide the protection concerned with its present resources. The Secretary-General observed in that regard that should the Council decide to declare Maglaj a safe area, an additional 1,500 troops would be required. In addition, implementation of resolution 900 (1994) would require an increase of the authorized strength of UNPROFOR by a total of 8,250 troops. He therefore recommended that the Council authorize such an increase in order to enable UNPROFOR to demilitarize Sarajavo, restore normal life to the city and preserve peace in central Bosnia.

At its 3349th meeting, on 14 March 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the members of the Council to the report of the Secretary-General and to a letter dated 11 March 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General.¹⁸⁰ The President then stated that, after consultations among members of the Security Council, he had been

authorized to make the following statement on behalf of the Council:¹⁸¹

The Security Council remains gravely concerned at the continuing hostilities in the Republic of Bosnia and Herzegovina. It especially deplores the rapidly deteriorating situation in the Maglaj area and the threat it poses to the survival of the remaining civilian population. It notes that this intolerable situation has been perpetuated by the intensity of the nine-month siege of the town, for which the Bosnian Serb party is primarily responsible.

The Council strongly condemns the indiscriminate shelling by the Bosnian Serb party of the civilian population of Maglaj, which has resulted in heavy casualties, loss of life and material destruction.

The Council notes with particular concern reports of the recurrent obstruction and looting of humanitarian aid convoys destined for the civilian population of Maglaj, including the most recent incident which took place on 10 March 1994, in which six aid trucks were prevented from reaching the town. It is appalled that not one convoy has reached the town since 25 October 1993. The Council notes that the civilian population has been totally dependent on airdrops and commends those who have provided these vital missions. The Council demands that the Bosnian Serb party and the Bosnian Croat party allow forthwith and without conditions passage to all humanitarian convoys and the immediate evacuation of those in need of urgent medical attention. The Council also demands that the siege of Maglaj be ended immediately.

The Council welcomes the fact that United Nations Protection Force personnel have now obtained access to Maglaj. It demands that the Bosnian Serb party permit unimpeded and continuing access by the Force to Maglaj.

The Council also condemns recent attacks against the personnel of the Force as well as of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations. It reiterates its demands that all parties ensure the safety and security of the Force as well as all other United Nations personnel and those of non-governmental organizations and their unimpeded freedom of movement throughout the Republic of Bosnia and Herzegovina.

The Council affirms its determination to maintain and build upon the recent positive developments towards peace in the Republic of Bosnia and Herzegovina, and in this context notes the importance of protecting Maglaj and its civilian population from further hostilities. It will consider the situation in Maglaj further in the context of its examination of the report of the Secretary-General pursuant to its resolution 900 (1994) of 4 March 1994.

¹⁷⁹ S/1994/291.

¹⁸⁰ S/1994/293.

¹⁸¹ S/PRST/1994/11.

**Decision of 6 April 1994 (3359th meeting):
statement by the President**

By a letter dated 2 April 1994 addressed to the President of the Security Council,¹⁸² the representative of Bosnia and Herzegovina transmitted a letter dated 1 April 1994 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council. In that letter, the Prime Minister reported that a new Serb offensive was under way against the besieged town of Gorazde, in defiance of relevant Council resolutions, and particularly resolutions 824 (1993) and 836 (1993), according to which Gorazde had been designated a "safe area". He requested that the Security Council convene an emergency session to determine why the mandate to "deter attacks against the safe area" given by resolution 836 (1993) had not been utilized to confront those who had attacked the United Nations designated "safe area" of Gorazde.

At its 3359th meeting, held on 6 April 1994 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the members of the Council to several documents¹⁸³ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁸⁴

The Security Council is deeply concerned at the continuing violence in the Republic of Bosnia and Herzegovina, particularly the attacks on the safe area of Gorazde and the recent acts of violence and terror, including reported acts of ethnic cleansing in Banja Luka and Prijedor.

The Council takes note of the letter dated 1 April 1994 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, in which he reported, *inter alia*, on the hostilities in the eastern parts of his country. The Council, taking note also of the assessment of the situation provided by the

¹⁸² S/1994/378.

¹⁸³ Letters dated 30 March and 4 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/364, S/1994/382 and S/1994/386); and letters dated 5 and 6 April 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/396 and S/1994/400).

¹⁸⁴ S/PRST/1994/14.

Secretariat and in paragraphs 16 and 17 of the report of the Secretary-General of 11 March and paragraphs 29 and 30 of his report of 16 March 1994, calls for an end to any provocative actions by whomsoever committed in and around the safe areas.

The Council strongly condemns the shelling and infantry and artillery attacks by the besieging Bosnian Serb forces against the safe area of Gorazde in which many civilians have lost their lives and several hundreds have been wounded. The Council takes serious note of the continuing defiance of the relevant Council resolutions, in particular of resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993 related to the protection of safe areas. The Council demands the immediate cessation of any further attacks against the safe area of Gorazde and its population and calls upon those concerned to take all measures to ensure full respect for the status of the safe areas in accordance with the relevant provisions of resolution 824 (1993).

The Council welcomes the measures being taken by the United Nations Protection Force to strengthen its presence in Gorazde, and the impending visit of the Force Commander for Bosnia and Herzegovina to assess the situation further. The Council calls upon the parties to ensure that troops of the Force have unimpeded access to the area in and around Gorazde and to assure the safety and security of those troops. The Council underlines the importance it attaches to ensuring the safety and security of the troops of the Force in and around Gorazde.

The Council stresses the need to achieve normal conditions of life in Gorazde, including restoration of essential public services, with the assistance of the United Nations and with the cooperation of the parties.

The Council deplores recent acts of violence and terror including ethnic cleansing, particularly in Prijedor and Banja Luka. It reaffirms that the International Tribunal was established under its resolution 827 (1993) of 25 May 1993 for the purpose of investigating crimes of this sort and trying persons accused of committing such crimes. The Council stresses the importance it attaches to full compliance with international humanitarian law in all its aspects throughout the Republic of Bosnia and Herzegovina.

The Council calls upon all parties to join the negotiation process aimed at the peaceful resolution of the conflict in the Republic of Bosnia and Herzegovina, and further calls for an immediate ceasefire, the cessation of hostilities and an exchange of all persons imprisoned as a result of the war. The Council welcomes the planned meeting between the military commanders in Sarajevo under the auspices of the Force.

The Council affirms its determination to remain seized of the matter.

**Decision of 14 April 1994 (3364th meeting):
statement by the President**

At its 3364th meeting, on 14 April 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (New Zealand) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁸⁵

The Security Council is deeply concerned at recent incidents in the Republic of Bosnia and Herzegovina affecting the safety and freedom of movement of United Nations Protection Force personnel as reported by the Secretariat. These incidents constitute clear violations of the Council's resolutions, which bind the parties. The Council condemns such incidents and warns those responsible of the serious consequences of their actions.

The Council affirms its full support for the Force in its execution of the Council's relevant resolutions. It demands that all parties, in particular the Bosnian Serb party, allow the Force unimpeded freedom of movement and refrain from any further actions which could threaten the safety of Force personnel. It calls upon them to work closely with the Force, to cease all hostilities and to cooperate fully in efforts to achieve a peaceful resolution of the conflict throughout the Republic of Bosnia and Herzegovina.

The Council will remain seized of the matter.

**Decision of 22 April 1994 (3367th meeting):
resolution 913 (1994)**

At its 3367th meeting, on 21 and 22 April 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Egypt, Finland, Greece, Hungary, Indonesia, the Islamic Republic of Iran, Jordan, Malaysia, Morocco, Norway, Poland, Qatar, Saudi Arabia, Senegal, Slovenia, the Sudan, Sweden, Tunisia, Turkey and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item, and extended an invitation to Mr. Engin Ahmet Ansay, Permanent Observer of OIC to the United Nations.

¹⁸⁵ S/PRST/1994/19.

The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain and the United Kingdom,¹⁸⁶ and to several other documents.¹⁸⁷

The representative of Bosnia and Herzegovina endorsed the letter dated 18 April 1994 from the Secretary-General of the United Nations to the Secretary-General of NATO, in which he requested the latter to authorize the launching of air strikes against Serbian positions in and around the five other safe areas in Bosnia and Herzegovina, as well as the draft resolution before the Council. He also welcomed President Clinton's course of action with respect to NATO. The speaker noted, however, that none of these

¹⁸⁶ S/1994/465.

¹⁸⁷ Letters dated 6, 7, 9, 13, 15, 17 and 19 April 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/400, S/1994/404, S/1994/412, S/1994/426, S/1994/451, S/1994/456 and S/1994/467); letter dated 7 April 1994 from the representative of the Islamic Republic of Iran addressed to the Secretary-General (S/1994/407); letters dated 12 and 15 April 1994, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1994/418 and S/1994/449); letter dated 14 April 1994 from the representative of the Russian Federation addressed to the Secretary-General (S/1994/443); letter dated 15 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/450); letter 15 April 1994 from the representative of Turkey addressed to the President of the Security Council (S/1994/453); letter dated 17 April 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1994/457); letter dated 18 April 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/460); letter dated 18 April 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/466); letter dated 18 April 1994 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/1994/469); letter dated 20 April 1994 from the representative of India addressed to the Secretary-General (S/1994/475); letter dated 20 April 1994 from the representative of Malaysia addressed to the Secretary-General (S/1994/478); letter dated 21 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/480); and letter dated 21 April 1994 from the representative of Brunei Darussalam addressed to the President of the Security Council (S/1994/483).

steps addressed the following considerations. First, it was imperative that the Council act immediately to respond to the “slaughter of innocents” in Gorazde. Those who had voted for the designation of Gorazde as a safe area could not avoid the burden they bore for the lives of the city’s residents. It was that designation and the Council’s commitment to it that had been offered in lieu of Bosnia right to self-defence. Second, the Council could not continue to impede Bosnia right to self-defence unless it was prepared to accept responsibility in full for the safety of the citizens of Bosnia. Third, the precedent of Gorazde posed a danger to the peace process in Croatia as well as in Bosnia and Herzegovina, and must be addressed directly. Lastly, Bosnia and Herzegovina was fully prepared to take part in good faith negotiations. The speaker concluded by reminding Members of the United Nations that the Security Council and NATO already possessed the necessary authority to provide close air-to-ground support for humanitarian workers and did not need new debates or authority.¹⁸⁸

The representative of Croatia stated that, after two years of “unthinkable suffering”, during which 150,000 innocent lives had been lost, the time had come to impose peace in Bosnia and Herzegovina. A credible threat of resolute force combined with equally assertive diplomatic efforts should finally bring peace to the people of Bosnia and Herzegovina. That was why Croatia supported President Clinton’s call that the Sarajevo model of a clear ultimatum be extended to Gorazde and other safe areas in Bosnia and Herzegovina. Croatia would also support the use of the Sarajevo ultimatum model in the implementation of the Security Council’s resolutions and the peace agreements for the occupied territories in Croatia. It would consider the extension of the exclusion zones for certain safe areas, such as Bihac and Tuzla, into the territory of Croatia. If the international community was not able to impose peace in Bosnia and Herzegovina by the resolute use of force and assertive diplomacy, then the Security Council would have to consider other ways to achieve the desired balance of power in the region, including through allowing Bosnia and Herzegovina to exercise its right to defend itself under Article 51 of the Charter of the United Nations.¹⁸⁹

¹⁸⁸ S/PV.3367, pp. 3-5.

¹⁸⁹ *Ibid.*, pp. 5-7.

The representative of Turkey stated that Gorazde was a “test case” for the United Nations commitments in Bosnia and Herzegovina and for the role it would play in shaping the future of the international system. The lack of decisive action had sent the wrong signals to the aggressors. In order to be viable, the peace process must be backed by sufficient force to make the Serbs realize that more war would lead to “more pain than gain”. That would only be possible if the Government and people of Bosnia and Herzegovina were given the chance to exercise their right to self-defence. Arguing that the arms embargo adopted by the Council in resolution 713 (1991) was in clear contradiction of Article 51 of the Charter, the speaker urged the Council to clarify the legal opinion that resolution 713 (1991) should not apply to Bosnia and Herzegovina. Turning to the safe areas, the speaker recalled that the concept of safe areas had been based on the assumption that the resolutions establishing them would be implemented effectively and immediately. Regrettably, however, those areas had been almost abandoned by the United Nations. Emphasizing that resolutions 824 (1993) and 836 (1993) provided a clear legal framework for the use of all necessary means, including air strikes against the aggressors for the defence of the safe areas, the speaker welcomed the letter from the Secretary-General to NATO and President Clinton’s announcement as “steps in the right direction”. Nevertheless, Turkey wanted to see “concrete action”. It also welcomed the preambular paragraph of the draft resolution reaffirming the urgency of bringing the perpetrators of crimes against humanity before the International Tribunal established by resolution 827 (1993). He emphasized that what was needed was a quick prosecution process. Furthermore, Turkey had hoped that the draft resolution would contain a reference to the need to tighten the diplomatic isolation and economic embargo imposed on “the aggressor”.¹⁹⁰

The representative of Tunisia stated that the draft resolution should have indicated the Council’s determination to use any means to put an end to the systematic violation of its resolutions by the Serb side. He argued that Article 51 of the Charter permitted resort to Article 42 of Chapter VII as the provisions of Article 41, which had been the only provisions invoked during the two years since the Council first passed a resolution on the matter, had not achieved the desired

¹⁹⁰ *Ibid.*, pp. 7-9.

results. If the Council was not prepared, however, to follow the sequence of the various provisions in Chapter VII, then it should redefine the applicability of resolution 713 (1991) in respect of the Bosnian side. Referring to the safe areas, the speaker welcomed the movement towards applying the “Sarajevo model” to the other safe areas. He noted, however, that the Republic of Bosnia and Herzegovina was not confined to a few zones defined by the Security Council, and he urged the Council to declare the whole of Bosnia and Herzegovina to be a safe area and to clarify that the acquisition of any portion of that territory was “null and void”. Before concluding, the speaker stated that Bosnia and Herzegovina was an integral part of the international community and that the States Member of the United Nations had only agreed, in the Charter, to delegate a portion of their responsibilities with respect to the maintenance of international peace and security on the understanding that the Council would be “the instrument of legality and right”.¹⁹¹

Noting that the international community, the United Nations and the Security Council had exerted great efforts over the preceding two years to resolve the crisis, Mr. Djokic contended that those efforts had not sought a comprehensive solution taking account of the vital interests of the three constituent peoples on the basis of equality. Rather, support and legitimacy had effectively been given to one side only — the Bosnian Muslims. At the same time, only the Bosnian Serbs and the Federal Republic of Yugoslavia had been confronted with “harsh sanctions”. The speaker contended that there would not be and could not be peace in Bosnia and Herzegovina if the pressure was put only on one side — the Serb side — demanding that only it make concessions whereas the Muslim sides enjoyed massive political and military support to advance the military option. He stated that calls for lifting the arms embargo against the Bosnian Muslim side, and for offensive air strikes to be carried out against the Bosnian Serbs could only lead to an escalation of the conflict. The speaker warned that, if those calls were acted upon, the United Nations would become fully engaged on one side in the civil war. What was most important was that the Security Council gave full support to an urgent, unconditional cessation of hostilities and to a comprehensive ceasefire, which could be reached only through

negotiations on the basis of equality, thus implying the lifting of sanctions.¹⁹²

Mr. Ansay indicated that the Ministers for Foreign Affairs of the member countries of the OIC Contact Group on Bosnia and Herzegovina would hold an extraordinary ministerial meeting in New York in the following days, aiming to secure all necessary measures to be taken by the United Nations to protect the safe areas. Meanwhile, OIC urged the Council to take effective steps to enforce the observance of its resolutions relating to the protection of the safe areas, and in particular Gorazde, and to authorize strong retaliatory action, including NATO air strikes, against the Serbian aggressor, to prevent the continuation of massacres and genocide in Gorazde and the spread of conflict to other areas. The Council should also restore without delay the right of individual and collective self-defence of Bosnia and Herzegovina. OIC believed that any decision precluding Bosnia and Herzegovina from exercising that right was unconstitutional. The only entity that should be bound by the embargo was the Serbian aggressor. The European Union, NATO and the international community as a whole must take urgent steps to restore the status quo ante in Bosnia and Herzegovina, and to demonstrate that they were prepared to stand up in defence of international law and morality by all necessary means at their disposal to stop aggression and atrocities. OIC also believed that for the sake of international justice and the prevention of more acts of genocide and other crimes against humanity, the International Tribunal should start functioning without delay.¹⁹³

The representative of Slovenia said that his delegation joined those who had expressed support for the Secretary-General’s recent appeal to NATO to provide the necessary protection of the safe areas. It also supported the approach proposed by President Clinton, agreeing that it was time for vigorous action and tightened sanctions. Moreover, Slovenia felt that equal resolve should be shown in matters concerning State succession and other issues resulting from the dissolution of the former Yugoslavia. The United Nations should definitively terminate the membership of the former Yugoslavia in order to improve the conditions for a real and durable peace. Referring to the issue of the arms embargo, the speaker stated that it

¹⁹¹ Ibid., pp. 9-11.

¹⁹² Ibid., pp. 11-13.

¹⁹³ Ibid., pp. 25-26.

was important to recognize that the embargo had been extended on the former Yugoslavia and its successor States in a specific situation in 1992. It was therefore time for a decision that took into account the new realities and different situations of each of the successor States. There were reasons for keeping the arms embargo as a part of the sanctions against the main successor State of the former Yugoslavia, against which sanctions were imposed, however, there was a need to reconsider the merits of applying the embargo against those engaged in legitimate self-defence, which was an inherent right of all United Nations Members. Finally, in the case of Slovenia, there was no justification for maintaining the embargo, as Slovenia was not involved in the armed conflicts which had prompted the adoption of that measure.¹⁹⁴

The representative of Bulgaria noted that, as his country was in close proximity to the conflict, it had always insisted on firm judgement and energetic steps on the part of the United Nations to contain and end the war in Bosnia and Herzegovina. Bulgaria had a key role to play in implementing the sanctions against Serbia and Montenegro and, being fully aware of its responsibilities, it was adhering strictly to the relevant resolutions, at great economic sacrifice. It was Bulgaria's expectation that its difficulties would be kept in mind and taken into account.¹⁹⁵

Other speakers also welcomed the request of the Secretary-General to NATO to authorize air strikes to protect Gorazde,¹⁹⁶ while some reiterated their support for the lifting of the arms embargo against Bosnia and Herzegovina.¹⁹⁷

Speaking before the vote, the representative of Pakistan stated that his delegation had expected the draft resolution to include a reference to the review of the applicability of resolution 713 (1991). Regrettably, its inclusion had not been acceptable to some members of the Council. His delegation support for the draft had

therefore been diluted by that omission. Pakistan was also concerned that the draft resolution did not address the issue of an increase in troop levels. Therefore, while his delegation would reserve the right to introduce another draft resolution calling for the lifting of the arms embargo against Bosnia and Herzegovina, it would nevertheless support the draft resolution.¹⁹⁸

The representative of the United States observed that the civilians of Gorazde were being subjected to murderous attacks by the Bosnian Serbs on a daily basis. These attacks were an outrage to the conscience of the Council and an affront to international law. Noting that President Clinton had outlined the position of her Government in that regard, she indicated that her delegation was consulting with other members of the Council on measures to provide more adequate protection to the safe areas, in keeping with Council resolutions, and it had proposed the extension of the approach used around Sarajevo to other safe areas. The United States would also work with other members of the Council to tighten enforcement of the sanctions against Serbia and Montenegro and it would continue to support UNPROFOR, which genuinely needed increased manpower. It would also continue to support fully the International Tribunal. The speaker further indicated that the United States Senate had debated a resolution calling for the United States to lift the arms embargo unilaterally. So far, the United States had resisted a unilateral approach, because it believed in the sanctity of the sanctions imposed by the United Nations. Nevertheless, Council members should understand that the Government of the United States supported changing resolution 713 (1991) so that the victims of aggression might finally be permitted to defend themselves.¹⁹⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 913 (1994), which reads as follows:

The Security Council,

Recalling all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina, and reaffirming in this context its resolution 908 (1994) of 31 March 1994,

Recalling also the statement by the President of the Security Council of 6 April 1994 relating to the situation in the safe area of Gorazde,

¹⁹⁴ Ibid., pp. 35-36.

¹⁹⁵ Ibid., pp. 38-39.

¹⁹⁶ Ibid., pp. 17-18 (Hungary); pp. 20-21 (Senegal); pp. 21-22 (Indonesia); pp. 27-28 (United Arab Emirates); pp. 29-31 (Malaysia); p. 31 (Norway); pp. 31-32 (Austria); and pp. 36-37 (Poland).

¹⁹⁷ Ibid., pp. 18-20 (Afghanistan); pp. 20-21 (Senegal); pp. 21-22 (Indonesia); pp. 22-24 (Jordan); pp. 27-28 (United Arab Emirates); pp. 29-31 (Malaysia); pp. 33-34 (Islamic Republic of Iran); pp. 37-38 (Qatar); and pp. 39-41 (Sudan).

¹⁹⁸ Ibid., pp. 43-45.

¹⁹⁹ Ibid., pp. 49-50.

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

Deeply concerned by the ongoing hostilities in and around Gorazde, as well as by the consequences for the situation in other areas of the Republic of Bosnia and Herzegovina and on the negotiation process aimed at an overall political settlement,

Condemning in the strongest possible terms the Bosnian Serb forces for their continued offensive against the safe area of Gorazde, which has resulted in the death of numerous civilians and tremendous human suffering,

Condemning all attacks against civilian populations and humanitarian relief workers, and reiterating that any persons committing violations of international humanitarian law will be held individually responsible,

Condemning also the Bosnian Serb party for its failure to negotiate in good faith and to uphold its commitments made to the representatives of the United Nations and the Russian Federation in respect of ceasefire arrangements in and around Gorazde,

Sharing the concern expressed by the Secretary-General in his reports of 11 March and 16 March 1994, and taking note of the recommendations of the Secretary-General concerning the definition and implementation of the concept of safe areas,

Determined to contribute to the immediate establishment of a lasting ceasefire in Gorazde as well as throughout the territory of the Republic of Bosnia and Herzegovina through negotiations between the parties, and to ensure its respect,

Reaffirming the mandate conferred on the United Nations Protection Force by its resolutions 824 (1993) of 6 May 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 908 (1994), and emphasizing that the Force will continue to make full use of this mandate as and when needed in execution of the relevant resolutions of the Council,

Praising the untiring and courageous action of the personnel of the Force and of other United Nations agencies in the Republic of Bosnia and Herzegovina,

Condemning the harassment and the detention of Force personnel by the Bosnian Serb forces and all obstacles to the freedom of movement of the Force,

Paying tribute to the enlargement of diplomatic efforts towards the conclusion of an overall political settlement, welcoming in this context the ongoing international efforts by representatives of the United Nations, the European Union, the United States of America and the Russian Federation, and determined to strengthen and coordinate these international efforts in order to bring together the current diplomatic initiatives with the aim of securing the participation of all the parties concerned in an overall political settlement,

Determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

A

1. *Demands* the immediate conclusion by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serb party of a ceasefire agreement, under the auspices of the United Nations Protection Force, in Gorazde and throughout the territory of the Republic of Bosnia and Herzegovina, leading to an agreement on cessation of hostilities, and demands that all parties comply strictly with such agreements;

2. *Invites* the Secretary-General to take the necessary steps to ensure that the Force is able, within the limits of its available resources, to monitor the situation in Gorazde and respect of any ceasefire and disengagement of the military forces in Gorazde, including any measure to put heavy weapons of the parties under United Nations control;

3. *Condemns* the shelling and attacks by the Bosnian Serb forces against the safe area of Gorazde as defined in resolution 824 (1993), and demands the withdrawal of these forces and their weapons to a distance to be agreed by the Force wherefrom they cease to constitute a threat to the status of Gorazde as a safe area;

B

4. *Calls* for an end to any provocative action by whomsoever committed in and around the safe areas;

5. *Demands* the immediate release of all United Nations personnel still held by the Bosnian Serb forces;

6. *Also demands* unimpeded freedom of movement for the Force in the fulfilment of all its tasks and the removal of all obstacles to such freedom of movement;

7. *Confirms* the decision in resolution 908 (1994) to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General;

C

8. *Underlines* the urgent need to intensify the efforts towards an overall political settlement agreed by all parties in the Former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

9. *Calls* for the intensification of the efforts to achieve a peaceful settlement with coordination and close consultation between the representatives of the United States of America and the Russian Federation and those of the United Nations and the European Union, with the aim of bringing together current diplomatic initiatives;

D

10. *Decides* to remain actively seized of the matter, and stands ready promptly to consider taking further measures as required.

Speaking after the vote, the representative of France stated that firm pressure on the Bosnian Serbs was indispensable. The resolution just adopted provided an appropriate response in that respect, by calling for the immediate conclusion of a ceasefire agreement and the withdrawal of Serb forces to a distance that would guarantee the security of Gorazde. These demands would be more rapidly implemented and the protection of the safe areas ensured when there was a credible prospect for military action against those responsible for the attacks upon the safe areas. France supported the Secretary-General's request that NATO authorize air strikes, as well as the proposals by the United States Government to expand the use of air action to protect the safe areas in Bosnia and Herzegovina. In addition to these initiatives, diplomatic efforts should be resumed in order to achieve a political settlement and should revolve around a common position between the various protagonists participating in the quest for a settlement — the United States, the Russian Federation, the European Union and the United Nations. Such a common position should be based upon the major principles of the European Union plan, including, inter alia, programming the progressive suspension and lifting the sanctions at the appropriate time.²⁰⁰

The representative of the Russian Federation stated that the resolution just adopted was an important, unanimous step in response to the alarming situation around Gorazde and in Bosnia and Herzegovina as a whole. The leadership of the Bosnian Serbs should comply with its obligations, cease attacks, withdraw their forces from Gorazde and allow the entry of the United Nations into that city. At the same time, acts of provocation in and around Gorazde should be halted. That demand in the resolution was addressed to all sides. In that context, it was important that the resolution adopted shared the concern expressed by the Secretary-General in his reports of 10 and 16 March, regarding the misuse of the safe areas, and took note of his recommendations concerning the definition and implementation of the concept of safe areas. In order to steer the conflict towards peaceful settlement, resolute

²⁰⁰ Ibid., pp. 50-51.

and determined steps were needed. At the same time, however, the Russian Federation called for restraint and caution, because the logic of increasing air strikes contained an inherent danger of escalation. It also emphasized that the idea of lifting the arms embargo in an area of conflict ran counter to the idea of the speedy attainment of peace and could only “fan the flames” of the conflict. Referring to a recent initiative by President Yeltsin to hold a high-level meeting between his country, the United States, the European Union and the United Nations, the speaker stated that the time was ripe for those parties to work together towards a political solution to the Bosnian problem, and to put it before the belligerent parties, so that they were absolutely clear that it was essential to negotiate. At the same time, the Serbian side should understand that each step towards a complete cessation of hostilities would be accompanied by a corresponding lifting of the sanctions.²⁰¹

The representative of Brazil stated that his delegation was in full agreement with the main objectives of the resolution just adopted. It had been the consistent position of the Government of Brazil that the use of force must be a last resort, to be employed only under well-defined circumstances and in strict compliance with relevant Security Council resolutions. As a corollary to that principle, the Council should direct its actions to facilitating the achievement of an overall negotiated settlement. Brazil therefore welcomed endeavours to bring together the various existing diplomatic initiatives. Referring to UNPROFOR, the speaker stated that Brazil believed that the Force must be provided with the necessary means and “humanpower” to carry out its mandate. Nevertheless, should circumstances so require, the Council must be prepared to review all aspects of the United Nations presence in Bosnia and Herzegovina.²⁰²

The representative of the United Kingdom stated that the resolution just adopted was clear-cut in its condemnation of the way in which the Bosnian Serbs had continued to shell Gorazde, while giving undertakings to the United Nations and others about ceasefires. Noting that UNPROFOR had been given a “multiplicity” of roles in Bosnia, the speaker urged that the Force must be given the troops to do its job without delay. Observing that a negotiated settlement remained

²⁰¹ Ibid., pp. 52-53.

²⁰² Ibid., pp. 53-54.

the only path to a lasting peace, he stated that the latest actions of the Serbs had only served to underline the case for tightening the sanctions against the Federal Republic of Yugoslavia. As the Council had made clear, the road to lifting the sanctions would first require the negotiation and implementation of a just overall settlement of hostilities in the former Yugoslavia. Referring to the Secretary-General's request to NATO, the speaker noted that his Government was participating actively in NATO's consultations regarding the next step. The Serbs would be well advised to withdraw, respect the resolution just adopted and seek in good faith a peace settlement which could secure the interests of all communities in Bosnia and Herzegovina.²⁰³

The representative of China stated that there were no alternatives to settling the conflict through peaceful negotiation. China supported the efforts to strengthen and coordinate the various political and diplomatic initiatives, and had therefore voted in favour of the resolution just adopted. The speaker reiterated, however, that China opposed the use or threat of force, as well as any attempt to stop war by expanding its scope. Any escalation of military conflict could only lead to further military confrontation and intensified conflict, thus making more remote any chance of political settlement. China continued to have reservations on the invocation of Chapter VII for mandatory actions and the implied possible military actions in the resolution.²⁰⁴

Deliberations of 27 April 1994 (3370th meeting)

By a letter dated 22 April 1994 addressed to the President of the Security Council,²⁰⁵ the representative of Pakistan, in his capacity as the Chairman of the Islamic Conference of Foreign Ministers, requested that a formal meeting of the Security Council on the situation in Bosnia and Herzegovina be scheduled for 27 April 1994. The request was being made to facilitate a debate on the deteriorating situation in Bosnia and Herzegovina.

At its 3370th meeting, held on 27 April 1994 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the

Council invited the representatives of Albania, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, Greece, India, the Islamic Republic of Iran, Malaysia, Norway, Saudi Arabia, Senegal, the Sudan, Sweden, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion, and extended an invitation to Mr. Hamid Algabid, Secretary-General of the Islamic Conference.

The representative of Pakistan stated that the Council should use its authority to persuade the Bosnian Serbs to accept the agreement signed between the Government of Bosnia and the Croats on the creation of a federation. He contended that a new political process, which should secure the full participation of the Islamic countries and enjoy the support of the Council, could create a momentum towards a comprehensive peace agreement. The speaker further indicated that at a meeting of the Foreign Ministers of the OIC Contact Group on Bosnia and Herzegovina, held that same day, the Ministers had declared, *inter alia*, that resolution 713 (1991) did not apply to Bosnia and Herzegovina and that the arms embargo against the Government of Bosnia was "unjust, illegal and in direct contradiction of Article 51 of the Charter of the United Nations". The Ministers had also demanded the withdrawal of Serbian heavy weapons from Gorazde, and had called for the strengthening of UNPROFOR. Furthermore, OIC Ambassadors in New York had been mandated to pursue the objectives of the declaration, in particular with respect to the modification of resolution 713 (1991) to enable the Government of Bosnia to exercise its right to self-defence. Pakistan would propose, on behalf of OIC, that the Council adopt a resolution declaring that the provisions of resolution 713 (1991) did not apply to Bosnia and Herzegovina. If these efforts were to fail, an urgent session of the General Assembly would be sought, in order to seek "peace with justice" in Bosnia and Herzegovina.²⁰⁶

The representative of Turkey noted that his delegation had tried several times to convince the Security Council to set a time limit for the Serbian side to comply with its resolutions. It had also underlined that the aggressors should be warned very clearly that

²⁰³ *Ibid.*, pp. 54-55.

²⁰⁴ *Ibid.*, p. 55.

²⁰⁵ S/1994/492.

²⁰⁶ S/PV.3370, pp. 2-5.

if they failed to comply they would face the consequences. It was such convictions that had prompted Turkey to actively participate in the formulation of the NATO decisions. The speaker pointed out that the option of air strikes had been favoured by his Government since 1992. Turkey had also defended the view that it should be applicable not only to Sarajevo but to all six United Nations safe areas. The speaker argued that had that proposal been accepted on time, it would have spared many lives in Gorazde. He further contended that while the accountability of the perpetrators of war crimes constituted one of the main pillars of credible deterrence against aggression, nothing was more important for deterrence, however, than letting the Bosnians acquire the means to exercise their inherent right to defend themselves. Turkey would continue to insist that the Council clarify the legal opinion that its resolution 713 (1991) did not and should not apply to Bosnia and Herzegovina. Noting that the Council had reaffirmed in all relevant resolutions the sovereignty and territorial integrity of Bosnia and Herzegovina and rejected the acquisition of territory through the use of force and the practice of "ethnic cleansing", the speaker stated that the time had come for the Council to put these principles into practice. Furthermore, the diplomatic isolation and economic embargo imposed on the Federal Republic of Yugoslavia should be tightened. Welcoming the calls for the convening of a high-level meeting on Bosnia, Turkey expected the States members of the OIC Contact Group on Bosnia to be invited to take part to such a meeting.²⁰⁷

The representative of Egypt welcomed the decision by NATO, as a regional organization under Chapter VIII of the Charter, to carry out air strikes against Serb military positions from which attacks had been launched. His delegation was also considering with interest the idea of holding a new international conference. If such a conference were to proceed, it would need to address a number of points. First, the terms of reference must be in conformity with the Charter and international law and should include the non-acquisition of territory by force. Second, any proposed peace settlement must be in accordance with the Charter and the resolutions of the Council. Third, the conference should concentrate on settling the problem of Bosnia and Herzegovina. Fourth, the international community must ensure that the plan was

put into effect through binding international measures. Finally, the International Tribunal must be provided with the necessary resources to undertake its responsibilities. The speaker further stated that the Council must take charge and decide on a set of measures, including lifting the arms embargo. Otherwise, the only alternative would be to have recourse to a special emergency session of the General Assembly to take a decision on that important issue. Quoting Article 51 of the Charter, he argued that the provision implied that no international body or authority, including the Council itself, should undermine the natural or inherent right of all States to self-defence. Furthermore, the right to self-defence applied and was applied, as provided by Article 51, "until the Council had taken measures necessary to maintain international peace and security". Obviously, all resolutions adopted by the Council in that regard over the past two years were far from adequate to preserve international security since fighting and acts of aggression had continued. Therefore, the Council could not use these resolutions as a pretext for not lifting the embargo. Lastly, by placing the aggressor and the victim on an equal footing, the Council had contravened the provisions of the Charter. Stressing that the legality of the measures taken by the Council depended on the degree to which they conformed to the provisions of the Charter and referring to Article 103 of the Charter, the speaker contended that Council's decisions did not prevail over the Charter. The speaker hoped that the Council would shoulder its responsibilities in accordance with the provisions of the Charter, adopt a resolution to support Bosnia and Herzegovina, and decide to lift the arms embargo in order to enable it to exercise its legitimate right to self-defence.²⁰⁸

The representative of Bosnia and Herzegovina called for a decisive approach by the United Nations towards his country pointing out that the recent ultimatum issued by NATO and the United Nations was an example of what could be achieved when the international community showed resolve and will for action. The speaker stressed a number of points. Firstly, the Serbs should withdraw from the safe areas and their surroundings and their heavy weapons should be removed and returned to Serbia. The arms embargo should be lifted and Bosnia and Herzegovina's right to self-defence under Article 51 of the Charter restored.

²⁰⁷ Ibid., pp. 6-7.

²⁰⁸ Ibid., pp. 17-20.

Secondly, a process of neutralization of weaponry must be workable. Thirdly, the peace process must be based on respect for the sovereignty and territorial integrity of Bosnia and Herzegovina and the return of territories seized by force. Fourthly, the United Nations had an obligation to ensure that resolution 913 (1994), which called for the withdrawal of Serbian forces from the safe area of Goradze, was implemented based upon resolution 824 (1993), by which Goradze was declared a safe area. It must also ensure that the boundaries of the safe area existing prior to the Serbian offensive were restored pending the final outcome of the negotiations. Lastly, the newly formed Contact Group on Bosnia and Herzegovina should include a representative of OIC.²⁰⁹

The representative of Greece, speaking on behalf of the European Union, noted that the European Union had called for an intensified diplomatic effort by the international community, involving the United Nations, the European Union, the United States and the Russian Federation, to ensure the convergence of their initiatives. Particularly at that critical juncture, the goal was to establish conditions which would lead to a comprehensive cessation of hostilities and a peace settlement. It was now more important than ever that the parties engaged in meaningful negotiations. The speaker further stated that the European Union Action Plan provided the only appropriate basis for a negotiated settlement and a lasting peace. Referring to UNPROFOR, he urged that the Force should be provided with the necessary means to carry out its mandate without which any progress in the peace process would be meaningless. In that regard, the adoption of resolution 914 (1994) that day on the strengthening of UNPROFOR was welcomed.²¹⁰

The representative of the Russian Federation noted that the normalization of the situation around Goradze and the fulfilment by the Bosnian Serb party of its obligations were creating positive opportunities for a swift settlement in Bosnia and Herzegovina. He further noted that the initiative of his President for holding a summit meeting between the Russian Federation, the United States, the European Union and the United Nations was aimed at achieving such a settlement. The most important point was that military measures should not overshadow the political

settlement. The Russian Federation expected that the Bosnian parties and the Russian Federation's partners would join in that process and concentrate their efforts on the following. First, the system of safe areas should be strengthened in accordance with Council resolutions. Second, the Serbs and the Muslims should sign an unconditional agreement as soon as possible on a halt to all hostilities. Third, there should be a comprehensive political settlement in Bosnia and Herzegovina, taking into account the legitimate interests and equal status of all inhabitants of that territory. Lastly, progress in restoring peace to Bosnia and Herzegovina should be accompanied by an appropriate easing of sanctions against the Federal Republic of Yugoslavia. Referring to the arms embargo, the speaker argued that the demands for the embargo to be lifted ran counter to efforts aimed at political settlement and could only lead to an escalation of the war. He further noted that his delegation had repeatedly drawn attention to the ideas expressed by the Secretary-General with respect to the need for a revision of the concept of safe areas, whose status was frequently abused. In that connection, his delegation believed that the United Nations forces, together with the parties concerned, should be entrusted with the task of defining a system and borders for each of the safe areas. It was important that United Nations forces be deployed in the safe areas. An important condition for respecting the status of the safe areas was their demilitarization. Heavy weapons must be placed under control and unimpeded humanitarian assistance to the safe areas must be guaranteed. The Russian Federation felt that it was particularly important for the Council to begin work and shoulder its responsibility for determining the system of safe areas.²¹¹

Mr. Djokic stated that in that critical phase, it was imperative that the international community and the Council did everything in their power to facilitate a negotiated settlement of peace. All efforts must be concerted to establish a comprehensive ceasefire throughout Bosnia and Herzegovina. Only the urgent and unconditional cessation of all hostilities, without prejudice to the final political solution, could pave the way for the resumption of the peace process. For its part, the leadership of the Federal Republic of Yugoslavia had throughout the conflict invested efforts towards finding a peaceful solution and influencing the Bosnian Serbs to make compromises. The Federal

²⁰⁹ Ibid., pp. 22-23.

²¹⁰ Ibid., pp. 23-24.

²¹¹ Ibid., pp. 25-27.

Republic of Yugoslavia welcomed the recent renewed efforts directed towards the resumption of the peace process and the active participation of the United Nations, the European Union, the Russian Federation and the United States in that regard. The activities of the newly created Contact Group could be a step in the right direction. The Federal Republic of Yugoslavia, however, was concerned by the reservations of some countries regarding the initiatives for resolving the conflict by peaceful means and the persistence of threats and punitive measures. The speaker further argued that the complex nature of the conflict in Bosnia and Herzegovina made it necessary that no former occupying Power of the territories of the former Yugoslavia or any neighbouring States should be involved in peacekeeping activities. In that regard, the decision to send Turkish troops to Bosnia and Herzegovina was not only against the interest of easing the situation in the region, but could also have a direct bearing on the escalation of the conflict.²¹²

The representative of Croatia noted that the presence of so many high representatives of the Governments in the debate indicated on the one hand the urgency of the situation in the region and, on the other hand, gave hope that their commitment would bring that crisis to a fair conclusion. In that regard, Croatia emphasized the importance of the views of OIC in the peace process. That was why it had called for the inclusion of a high-ranking representative of OIC in the process of finding a political solution to the conflict. International mediation could, however, have its limits. The international community had been unable to find the appropriate balance of power to match its attempts at political mediation. As long as this imbalance continued, the Government of Croatia would support the lifting of the arms embargo. The speaker emphasized in that regard, that the arms embargo would not necessarily promote war. Rather it would create a balance that would promote non-violent options for a fair and sustainable settlement. He argued that the international community must use all necessary means to “disengage” the Serbian military capacity, or lift the arms embargo, thus enabling Bosnia and Herzegovina and Croatia to acquire the defence capacity to compel the Serbian side to accept and implement the results of international mediation and the relevant Security Council resolutions. Otherwise, the war in Bosnia and Herzegovina would continue,

²¹² Ibid., pp. 32-33.

and the political solution in Croatia might be jeopardized to the point of renewed fighting.²¹³

The representative of Albania reiterated his country’s position, that intensive diplomatic action combined with other measures, including the use of force, would be the most suitable means to bring peace. He welcomed the initiative to convene a high-level conference, whilst drawing attention to the serious situation in Kosovo and stating that dealing with the crisis in Kosovo should be an integral element in the peace process. The Government of Albania reiterated the view that the sanctions against the Federal Republic of Yugoslavia constituted an important component of the international community’s efforts to bring peace to the region and should be maintained despite the fact that Albania was experiencing “enormous difficulties” as a result of these sanctions.²¹⁴

During the debate, a number of speakers called for the lifting of the arms embargo in order to enable Bosnia and Herzegovina to exercise its inherent right to self-defence in accordance with Article 51 of the Charter.²¹⁵ Other speakers opposed the idea, arguing that such a step would not facilitate a peaceful resolution of the conflict.²¹⁶

Decision of 29 April 1994: letter from the President to the Secretary-General

By a letter dated 29 April 1994,²¹⁷ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council, while discussing the situation in the Republic of Bosnia and Herzegovina and in the safe areas established by the relevant resolutions of the Council, took note of the recommendations of the Secretary-General concerning the definition and implementation of the

²¹³ Ibid., pp. 34-36.

²¹⁴ Ibid., p. 40.

²¹⁵ Ibid., pp. 3-5 (Pakistan); pp. 6-7 (Turkey); pp. 8-11 (Malaysia); pp. 11-13 (Islamic Republic of Iran); pp. 13-14 (Senegal); pp. 14-16 (Saudi Arabia); pp. 16-17 (Tunisia); pp. 17-20 (Egypt); pp. 20-22 (OIC); pp. 22-23 (Bosnia and Herzegovina); pp. 24-25 (Oman); pp. 27-28 (Djibouti); pp. 34-36 (Croatia); pp. 36-37 (Sudan); and pp. 37-38 (Bangladesh).

²¹⁶ Ibid., pp. 25-27 (Russian Federation); pp. 28-29 (New Zealand); pp. 29-30 (Canada); pp. 31-32 (Sweden); pp. 32-33 (Yugoslavia); and pp. 33-34 (Norway).

²¹⁷ S/1994/521.

concept of safe areas, as contained in his reports of 11 March and 16 March 1994.

The members of the Council request the Secretary-General to submit by 10 May 1994 further specific recommendations on modalities of the implementation of the concept of safe areas as defined in resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993.

**Decision of 4 May 1994 (3374th meeting):
statement by the President**

At its 3374th meeting, on 4 May 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²¹⁸

The Security Council calls upon the parties to the conflict in the Republic of Bosnia and Herzegovina to agree to a complete cessation of hostilities, to comply fully therewith, and to resume immediately negotiations, without preconditions, for the conclusion of an overall settlement. It demands that the parties immediately refrain from any offensive military action and any action likely to lead to renewed fighting.

The Council is concerned at recent indications of increasing tension in a number of areas in the Republic of Bosnia and Herzegovina, in particular the Posavina "corridor".

The Council welcomes the arrangements reported by the Secretariat to establish a United Nations Protection Force presence in the region of the Posavina "corridor". It encourages the Special Representative of the Secretary-General for the Former Yugoslavia to pursue this rapidly and also to seek enhanced aerial surveillance of this and other areas of tension. The Council calls on all the parties to cooperate fully with the Special Representative and the Force in the planned deployment. It warns the parties of the serious consequences of any offensive military action in or around the Posavina "corridor".

The Council is considering further decisions on the matter and will remain actively seized of it.

**Decision of 25 May 1994 (3380th meeting):
statement by the President**

On 19 May 1994, pursuant to resolution 913 (1994), the Secretary-General submitted to the Council a report on the situation in Bosnia and Herzegovina, in particular in Gorazde.²¹⁹ The Secretary-General

reported that the situation in Gorazde remained one of stalemate and tensions continued to be high. He further noted that despite the limitation of its mandate and military resources, UNPROFOR had played a major stabilizing role and contributed to normalizing the situation, particularly in and around Sarajevo, along the entire confrontation line between Bosnian Croat and Bosnian government forces, in Gorazde, and in Brcko and the Posavina corridor with the deployment of military observers since 7 May 1994. UNPROFOR could not, however, be expected indefinitely to preserve such achievements unless early progress was made towards an agreement on a comprehensive cessation of hostilities and a halt to the movement of military forces, equipment and supplies. In that regard, the Secretary-General had requested his Special Representative and UNPROFOR to approach the parties immediately to bring about an early meeting and an agreement on such issue taking into account the separation of forces, the withdrawal of heavy weapons and the interposition of UNPROFOR troops. He also welcomed the call by the Troika of the European Union, France, the Russian Federation, the United States and the United Kingdom in Geneva, on 13 May 1994, for a further reinforcement of UNPROFOR and requested the Council's support for his proposals.

At its 3380th meeting, on 25 May 1994, the Council included the report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²⁰

The Security Council has considered the report of the Secretary-General pursuant to its resolution 913 (1994).

The Council reiterates the urgent need to intensify efforts towards an overall political settlement of the conflict in the Republic of Bosnia and Herzegovina. It calls on the parties to resume, without preconditions, serious efforts to reach a political settlement.

The Council reaffirms the urgent need for a comprehensive cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina. In this regard, the Council supports the decision of the Secretary-General, in accordance with paragraph 1 of resolution 913 (1994), to entrust his Special Representative and the Force Commander of the

²¹⁸ S/PRST/1994/23.

²¹⁹ S/1994/600.

²²⁰ S/PRST/1994/26.

United Nations Protection Force with the task of achieving a comprehensive cessation of hostilities. In this context it welcomes the call for such a cessation of hostilities in the communiqué dated 13 May 1994 issued at the meeting of Ministers for Foreign Affairs at Geneva.

The Council demands immediate and full compliance with its resolution 913 (1994) and, in respect of Gorazde, calls upon the parties to cooperate fully with the Force to that end.

**Decision of 1 June 1994 (3387th meeting):
statement by the President**

At its 3387th meeting, on 1 June 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Oman) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²¹

The Security Council recalls its presidential statement of 25 May 1994.

The Council reiterates the urgent need for a comprehensive cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina, and calls upon the parties to resume, without preconditions, serious efforts to reach a political settlement. In that regard, it fully supports efforts by the Special Representative of the Secretary-General for the Former Yugoslavia and the Force Commander of the United Nations Protection Force to negotiate such a cessation of hostilities, and welcomes the decision to convene a meeting with the parties at Geneva on 2 June 1994. It also welcomes the reported decision of the Government of the Republic of Bosnia and Herzegovina and of the Bosnian Serb party to attend that meeting. The Council strongly encourages the parties to negotiate in good faith, so that a cessation of hostilities can be agreed to as quickly as possible.

To that end, the Council strongly demands immediate, full and unconditional compliance with its resolution 913 (1994) of 22 April 1994, and in this context endorses the efforts made by the Force to ensure the implementation of that resolution. It calls upon both parties to cooperate fully with the Force in these efforts.

**Decision of 30 June 1994 (3399th meeting):
statement by the President**

At its 3399th meeting, on 30 June 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council

²²¹ S/PRST/1994/29.

invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Oman) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²²

The Security Council underlines its support for the 8 June 1994 agreement of the parties to the conflict, in which they agreed to observe a ceasefire for a period of one month starting from 10 June 1994. The Council expresses its grave concern at the parties' failure to comply with the agreement to date.

The Council calls once again on the parties to stop all offensive military operations and other provocative actions, as well as all ceasefire violations and ethnic cleansing, and to cooperate with the Special Representative of the Secretary-General for the Former Yugoslavia and the United Nations Protection Force. It also calls on the parties to resume negotiations on a comprehensive cessation of hostilities for the entire territory of the Republic of Bosnia and Herzegovina, with a view to reaching agreement before the expiration of the 8 June agreement on 10 July 1994, while continuing negotiations to achieve a just and comprehensive peace agreement.

The Council deplores all attacks on United Nations personnel and calls on those responsible to ensure that such attacks do not take place. It also condemns the restrictions imposed on the freedom of movement of the Force, and demands that these restrictions be immediately lifted, so as to enable the Force to assist in the implementation of the 8 June agreement.

**Decision of 7 July 1994: letter from the
President to the Secretary-General**

By a letter dated 24 May 1994 addressed to the President of the Security Council,²²³ the Secretary-General transmitted the final report of the Commission of Experts established pursuant to resolution 780 (1992). The Commission had been established to examine and analyse information gathered with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The Commission had concluded that such breaches had been committed on a large scale. It further had noted that the practice of the so-called "ethnic cleansing" had been carried out by some of the parties so systematically that they strongly appeared to be the product of a policy. The Secretary-General indicated that he shared the conclusions of the

²²² S/PRST/1994/31.

²²³ S/1994/674.

Commission and had instructed that all relevant information gathered by the Commission be forwarded to the Office of the Prosecutor of the International Tribunal.

By a letter dated 7 July 1994,²²⁴ the President of the Security Council informed the Secretary-General of the following:

I have the honour to refer to your letter dated 24 May 1994 transmitting the final report of the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992.

The members of the Council are grateful to the Commission of Experts for the work done in the discharge of its mandate. They have noted with appreciation that the database and all the other information gathered by the Commission in the course of its work have been forwarded to the office of the Prosecutor of the International Tribunal.

**Decision of 2 September 1994 (3421st meeting):
statement by the President**

At its 3421st meeting, on 2 September 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the members of the Council to a letter dated 1 September 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council²²⁵ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²⁶

The Security Council is deeply disturbed at continuing reports of acts of ethnic cleansing by the Bosnian Serb party in the Bijeljina area. It condemns this practice wherever it occurs and by whomsoever it is committed and demands its immediate cessation. It further condemns all violations of international humanitarian law in the conflict in the Republic of Bosnia and Herzegovina, for which those who commit them are personally responsible. In this context it calls for the full implementation of the agreement on the release of detainees contained in the 8 June 1994 agreement concluded at Geneva. It calls for the early

release of all detainees and, to this end, calls for the delegates of the International Committee of the Red Cross to be granted access in particular to all detainees in Lopare and other parts of the Bijeljina area.

The Council reaffirms the importance it attaches to the right of freedom of movement throughout the Republic of Bosnia and Herzegovina of the United Nations Protection Force. It notes with dismay that the Bosnian Serb party has not allowed the Special Representative of the Secretary-General for the Former Yugoslavia to visit Banja Luka, Bijeljina and other areas of concern, and strongly urges it to permit such access both to the Special Representative and to the Force. It also expresses its concern about continuing restrictions on access to Sarajevo, in particular the closure by the Bosnian Serb party of the routes across the airport opened in cooperation with the Force following the 17 March 1994 agreement.

**Decisions of 23 September 1994 (3428th
meeting): resolutions 941 (1994), 942 (1994)
and 943 (1994)**

At its 3428th meeting, on 23 September 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Jordan, Malaysia, Senegal, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item. The President (Spain) then drew the attention of the Council members to the texts of three draft resolutions: the first draft resolution had been prepared in the course of the Council's prior consultations;²²⁷ the second draft resolution had been submitted by Argentina, the Czech Republic, Djibouti, France, Germany, Nigeria, Oman, Pakistan, the Russian Federation, Rwanda, Spain, the United Kingdom and the United States;²²⁸ and the third draft resolution had been submitted by the Czech Republic, France, Germany, the Russian Federation, Spain, the United Kingdom and the United States.²²⁹ The President also

²²⁴ S/1994/800.

²²⁵ S/1994/1023.

²²⁶ S/PRST/1994/50.

²²⁷ S/1994/1083.

²²⁸ S/1994/1084.

²²⁹ S/1994/1085.

drew the attention of the Council members to several other documents.²³⁰

The representative of Bosnia and Herzegovina noted that his delegation had “mixed views” on the three draft resolutions before the Council. While his delegation supported the first draft resolution addressing the crimes of ethnic cleansing being perpetrated in Serb-occupied areas of Bosnia and Herzegovina, it wondered why it had taken in excess of three months to bring that draft to a vote and why the text had been so watered down as to diminish the commitment of UNPROFOR to deploy in the places where ethnic cleansing had been executed. Concerning the second draft resolution on the tightening of sanctions against the Bosnia Serbs, his delegation supported its spirit but questioned the effectiveness of

such measure in securing the desired objectives, especially the reversal of the consequences of aggression and ethnic cleansing. Regarding the third draft resolution on easing the sanctions against Serbia and Montenegro, Bosnia and Herzegovina was opposed to it for it sought to reward those who had been complicit in crimes and war-making, without assisting the victim to confront ongoing crimes and aggression, therefore lacking balance. Furthermore, the draft undermined the necessary improvements in human rights standards within Kosovo, Vojvodina and Sandzak, and did not address the ongoing occupation of Croatia. It also sought to reward Serbia and Montenegro for a set of “self-designed measures of self-policing”, and Serbia and Montenegro had not been required to endorse the Contact Group peace plan by recognizing Bosnia and Herzegovina within its own borders. The speaker also questioned the ability of the monitoring regime to monitor effectively the closure of the border between Bosnia and Herzegovina and Serbia and Montenegro. In conclusion, he urged members of the Council not to support the draft resolution.²³¹

The representative of Croatia expressed his Government’s reservations on the draft resolution easing sanctions against the Federal Republic of Yugoslavia. He argued that the sanctions should only be suspended after the Council had received concrete and undisputed evidence of real progress on the ground, not only in Bosnia and Herzegovina, but also in Croatia. Furthermore, his delegation could not overlook the fact that the draft resolution might not follow the spirit of resolution 871 (1993), which linked the sanction regime imposed on the Federal Republic of Yugoslavia to the implementation of all relevant Council resolutions, including those relating to the United Nations peacekeeping plan for the Republic of Croatia. His Government would therefore support the suspension of the sanctions regime against the Federal Republic of Yugoslavia only if there was real progress on the ground in relation to the implementation of resolution 871 (1993). An essential first step would be the recognition by the Federal Republic of Yugoslavia of the new States on the territory of the former Yugoslavia, within their internationally recognized borders. Should the Council adopt the draft resolution, however, the monitoring mission of the International Conference on the Former Yugoslavia, which was operating with meagre resources, would become very

²³⁰ Letters dated 7, 12, 14 and 22 September 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1037, S/1994/1038, S/1994/1046, S/1994/1056 and S/1994/1087); letters dated 9 and 19 September 1994, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1994/1040 and S/1994/1072); letters dated 8 and 21 September 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1044 and S/1994/1079); letters dated 14 and 16 September 1994, respectively, from the representative of Croatia addressed to the Secretary-General (S/1994/1052 and S/1994/1062); letter dated 9 September 1994 from the representative of Slovenia addressed to the President of the Security Council (S/1994/1055); letter dated 15 September 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/1060); letter dated 19 September 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the establishment and commencement of operations of an International Conference on the Former Yugoslavia mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) (S/1994/1074); letters dated 19 and 20 September 1994, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1994/1075 and S/1994/1076); letter dated 21 September 1994 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General (S/1994/1081); and letter dated 22 September 1994 from the representative of Pakistan addressed to the President of the Security Council (S/1994/1088).

²³¹ S/PV.3428, pp. 3-5.

important. He warned that the mission should not be used to satisfy short-term political goals.²³²

The representative of Germany, speaking on behalf of the European Union, stated that the adoption of the three draft resolutions would constitute an important step in the international peace effort and would convey an unequivocal message to the Bosnian Serbs. Firstly, the European Union condemned “the ethnic cleansing” which the Bosnian Serbs had systematically carried out in the areas they occupied and reemphasized the importance of the work of the International Tribunal for the former Yugoslavia. Secondly, the Bosnian Serbs must realize that they would remain totally isolated as long as they blocked the peace process and continue the abhorrent practice of “ethnic cleansing.” The European Union therefore welcomed the tightening of sanctions as a means to increase the pressure on the Bosnian Serbs to accept the territorial proposal submitted by the Contact Group. Thirdly, concerning the suspension of certain sanctions against the Federal Republic of Yugoslavia, the European Union was united in the view that the decision of President Milosevic to close the border deserved a positive reaction from the international community. Thus through the adoption of the three draft resolutions, the Council would emphasize that these who choose the course of peace would receive its support and those who persisted in rejecting peace and embracing war would be isolated and prosecuted.²³³

The representative of Turkey noted that his delegation considered both the first draft resolution, on ethnic cleansing, and the second draft resolution, on strengthening sanctions against the Bosnian Serbs, to be timely steps and believed that they should both be adopted immediately and implemented effectively. Turkey had serious doubts, however, about the timing and content of the third draft resolution, relaxing sanctions against Serbia and Montenegro, as it was necessary to verify Serbia’s claim that it had closed its border with Bosnia and Herzegovina. Moreover, the conclusion of the mission of the International Conference on the Former Yugoslavia was in direct contradiction with independent reports suggesting that there had been continuing unauthorized helicopter flights between Serbia and Montenegro and the Serbian-held areas of Bosnia and Herzegovina. Turkey

²³² *Ibid.*, pp. 5-6.

²³³ *Ibid.*, pp. 11-12.

had appealed to the President of the Security Council to postpone consideration of the draft resolution in order to allow a comprehensive investigation into that matter. Regrettably, that request had not been considered favourably. The speaker argued that the easing of sanctions at that time would send the wrong signal to the aggressor and would undermine the peace process. Meanwhile, Bosnia and Herzegovina, which had accepted the Contact Group peace plan in good faith, was awaiting the fulfilment of the promises made by the Contact Group, including true and effective border-monitoring, measures in response to the “strangulation” of Sarajevo, the expansion of exclusion zones, and the lifting of the arms embargo on Bosnia and Herzegovina. Before concluding, the speaker urged the Serbian side to stop its genocidal campaign to consolidate its territorial gains and to accept the peace plan. If it failed to do so, then the Government of Bosnia and Herzegovina should be provided with all means necessary to exercise its inherent right to self-defence.²³⁴

Mr. Djokic noted that the decision to partially suspend the existing sanctions, while it represented an important shift in attitude towards Yugoslavia, did not constitute an adequate response to the constructive role played by the Federal Republic of Yugoslavia in the search for a solution to the crisis in Bosnia and Herzegovina. What was really needed was the complete lifting of all sanctions and it was unfortunate therefore that the conditions were set for the ultimate and absolute lifting of all sanctions exclusively in the function of maintaining political pressure. The Federal Republic of Yugoslavia expected that, with the adoption of the draft resolution relaxing the sanctions, the process of lifting all sanctions would gather momentum and the legitimate rights of the Federal Republic of Yugoslavia in the United Nations and other international organizations would soon be restored so that it could be fully reintegrated into the international community.²³⁵

During the debate several speakers questioned the appropriateness of a decision easing sanctions against the Federal Republic of Yugoslavia, raising doubts about the credibility of the claims by the Belgrade authorities regarding the closure of their borders with the territories occupied by the Bosnian Serbs, in the

²³⁴ *Ibid.*, pp. 13-14.

²³⁵ *Ibid.*, pp. 14-17.

absence of an effective monitoring mechanism. They argued that before adopting such decision, the Council should ensure that Serbia and Montenegro take a number of steps, including its recognition of Bosnia and Herzegovina within its current borders, its cooperation with the International Tribunal, and its acceptance of the designation of 51 per cent of the territory of Bosnia and Herzegovina allocated to the Muslim Croat federation as a safe area, and the lifting of the Sarajevo siege. Instead of easing the sanctions, the Security Council should enforce the implementation of its earlier resolutions, and enable the Government of Bosnia and Herzegovina to exercise its right of self-defence by lifting the arms embargo imposed against it.²³⁶

Other speakers, however, supported the easing of sanctions as a way of acknowledging the positive reaction by the Belgrade authorities to the peace plan put forward by the Contact Group and their decision to close their borders, arguing that it was a measure that could be reversed if Serbia and Montenegro violated its commitments.²³⁷

Speaking before the vote, the representative of Djibouti was of the view that some crucial issues ought to have been addressed before embarking on the exercise of easing sanctions such as the military and humanitarian imbalance in the conflict, the recognition by the Federal Republic of Yugoslavia of Bosnia within its current borders, the cooperation of the Federal Republic of Yugoslavia with the International Tribunal, the protection of Bosnia's safe area and the end of the siege of Sarajevo. His delegation therefore found it very difficult to support any draft resolution calling for the partial lifting of sanctions at that moment.²³⁸

The representative of China stated that his delegation would vote in favour of the draft resolutions condemning violations of international humanitarian law and suspending aspects of the sanctions against the Federal Republic of Yugoslavia, as both draft resolutions reflected China's basic position on those

questions. He reiterated, however, that his country, in principle, was not in favour of using sanctions or mandatory measures to resolve the conflict in the former Yugoslavia. All efforts should be made to resolve the conflict peacefully. The speaker argued that instead of bringing the war to an end, the use of sanctions or mandatory measures had brought enormous suffering to the countries and people of the region, and had inflicted tremendous losses on the economies of those third countries that had implemented the sanctions, in particular the States neighbouring the Federal Republic of Yugoslavia. Therefore, on the basis of that principled position, China would abstain on the draft resolution tightening sanctions against the Bosnian Serbs.²³⁹

The representative of Pakistan stated that his delegation was not prepared to consider even the partial lifting of sanctions against the Federal Republic of Yugoslavia unless and until the consequences of its aggression in Bosnia and Herzegovina were reversed and territories occupied by force surrendered. Easing the sanctions in the current circumstances was tantamount to appeasing and rewarding the aggressor and would undermine the peace process, sacrificing the principles of justice and equity enshrined in the Charter of the United Nations. Furthermore, his delegation considered the timing for the submission of the draft resolution to be most inopportune, inappropriate and premature. Pakistan would therefore vote against the draft relaxing the sanctions.²⁴⁰

The representative of Rwanda expressed his delegation's support for the draft resolutions on ethnic cleansing and on strengthening the sanctions against the Bosnian Serbs. While his delegation had no quarrel with the content of the draft resolution relaxing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), it believed that its adoption would not be opportune, because developments on the ground clashed with the Rwandan Government policy with regard to the universal principles of human rights, and because previous Council resolutions had not been implemented. His delegation would therefore abstain in the voting of that draft resolution.²⁴¹

²³⁶ Ibid., pp. 3-5 (Bosnia and Herzegovina); pp. 5-6 (Croatia); pp. 6-8 (Malaysia); pp. 8-9 (Islamic Republic of Iran); pp. 9-10 (Senegal); pp. 10-11 (Albania); pp. 12-13 (Egypt); pp. 13-14 (Turkey); pp. 18-20 (Jordan); pp. 20-21 (Afghanistan); p. 21 (Bangladesh); and p. 22 (Tunisia).

²³⁷ Ibid., pp. 11-12 (Germany on behalf of the European Union); and pp. 17-18 (Canada).

²³⁸ Ibid., pp. 22-23.

²³⁹ Ibid., pp. 23-24.

²⁴⁰ Ibid., pp. 26-27.

²⁴¹ Ibid., p. 27.

The first draft resolution²⁴² was then put to the vote and was adopted unanimously as resolution 941 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

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

Taking note of the information provided by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and that contained in other relevant reports, particularly regarding grave violations of international humanitarian law affecting the non-Serb population in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

Gravely concerned at the persistent and systematic campaign of terror perpetrated by the Bosnian Serb forces in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as described in paragraphs 5 to 79 of the above-mentioned report,

Emphasizing that this practice of ethnic cleansing by the Bosnian Serb forces constitutes a clear violation of international humanitarian law and poses a serious threat to the peace effort,

Expressing its deep concern over the continued denial by Bosnian Serb forces of prompt and unimpeded access to the Special Representative of the Secretary-General for the Former Yugoslavia and the United Nations Protection Force to Banja Luka, Bijeljina and other areas under Bosnian Serb control as demanded by the Security Council in its presidential statement of 2 September 1994,

Recognizing that the International Tribunal has jurisdiction over serious violations of international humanitarian law committed in the territory of the Former Yugoslavia and that the Council remains committed to its previous resolutions on the importance of cooperation with the Tribunal,

Determined to put an end to the abhorrent and systematic practice of ethnic cleansing wherever it occurs and by whomsoever it is committed,

Determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949;

2. *Strongly condemns* all violations of international humanitarian law, including in particular the unacceptable practice of ethnic cleansing perpetrated in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and reaffirms that those who have committed or have ordered the commission of such acts will be held individually responsible in respect of such acts;

3. *Reaffirms its support* for the established principles that all declarations and actions made under duress, particularly those regarding land and ownership, are null and void, and that all displaced persons should be enabled to return in peace to their Former homes;

4. *Demands* that the Bosnian Serb authorities immediately cease their campaign of ethnic cleansing;

5. *Demands* that the Bosnian Serb party accord the Special Representative of the Secretary-General, the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross immediate and unimpeded access to Banja Luka, Bijeljina and other areas of concern;

6. *Requests* the Secretary-General to arrange, when conditions permit, the deployment of troops of the Force and United Nations monitors to Banja Luka, Bijeljina and other areas of concern and to intensify his efforts in this regard;

7. *Also requests* the Secretary-General to report urgently to the Council on the implementation of the present resolution;

8. *Determines* to consider any further steps that it may deem necessary;

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

The second draft resolution²⁴³ was then put to the vote and was adopted by 14 votes to none, with 1 abstention (China) as resolution 942 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Affirming its commitment to a negotiated settlement of the conflict in the Former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

Expressing appreciation for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties and implemented in good faith

²⁴² S/1994/1083.

²⁴³ S/1994/1084.

by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement,

Viewing the measures imposed by the present resolution and by its previous relevant resolutions as a means towards the end of producing a negotiated settlement to the conflict,

Expressing its support for the continuing efforts of Member States, in particular States in the region, to implement its relevant resolutions,

Determining that the situation in the Former Yugoslavia continues to constitute a threat to international peace and security,

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

A

1. *Expresses its approval* of the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties as part of an overall peace settlement;

2. *Expresses its satisfaction* that the proposed territorial settlement has now been accepted in full by all except the Bosnian Serb party;

3. *Strongly condemns* the Bosnian Serb party for its refusal to accept the proposed territorial settlement, and demands that that party accept this settlement unconditionally and in full;

4. *Requires* all parties to continue to observe the ceasefire as agreed on 8 June 1994 and to refrain from all new acts of hostility;

5. *Declares its readiness* to take all measures necessary to assist the parties to give effect to the proposed settlement once it has been accepted by all parties, and in this connection encourages States, acting nationally or through regional agencies or arrangements, to cooperate in an effective manner with the Secretary-General in his efforts to aid the parties to implement the proposed settlement;

B

Resolved to reinforce and extend the measures imposed by its previous resolutions with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

6. *Calls upon* States to desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full;

7. *Decides* that States shall prevent:

- (i) Economic activities carried on, after the date of adoption of the present resolution, within their territories by any entity, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by:

- (a) Any person in, or resident in, or any entity, including any commercial, industrial or public utility undertaking, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

- (b) Any entity incorporated in or constituted under the law of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as well as

- (ii) Economic activities carried on, after the date of adoption of the present resolution, within their territories, by any person or entity, including those identified by States for the purpose of the present resolution, found to be acting for or on behalf of and to the benefit of any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or any entity identified in subparagraph (i) above,

provided that:

- (a) States may authorize such activities to be carried on within their territories, having satisfied themselves on a case-by-case basis that the activities do not result in the transfer of property or interests in property to any person or entity described in subparagraph (i) (a) or (b) above;

- (b) Nothing in this paragraph shall prevent the provision of supplies intended strictly for medical purposes and foodstuffs notified to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, or commodities and products for essential humanitarian needs approved by the Committee;

8. *Decides* that States shall revoke existing, and issue no further, authorization under paragraph 7 above in respect of any person or entity violating the measures imposed by the present resolution or violating the measures imposed by earlier relevant resolutions, where those violations have occurred after the date of adoption of the present resolution;

9. *Decides* that States shall consider the term "economic activities" used in paragraph 7 above to mean:

- (a) All activities of an economic nature, including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property or interests in property;

- (b) The exercise of rights relating to property or interests in property;

- (c) The establishment of any new entity or change in management of an existing entity;

10. *Decides* that States shall consider the term "property or interests in property" used in paragraphs 7 and 9

above to mean funds, financial, tangible and intangible assets, property rights and publicly and privately traded securities and debt instruments and any other financial and economic resources;

11. *Decides* that States in which there are funds or other financial assets or resources of:

- (i) Any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or
- (ii) Any entity identified in paragraph 7 (i) above or any person or entity identified in paragraph 7 (ii) above,

shall require all persons and entities within their territories holding such funds or other financial assets or resources to freeze them to ensure that neither they nor any other funds or any other financial assets or resources are made available directly or indirectly to or for the benefit of any of the above-mentioned persons or entities, except:

(a) Payments made in connection with activities authorized in accordance with paragraph 7 above, or

(b) Payments made in connection with transactions authorized by the Government of the Republic of Bosnia and Herzegovina with regard to persons or entities within its territory,

provided that States are satisfied that payments to persons outside their territories will be used for the purpose or in connection with the activities and transactions for which permission is sought, and that in the case of payments made under exception (a) above, States may authorize such payments only after they are satisfied on a case-by-case basis that the payments do not result in the transfer of funds or other financial assets or resources to any person or entity described in subparagraph (a) or (b) of paragraph 7 (i) above;

12. *Decides* that States shall ensure that all payments of dividends, interest or other income on shares, interest, bonds or debt obligations or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with, tangible and intangible assets and property rights, accruing to:

- (i) Any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or
- (ii) Any entity identified in paragraph 7 (i) or any person or entity identified in paragraph 7 (ii) above,

are made only into frozen accounts;

13. *Decides* that the provision of services, both financial and non-financial, to any person or body for the purposes of any business carried on in those areas of the Republic of Bosnia and Herzegovina under the control of

Bosnian Serb forces shall be prohibited, the only exceptions being (a) telecommunications, postal services and legal services consistent with the present resolution and earlier relevant resolutions, (b) services whose supply may be necessary for humanitarian or other exceptional purposes, as approved on a case-by-case basis by the Committee established pursuant to resolution 724 (1991), and (c) services authorized by the Government of the Republic of Bosnia and Herzegovina;

14. *Decides* that States shall prevent the entry into their territories of:

(a) The members of the authorities, including legislative authorities, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and officers of the Bosnian Serb military and paramilitary forces, and those acting on behalf of such authorities or forces;

(b) Persons found, after the adoption of the present resolution, to have provided financial, material, logistical, military or other tangible support to Bosnian Serb forces in violation of relevant resolutions of the Council;

(c) Persons in or resident in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces found to have violated or contributed to the violation of the measures set out in resolution 820 (1993) of 17 April 1993 and in the present resolution,

and requests that the Committee established pursuant to resolution 724 (1991) establish and maintain an updated list, based on information provided by States and competent regional organizations, of the persons falling within this paragraph, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals; and provided that the entry of a person included in the list into a particular State on a specified date may be authorized, for purposes consistent with the pursuit of the peace process and with the present resolution and earlier relevant resolutions, by the Committee or, in the event of disagreement in the Committee, by the Council;

15. *Decides* to prohibit all commercial riverine traffic from entering ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces except when authorized on a case-by-case basis by the Committee established pursuant to resolution 724 (1991), or by the Government of the Republic of Bosnia and Herzegovina for its territory, or in case of *force majeure*;

16. *Decides* that States shall require that all shipments of commodities and products destined for those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces be properly manifested and either be physically inspected by the Sanctions Assistance Missions or the competent national authorities at loading to verify and seal their contents or be laden in a manner which permits adequate physical verification of the contents;

17. *Decides* that States shall, in notifying or submitting applications to the Committee established pursuant to resolution

724 (1991) in respect of supplies intended strictly for medical purposes and foodstuffs and essential humanitarian supplies in respect of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, report for information purposes to the Committee on the source of funds from which payment is to be made;

18. *Decides* that States shall, in implementing the measures imposed by the present resolution, take steps to prevent the diversion of benefits to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces from other places, in particular from the United Nations Protected Areas in Croatia;

19. *Requests* the Secretary-General to provide the necessary assistance to the Committee established pursuant to resolution 724 (1991) and to make the necessary arrangements in the Secretariat for that purpose;

20. *Decides* that the provisions set forth in the present resolution do not apply to activities related to the United Nations Protection Force, the International Conference on the Former Yugoslavia or the European Community Monitoring Missions;

21. *Decides* to review the measures imposed by the present resolution whenever appropriate and in any event every four months from the date of adoption of the present resolution, and expresses its readiness to reconsider those measures if the Bosnian Serb party accepts the proposed territorial settlement unconditionally and in full;

22. *Decides* to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council.

The third draft resolution²⁴⁴ was then put to the vote and was adopted by 11 votes in favour to 2 against (Djibouti, Pakistan), with 2 abstentions (Nigeria, Rwanda), as resolution 943 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Affirming its commitment to a negotiated settlement of the conflict in the Former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

Expressing its appreciation for the efforts of the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

Welcoming the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to support the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties,

Also welcoming the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Further welcoming the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to invite international assistance with regard to the passage of supplies for essential humanitarian needs through the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina,

Noting in this regard the letter dated 19 September 1994 from the Secretary-General addressed to the President of the Security Council, conveying a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the establishment and commencement of operations of a mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro),

Calling upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to maintain the effective closure of the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Noting that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

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

1. *Decides* that:

- (i) The restrictions imposed by paragraph 7 of resolution 757 (1992), paragraph 24 of resolution 820 (1993) with regard to aircraft which are not impounded at the date of adoption of the present resolution and by other relevant resolutions which relate to the provision of goods and services, with respect to all civilian passenger flights to and from the Belgrade airport carrying only passengers and personal effects and no cargo unless authorized under the procedures of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia;
- (ii) The restrictions imposed by paragraphs 24 and 28 of resolution 820 (1993) and by other relevant resolutions which relate to the provision of goods and services, with respect to the ferry service between Bar in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bari in Italy carrying only passengers and personal effects and no cargo unless authorized under the procedures of the Committee established pursuant to resolution 724 (1991);

²⁴⁴ S/1994/1085.

- (iii) The measures imposed by paragraph 8 (b) and (c) of resolution 757 (1992) concerning participation in sporting events and cultural exchanges,

shall be suspended for an initial period of one hundred days from the day following the receipt by the Security Council of a report from the Secretary-General that the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and that arrangements are in place pursuant to the decision of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to invite international assistance with regard to the passage of supplies for essential humanitarian needs through that border;

2. *Invites* the Committee established pursuant to resolution 724 (1991) to adopt appropriate streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. *Requests* that every thirty days the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and further requests the Secretary-General to report to the Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, that those authorities are not effectively implementing their decision to close the border;

4. *Decides* that if at any time the Secretary-General reports that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not effectively implementing their decision to close the border, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

5. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the Russian Federation stressed the importance of operative paragraph 5 of resolution 943 (1994), which provided that the Council would consider further steps to ease the sanctions in the light of further progress in the situation. Concerning resolution 942 (1994), tightening sanctions against the Bosnian Serbs, the speaker stated that the purpose of that resolution was to make the Bosnian Serbs recognize that there was no alternative to a political solution. He further stated that his country deemed the policy of “ethnic cleansing” to be repugnant and demanded its immediate cessation. Accordingly, his delegation had supported the adoption of the resolution that condemned the policy conducted by the Bosnian Serbs and noted, in particular, the provision of the resolution that condemned any “ethnic cleansing” of whatever origin, and whoever might perpetrate it. The Russian Federation also deemed important the provisions contained in the resolutions adopted on the commitment to a settlement of the conflict in the former Yugoslavia through negotiation, while maintaining the territorial integrity of all States there within the confines of their internationally recognized borders.²⁴⁵

The representative of the United States noted that the resolutions just adopted aimed to pressure the Bosnian Serbs and to demonstrate the Council’s determination to use “both carrots and sticks” to move the parties towards a negotiated settlement. In preparing to ease sanctions against the Federal Republic of Yugoslavia, the Council was acknowledging that its Government had taken an important step to persuade the Bosnian Serbs to accept the negotiated settlement. The United States continued to believe that Belgrade bore primary responsibility for events in the former Yugoslavia over the preceding three years. While it welcomed the first indications that the Federal Republic of Yugoslavia might have changed course, it would insist that that country comply with its commitment to keep the border closed. The suspended sanctions would come into effect, without the need for further Council action, if at any time the international Mission was no longer able to confirm the border closure. The Government of the Federal Republic of Yugoslavia should not doubt the will of the United States to cancel the suspension of the sanctions if it believed that the border had been reopened. The people of Serbia and Montenegro should

²⁴⁵ S/PV.3428, pp. 30-31.

also understand that further concrete steps towards peace would lead to additional easing of sanctions. The United States urged Belgrade to recognize Croatia and Bosnia within their internationally recognized borders, and to use its influence with the Croatian Serbs to push them towards a settlement consistent with Croatia's territorial integrity. It would also insist that the Federal Republic of Yugoslavia not be allowed to rejoin the family of nations until it was in compliance with all relevant Council resolutions. Belgrade should understand that a decision to choose conflict would stop limited sanctions relief and would lead to the adoption of even tougher measures. Referring to resolution 941 (1994), the speaker noted that the condemnation of ethnic cleansing was an integral part of efforts to end the conflict.²⁴⁶

The representative of Nigeria observed that it was appropriate that resolution 941 (1994) had been adopted under Chapter VII, for the Council could not be indifferent to grave violations of international humanitarian law. Referring to resolution 942 (1994), the speaker stated that the Bosnian Serb leadership must be made to realize that the only way to join other members of the international community was to accept a negotiated settlement. Nigeria called on the members of the international community, especially neighbouring States and the Federal Republic of Yugoslavia, to discharge their obligations under that resolution in order to ensure a complete and total isolation of the Bosnian Serb political and military leadership. Referring to resolution 943 (1994), the speaker noted that his delegation was uneasy with the loosening of sanctions against the Federal Republic of Yugoslavia, primarily due to its timing. If the Council had considered the draft resolution on easing the sanctions after it had received a report from the Secretary-General that the border was being effectively closed, then some of Nigeria's concerns would have been addressed. The Council's decision to loosen sanctions when nothing had changed on the ground, however, might give the wrong impression. In addition, a fundamental condition for the easing of the sanctions should have been an immediate and explicit recognition of Bosnia and Herzegovina within its internationally recognized borders. Nigeria had

²⁴⁶ Ibid., pp. 33-34.

therefore abstained in the vote on resolution 943 (1994).²⁴⁷

The representative of Oman stated that, despite the positions of both OIC and the Non-Aligned Group which advocated that submitting resolution 943 (1994) at that stage was premature, his delegation had voted in favour of resolution 943 (1994) in deference to the wishes of the majority of members of the Council, and in the hope that the resolution would help to resolve the situation in Bosnia and Herzegovina. Nevertheless, it stressed that the lifting of the sanctions must be subject to a "trial period", in order to gauge the peaceful intentions of the Federal Republic of Yugoslavia. Should there be no concrete progress, then the measures in the resolution would become null and void and the situation would revert to its earlier status.²⁴⁸

Decision of 30 September 1994 (3433rd meeting): statement by the President

At its 3433rd meeting, on 30 September 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Spain) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁴⁹

The Security Council is deeply concerned at the deteriorating security situation in the safe area of Sarajevo and elsewhere in Bosnia and Herzegovina, which has included increased levels of armed violence, deliberate attacks on United Nations Protection Force troops and on humanitarian flights, severe restrictions on public utilities and continued restriction of the flow of transport and communications. It notes that normal life has not been fully restored to Sarajevo, as called for in its resolution 900 (1994) of 4 March 1994.

The Council expresses concern at the deliberate interruptions of utilities and communications to the civilian population in Sarajevo, as well as the extended period of closure of the Sarajevo airport to humanitarian flights and of the route across that airport opened in cooperation with the Force following the agreement of 17 March 1994, as a result of the actions by the Bosnian Serb party. The Council calls upon the Bosnian Serb party not to interfere with the normal functioning

²⁴⁷ Ibid., pp. 34-36.

²⁴⁸ Ibid., pp. 37-39.

²⁴⁹ S/PRST/1994/57.

of the Sarajevo airport. It further calls upon the Bosnian Serb party to cooperate with efforts to restore fully the flow of gas and electricity to Sarajevo, to reopen all land routes to Sarajevo and, now and in the future, to refrain from impeding the normal operations of these and all other utilities and means of communication and transport. It calls upon all parties not to interfere with the supply of gas or electricity to the civilian population. It reiterates its call to all parties, with the assistance of the United Nations, to achieve complete freedom of movement for the civilian population and for humanitarian goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement and to help restore normal life to the city.

The Council condemns in particular the deliberate attack on 22 September 1994 on troops of the Force in Sarajevo, just one of a number of attacks which clearly suggest a deliberate pattern. The Council also notes with alarm, and condemns without reservation, the reported statements of the Bosnian Serb leadership that the Bosnian Serb party would target activities of the Force in retaliation for the passage of a Council resolution tightening sanctions against the Bosnian Serbs. It warns the Bosnian Serb leadership against any retaliatory action, whether against the Force or any other party and in that context welcomes efforts to support troops of the Force.

The Council fully supports the efforts of the Force to assure compliance with measures designed by the international community to improve conditions in Sarajevo. It advises both parties, in particular the Bosnian Serbs, to comply with those measures.

The Council strongly condemns any provocative actions in Sarajevo and elsewhere in Bosnia and Herzegovina by whomsoever committed, and demands immediate cessation of such actions.

The Council encourages the Special Representative of the Secretary-General for the Former Yugoslavia and the Force to explore as a matter of priority proposals for the demilitarization of Sarajevo.

The Council affirms its determination to remain seized of the matter.

Deliberations of 8 and 9 November 1994 (3454th meeting)

By a letter dated 3 November 1994 addressed to the President of the Security Council,²⁵⁰ the representative of Pakistan requested an urgent meeting of the Security Council to consider the situation in Bosnia and Herzegovina in the light of resolution 49/10, which had been adopted by the General Assembly on the same date.

²⁵⁰ S/1994/1248.

At its 3454th meeting, on 8 and 9 November 1994, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Cambodia, Canada, Croatia, Ecuador, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, the Islamic Republic of Iran, Jordan, Latvia, Malaysia, Morocco, Nicaragua, Norway, the Republic of Korea, Romania, Senegal, Slovenia, the Sudan, Thailand, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item, and extended an invitation to Mr. Engin Ahmet Ansay, Permanent Observer of OIC to the United Nations.

The representative of Pakistan, speaking also as the Chairman of the OIC Contact Group, noted that the OIC Foreign Ministers at their seventh extraordinary session, held at Islamabad from 7 to 9 September 1994, had reiterated the inapplicability of the arms embargo imposed by resolution 713 (1991) to Bosnia and Herzegovina and Croatia, and had called upon the Security Council to confirm that position. They had further noted that should the Council not confirm that position, then the OIC membership, along with other States Members of the United Nations, would conclude that members acting individually or collectively could provide the means of self-defence to the Government of Bosnia and Herzegovina. As far as Pakistan was concerned, it had consistently advocated that the inherent right of the Bosnian people to self-defence under Article 51 of the Charter should be restored without delay. In that context, Pakistan welcomed the United States recent initiative to lift the arms embargo and would extend its support to the early adoption of the draft resolution. At the same time, measures should be adopted by the Council to declare the entire 51 per cent of the territory allocated to the Muslim-Croat Federation a "safe area". The Council should also respond effectively to any further violations of its resolutions, particularly those concerning safe areas, by the use of force and air strikes.²⁵¹

The representative of France stated that the international community would now be pursuing its efforts to overcome the obstinacy of the Bosnian Serbs,

²⁵¹ S/PV.3454, pp. 2-4.

who had rejected the peace plan presented by the Contact Group, and to encourage those who had approved it to work towards an overall settlement. In that regard, Belgrade was expected to recognize Bosnia and Herzegovina, to continue its support for the plan of the Contact Group, and to have no political and economic relations with the Bosnian Serbs, and to approve the plan of the International Conference on the Former Yugoslavia. With respect to the Bosnian Serbs, there were two ways to bring them to accept the Contact Group's plan, through continued strict political and economic isolation or by confirming that the various communities would enjoy equal rights with regard to the constitution. Addressing the question of lifting the arms embargo against Bosnia and Herzegovina, the speaker cautioned that if the embargo were lifted, diplomatic efforts would be jeopardized. In addition, UNPROFOR would be exposed to the consequences of offensive military action and reprisals. Such a measure would lead to withdrawal, which would mean the end of assistance and protection for many peoples. Moreover, a lifting of the arms embargo would intensify tensions between the communities of Bosnia and Herzegovina and the successor countries of the former Yugoslavia.²⁵²

The representative of the Russian Federation expressed concern at reports that the present military escalation in Bosnia had resulted from continued deliveries of arms to the Bosnian Government troops, in violation of resolution 713 (1993). Particularly alarming had been the use of the safe areas by those same troops to carry out attacks. The Russian Federation called on the Government of Bosnia and all parties to reject attempts to solve the problem by military means. In addition, it was necessary to introduce certain changes into the concept and regime of the safe areas, taking into account the Secretary-General's recommendations contained in his report of 9 May 1994. Referring to the question of lifting the embargo, the speaker expressed the belief that such a step would be an extreme measure and should be considered only after all political means had been exhausted. He argued that lifting the embargo would have negative consequences for the political process, for the continued provision of humanitarian assistance, and for the activities of UNPROFOR.²⁵³

²⁵² *Ibid.*, pp. 4-6.

²⁵³ *Ibid.*, pp. 6-7.

The representative of the United Kingdom stated that the continued intransigence of the Bosnian Serbs represented by far the greatest obstacle on the path to peace in Bosnia. But the new readiness of Belgrade to back the Contact's Group efforts and to isolate the Bosnian Serbs also offered an opportunity. What was asked from Belgrade was that it took significant steps and recognized Croatia and Bosnia, maintained its support for the Contact Group plan, continued its embargo against the Bosnian Serbs and threw its weight behind a peace plan for Croatia as well. The speaker further warned that the progress achieved so far in the quest for peace would be endangered if the arms embargo were to be lifted. The United Kingdom therefore could not support the draft resolution before the Council.²⁵⁴

The representative of Senegal argued that the conflict in Bosnia and Herzegovina had shown that sanctions, however effective, would not be sufficient to stem the hostile inclinations of the aggressor. Senegal, therefore, believed that the adoption of the proposed draft resolution, lifting the arms embargo, could make a decisive contribution to restoring the balance of power. Referring to General Assembly resolution 49/10, the speaker noted that the General Assembly had urged the Council to fulfil its responsibility under Article 24 of the Charter and to take appropriate steps to restore the sovereignty, political independence, territorial integrity and unity of Bosnia and Herzegovina. He noted that the measures proposed in the draft resolution before the Council came in response to a renewed appeal by the General Assembly, most of whose members were of the view that the non-application to the Bosnian and Croat parties of resolution 713 (1991) constituted not a potential threat of wider conflict, but an easing of a burden which had seriously hampered the ability of a Member of the United Nations to exercise its inherent right to individual and collective self-defence under Article 51 of the Charter. In conclusion, his delegation fully supported the draft resolution before the Council.²⁵⁵

The representative of Germany, speaking on behalf of the European Union, stated that Belgrade could significantly improve the prospects for a peaceful settlement by taking a number of steps, including recognizing Bosnia and Croatia within their

²⁵⁴ *Ibid.*, pp. 7-9.

²⁵⁵ *Ibid.*, pp. 16-17.

internationally recognized borders, continuing to endorse the Contact Group plan, endorsing the plan for Croatia of the International Conference on the Former Yugoslavia, and continuing to implement the sanctions against the Bosnian Serbs. Referring to the question of lifting the arms embargo, the speaker stated that such a step must remain a last resort, to be used only once all avenues for a political settlement had been exhausted.²⁵⁶

The representative of Slovenia recalled that the embargo was imposed on the former Yugoslavia back in 1991, when that former State still existed and had been extended to the successor States of the former Yugoslavia in a specific situation in 1992. Since that time almost everything had changed for each of the successor States and a debate which would take into account the new realities was long overdue. The speaker noted that while there were many reasons for keeping the arms embargo as a part of sanctions imposed by the Council, until the conditions for lifting these sanctions were fulfilled, there was a need to recognize the inapplicability of an arms embargo to those engaged in legitimate self-defence. The entire concept of collective security was based upon complementarity of self-defence and international action so as to provide effective protection of States' existence and their territorial integrity and political independence. He further contended that in the case of his country, there was no justification for continuing the arms embargo. Slovenia was not, and had never been, involved in an armed conflict that prompted the imposition of that arms embargo. Therefore, it would be not only appropriate, but necessary for the Council to declare that relevant paragraphs of resolutions 713 (1991), 724 (1991), 727 (1992) and 762 (1992) no longer applied.²⁵⁷

Referring to the question of lifting the arms embargo, the representative of the Republic of Korea stated that his delegation shared the apprehensions of those States who were concerned that lifting the embargo would aggravate the situation. For that reason, the Republic of Korea had abstained in the voting the previous year on General Assembly resolution 48/88. In the most recent vote, however, on resolution 49/10, the Republic of Korea had registered an affirmative vote, with the view that as the

international community had failed to secure peace in the region, it had a moral and political obligation to respond to the legitimate concern of the Bosnian people for their very existence. His delegation noted that the draft resolution provided for the deferral of such lifting for a period of six months, which it believed to be a "judicious step". It emphasized that the draft was not meant to lead to an intensified arms struggle in Bosnia, but to bring armed hostilities to an end. The international community must exert more pressure on the Bosnian Serbs, and the Republic of Korea believed that the prospect of lifting the arms embargo was the most persuasive weapon against "Serbian intransigence".²⁵⁸

The representative of Croatia noted that the balance of power which was a prerequisite for a political settlement and for a just and lasting peace in Bosnia and Herzegovina, had not been achieved through the measures thus far taken by the international community. The Council must now plan for new mechanisms that would impose peace such as the lifting of arms embargo against the Federation of Bosnia and Herzegovina. The lifting of the arms embargo would be not a step towards war but a "leap towards peace", moving the region towards a new, desirable balance. Referring to the situation in Croatia, the speaker welcomed the inclusion of a paragraph in the preamble of the draft resolution before the Council which called into question the continued application of the arms embargo against Croatia. The speaker argued that since the draft resolution deferred the lifting of the arms embargo for six months, it was only logical to make his Government, too, eligible for a lifting of the arms embargo in six months.²⁵⁹

Mr. Djokic argued that calls for lifting the arms embargo against the Bosnian Muslims and carrying out air strikes against the Bosnian Serbs could only lead to an escalation of the conflict. Noting that the effort to resolve the crisis had been ineffective so far, he contended that the urgent and unconditional lifting of all sanctions against the Federal Republic of Yugoslavia would create the conditions for the establishment of an early, just and lasting peace. Yugoslavia was ready to accept any solution agreed to by the warring parties, on the basis of full equality and respect for the legitimate rights of all three Bosnian

²⁵⁶ Ibid., pp. 19-20.

²⁵⁷ Ibid., pp. 22-24.

²⁵⁸ Ibid., pp. 24-25.

²⁵⁹ Ibid., pp. 26-27.

peoples and it stood ready to recognize the former Yugoslav republics once all outstanding issues had been resolved. It was convinced that the Contact Group plan was the only viable way to end the crisis and establish a just and lasting solution and it called on all sides to cease immediately and unconditionally all military activities and to abide strictly by the ceasefire agreement.²⁶⁰

The representative of Bosnia and Herzegovina questioned what option was left to his country. If the choice were between retaining UNPROFOR and the lifting of arms embargo, then his country would choose the latter. The choice, however, might not be between one and the other. Rather, both options might be possible. His Government believed that UNPROFOR efforts could be supplemented by measures that effectively allowed the Bosnians to defend themselves by the lifting of the arms embargo or, through an overall peacemaking process. Noting that his country had made many concessions in the past, the representative of Bosnia and Herzegovina believed that one more compromise had been made by asking the Council to lift the arms embargo and to defer the application of that decision for six months, to give the international community and the Contact Group a last opportunity to compel the Bosnian Serbs to accept the peace plan.²⁶¹

The President, speaking in her capacity as the representative of the United States, stated that her Government had presented a draft resolution that would lift the arms embargo after six months if the Bosnian Serbs had not yet agreed to a settlement. She argued that there were no grounds in justice or law for denying the Government of Bosnia the right to defend itself. Bosnia and Herzegovina had not attacked its neighbours, supported international terrorism or otherwise abused its responsibilities as a sovereign Power. The real question before the Council was whether it would at long last translate words into actions, for it was only bold action that could provide the pressure necessary to end the war. The speaker argued that, under the draft resolution, arms would not begin to flow into Bosnia for a period of six months. During that time, the capacity of the Bosnian Serbs to wage war could be limited through tighter sanctions. Moreover, the prospect that the embargo would be

lifted if the Bosnian Serbs continued to reject the peace process should give them a “weighty” reason to accept the Contact Group’s proposed territorial arrangements. The United States was determined to proceed on a firm course. Debates in the Council and the General Assembly had indicated that a strong majority of the United Nations membership supported lifting the arms embargo against Bosnia.²⁶²

While several speakers expressed support to the United States draft resolution on the lifting of the arms embargo²⁶³ and a number of them called for the strengthening of UNPROFOR mandate,²⁶⁴ others opposed the lifting or expressed doubts about it,²⁶⁵ arguing that it would lead to the disintegration of UNPROFOR and that efforts should be focused on a political solution.

Decision of 13 November 1994 (3456th meeting): statement by the President

By a letter dated 11 November 1994 addressed to the President of the Security Council,²⁶⁶ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the President of Bosnia and Herzegovina. In that letter, the President reported

²⁶² S/PV.3454 (Resumption 2), pp. 68-70.

²⁶³ S/PV.3454, pp. 2-4 (Pakistan); p. 12 (Oman); p. 16 (Senegal); pp. 17-18 (Malaysia); pp. 18-19 (Turkey); pp. 20-21 (Brunei Darussalam); pp. 21-22 (Afghanistan); pp. 24-25 (Republic of Korea); pp. 25-27 (Croatia); pp. 27-28 (Bangladesh); pp. 28-30 (Islamic Republic of Iran); pp. 30-31 (Algeria); S/PV.3454 (Resumption 1), pp. 36-43 (Bosnia and Herzegovina); pp. 44-46 (Jordan); pp. 46-48 (Morocco); pp. 48-50 (Egypt); pp. 51-52 (Cambodia); pp. 52-53 (Nicaragua); pp. 53-54 (Albania); and pp. 54-55 (Indonesia); and S/PV.3454 (Resumption 2), pp. 58-59 (Sudan); pp. 59-60 (Tunisia); pp. 63-64 (Guinea-Bissau); pp. 64-66 (OIC); p. 66 (Thailand); pp. 67-68 (Djibouti); and pp. 68-70 (United States).

²⁶⁴ S/PV.3454, pp. 17-18 (Malaysia); pp. 18-19 (Turkey); and pp. 27-28 (Bangladesh); and S/PV.3454 (Resumption 2), pp. 64-66 (OIC).

²⁶⁵ S/PV.3454, pp. 4-6 (France); pp. 6-7 (Russian Federation); pp. 7-9 (United Kingdom); pp. 9-10 (Czech Republic); pp. 10-12 (New Zealand); pp. 13-14 (Brazil); pp. 14-15 (Spain); pp. 19-20 (Germany on behalf of the European Union); pp. 31-34 (Yugoslavia); S/PV.3454 (Resumption 1), pp. 43-44 (Norway, on behalf of the Nordic countries); p. 50 (Ecuador); and p. 56 (Honduras); and S/PV.3454 (Resumption 2), pp. 61-62 (Canada); and pp. 62-63 (Bulgaria).

²⁶⁶ S/1994/1283.

²⁶⁰ *Ibid.*, pp. 31-34.

²⁶¹ S/PV.3454 (Resumption 1), pp. 36-43.

that the situation in and around the Bihac “safe area” continued to deteriorate, and that numerous attacks had been launched by rebel Serbs from the United Nations Protected Areas, inflicting heavy casualties upon the civilian population. In view of the situation, he requested an emergency meeting of the Security Council.

By a letter dated 12 November 1994 addressed to the President of the Security Council,²⁶⁷ the representative of Croatia transmitted a letter of the same date from the Deputy Prime Minister of Croatia. In that letter, the Deputy Prime Minister reported that the situation in the United Nations Protected Areas and in Bosnia and Herzegovina had deteriorated to such an extent that it warranted decisive and immediate action by the Security Council, UNPROFOR and NATO, and requested that the Council, at an emergency meeting, review the overall situation in the area and consider the demands that had been elaborated in a letter dated 11 November 1994 from the representative of Croatia addressed to the President of the Security Council.²⁶⁸ Those demands included (a) the extension of the exclusion zone regime in the occupied parts of Croatian territory; and (b) the engagement of NATO forces in the occupied territories and the airspace of Croatia, whenever Security Council and General Assembly resolutions were being violated.

At its 3456th meeting, held on 13 November 1994 in response to the requests contained in the above-mentioned letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to several documents²⁶⁹ and stated that, after consultations

among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁷⁰

The Security Council views with alarm the escalation in recent fighting in the Bihac area and the flow of refugees and displaced persons resulting from it. It strongly urges all parties and others concerned to refrain from all hostile actions and to exercise the utmost restraint.

The Council condemns any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina. It demands that all parties and others concerned, in particular the so called Krajina Serb forces, fully respect that border and refrain from hostile acts across it.

The Council calls upon all parties and others concerned to abstain from any action that could cause a further escalation in the fighting.

The Council demands that all parties and others concerned immediately ensure, in cooperation with the United Nations Protection Force, unimpeded access for humanitarian supplies.

The Council expresses full support for the efforts of the Force and calls on the parties to respect the safety and security of the Force, its unimpeded access to supplies and its freedom of movement.

The Council emphasizes the significance of its resolutions on safe areas and demands that all concerned facilitate implementation of these resolutions, and in this connection requests the Secretary-General to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac, drawing on the experience of the Force in Bihac and the other safe areas.

Decision of 18 November 1994 (3460th meeting): statement by the President

At its 3460th meeting, on 18 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to several documents²⁷¹ and stated that,

²⁶⁷ S/1994/1286.

²⁶⁸ S/1994/1285.

²⁶⁹ Letter dated 9 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1271); letter dated 11 November 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/1285); and letter dated 12 November from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting a letter dated 11 November 1994 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1287).

²⁷⁰ S/PRST/1994/66.

²⁷¹ Letters dated 14, 14, 15 and 16 November 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1289, S/1994/1292, S/1994/1294 and S/1994/1300); and letter dated 15 November 1994 from the representative of the Islamic Republic of Iran addressed to the Secretary-General (S/1994/1295).

after consultations among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁷²

The Security Council condemns in the strongest possible terms the attack on the safe area of Bihac by aircraft belonging to the so-called Krajina Serb forces, which involved the dropping of napalm and cluster bombs in south-west Bihac, in clear violation of the status of Bihac as a safe area. This violation is all the more grave because of the threat it poses to the United Nations Protection Force troops deployed in the safe area of Bihac.

The Council also condemns the shelling by the so-called Krajina Serb forces from the United Nations Protected Areas as a flagrant violation of the territorial integrity of the Republic of Bosnia and Herzegovina and relevant Council resolutions. It demands that all parties and others concerned, in particular the so-called Krajina Serb forces, cease immediately all hostile actions across the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

The Council further demands an immediate end to all military activity which endangers the lives of the Force personnel deployed in the Bihac area and demands that all parties and others concerned, in particular the so-called Krajina Serb forces, restore the freedom of movement of Force personnel in and around the Bihac area, including their unimpeded access to supplies.

The Council calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting, and also calls on them to achieve urgently a ceasefire in the Bihac area.

Decision of 19 November 1994 (3462nd meeting): resolution 959 (1994)

At its 3462nd meeting, on 19 November 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and Germany, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution submitted by France, Germany, the Russian Federation, Spain, the United Kingdom and the United States.²⁷³

The representative of Bosnia and Herzegovina stated that it was his delegation's understanding that the draft resolution was designed to facilitate the efforts of UNPROFOR under its peacekeeping

mandate. Bosnia and Herzegovina supported all such efforts in keeping with its territorial integrity and sovereignty and the interests of its citizens. Until the Bosnian Serbs accepted the Contact Group plan and until there was a comprehensive effort at peacemaking, the safe areas concept would only be a secondary tool to Bosnia and Herzegovina's responsibilities and efforts at defence and peacemaking. Referring to the issue of Sarajevo, the speaker noted that his delegation favoured the demilitarization of that city, consistent with the Contact Group plan. Bosnia and Herzegovina was prepared to evaluate options for other safe areas that would not undermine its territorial integrity or sovereignty.²⁷⁴

The draft resolution was then put to the vote and was adopted unanimously as resolution 959 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina, in particular its resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993,

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties and implemented in good faith by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement,

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

Expressing special concern about the escalation in recent fighting in the Bihac pocket, including in, from and around the safe areas, and the flow of refugees and displaced persons resulting from it,

Bearing in mind the importance of facilitating the return of refugees and displaced persons to their homes,

Taking note of the reports of the Secretary-General of 11 March and 16 March 1994 and of his recommendations concerning the definition and implementation of the concept of safe areas in his report of 9 May 1994,

Recalling the statements by the President of the Security Council of 6 April, 30 June, 13 November and 18 November 1994,

Reaffirming its previous calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting and to achieve urgently a ceasefire in the Bihac area,

Reiterating the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united

²⁷² S/PRST/1994/69.

²⁷³ S/1994/1317.

²⁷⁴ S/PV.3462, pp. 2-3.

city and a multicultural, multi-ethnic and plurireligious centre, and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo and to achieving an overall settlement, consistent with the peace plan of the Contact Group,

Taking note of the communiqué on Bosnia and Herzegovina issued on 30 July 1994 by the Troika of the European Union and the foreign ministers of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America and, in particular, of their commitment to strengthen the regime of safe areas,

1. *Expresses its grave concern* over the recent hostilities in Bosnia and Herzegovina;

2. *Condemns* any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and demands that all parties and others concerned, in particular the so-called Krajina Serb forces, fully respect the border and refrain from hostile acts across it;

3. *Expresses its full support* for the efforts by the United Nations Protection Force to ensure implementation of the Security Council resolutions on safe areas;

4. *Calls upon* all the Bosnian parties to respect fully the status and functions of the Force and to cooperate with it in its efforts to ensure implementation of the Security Council resolutions on safe areas, and demands that all parties and others concerned show maximum restraint and put an end to all hostile actions in and around the safe areas in order to ensure that the Force can carry out its mandate in this regard effectively and safely;

5. *Requests* the Secretary-General to update his recommendations on modalities of the implementation of the concept of safe areas and to encourage the Force, in cooperation with the Bosnian parties, to continue the efforts to achieve agreements on strengthening the regimes of safe areas taking into account the specific situation in each case, and recalls its request to the Secretary-General made in the statement by the President of the Security Council of 13 November 1994 to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac;

6. *Further requests* the Secretary-General and the Force to intensify efforts aimed at reaching agreement with the Bosnian parties on the modalities of demilitarization of Sarajevo, bearing in mind the need for the restoration of normal life to the city and for free access to and from the city by land and air and the free and unimpeded movement of people, goods and services in and around the city in line with its resolution 900 (1994), particularly paragraph 2 thereof;

7. *Requests* the Secretary-General to report on the implementation of the present resolution by 1 December 1994;

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

Speaking after the vote, the representative of New Zealand noted that, while his delegation had voted in favour of the resolution just adopted, it nevertheless retained some reservations. Those reservations stemmed from the belief that the safe areas had been restrictively implemented on a number of occasions, contrary to the spirit and intention of resolutions 824 (1993) and 836 (1993). Moreover, his delegation had reservations about many of the conclusions of the Secretary-General's reports. New Zealand believed that any updating, as called for in operative paragraph 5 of the resolution would, require some radical new thinking rather than simple updating. It further believed that the Contact Group plan had significantly changed the underlying parameters against which the concept of safe areas should be reviewed. The Security Council had approved and endorsed the Contact Group plan, but any proposals for defining the geographical scope of future demilitarized safe areas, if they were to meet with consensus in the Council, should envisage sufficiently large areas for the population to lead a normal life. Moreover, the overall framework for such future demilitarized safe areas should reinforce, not undermine, the areas envisaged in the Contact Group plan.²⁷⁵

Decision of 26 November 1994 (3466th meeting): statement by the President

By a letter dated 25 November 1994 addressed to the President of the Security Council,²⁷⁶ the representative of Bosnia and Herzegovina requested an emergency meeting of the Council, in view of the continuing attacks on, and occupation of, the Bihac safe area, by the so-called Bosnian/Croatian Serb forces.

At its 3466th meeting, held on 26 November 1994 in response to the request contained in the above-mentioned letter, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the

²⁷⁵ Ibid., pp. 5-6.

²⁷⁶ S/1994/1342.

members of the Council to a number of documents²⁷⁷ and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁷⁸

The Security Council reiterates its deep concern over the deteriorating situation in the Republic of Bosnia and Herzegovina, particularly the Bihac region and especially in the safe area of Bihac. It condemns in the strongest possible terms all the violations of the safe area of Bihac by whomsoever committed, in particular the flagrant and blatant entry into the safe area by the Bosnian Serb forces. It also notes with concern the hostilities around Velika Kladusa. It demands that all parties and others concerned agree to and implement an immediate and unconditional ceasefire in the Bihac region, in particular in and around the safe area of Bihac. It calls on all parties to intensify negotiations for a ceasefire and a cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina in pursuit of the territorial settlement for the Republic of Bosnia and Herzegovina proposed by the Contact Group as part of an overall peace settlement.

The Council expresses its full support for the continued efforts by United Nations personnel to achieve a ceasefire in the Bihac area, as well as for the efforts of the United Nations Protection Force to implement its mandate to deter attacks against the safe areas. The Council insists on the withdrawal of all Bosnian Serb military forces from the Bihac safe area and on the need to ensure full respect by all parties of the safe areas, particularly for the benefit of the civilian population. The Council calls on all parties and others concerned fully to cooperate with these efforts. The Council underlines the terms of resolution 836 (1993) of 4 June 1993, which enable the Force to carry out its mandate in relation to safe areas.

The Council commends the Force, including those of its personnel serving in the Bihac region, in particular the Bangladeshi troops, for the important contributions they are making under the most difficult conditions. It calls on the parties and all others concerned to ensure freedom of movement for personnel of the Force and the Office of the United Nations High Commissioner for Refugees and access to necessary supplies for the Force and the civilian population throughout the

Republic of Bosnia and Herzegovina and the Republic of Croatia.

The Council condemns violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina by the so-called Krajina Serb forces and others concerned in the Bihac region. It demands that all hostile acts across that international border cease immediately, and also demands that all so-called Krajina Serb forces withdraw immediately from the territory of the Republic of Bosnia and Herzegovina.

The Council reiterates its full support for the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put by the Contact Group to the parties as part of an overall peace settlement. The Council reiterates its condemnation of the Bosnian Serb party's refusal to accept the proposed territorial settlement and demands that that party accept it unconditionally and in full.

The Council will monitor compliance with the terms of the present statement and react appropriately.

**Decision of 29 November 1994 (3471st meeting):
statement by the President**

At its 3471st meeting, on 29 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (United States) drew the attention of the members of the Council to several documents²⁷⁹ and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁸⁰

The Security Council reiterates its concern over the continuing conflict in the Republic of Bosnia and Herzegovina, including in the Bihac region and in particular in and around the safe area of Bihac. It remains concerned over the blatant violation of the Bihac safe area. The Council remains determined fully to support efforts to negotiate a peaceful resolution of that conflict consistent with its previous resolutions and the proposals of the Contact Group.

The Council expresses its full support for the efforts of United Nations officials to stabilize the situation in and around the safe area of Bihac. It takes note with satisfaction of the proposal put to the parties by United Nations officials for an immediate and unconditional ceasefire in the Bihac region to be followed by a ceasefire throughout the territory of the Republic of Bosnia and Herzegovina, the interposition of the United Nations Protection Force in the Bihac safe area, a complete

²⁷⁷ Letters dated 19, 21, 22, 25, 26, 26 and 26 November 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1319, S/1994/1325, S/1994/1328, S/1994/1343, S/1994/1346, S/1994/1347 and S/1994/1348); letter dated 22 November 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/1327); letter dated 22 November 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/1329); and letter dated 25 November 1994 from the representative of the Russian Federation addressed to the Secretary-General (S/1994/1345).

²⁷⁸ S/PRST/1994/71.

²⁷⁹ Letters dated 26 and 28 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1348 and S/1994/1351).

²⁸⁰ S/PRST/1994/74.

demilitarization of the safe area involving the withdrawal from it by all military forces and opening corridors for humanitarian relief. The Council welcomes the acceptance by the Bosnian Government of this proposal and calls on the Bosnian Serb party also to accept it.

The Council welcomes the impending visit of the Secretary-General to the Republic of Bosnia and Herzegovina. It demands that all parties and others concerned cooperate fully with the Secretary-General's efforts to stabilize the situation in and around the safe area of Bihac and throughout the territory of the Republic of Bosnia and Herzegovina and ensure the security of the Force as it implements its mandate.

**Decision of 2 December 1994 (3475th meeting):
rejection of a draft resolution**

At its 3475th meeting, on 2 December 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt and Turkey, at their request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the Council members to the text of a draft resolution submitted by Bosnia and Herzegovina, Croatia, Djibouti, Egypt, Nigeria, Oman, Pakistan, Rwanda and Turkey,²⁸¹ and to a number of other documents.²⁸²

²⁸¹ S/1994/1358.

²⁸² Letters dated 2 November and 1 December 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) (S/1994/1246 and S/1994/1372); letter dated 2 December 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the conclusion of an Economic Agreement between the Croatian Government and the Serb local authorities (S/1994/1375); letter dated 25 November 1994 from the representative of Pakistan addressed to the President of the Security Council (S/1994/1355); letter dated 28 November 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/1361); and letters dated 30 November 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1994/1364) and the President of the Security Council (S/1994/1366).

Under the draft resolution, in its preambular part, the Council, *inter alia*, would have: expressed concern about the continuing threat to international peace and security posed by the conflict in Bosnia and Herzegovina and the situation in the United Nations Protected Areas in Croatia, and at the military activities by the local Serb paramilitary forces within the United Nations Protected Areas in Croatia against Bosnia and Herzegovina and the Bihac safe area. In the operative part of the draft resolution, the Council, *inter alia*, would have (i) reconfirmed that the requirements of all relevant Security Council resolutions, including in particular paragraph 12 of resolution 820 (1993) and resolution 943 (1994), should be strictly applied in respect of all goods crossing the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina, including goods destined for the United Nations Protected Areas in Croatia; and (ii) demanded that the provisions of paragraph 12 of resolution 820 (1993) be applied strictly and in full on the international border between Croatia and the Federal Republic of Yugoslavia, and on the international border between Croatia and Bosnia and Herzegovina, in regard to the import, export, and trans-shipment of all commodities with the exception of essential humanitarian supplies, including medical supplies and foodstuffs distributed by international humanitarian agencies.

The representative of Bosnia and Herzegovina contended that the need for the draft resolution had been brought about not only because resolution 820 (1993), and specifically paragraph 12 of that resolution, had not been implemented, but also because the monitoring Mission of the International Conference on the Former Yugoslavia itself had facilitated the violation of that paragraph, as indicated in the 2 November report of the International Conference's Co-Chairmen. It was unfortunate that because of an absence of will on the part of UNPROFOR command to implement Council resolutions, the Council had, for the second time in as many weeks, to consider mandates already in existence. Nevertheless, the Bosnian delegation would welcome the draft resolution, as it sent a message that strategic resources such as fuel could not be used for the pursuit of war, violations of international law, nor for the benefit of the Bosnian Serbs. The draft resolution would also help to reinforce the importance of the delivery of

humanitarian aid. Failure to adopt the draft resolution, however, would signify an evasion of responsibility.²⁸³

The representative of Croatia stated that his delegation believed that the draft resolution would send the message that the international community was willing to take steps to minimize the suffering of the civilian population in the region. Contending that the Security Council had not been addressing adequately the violation of the border between Croatia and Bosnia and Herzegovina, the speaker stated that the result was the promotion of a *de facto* unification of the local Croatian Serb and Bosnian Serb parties, into a single military and territorial entity. The draft resolution would dispel any possibility of such unification by reinforcing principles already established in resolution 820 (1993). Moreover, the draft would send a message that strategic resources, such as fuel, directed to the local Croatian Serb party, could not be used for the benefit of the Bosnian Serbs, nor by the local Croatian Serb party to violate the territorial integrity of Bosnia and Herzegovina, and that arrangements to supply the Croatian Serb party must cease unless there had been approval by the Government of Croatia. Noting that some delegations had expressed the view in prior consultations that the draft resolution would negatively affect the economic reintegration agreement between the Government of Croatia and the local Croatian Serb party, the speaker argued that, on the contrary, the draft resolution would promote the implementation of the agreement. The implementation of the agreement would only be possible when the borders were sealed and the local Croatian Serb party had decided to cooperate with the Government of Croatia to satisfy its economic and humanitarian needs. Thus, the adoption of the draft resolution would give political support to the implementation of the agreement.²⁸⁴

Speaking before the vote, the representative of Nigeria noted that the primary objective of the draft resolution was to reaffirm and clarify the provisions of previous resolutions on the movement of non-humanitarian goods across the international borders in the areas of conflict in the former Yugoslavia. The draft would not create new measures. Rather, it would strengthen the implementation of the relevant resolutions already adopted. Nigeria also believed that the draft would create neither new

incentives nor disincentives. It was Nigeria's view that the draft would not negatively affect the economic agreement, but would facilitate efforts on the ground, such as the attempts of the Contact Group to gain the acceptance of the peace plan by the Bosnian Serbs.²⁸⁵

The representative of China, while noting that his delegation understood the concern of the sponsors of the draft resolution over the worsening situation in Bosnia and Herzegovina, stated that it could not agree to invoking Chapter VII of the Charter for sanctions in the region of the former Yugoslavia. China believed that such a step would only further aggravate the confrontation and would not be conducive to a final, comprehensive political solution to the problems in the region of the former Yugoslavia. Based on its stated position on resolution 820 (1993), China would have difficulties with regard to the portion of the draft resolution that sought to reaffirm the relevant elements of resolution 820 (1993). The Chinese delegation would therefore abstain in the voting on the draft resolution.²⁸⁶

The representative of the Russian Federation expressed regret that the draft resolution had been brought to the vote. It was his delegation's view that tightening restrictions against the Krajina and Bosnian Serbs would in fact lead to a "tightening of screws" in the implementation of resolution 820 (1993), whose basic purpose had been to strengthen the sanctions against the Federal Republic of Yugoslavia. The speaker argued that there could hardly have been a more untimely moment for the submission of the draft resolution, given that the Government of the Federal Republic of Yugoslavia had begun to cooperate with international efforts, such as those of the Contact Group, had unconditionally supported the territorial settlement plan, had closed its border to all prohibited deliveries of goods to the Bosnian Serbs, and was cooperating with the mission of the International Conference on the Former Yugoslavia. The Russian Federation was therefore of the opinion that the positive approach of the Federal Republic of Yugoslavia deserved further encouragement, *inter alia* by suspending the applicability of resolution 820 (1993). Accordingly, it had no choice but to vote against the draft resolution.²⁸⁷

²⁸³ S/PV.3475, pp. 2-4.

²⁸⁴ *Ibid.*, pp. 4-5.

²⁸⁵ *Ibid.*, p. 7.

²⁸⁶ *Ibid.*, pp. 9-10.

²⁸⁷ *Ibid.*, pp. 10-11.

The draft resolution was then put to the vote and received 13 votes in favour to 1 against (Russian Federation), with 1 abstention (China), and was not adopted, owing to the negative vote of a permanent member of the Council.

Speaking after the vote, the representative of the United States stated that the draft resolution would have reaffirmed decisions already taken by the Council. It would have addressed a serious discrepancy between the requirements of resolution 943 (1994) and actual practice, and more specifically the trans-shipment of prohibited goods from the Federal Republic of Yugoslavia through Bosnia to the United Nations Protected Areas in Croatia. The draft's failure to pass was regrettable, but that did not change the fact that a strict regime of economic measures against the Bosnian Serbs was already embodied in binding Council resolutions. The United States would continue its efforts to ensure the firm application of those measures, in order to persuade the Bosnian Serbs that acceptance of the Contact Group plan was in their best interests and rejection was not.²⁸⁸

**Decision of 11 December 1994 (3478th meeting):
statement by the President**

At its 3478th meeting, on 11 December 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the members of the Council to a letter dated 12 December 1994 from the representative of Bangladesh addressed to the President of the Security Council²⁸⁹ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁹⁰

The Security Council strongly condemns the deliberate attack on Bangladeshi United Nations peacekeepers on 12 December 1994 in Velika Kladusa, in the region of Bihac in the Republic of Bosnia and Herzegovina. The attacked personnel of the United Nations Protection Force were travelling in an armoured personnel carrier, unmistakably carrying clear United Nations markings. It was hit by a wire guided anti tank missile

²⁸⁸ Ibid., p. 11.

²⁸⁹ S/1994/1414.

²⁹⁰ S/PRST/1994/79.

resulting in one death and injuries to four other Bangladeshi personnel.

The Council expresses profound regret at the casualties suffered by the United Nations peacekeepers as a result of this unprovoked and dastardly attack. It wishes to convey its deep condolences to the Government of Bangladesh as well as to the families of the affected soldiers.

The Council endorses the protest that the Force has made to the Abdic forces and to the local Serb authorities in Knin, and its warning to the authorities in Pale.

The Council is outraged at this incident of direct attack on the Force personnel and demands that such attacks do not recur. It warns the perpetrators of the attack that their heinous act of violence carries corresponding individual responsibility.

**Decision of 6 January 1995 (3486th meeting):
statement by the President**

At its 3486th meeting, on 6 January 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Argentina) drew the attention of the members of the Council to several documents²⁹¹ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁹²

The Security Council welcomes the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 and 31 December 1994. It commends the efforts of all who worked to achieve them.

The Council stresses the importance it attaches to immediate and full compliance with the agreements. It attaches the highest priority at this juncture to the timely completion of the various steps envisaged in the agreement on a complete cessation of hostilities. It looks to the parties and others concerned to cooperate fully with the United Nations Protection Force in their implementation. The Council calls upon all forces

²⁹¹ Letter dated 6 January 1995 from the Secretary-General addressed to the President of the Council, transmitting the text of the Comprehensive Ceasefire Agreement, signed on 23 December 1994, and the Agreement on Complete Cessation of Hostilities, signed on 31 December 1994 (S/1995/8); report of the Secretary-General pursuant to resolution 959 (1994) (S/1994/1389); and letter dated 27 December 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1452).

²⁹² S/PRST/1995/1.

to cease fighting around Bihac. It supports efforts in train to strengthen the Force, and encourages Member States to make available the personnel and equipment needed for the Force to supervise and monitor the agreements.

The Council will continue its consideration of all aspects of the crisis in Bosnia and Herzegovina and of the report of the Secretary-General of 1 December 1994.

The Council deems it imperative to intensify efforts under the auspices of the Contact Group to achieve an overall settlement on the basis of the acceptance of the Contact Group peace plan as a starting point. It will give its full support to such efforts.

**Decision of 12 January 1995 (3487th meeting):
resolution 970 (1995)**

By a letter dated 4 January 1995 addressed to the President of the Security Council,²⁹³ the Secretary-General transmitted the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference's mission to the Federal Republic of Yugoslavia. The report contained the certification referred to in paragraph 3 of resolution 943 (1994).²⁹⁴

At its 3487th meeting, on 12 January 1995, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Malaysia, Pakistan and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Argentina) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Italy and the United Kingdom²⁹⁵ as well as to a letter dated 11 January 1995 from the representative of Morocco addressed to the President of the Security Council,²⁹⁶

transmitting a note by the OIC Contact Group concerning the report of the Co-Chairmen.

The representative of Bosnia and Herzegovina, noting that the draft resolution before the Council would extend, for a further 100 days, the suspension of certain aspects of the sanctions against the Federal Republic of Yugoslavia contained in resolution 943 (1994), pointed out that none of the objectives sought by that resolution had been realized. Moreover, there had been counter-productive consequences due to the fact that mechanisms established to monitor the border and implement resolution 943 (1994) had been flawed, enabling the transport of fuel that allowed the Croatian and Bosnian Serbs to carry out aggression against the Bihac region and to pose a threat to UNPROFOR personnel. Nevertheless, Bosnia and Herzegovina welcomed the elements of the draft resolution that were designed to strengthen the effectiveness of the border monitoring mission. It also welcomed the clarification requiring that the trans-shipment of goods or personnel through or to Bosnia and Herzegovina and Croatia be approved by the respective Government. Bosnia and Herzegovina's endorsement of the draft was, however, tempered by the following. First, the monitoring border mission should be provided with adequate resources and a command structure that would genuinely seal and monitor the border. Second, the Council should not reward Belgrade with a further suspension of aspects of the sanctions regime unless it had recognized the sovereignty and territorial integrity of Bosnia and Herzegovina and the other former Yugoslav Republics. Third, the cross-border aggression being carried out by Croatian Serbs must stop.²⁹⁷

The representative of Croatia stated that the draft resolution before the Council contained elements that would be of great benefit to the peace process in Croatia and in the region in general. He noted that paragraph 3 of the draft extended the Yugoslav-Bosnian border blockade so that it would affect Croatia, meaning that Belgrade would not be able to send non-humanitarian assistance to the occupied territories of Croatia via the Bosnia and Herzegovina border, without consequences. Furthermore, should the Belgrade authorities choose to violate paragraph 12 of resolution 820 (1993), in that way, the Council would be left with no alternative but to reinstate the sanctions suspended by resolution 943 (1994). The speaker,

²⁹³ S/1995/6.

²⁹⁴ In paragraph 3 of resolution 943 (1994), the Council requested that every 30 days the Secretary-General submit to the Council a report on whether the Co-Chairmen of the Steering Committee had certified that the Federal Republic of Yugoslavia was effectively implementing its decision to close the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina with respect to all goods except for humanitarian needs.

²⁹⁵ S/1995/21.

²⁹⁶ S/1995/30.

²⁹⁷ S/PV.3487, pp. 2-4.

however, pointed out that the extension of the border blockade was incomplete, because the border between the Federal Republic of Yugoslavia and Sector East in the United Nations Protected Areas in Croatia could still be used by Belgrade without consequences. He contended that a complete blockade of the border between Serbia and Montenegro and Croatia would further the peace process in Croatia. Noting that a political solution for Bosnia and Herzegovina did not appear likely in the near future, he argued that by addressing the situation in Croatia first, the international community could help Bosnia and Herzegovina, in the short term, by reallocating the necessary additional UNPROFOR resources into that country, and, in the long term, by creating conditions of balance favourable to continuing with the Contact Group Plan. The draft resolution was a small but important step in that direction.²⁹⁸

The representative of Turkey said that his delegation had serious reservations about the draft resolution. It believed that the monitoring mechanism established under resolution 943 (1994) was not effective. Despite the certification provided by the International Conference on the Former Yugoslavia mission monitoring the border, independent international sources acknowledged that the border continued to be violated, with the transport of strategic material and personnel. It was therefore extremely important that the monitoring mechanisms be strengthened and the number of monitors increased. Noting that the mission had approved fuel shipments to the Croatian Serbs, the speaker contended that such a measure violated the territorial integrity and sovereignty of Bosnia and Herzegovina and Croatia, as well as resolution 820 (1993). He further argued that the fuel shipments had enabled the Croatian Serbs to undertake aggression against the safe area of Bihac. Turkey hoped that the adoption of the draft resolution would contribute to the termination of such shipments and it looked forward to the strengthening of mechanisms for deterring and reporting violations.²⁹⁹

The representative of Egypt was of the view that the Council should look into taking immediate, firm and effective measures to implement earlier resolutions on Bosnia and Herzegovina before adopting new ones on the subject. He recalled that for years the Council

had tried different means of exerting pressure on the “aggressor responsible for the outbreak and continuation of the military confrontation in Bosnia and Herzegovina”. But the Serbian party remained intransigent. It was therefore necessary for the international community to continue to exert pressure, including through the application of sanctions, until the Bosnian Serb party engaged with the peace plan. Egypt called upon the Council to adopt a draft resolution, under which international military observer forces would be deployed along the borders between Bosnia and Herzegovina and the Federal Republic of Yugoslavia, in order to ensure effective monitoring and the cutting of the supply line between Serbia and Montenegro and the Bosnian Serbs.³⁰⁰

The representative of Pakistan expressed the belief that it was essential that the resolutions of the Security Council be effectively enforced, in particular those authorizing the use of force and air strikes. The lack of resolve to implement those resolutions had emboldened the Serbs in their “intransigence” and had enabled them to continue to assault the sovereignty and territorial integrity of Bosnia and Herzegovina. Pakistan reiterated the decision of the Seventh Islamic Summit Conference, held in Casablanca from 11 to 15 December 1994, which had expressed opposition to the lifting or easing of sanctions against Serbia and Montenegro until it had satisfied the following conditions: first, the recognition of Bosnia and Herzegovina within its internationally recognized borders; second, the acceptance of United Nations forces on the border to undertake effective monitoring; and third, the implementation of the Contact Group peace plan, including the full withdrawal from all occupied territories of Bosnia and Herzegovina.³⁰¹

Mr. Djokic contended that his Government had fulfilled all the obligations and met all the conditions set by the relevant Security Council resolutions. Therefore the decision by the Council to extend the partial suspension of sanctions for another 100 days and to put forward new conditionalities and restrictions was very disappointing. References in the draft resolution to the export of products from the Federal Republic of Yugoslavia to the Krajina Serbs had nothing to do with the primary objective of the closure of the border, which was to influence the Bosnian

²⁹⁸ Ibid., pp. 4-6.

²⁹⁹ Ibid., pp. 6-7.

³⁰⁰ Ibid., pp. 7-8.

³⁰¹ Ibid., pp. 8-9.

Serbs to accept the Contact Group's plan. Rather, it represented an attempt to impose new conditions on the Federal Republic of Yugoslavia. The draft resolution was not a mere extension of the partial suspension of the sanctions but rather called for the cessation of practically all economic relations between the Federal Republic of Yugoslavia and the Krajina Serbs. Moreover, it sought to exact an indirect recognition of Croatia and Bosnia and Herzegovina, which was unacceptable before a political solution had been accepted by all parties to the conflict. The speaker further argued that, during the preceding 100 days, the limited suspension of sanctions had not been entirely fulfilled. Despite a call by resolution 943 (1994) to the sanctions Committee to adopt streamlined procedures for expediting its consideration of applications for exemptions for legitimate humanitarian assistance, the Committee had in fact resorted to stricter implementation of the sanctions.³⁰²

Speaking before the vote, the representative of Germany stated that, in order to extend the provisions of resolution 943 (1994), the Council must decide whether the Federal Republic of Yugoslavia had closed the border effectively and whether it had sustained its course with regard to accepting the Contact Group plan and isolating the Bosnian Serbs. The answer to both of those questions was "a sober yes". Since the adoption of resolution 943 (1994), however, the provision of fuel originating from the Federal Republic of Yugoslavia had facilitated the military activities of the Krajina Serb forces, who continued to be active in cross-border attacks on the Bihac area. That situation was unacceptable and Germany demanded that all Krajina Serb forces withdraw from Bosnian territory. Germany had supported the inclusion in the draft of new provisions to cut off the shipment of fuel and other non-humanitarian supplies via Bosnia to the United Nations Protected Areas. It therefore welcomed the fact that the International Conference on the Former Yugoslavia mission would now be reporting on the Federal Republic of Yugoslavia's compliance with that requirement. The speaker further stated that the message of the draft resolution was clear: the Federal Republic of Yugoslavia must withhold all support for the Bosnian Serb military and block all border crossings that the mission could not monitor. Germany also expected Belgrade to use its influence with the various Serb parties to bring them closer to a

³⁰² Ibid., pp. 10-12.

negotiated solution. In addition, mutual recognition between all the States of the former Yugoslavia was an urgent political necessity.³⁰³

The representative of the Czech Republic was of the view that the Federal Republic of Yugoslavia was cooperating with the International Conference on the Former Yugoslavia mission. His delegation had seen no evidence that the Federal Republic of Yugoslavia would have condoned, let alone participated in, the violations of the border regime that the mission had detected. The situation on the border was far more favourable now than it had been when resolution 943 (1994) was adopted. That was why his delegation saw no reason to change the regime that resolution had introduced. His delegation would have agreed to an extension even longer than 100 days, but had no problem with the proposal at hand. As for the future of sanctions themselves, that was not the time even to consider their further abatement.³⁰⁴

The representative of China stated that the international community should encourage the Federal Republic of Yugoslavia to make further efforts to bring peace to Bosnia and Herzegovina. He reiterated that China was not in favour of settling the dispute through sanctions or mandatory measures, for such steps would aggravate the situation, bringing suffering to the people and causing serious damage to the economy of third countries. Based on that position, China supported the extension of the provisions of resolution 943 (1994) and would vote in favour of the draft. The speaker pointed out, however, that China's position had not changed in relation to certain elements of the draft resolution that were related to resolutions 757 (1992) and 820 (1993).³⁰⁵

The representative of the Russian Federation stated that his country was convinced that there were more than adequate grounds for agreeing on new measures to encourage Belgrade and that the Council could, as a minimum, decide on the indefinite extension of the measures provided for in resolution 943 (1994) and consider a further easing of sanctions. The Council had received four reports from the International Conference on the Former Yugoslavia mission corroborating the effective closure of the border between the Federal Republic of Yugoslavia and

³⁰³ Ibid., pp. 14-15.

³⁰⁴ Ibid., pp. 16-17.

³⁰⁵ Ibid., pp. 19-20.

Bosnia and Herzegovina. Furthermore, Belgrade's constructive attitude was yielding practical results, including the economic agreements between the Croatian Government and the local Serbian authorities in the United Nations Protected Areas, an agreement on the complete cessation of hostilities in Bosnia and Herzegovina, and changes in the Bosnian Serb leadership. Russia, therefore, regretted that the Council had not been able to agree on a draft that would have provided for further measures of encouragement, and it felt that certain aspects of the draft before the Council were "completely unwarranted", running counter to the recommendations of the Co-Chairmen of the International Conference on the Former Yugoslavia. In unreservedly favouring the extension of the partial extension of sanctions, Russia could not share responsibility for the potential negative consequences of the adoption of the draft resolution, and thus could not support it. It hoped that the principle that a deserving party should be encouraged would be implemented more consistently in the future.³⁰⁶

The draft resolution was then put to the vote and was adopted by 14 votes to none, with 1 abstention (Russian Federation), as resolution 970 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolution 943 (1994) of 23 September 1994,

Welcoming the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 4 January 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting that those measures were a necessary condition for the adoption of the present resolution,

Stressing the importance of the maintenance by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the effective closure of that border, and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission of the International Conference on the Former Yugoslavia,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and stressing the importance it attaches to the availability of all resources necessary for the work of the Mission,

Noting that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended for a further period of one hundred days from the adoption of the present resolution;

2. *Calls upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region;

3. *Reaffirms* that the requirements in paragraph 12 of resolution 820 (1993) that import to, export from and trans-shipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina respectively, apply to all shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina;

4. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) urgently to expedite its elaboration of appropriate streamlined procedures as referred to in paragraph 2 of resolution 943 (1993), and to give priority to its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the International Committee of the Red Cross and from the Office of the United Nations High Commissioner for Refugees and other organizations in the United Nations system;

5. *Requests* that every thirty days the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs and are complying with the requirements of paragraph 3 above in respect of all shipments across the international border between the Federal

³⁰⁶ *Ibid.*, pp. 20-21.

Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and further requests the Secretary-General to report to the Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee, that those authorities are not effectively implementing their decision to close that border;

6. *Decides* that, if at any time the Secretary-General reports that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not effectively implementing their decision to close that border, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

7. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United Kingdom stated that the economic sanctions against the Federal Republic of Yugoslavia and the Bosnian Serbs had undoubtedly been a major factor in recent progress. The impact of the sanctions upon the economy of the Federal Republic of Yugoslavia had been largely responsible for Belgrade's decision to cease assisting the Bosnian Serbs, and to support the Contact Group plan. The Federal Republic of Yugoslavia's cooperation with the International Conference on the Former Yugoslavia mission must continue if the sanctions were to continue to be suspended. The resolution just adopted represented a balanced response to the cooperation provided by Belgrade over the preceding hundred days. The resolution allowed for the continued suspension of aspects of the sanctions for a further 100 days. It also sought to remove any ambiguity about the application of resolution 820 (1993) concerning trans-shipments across the Federal Republic of Yugoslavia-Bosnian border, and to give clear priority to applications for humanitarian assistance. The speaker further noted that sanctions were being imposed to achieve changes in policy, rather than to punish. Sanctions reinforced the Contact Group's strategy of increasing the pressure on the Bosnian Serbs to return to the negotiating table. It was essential that Belgrade continued to support the Contact Group approach, maintained the embargo on the Bosnian Serbs and kept up the pressure on the Krajina Serbs to cease violating the Croatian-Bosnian border, and to implement the economic agreement in Croatia. Further sanctions relief might be possible, but only if there was substantial progress towards the

objective of achieving a lasting political settlement in the former Yugoslavia.³⁰⁷

The representative of Indonesia reiterated his country's position that the suspension of certain aspects of the sanctions against the Federal Republic of Yugoslavia, contained in resolution 943 (1994), had been premature. Equally important, resolutions adopted by the Council had explicitly stipulated the steps that the Federal Republic of Yugoslavia should take if sanctions were to be eased. These clearly went beyond the mere promise to close the border with Bosnia and Herzegovina. Indonesia therefore had serious reservations regarding the provision for an extension of the suspension of sanctions as contained in the resolution just adopted. Despite its misgivings, however, Indonesia was cognizant of the positive elements contained in the resolution, such as the call upon all States to respect the sovereignty, territorial integrity and international borders of all States in the region and the provision reaffirming the requirement contained in paragraph 12 of resolution 820 (1993) that imports to, exports from and trans-shipment through the United Nations Protected Areas in Croatia and those areas of Bosnia and Herzegovina under the control of the Bosnian Serbs should be permitted only with the authorization of the Government of Croatia or Bosnia and Herzegovina. Against that background, Indonesia had voted in favour of the resolution just adopted. Its position was based on the understanding that Belgrade would scrupulously uphold its commitments and that, should the Secretary-General report a wilful violation, then the suspension of the sanctions would be terminated forthwith.³⁰⁸

The representative of the United States observed that the sanctions regime had been vital to the effort to persuade the Federal Republic of Yugoslavia and the Bosnian Serbs that a peaceful resolution of the conflict was in their best interests. The resolution just adopted was an indication that the effort to persuade Belgrade to pressure the Bosnian Serbs had begun to show results. There should be no doubt that the willingness of the United States Government to support the resolution had been a direct result of the conclusion that Belgrade had moved to implement its decision to close the border. Nevertheless, further efforts must be made to ensure that the border was effectively closed.

³⁰⁷ *Ibid.*, pp. 22-23.

³⁰⁸ *Ibid.*, pp. 23-25.

The United States was therefore gratified that the Council had reaffirmed its prohibition of trans-shipments through Bosnian territory controlled by the Bosnian Serbs. Such trans-shipments without the permission of the relevant Governments had been, and continued to be, violations of paragraph 12 of resolution 820 (1993). The speaker further stated that the effectiveness of the border closure would require continued vigilance on the part of the international community, the International Conference on the Former Yugoslavia mission and Federal Republic of Yugoslavia officials. The United States expected that a number of measures would be taken to ensure effective closure.³⁰⁹

**Decision of 17 February 1995 (3501st meeting):
statement by the President**

At its 3501st meeting, on 17 February 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Botswana) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³¹⁰

The Security Council is deeply concerned at the continued fighting around Bihac and deplores the serious humanitarian situation in the Bihac area. It reaffirms its support for the Special Representative of the Secretary-General and the United Nations Protection Force.

The Council recalls the statement of the President of the Security Council of 6 January 1995. It reiterates the importance it attaches to full compliance with the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 and 31 December 1994. All involved must now make a concerted effort to consolidate what has been achieved so far to avoid the risk of a renewed outbreak of hostilities.

The Council demands that all forces in the Bihac area cease fighting immediately and cooperate fully with the United Nations Protection Force in achieving an effective ceasefire. The Council reiterates its condemnation of the continued violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

The Council condemns the recent obstruction of humanitarian convoys destined for the Bihac area by the Croatian Serb and Abdic forces. It welcomes the fact that convoys are now getting through and calls upon all parties and

others concerned henceforth to facilitate the unhindered flow of humanitarian assistance and complete freedom of movement for the United Nations Protection Force.

**Decision of 14 April 1995 (3520th meeting):
statement by the President**

At its 3520th meeting, on 14 April 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Czech Republic) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³¹¹

The Security Council is gravely concerned at the recent attacks on the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina and, in this regard, has learnt with particular indignation that once again a soldier of the Force, this time a soldier of the French contingent, was deliberately targeted and shot to death by an unidentified sniper in Sarajevo today. The Council notes with similar concern that several other soldiers of the United Nations have been killed recently in similar circumstances.

The Council condemns in the strongest terms such acts directed at peacekeepers who are serving the cause of peace in the Republic of Bosnia and Herzegovina. Deliberate targeting of the United Nations Protection Force personnel reflects the overall deterioration of the situation in the Republic of Bosnia and Herzegovina. The Council wishes to state once again that this is totally unacceptable. It reiterates that the cooperation of all parties and others concerned is indispensable for the missions of the Force to be carried out and demands that they respect fully the status of United Nations personnel.

The Council invites the Secretary-General to investigate the circumstances of these acts and to report to the Council, taking into consideration the views of troop-contributing countries, on any measures which might be necessary to prevent further similar attacks, which should not remain unpunished.

**Decision of 19 April 1995 (3521st meeting):
resolution 987 (1995)**

At its 3521st meeting, on 19 April 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the Council members to the text of a draft resolution submitted by France.³¹²

³⁰⁹ Ibid., pp. 25-26.

³¹⁰ S/PRST/1995/8.

³¹¹ S/PRST/1995/19.

³¹² S/1995/311.

The representative of Bosnia and Herzegovina stated that the deaths of two UNPROFOR soldiers in Sarajevo testified to the continuing terrorization of that city; and to the fact that resolutions on safe areas continued to be violated. He argued that the soldiers' deaths would not be in vain if they contributed to a change in the situation. The draft resolution before the Council was a first step in that direction. His delegation supported the establishment of new measures to prevent further attacks against UNPROFOR troops and improve their security. It hoped that the Council would also review the UNPROFOR mandate.³¹³

The draft resolution was put to the vote and adopted unanimously as resolution 987 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, and reaffirming in this context its resolution 982 (1995) of 31 March 1995, in particular paragraphs 6 and 7 thereof,

Expressing its grave concern at the continued fighting in the Republic of Bosnia and Herzegovina despite the agreements on a ceasefire and on a complete cessation of hostilities concluded on 23 and 31 December 1994, and deploring the violations of these agreements and of the ban imposed by its resolutions 781 (1992) of 9 October 1992 and 816 (1993) of 31 March 1993 by whomsoever committed,

Stressing the unacceptability of all attempts to resolve the conflict in the Republic of Bosnia and Herzegovina by military means,

Noting once again the need for resumed negotiations aimed at an overall peaceful settlement of the situation in the Republic of Bosnia and Herzegovina on the basis of the acceptance of the Contact Group peace plan as a starting-point,

Gravely preoccupied at the recent attacks on the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina and at the fatalities resulting therefrom, condemning in the strongest terms such unacceptable acts directed at members of peacekeeping forces, and determined to obtain a strict respect of the status of United Nations personnel in the Republic of Bosnia and Herzegovina,

Reaffirming its determination to ensure the security of the United Nations Protection Force and freedom of movement for all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Emphasizes once again* the responsibility of the parties and others concerned in the Republic of Bosnia and

Herzegovina for the security and safety of the United Nations Protection Force, and in this context demands again that all parties and others concerned refrain from any act of intimidation or violence against the Force and its personnel;

2. *Recalls* its invitation to the Secretary-General, in this context, to submit proposals on any measures which could be taken to prevent attacks against the United Nations Protection Force and its personnel and allow it to perform effectively its mission, and invites him to submit such proposals on an urgent basis;

3. *Calls upon* the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities concluded on 23 and 31 December 1994 beyond 30 April 1995, and looks to all parties and all others concerned to cooperate fully with the United Nations Protection Force in their implementation;

4. *Urges* all parties and others concerned to resume forthwith negotiations towards an overall peaceful settlement on the basis of the acceptance of the Contact Group peace plan as a starting-point;

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

Speaking after the vote, the representative of France stated that it had been a matter of urgency for the Council to react to the murders of UNPROFOR personnel by condemning those unacceptable acts and by giving a sign of its determination that the status of United Nations personnel be respected. It had also been essential to remind the Bosnian parties of the need to extend the ceasefire and cessation-of-hostilities agreements beyond 30 April and to recommence immediately negotiations towards an overall settlement, by accepting the Contact Group peace plan as a starting point.³¹⁴

Decision of 21 April 1995 (3522nd meeting): resolution 988 (1995)

By a letter dated 13 April 1995 addressed to the President of the Security Council,³¹⁵ the Secretary-General transmitted a report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference's mission. The report contained the certification referred to in resolution 970 (1995).

At its 3522nd meeting, on 21 April 1995, the Council resumed its consideration of the item and included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council

³¹³ S/PV.3521, pp. 2-3.

³¹⁴ *Ibid.*, p. 5.

³¹⁵ S/1995/302.

invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion. The President (Czech Republic) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Italy, the United Kingdom and the United States,³¹⁶ as well as to several other documents.³¹⁷

Mr. Djokic noted with regret that, despite consistently positive reports by the International Conference on the Former Yugoslavia mission that the Federal Republic of Yugoslavia was adhering to its commitment to close its border with the Bosnian Serbs, and despite the fact that it had fulfilled the provisions of relevant resolutions by which the sanctions had been introduced, the Council was not able to lift the sanctions altogether. He argued that, by opting to maintain the greatest part of the most comprehensive sanctions regime adopted against any State Member of the United Nations, the Council was continuing to pursue a policy of punishing the Federal Republic of Yugoslavia and the Serbian and Montenegrin people for matters for which they bore no responsibility. The speaker further argued that the new conditions being set by some members of the Contact Group, including in particular the calls for the recognition by the Federal Republic of Yugoslavia of Bosnia and Herzegovina and Croatia as a prerequisite for the further suspension of sanctions, lacked a basis in Security Council resolutions and represented a counterproductive form of pressure. Recalling that the decision by the Federal Republic of Yugoslavia to cut political and economic links with the Bosnian Serbs had been unilateral, the speaker noted that that step had been taken in order to pressure the Bosnian Serbs to accept the Contact Group plan. Yugoslavia had therefore accepted the International Conference on the Former Yugoslavia mission in order to facilitate that unilateral decision. If further pressure were brought to bear on the Federal

Republic of Yugoslavia, however, then Belgrade might begin to question the activities of the mission.³¹⁸

The representative of Bosnia and Herzegovina expressed appreciation for the Council's efforts to improve the effectiveness of the border-sealing regime. While he noted that the new mechanism and reporting system contained in the draft resolution before the Council should help advance towards the desired results, he also stressed that Member States must provide all the necessary resources for the new system to be effective. That included the provision of independent evidence of violations and more experts and troops deployed along the border. In that context, Bosnia and Herzegovina welcomed the provision in paragraph 16 of the draft resolution, calling upon the mission to provide the relevant Government with its observations and findings. It also took note of the expiration date of the provision easing the sanctions against the Federal Republic of Yugoslavia, stating that it was long enough to test the efficacy of both the border closure and monitoring mechanism and of the Belgrade regime's authority. The speaker concluded by saying that the most critical variable in the search for peace was the acceptance and implementation of the peace plan by the Bosnian Serbs. Until that occurred, the international community should maintain its commitment to the United Nations mandate in Bosnia and Herzegovina, Croatia and elsewhere. Bosnia and Herzegovina would continue to use its capacity, including the right and means to defend its population, territorial integrity and sovereignty. In that connection, it reasserted its "unabridgable right" to defend itself.³¹⁹

Speaking before the vote, the representative of Argentina noted that whilst his delegation was in favour of continuing the suspension of the sanctions, it wished to place on record its interpretation of certain provisions of the draft resolution. His delegation interpreted the date mentioned in operative paragraph 1 not as curtailing the deadline set by resolution 970 (1995), but rather as establishing a new and more clear-cut policy. The reason was that it would not be particularly meaningful to interpret it as a setting of a shorter deadline for the suspension of sanctions, when it was acknowledged that there had been no substantive changes warranting that suspension. His delegation also understood the authorization for the Federal

³¹⁶ S/1995/319.

³¹⁷ Letter dated 13 April 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/301); and letter dated 15 April 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/309).

³¹⁸ S/PV.3522, pp. 2-4.

³¹⁹ *Ibid.*, pp. 4-7.

Republic of Yugoslavia to operate commercial flights in operative paragraph 2 to mean that it should be able to obtain the necessary quantities of fuel, lubricants, equipment and spare parts to ensure that the flights were safe.³²⁰

The representative of the Russian Federation stated that his delegation would not be able to support the draft resolution, because it did not consider it to be consistent with the principle of positive and negative incentives previously agreed upon in the Contact Group and the Security Council, according to which those that supported the peace plan would be encouraged while pressure would be exerted on those that rejected it. Recalling that it was the Federal Republic of Yugoslavia's own decision to close its border with Bosnia and Herzegovina, the speaker stated that the Government of the Federal Republic of Yugoslavia had stuck strictly to its decision to close its border with Bosnia and Herzegovina to all except humanitarian goods, as corroborated by numerous reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. In addition, its cooperation with the Conference's mission remained very good. Under these circumstances, the Council would have been justified in adopting further positive stimuli, such as making the partial suspension of sanctions indefinite. Unfortunately, with each extension of the partial suspension, the Council had been inclined to make fresh demands on the Federal Republic of Yugoslavia. An example of that approach was that the draft resolution attempted to link the voluntary decision by the Federal Republic of Yugoslavia to close its border with Bosnia and Herzegovina to the situation on its border with Croatia, thus constituting a serious step towards changing the mandate of the International Conference on the Former Yugoslavia mission without consulting Belgrade. It was beyond the understanding of the Russian Federation why it had been necessary to cut back the draft resolution's duration to 75 days when a mechanism, which was still operational, was agreed upon in September last year that provided for the immediate reimposition of full sanctions should the Government of the Federal Republic of Yugoslavia fail to implement its decision to close the border. The Russian Federation also considered a number of provisions of the draft resolution to be "puzzling". The speaker contended that the Council was engaging in

³²⁰ Ibid., pp. 7-8.

"unwarranted micromanagement" whereas in other instances it closed its eyes to flagrant violations of its own decisions, as had long happened with respect to the arms embargo on all successor States of the former Yugoslavia.³²¹

The representative of China reiterated that his delegation was against the introduction of sanctions or mandatory measures in relation to the conflict in the former Yugoslavia, contending that events had proved that sanctions or pressure would further complicate the issue. Stating that the Federal Republic of Yugoslavia was an important factor for restoring peace and stability in the region, and that his Government had supported the mission in the discharge of its duties, and had taken measures to effectively close its border with Bosnia and Herzegovina, the speaker contended that the international community should continue to encourage rather than discourage the Federal Republic of Yugoslavia for fulfilling its commitment to close the border. Regrettably, although the draft resolution further extended the provisions for easing the sanctions, it had shortened the period of extension and attached more restrictive conditions to the extension, which was a step backward from resolutions 943 (1994) and 970 (1995). China would therefore abstain from the vote on the draft resolution.³²²

The draft resolution was then put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation) as resolution 988 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994 and resolution 970 (1995) of 12 January 1995,

Noting the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), as described in the reports transmitted by the letters dated 31 March 1995 and 13 April 1995 from the Secretary-General to the President of the Security Council, to maintain the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting that those measures were a necessary condition for the adoption of the present resolution,

Concerned, however, about reports suggesting that helicopter flights may have crossed the border between the

³²¹ Ibid., pp. 13-15.

³²² Ibid., pp. 15-16.

Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), and noting that an investigation of those reports is being undertaken by the Mission of the International Conference on the Former Yugoslavia,

Noting with satisfaction that the cooperation of the Mission of the International Conference with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good, and stressing the importance of effective closure by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro),

Noting that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 5 July 1995;

2. *Confirms* that commodities and products, including fuel beyond immediate needs for a flight or ferry voyage, taking into account internationally recognized safety requirements, shall not be carried on flights and ferry services permitted in accordance with paragraph 1 above, except in accordance with the provisions of relevant resolutions and in conformity with the procedures of the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991, and that, if a need is established for the supply of additional fuel for the operation of flights permitted in accordance with paragraph 1 above, the Committee established pursuant to resolution 724 (1991) shall consider such applications on a case-by-case basis;

3. *Reminds* States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and calls upon all States which allow flights or ferry services permitted in accordance with paragraph 1 above from their territories or using their flag vessels or aircraft to report to the Committee established pursuant to resolution 724 (1991) on the controls adopted by them to implement such measures in earlier relevant resolutions;

4. *Calls upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region;

5. *Underlines* the importance it attaches to the work of the Mission of the International Conference on the Former Yugoslavia, expresses its concern that a shortage of resources hampers the effectiveness of that work, and requests the Secretary-General to report to the Security Council within thirty days of the adoption of the present resolution on measures to increase the effectiveness of the work of the Mission, including on the question of helicopter flights;

6. *Requests* Member States to make available the necessary resources to strengthen the capacity of the Mission of the International Conference to carry out its tasks, and encourages the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to give additional support for the operation of the Mission;

7. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Mission of the International Conference, in particular in investigating alleged breaches of the closure of the border, whether by land or by air, between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina and ensuring the continued closure of that border;

8. *Stresses* the importance it attaches to a thorough investigation of reports that helicopter flights may have crossed the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to comply with their commitment to cooperate fully in that investigation, and requests the Secretary-General to report to the Security Council on the outcome of the investigation;

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

10. *Encourages* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reinstate the severance of international telecommunication links between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces which they instituted in August 1994;

11. *Requests* the Committee established pursuant to resolution 724 (1991) to conclude urgently its elaboration of appropriate streamlined procedures, and invites the Chairman of that Committee to report to the Security Council as soon as possible on the matter;

12. *Also requests* the Committee established pursuant to resolution 724 (1991) to continue to give priority to its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the International Committee of the Red Cross and from the Office of the United Nations High Commissioner for Refugees and other organizations in the United Nations system;

13. *Requests* that, every thirty days and no fewer than ten days before the expiration of the period referred to in paragraph 1 above, the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, on the basis of information made available to them from the Mission of the International Conference and all other available sources deemed relevant by the Mission, have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are implementing their decision to close the international border, on land and in the air, between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs and are complying with the requirements of paragraph 3 of resolution 970 (1995) in respect of all shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and requests that the Secretary-General inform the Council in his report if the Co-Chairmen of the Steering Committee have received substantiated evidence, from sources deemed relevant by the Mission, of substantial trans-shipments of goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs, from the Federal Republic of Yugoslavia (Serbia and Montenegro) through the Republic of Croatia to the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in violation of earlier relevant resolutions;

14. *Also requests* the Secretary-General to report to the Security Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee of the International Conference, that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina;

15. *Decides* that if at any time the Secretary-General reports that, from sources deemed relevant by the Mission of the International Conference, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina or that they are permitting substantial diversion of goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs, from the Federal Republic of Yugoslavia (Serbia and Montenegro) through the Republic of Croatia to the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in

violation of earlier relevant resolutions, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

16. *Encourages* the Co-Chairmen of the Steering Committee of the International Conference to ensure that the Mission of the International Conference keeps the Government of the Republic of Bosnia and Herzegovina, the Government of the Republic of Croatia and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) fully informed about the findings of the Mission;

17. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States expressed her delegation's belief that Belgrade had not done enough to comply with its commitment to isolate the Bosnian Serbs. The United States could not, therefore, have supported a resolution that represented "business as usual". The resolution just adopted was designed to acknowledge progress, but also to close remaining loopholes. Belgrade must close the land and air border with Bosnia, and must not seek to circumvent the closure of the border by illegally shipping goods through Serb-controlled Croatia. The United States had been prepared to block the resolution just adopted if those steps to tighten the border closure had not been included. During the subsequent 75 days, the United States would be watching closely to see if Belgrade was improving its compliance with its commitment to close the border. The speaker urged the International Conference on the Former Yugoslavia mission, the Co-Chairmen of the Steering Committee and the Secretary-General to implement fully paragraphs 13 and 15 of the resolution, stressing that it was up to them to make sure that the Council's decisions were more than words on pieces of paper. He noted that border closure was not an end in itself and that the objective remained obtaining the agreement of the Bosnian Serbs to the Contact Group plan. Thus it was necessary to maintain the pressure upon the Bosnian Serbs. The authorities in Belgrade also needed to understand that the suspension of additional sanctions would depend on their willingness to take further steps towards peace, most notably by recognizing Croatia and Bosnia and

Herzegovina within their internationally recognized borders.³²³

The representative of France noted that his country had been called upon to make a difficult choice, which it did on the basis of a number of considerations. Firstly, France was convinced that the mechanisms now in place to monitor the border closure were, overall, achieving their objectives. It reaffirmed that the best way of improving the Mission's operation was by increasing the resources allocated to it. At the same time, France recognized that the Federal Republic of Yugoslavia had demonstrated that it was cooperating with the Mission. That was essentially why the French delegation wished to extend the suspension of sanctions. Secondly, a number of steps had proved useful in plugging the gaps resulting from the shortfalls, the most striking examples of which were the helicopter flights and the sidestepping of the frontier closure by passing goods for Bosnia and Herzegovina by way of Croatian territory, which was why a part of the resolution included a strengthening of the existing measures. That strengthening in France view, was not such as to cast doubt on the degree of cooperation being afforded by the Belgrade authorities, but did respond to the loopholes that had shown up by experience. The speaker further stressed that, even though the length of the extension of the suspension of sanctions had been shortened, it had only been shortened slightly. France would have agreed with the period provided in previous resolutions, but had accepted the time frame in the resolution in a spirit of compromise.³²⁴

The representative of the United Kingdom stated that the Bosnian Serb leadership must understand that there was no alternative to resuming peace negotiations, with the Contact Group plan as the starting point. In relation to the suspended sanctions against the Federal Republic of Yugoslavia, two important issues should be addressed without delay. The first was to ensure that the border closure was effective, and the second was to reinforce the International Conference on the Former Yugoslavia mission so that it was able to carry out its tasks effectively. A limited suspension of the sanctions was the appropriate response to Belgrade's cooperation. Additional sanctions relief would only be justified,

³²³ Ibid., pp. 16-17.

³²⁴ Ibid., pp. 17-18.

however, if Belgrade were to make further commitments to advancing the peace process.³²⁵

The President, speaking in his capacity as the representative of the Czech Republic, stated that keeping up the pressure on the Bosnian Serbs and maintaining the regime of abated sanctions was the best way forward. In fact, the Czech Republic would have preferred that the suspension had been extended significantly beyond the 5 July deadline because it felt that Belgrade was substantively cooperating.³²⁶

**Decisions of 3 May 1995 (3530th meeting):
statements by the President**

At its 3530th meeting, on 3 May 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (France) then stated that, after consultations among members of the Security Council, he had been authorized to make two statements on behalf of the Council. The first statement³²⁷ reads:

The Security Council is deeply concerned about the failure of the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina and the recent deterioration of the situation there. It stresses once again the unacceptability of all attempts to resolve the conflict in the Republic of Bosnia and Herzegovina by military means.

The Council calls upon the Bosnian parties to agree without further delay to a further ceasefire and a complete cessation of hostilities and, in this regard, fully supports the negotiating efforts of the United Nations Protection Force and other international efforts aimed at persuading the Bosnian parties to agree to such a ceasefire and complete cessation of hostilities. The Council urges the Bosnian parties to abstain from any steps which may lead to further escalation of the conflict and reaffirms the need for a political settlement on the basis of the acceptance of the Contact Group peace plan as a starting point.

The second statement³²⁸ reads:

The Security Council is deeply concerned about the obstruction of the normal operation of Sarajevo airport, including the suspension of the humanitarian relief airlift,

³²⁵ Ibid., pp. 20-21.

³²⁶ Ibid., p. 21.

³²⁷ S/PRST/1995/24.

³²⁸ S/PRST/1995/25.

caused by Bosnian Serb threats against United Nations aircraft and humanitarian relief flights, and by their attempts to impose restrictions on the use of Sarajevo airport by official missions as foreseen in the 5 June 1992 agreement (S/24075). Such obstruction is in breach of the agreement of 5 June 1992 and of the Council's previous resolutions, in particular resolution 761 (1992), and is unacceptable. Obstruction of the humanitarian relief also constitutes a violation of international humanitarian law.

In that context, the Council demands that all parties and others concerned comply fully with the agreement of 5 June 1992 and create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in the Republic of Bosnia and Herzegovina. It calls upon the Bosnian Serb party to guarantee the safety of all flights to Sarajevo supervised by the United Nations Protection Force, including humanitarian relief flights.

The Council requests the Secretary-General to keep it informed of discussions with the Bosnian Serb party on the restoration of the normal functioning of the Sarajevo airport so that it might take further action as necessary.

**Decision of 23 June 1995 (3548th meeting):
statement by the President**

At its 3548th meeting, on 23 June 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Germany) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³²⁹

The Security Council reiterates its condemnation of interference with humanitarian supplies and the freedom of movement of the United Nations Protection Force by all parties within the territory of the Republic of Bosnia and Herzegovina. In this context, it is deeply concerned by the blockading by Bosnian Government forces of the United Nations Protection Force personnel in the Visoko, Gorazde, Gornj Vakuf and Kladanj areas, which included placing mines outside the United Nations Protection Force camp in Visoko on 20 June 1995. The Council is also deeply concerned at the deterioration in the situation in and around Sarajevo, the obstruction by the Bosnian Serb party of freedom of movement and utilities to the city and the continued obstruction of the normal operation of Sarajevo airport.

The Council stresses that all such actions are unacceptable and demands that all parties fully respect the safety and security of the United Nations Protection Force personnel and ensure their complete freedom of movement to

³²⁹ S/PRST/1995/31.

enable the Force to carry out its mandate in accordance with the resolutions of the Council.

The Council calls upon the parties to enter into negotiations as provided for in its resolution 998 (1995) of 16 June 1995 and to agree without further delay to a ceasefire and a complete cessation of hostilities in the Republic of Bosnia and Herzegovina. The Council emphasizes that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina. It stresses the importance it attaches to the vigorous pursuit of a political settlement and reiterates its demand that the Bosnian Serb party accept the Contact Group peace plan as a starting point.

**Decision of 5 July 1995 (3551st meeting):
resolution 1003 (1995)**

By a letter dated 25 June 1995 addressed to the President of the Security Council,³³⁰ the Secretary-General transmitted a report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference's mission. The report contained the certification referred to in resolution 988 (1995).

At its 3551st meeting, on 5 July 1995, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Honduras) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, the United Kingdom and the United States,³³¹ as well as to a letter dated 5 July 1995 from the representatives of Bosnia and Herzegovina and Croatia addressed to the President of the Security Council.³³²

The representative of Bosnia and Herzegovina said that if Belgrade wished to secure further sanctions relief or even to maintain the easing of sanctions, it must understand that the border closure should be real, that the recognition of its neighbours must be unambiguous, and that its support for the peace process needed to be sincere and not just tactical. Instead, Belgrade was continuing to provide strategic support

³³⁰ S/1995/510.

³³¹ S/1995/537.

³³² S/1995/538.

for the so-called Krajina and Bosnian Serb armies. Bosnia and Herzegovina did not ask anything more than the legal recognition by Belgrade of its sovereignty and territorial integrity, which the United Nations had already recognized in the context of its membership in the United Nations.³³³

The representative of Croatia reiterated his Government's position that the only way out of the existing impasse was for the Federal Republic of Yugoslavia to recognize Bosnia and Herzegovina and Croatia, and for the international community to ensure the effective closure of the relevant borders between the Federal Republic of Yugoslavia and Bosnia and Herzegovina and Croatia. He contended that the peace process had been derailed by the devaluation of the Security Council mandate for the International Conference on the Former Yugoslavia mission. Clearly, the Conference had reinterpreted its mandate to mean partial closing of the border, and not effective closing, as was originally envisaged by the Council. The Government of Croatia had given ample evidence that the relevant border was not effectively closed. It therefore considered the International Conference on the Former Yugoslavia certification of the border closure to be "null and void" and called on the Council to review the work of the mission, and to clarify whether its mandate was to certify a partial or an effective closure of the border. If the Council were to decide that the mandate was indeed for a partial closure, then Croatia would have to re-evaluate its position in the peace process and on the likelihood of the successful implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO), calling for border control between Croatia and Serbia and Montenegro, and Croatia and Bosnia and Herzegovina.³³⁴

Mr. Djokic stated that his country was prepared to recognize the border of Bosnia and Herzegovina once the political problems affecting its nations were closer to being resolved. The Federal Republic of Yugoslavia also insisted that the sanctions be lifted before there was any such recognition. The speaker argued that the perpetuation of the sanctions and the setting of additional conditions for their lifting were absurd and that their maintenance was untenable now, especially as the Federal Republic of Yugoslavia was investing

major efforts to contribute to the search for a just and peaceful settlement. Only negotiations could be conducive to such an outcome, not the use of force, the lifting of the arms embargo or the deployment of new troops. If the Council truly wished to open the road towards peace, it must have the courage to lift the sanctions altogether. The sanctions only fostered resistance and established limits within the Federal Republic of Yugoslavia on greater cooperation.³³⁵

Speaking before the vote, the representative of the Russian Federation said that his delegation would abstain in the vote on the draft resolution, for it believed that the draft did not encourage a constructive policy on the part of the Federal Republic of Yugoslavia. He argued that since the adoption of resolution 943 (1994), the Federal Republic of Yugoslavia had been playing a positive role. In the Russian Federation's view, that merited appropriate encouragement in the form of a further easing of the sanctions. At the very least, the Council should have made the partial suspension of the sanctions indefinite, as the Russian Federation itself had proposed. Instead, the draft resolution was extending the suspension of the sanctions for a reduced period of only 75 days, as was the case in the previous resolution. Moreover, a new preambular paragraph had appeared that referred to the importance of the cessation of military assistance to the Bosnian Serbs. In addition to the fact that that provision went beyond resolution 713 (1991), which established a general and complete embargo on all deliveries of weapons and military equipment, it was also particularly untenable with respect to assertions concerning the financing and coordination of air defence, and was in no way confirmed by the reports of the International Conference on the Former Yugoslavia. Most important, that provision was directed at one of the parties to the conflict, while the responsibility for the recent drastic deterioration of the situation there was borne not only and not so much by the Bosnian Serbs. His delegation could not agree with operative paragraph 3 which contained a call for mutual recognition between the successor States of the former Yugoslavia. That provision did not fit within the context of a generally technical and limited extension of the suspension of a minimal set of sanctions for a short period of time.³³⁶

³³³ S/PV.3551, pp. 2-4.

³³⁴ *Ibid.*, pp. 4-5.

³³⁵ *Ibid.*, pp. 5-6.

³³⁶ *Ibid.*, pp. 6-7.

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (Russian Federation) as resolution 1003 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995 and 988 (1995) of 21 April 1995,

Calling upon all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

Noting the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 25 June 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good,

Reaffirming the importance of further efforts by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Underlining the particular importance it attaches to there being no provision of military assistance, in terms of finance, equipment, coordination of air defences or recruitment of troops, to the Bosnian Serb forces,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and underlining the importance of the necessary resources being made available so as to strengthen the capacity of the Mission to carry out its tasks,

Noting with satisfaction that the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991 has adopted streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, as well as a number of measures facilitating legitimate trans-shipments via the Danube river,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 September 1995;

2. *Decides also* that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

3. *Renews its call* for early mutual recognition between the States of the former Yugoslavia within their internationally recognized borders, recognition between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) being an important first step, and urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take that step;

4. *Reaffirms its decision* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States observed that, while the Co-Chairmen of the International Conference on the Former Yugoslavia had reported some improvement in the effectiveness of the border closure, they had also pointed out some shortcomings in Belgrade's willingness to implement its decision to isolate the Bosnian Serbs. It was those shortcomings that made the United States Government unwilling to accept an extension of 100 days and to insist on 75 days. She recalled that the goal of extending limited sanctions relief to Belgrade was to increase the pressure on the Bosnian Serbs to accept a settlement based on the Contact Group plan. The United States continued to believe that an effectively enforced border closure would help to achieve that goal. It was therefore disturbed by indications of increasing military cooperation between Belgrade and the Bosnian Serbs, including reports that the authorities of the Federal Republic of Yugoslavia were providing financial assistance and equipment to the Bosnian Serb army, cooperating with Bosnian Serb air defence systems, and returning draft-age Bosnian Serb males to Bosnia. If those reports were accurate, they would weaken the case for continuing the limited suspension of sanctions. Such violations would undermine the Council's key objective of persuading the Bosnian Serbs that there was no alternative to a negotiated solution. The speaker also expressed concern over reports of increased military support by Belgrade for the Croatian Serbs, and noted that her Government

would pay close attention to the manner in which Belgrade continued to implement the border closure.³³⁷

The representative of China reiterated that his delegation opposed resorting to sanctions or mandatory actions in relation to the conflict in the former Yugoslavia, as facts had proven that sanctions or pressure would only further complicate the situation. The international community should encourage the efforts made by the Federal Republic of Yugoslavia by gradually removing the sanctions. China regretted that the views of all delegations had not been taken into account during the negotiating process on the draft resolution. As the main purpose of the draft, however, had been to continue the partial suspension of the sanctions, China had voted in favour of the resolution just adopted.³³⁸

**Decision of 12 July 1995 (3553rd meeting):
resolution 1004 (1995)**

At its 3553rd meeting, on 12 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Honduras) then drew the attention of the Council members to the text of a draft resolution submitted by France, Germany, Italy, the United Kingdom and the United States³³⁹ and read out a revision that had been made to the draft.

The representative of Bosnia and Herzegovina stated that by attacking Srebrenica and threatening Zepa, the Bosnian Serbs continued to realize their main goal: the elimination of the Contact Group plan and the strengthening of their own position with the goal of the legalization of the fait accompli. He recalled the statement made by his President, on 12 July 1995, in which he urged the United Nations and NATO to re-establish by force the violated safe zone of Srebrenica, and that tents, food and medicine be provided to the population expelled from that safe area. The speaker further noted that his Government preferred the full rehabilitation of the mandate of UNPROFOR and its strengthening. UNPROFOR had an obligation to defend safe areas since that defence

had been used as a basis for the argument in favour of the maintenance of the arms embargo against Bosnia and Herzegovina. The establishment and activation of the rapid reaction force also could make a crucial contribution to the rehabilitation of the UNPROFOR mandate and UNPROFOR capabilities in Bosnia and Herzegovina. That, combined with NATO activities, could help to reverse the situation in the country.³⁴⁰

The representative of Croatia expressed the concern of his Government at recent developments in the six safe areas in Bosnia and Herzegovina. He noted that both the decision by the Bosnian Serb leadership to renew its advances in the safe areas and the lack of an appropriate response by the international community posed serious risks to Croatia and the Bosnian Croat federation. Croatia was especially concerned about the situation in the safe area of Bihac. It would consider the displacement of the population to be a serious threat to its internal security and may be compelled to undertake measures to secure the status of Bihac as a safe area if that status ever became threatened. Croatia also would have to draw conclusions from the international community's lack of an appropriate response to the situation in Srebrenica, in respect of the mandate of the United Nations in Croatia and the ability and willingness of UNCRO to achieve its objectives and to control Croatia's relevant international borders. It took the view that developments in Bosnia and Herzegovina were a consequence of the international community having ignored a serious increase in Serbia's interference in the occupied territories of Croatia and Bosnia and Herzegovina.³⁴¹

Speaking before the vote, the representative of France noted that the action undertaken by the Bosnian Serbs against Srebrenica was of a different nature since it represented a deliberate intention on the part of the Bosnian Serbs to use force to occupy a safe area. He stated that the international community could not accept any questioning of the status of the safe areas. The draft resolution therefore called on the Secretary-General to take the necessary steps to bring about the withdrawal of Bosnian Serb forces from Srebrenica. In supporting that request, France did not wish to impose the use of any particular means. It was simply signifying its preparedness to make troops available for

³³⁷ Ibid., pp. 11-12.

³³⁸ Ibid., pp. 13-14.

³³⁹ S/1995/560.

³⁴⁰ S/PV.3553, pp. 2-4.

³⁴¹ Ibid., pp. 4-5.

any operations the civilian and military authorities and the United Nations force might consider realistic and realizable.³⁴²

The representative of the Russian Federation condemned the actions of the Bosnian Serb army in violation of Security Council decisions on the safe areas in Bosnia and Herzegovina. His delegation concurred with the view that it was necessary to restore the demilitarized status of the safe area of Srebrenica. That task was complex, but in the Russian Federation's view, the solution would not be reached through the use of air power or through the withdrawal of United Nations forces from Bosnia. Rather, the secure and effective functioning of UNPROFOR should be ensured. Noting that the draft resolution mandated the Secretary-General to use all resources available to restore the status of the safe area, the speaker expressed the view that that provision precluded the option of using force, as that would exceed the existing mandate of the peacekeeping operation. It was also extremely important that efforts to restore the safe area status did not violate the impartiality of UNPROFOR. United Nations forces could not and should not undertake actions that would convert them into a party to the conflict. The Russian Federation fully concurred with the Secretary-General's view that attacks launched from safe areas were inconsistent with the safe area concept and precipitated a disproportionate response from the Bosnian Serbs. The Russian Federation also agreed with the Secretary-General that the only way to make safe areas truly safe was to define a regime acceptable to both parties and to promote mutual respect for that regime.³⁴³

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 1004 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

Gravely concerned at the deterioration in the situation in and around the safe area of Srebrenica, Republic of Bosnia and Herzegovina, and at the plight of the civilian population there,

Gravely concerned also at the very serious situation which confronts personnel of the United Nations Protection Force and a great number of displaced persons within the safe area at Potocari, especially the lack of essential food supplies and medical care,

Paying tribute to the United Nations Protection Force personnel deployed in the safe area of Srebrenica,

Condemning the offensive by the Bosnian Serb forces against the safe area of Srebrenica and, in particular, the detention by the Bosnian Serb forces of United Nations Protection Force personnel,

Condemning also all attacks on United Nations Protection Force personnel,

Recalling the agreement of 18 April 1993 by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serb party for the demilitarization of Srebrenica, and regretting that it has not been implemented in full by either party,

Stressing the importance of renewed efforts to achieve an overall peaceful settlement, and the unacceptability of any attempt to resolve the conflict in the Republic of Bosnia and Herzegovina by military means,

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

1. *Demands* that the Bosnian Serb forces cease their offensive and withdraw from the safe area of Srebrenica immediately;

2. *Demands also* that the parties respect fully the status of the safe area of Srebrenica in accordance with the agreement of 18 April 1993;

3. *Demands further* that the parties respect fully the safety of United Nations Protection Force personnel and ensure their complete freedom of movement, including resupply;

4. *Demands* that the Bosnian Serb forces immediately and unconditionally release unharmed all detained United Nations Protection Force personnel;

5. *Demands also* that all parties allow unimpeded access for the Office of the United Nations High Commissioner for Refugees and other international humanitarian agencies to the safe area of Srebrenica in order to alleviate the plight of the civilian population and, in particular, that they cooperate on the restoration of utilities;

6. *Requests* the Secretary-General to use all resources available to him to restore the status, as defined by the agreement of 18 April 1993, of the safe area of Srebrenica in accordance with the mandate of the United Nations Protection Force, and calls upon the parties to cooperate to that end;

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

³⁴² Ibid., p. 5

³⁴³ Ibid., pp. 9-10.

Speaking after the vote, the representative of the United States stated that the resolution just adopted must be the beginning of “credible resolve”. She further stated that, peaceful means were to be preferred, but when “brutal force” was used the Secretary-General must have the right to use the resources available, in consultation with the relevant troop contributors, to meet the humanitarian needs of the civilian population and to achieve lasting peace. The United States therefore believed that UNPROFOR must remain in Bosnia, supported by the rapid reaction force. The leadership of UNPROFOR would have to make tough decisions in the days ahead. The United States further believed that the role of NATO would be vital to decisions in support of UNPROFOR. It supported the full and speedy deployment of the rapid reaction force and was prepared to provide the necessary air and logistical resources for the purpose.³⁴⁴

The representative of China stated that his delegation had voted in favour of the resolution just adopted because it was aimed at protecting the Srebrenica safe area, stopping offensives against UNPROFOR, and preventing the further deterioration of the humanitarian situation. China nevertheless had reservations about taking enforcement action by invoking Chapter VII of the Charter, as set forth in the resolution. It was also concerned at the serious political and military consequences that might result from the actions authorized by the resolution, including the possibility that the peacekeeping force could become a party to the conflict and thus lose the basis of its continued existence.³⁴⁵

**Decision of 14 July 1995 (3554th meeting):
statement by the President**

At its 3554th meeting, on 14 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to several

³⁴⁴ Ibid., pp. 10-11.

³⁴⁵ Ibid., pp. 12-13.

documents³⁴⁶ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁴⁷

The Security Council recalls its resolution 1004 (1995). The Council is deeply concerned about the ongoing forced relocation of tens of thousands of civilians from the Srebrenica safe area to the Tuzla region by the Bosnian Serb party. Such forced relocation is a clear violation of the human rights of the civilian population. It is especially concerned about reports of grave mistreatment and killing of innocent civilians. It is equally concerned about reports that up to 4,000 men and boys have been forcibly removed by the Bosnian Serb party from the Srebrenica safe area. It demands that in conformity with internationally recognized standards of conduct and international law the Bosnian Serb party release them immediately, respect fully the rights of the civilian population of the Srebrenica safe area and other persons protected under international humanitarian law and permit access by the International Committee of the Red Cross.

The Council again condemns the unacceptable practice of ethnic cleansing and reaffirms that those who have committed or have ordered the commission of such acts will be held individually responsible in respect of such acts.

The Council demands that the Bosnian Serb party immediately allow unimpeded access to the civilian population of the Srebrenica safe area by international humanitarian organizations and cooperate with any procedure established by those organizations to determine which civilians wish to depart from the area of Srebrenica. It further demands that the Bosnian Serb party respect fully the rights of those civilians who wish to remain in the safe area and cooperate with efforts to ensure that civilians who wish to depart are allowed to do so with their families in an orderly, safe way in conformity with international law.

The Council demands that both sides allow the unhindered movement of humanitarian relief and cooperate with

³⁴⁶ Letter dated 12 July 1995 from the representative of Morocco addressed to the President of the Security Council, transmitting a statement adopted on 11 July 1995 by the OIC Contact Group at its meeting on the situation in Bosnia and Herzegovina (S/1995/563); letter dated 13 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/571); letters dated 13 July 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/572 and S/1995/573); and letter dated 12 July 1995 from the representative of Spain addressed to the Secretary-General, transmitting the text of a communiqué of the same date, issued by the Presidency of the European Union, concerning Srebrenica (S/1995/574).

³⁴⁷ S/PRST/1995/32.

efforts by international organizations and agencies and concerned Governments to provide food, medicine, facilities and housing to the displaced.

The Council reiterates its demand that the Bosnian Serb forces immediately and unconditionally release unharmed all detained personnel of the United Nations Protection Force and that the parties respect fully the safety of all Force personnel and ensure their complete freedom of movement.

The Council pays tribute to all the personnel of the United Nations Protection Force and of the Office of the United Nations High Commissioner for Refugees, especially those deployed in the area of Srebrenica. It notes that the presence and bravery of the troops has undoubtedly saved the lives of many civilians in the Srebrenica area.

**Decision of 20 July 1995 (3556th meeting):
statement by the President**

By a letter dated 17 July 1995 addressed to the President of the Security Council,³⁴⁸ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council. In that letter, the Foreign Minister reported that attacks against the safe area of Zepa were continuing and requested an emergency meeting of the Security Council to consider security measures and the safe evacuation of the civilian population from Zepa.

At its 3556th meeting, held on 20 July 1995 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to a number of documents³⁴⁹ and stated that,

after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁵⁰

The Security Council, recalling its previous resolutions, is deeply concerned by the situation in and around the safe area of Zepa. It condemns in the strongest possible terms the offensive by the Bosnian Serb forces against the safe area. The Council is also concerned in particular at the plight of the civilian population there.

The Council attaches the utmost importance to the safety and well-being of the civilian population in Zepa. It demands that the Bosnian Serb forces refrain from any further action that threatens the safety of that population and that they respect fully the rights of the civilian population and other persons protected under international humanitarian law. The Council reaffirms its condemnation of all violations of international humanitarian law, and reiterates to all concerned that those who have committed or ordered the commission of such acts will be held individually responsible in respect of such acts. It reminds the military and political leaders of the Bosnian Serb party that this responsibility extends to any such acts committed by forces under their command.

The Council underlines the importance it attaches to the fullest cooperation with the Office of the United Nations High Commissioner for Refugees and other international humanitarian organizations and demands that they be given unhindered freedom of movement and access to that area. It further demands that the Bosnian Serb authorities cooperate with all efforts, including those of the United Nations Protection Force, to ensure the safety of the civilian population and, in particular, its most vulnerable members, including evacuation as requested by the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina in his letter of 17 July 1995.

The Council strongly condemns the recent acts of violence and intimidation which have occurred against United Nations Protection Force personnel. It demands that both parties ensure the safety and freedom of movement of Force personnel at all times.

transmitting the text of a statement by the Chairman-in-Office of the Organization for Security and Cooperation in Europe concerning the situation in Bosnia and Herzegovina (S/1995/583); letter dated 17 July 1995 from the representative of Malaysia addressed to the Secretary-General (S/1995/584); letter dated 18 July 1995 from the representative of Egypt addressed to the President of the Security Council (S/1995/589); letter dated 17 July 1995 from the representative of Ukraine addressed to the Secretary-General (S/1995/590); and letter dated 19 July 1995 from the representative of Jordan addressed to the Secretary-General (S/1995/598).

³⁵⁰ S/PRST/1995/33.

³⁴⁸ S/1995/582.

³⁴⁹ Letter dated 14 July 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/576); letter dated 14 July 1995 from the representative of Ukraine addressed to the Secretary-General (S/1995/577); letter dated 14 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/579); letter dated 14 July 1995 from the representative of Iraq addressed to the President of the Security Council, transmitting the declaration issued by the Group of Arab States at its meeting of the same date (S/1995/581); letter dated 17 July 1995 from the representative of Hungary addressed to the Secretary-General,

**Decision of 25 July 1995 (3557th meeting):
statement by the President**

By a letter dated 24 July 1995 addressed to the President of the Security Council,³⁵¹ the representative of Bosnia and Herzegovina, in the light of the deteriorating situation in the safe area of Zepa and the imminent threat to its civilian population, requested an emergency meeting of the Security Council, to address the immediate and urgent need for all measures to be taken to ensure a safe and UNPROFOR-escorted evacuation of the civilian population of Zepa.

At its 3557th meeting, held on 25 July 1995 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to several documents³⁵² and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁵³

The Security Council is deeply concerned about the situation in and around the safe area of Zepa in the Republic of Bosnia and Herzegovina. The Council notes the letter of 25 July 1995 from the President of the Republic of Bosnia and Herzegovina to the President of the Security Council.

The Council reaffirms its previous relevant resolutions and the statement by its President of 20 July 1995. It reiterates in the strongest possible terms its condemnation of the Bosnian Serb offensive against the safe area and demands that the Bosnian Serbs comply fully with the requirements set out in that statement as well as its earlier resolutions. The Council further demands that Bosnian Serb forces withdraw from the safe areas of Srebrenica and Zepa.

³⁵¹ S/1995/610.

³⁵² Letter dated 25 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting a letter of the same date from the President of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/611); letter dated 25 July 1995 from the representative of Morocco addressed to the President of the Security Council (S/1995/612); letter dated 24 July 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/613); and letter dated 25 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/617).

³⁵³ S/PRST/1995/34.

The Council remains particularly concerned at the plight of the civilian population and other persons protected under international humanitarian law in the Zepa area. It welcomes and supports the efforts being made by the United Nations Protection Force and the international humanitarian agencies, as requested by the President of the Republic of Bosnia and Herzegovina, to achieve a safe evacuation of those civilians who wish to leave and stresses the importance it attaches to the success of these efforts. It requests the Secretary-General to use all resources available to him to that end and calls upon the parties to cooperate.

The Council demands that the United Nations Protection Force and the international humanitarian agencies be provided with immediate and unhindered access to the population of the area and, in particular, that the Bosnian Serb party provide access for representatives of the International Committee of the Red Cross to all civilians who decide to remain and permit the International Committee of the Red Cross to register any persons detained against their will and visit them immediately.

**Decision of 10 August 1995 (3564th meeting):
resolution 1010 (1995)**

At its 3564th meeting, on 10 August 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Indonesia) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations³⁵⁴ and to two other documents.³⁵⁵

The representative of Bosnia and Herzegovina stated that the draft resolution was a small step forward. Nevertheless, it was a resolution that more clearly articulated care, even though it might be irreparably late for many. The draft did not mention the destiny of those refugees from Zepa who had fled to Serbia. Bosnia and Herzegovina requested international humanitarian organizations to register those refugees and to prevent their disappearance or further abuse in violation of the Geneva Conventions and humanitarian law. The Bosnian delegation also looked forward to the

³⁵⁴ S/1995/677.

³⁵⁵ Letter dated 8 August 1995 from the representative of Kazakhstan addressed to the Secretary-General (S/1995/674); and letter dated 9 August 1995 from the representative of the Sudan addressed to the Secretary-General (S/1995/679).

report by the Secretary-General on these issues, as requested by the Council in the draft resolution.³⁵⁶

Speaking before the vote, the representative of Germany stated that his country had taken the initiative which had led to the draft resolution because it was appalled and alarmed. Several weeks after the fall of Srebrenica and Zepa, the whereabouts of about 7,000 to 8,000 male Bosnians who were taken prisoners by Serbian Serbs were still unknown. According to the latest update by the International Committee of the Red Cross (ICRC), only 164 detainees from Srebrenica and 44 from Zepa had been registered. Germany insisted that immediate access be granted to international humanitarian organizations to all detainees from Srebrenica and Zepa and that the civilian Bosnians taken prisoner be released immediately. It condemned the persistent refusal by the Bosnian Serbs to allow such access to ICRC representatives. That practice constituted a violation of international humanitarian law. The speaker also urged United Nations representatives to continue their efforts to obtain information on the missing men.³⁵⁷

The representative of the Russian Federation expressed concern at reports of flagrant violations of the norms of international humanitarian law in Srebrenica, which should be duly investigated, as well as at the unavailability of information on the whereabouts of many former inhabitants of Srebrenica. The Russian Federation supported the demand in the draft resolution that the Bosnian Serbs grant representatives of UNHCR, ICRC and other international humanitarian agencies access to those who had been displaced from Srebrenica and Zepa. It also expected all prisoners of war to be treated in accordance with international norms and noted that, if the Secretary-General were to confirm that violations of international humanitarian law had indeed taken place, then the Council would have to respond appropriately. The speaker noted that the lesson to be drawn from events in Srebrenica and Zepa was that there was a need to address the concept of safe areas and the modalities for its implementation. It was important to determine what kind of safe area was acceptable to both sides. In addition, the relevant agreements should include provision for the demilitarization of all territories. He contended that if that had been done earlier, the tragic

events in and around Zepa and Srebrenica might have been avoided.³⁵⁸

The representative of the United States stated that Srebrenica and Zepa should not be forgotten because they were areas for which the Council had assumed a special responsibility. They were United Nations protected safe areas, where the Council hoped its authority and legitimacy would offer protection from violence and attack. Tragically, the authority of the Council and the good opinion of the world appeared to mean little to the Bosnian Serb leadership. The Council had a responsibility to investigate what had happened and to ensure that those responsible were brought to justice. Turning to the resolution, the speaker noted the demand that the Bosnian Serbs give immediate access to persons displaced from Srebrenica and Zepa, as well as the demand that access be granted to detained persons and that the rights of those persons be respected. He also noted the resolution's reiteration that those who had violated international humanitarian law would be held accountable as individuals for their acts. Establishing the truth about what had happened in Srebrenica was essential not only to justice, but to peace. Responsibility for the atrocities lay with the individuals who had ordered and committed the crimes and true reconciliation would not be possible until the perception of collective guilt had been expunged and personal responsibility assigned.³⁵⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 1010 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, and reaffirming its resolution 1004 (1995) of 12 July 1995,

Reaffirming the statements by its President of 20 and 25 July 1995, and deeply concerned that the demands set out therein have not been fully complied with by the Bosnian Serb party,

Reiterating the unacceptability of the violation of the safe areas of Srebrenica and Zepa by Bosnian Serb forces,

Reaffirming its commitment to the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia

³⁵⁶ S/PV.3564, pp. 2-3.

³⁵⁷ *Ibid.*, pp. 3-4.

³⁵⁸ *Ibid.*, pp. 5-6.

³⁵⁹ *Ibid.*, pp. 6-7.

ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Deeply concerned at reports of grave violations of international humanitarian law in and around Srebrenica and at the fact that many of the former inhabitants of Srebrenica cannot be accounted for,

Concerned also at the plight of the civilian population and other persons protected under international humanitarian law, originating in the Zepa area,

Expressing its strong support for the efforts of the International Committee of the Red Cross in seeking access to displaced persons, and condemning the failure of the Bosnian Serb party to comply with their commitments to the International Committee of the Red Cross in respect of such access,

1. *Demands* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate access to persons displaced from Srebrenica and Zepa who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross to visit and register any persons detained against their will, including any members of the forces of the Republic of Bosnia and Herzegovina;

2. *Also demands* that the Bosnian Serb party respect fully the rights of all such persons and ensure their safety, and urges that any persons detained be released;

3. *Reiterates* that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

4. *Requests* the Secretary-General to report to the Council as soon as possible, and no later than 1 September 1995, with any information available to United Nations personnel regarding compliance with the present resolution and concerning violations of international humanitarian law;

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

Speaking after the vote, the representative of France noted that the Council requested the Secretary-General to report to the Council before the end of the month on the implementation of the resolution just adopted, and on the measures taken to end violations of humanitarian law. He, however, warned that the Council might have to take action before that date arguing that it owed it to itself to remain vigilant on a question which involved the fate of thousands of civilians subjected to vile and barbaric treatment.³⁶⁰

³⁶⁰ Ibid., p. 7.

Decision of 7 September 1995 (3572nd meeting): statement by the President

On 30 August 1995, pursuant to resolution 1010 (1995), the Secretary-General submitted to the Council a report concerning events in Srebrenica and Zepa.³⁶¹ The Secretary-General reported that, despite repeated requests by his Special Representative, the Bosnian Serb authorities had refused access to persons displaced from Srebrenica and Zepa, making it impossible to collect direct, first-hand evidence of the extent to which the Bosnian Serbs had respected the rights of displaced persons. There was significant prima facie evidence, however, that violations of international humanitarian law had occurred during and after the Bosnian Serb offensive on Srebrenica. The Secretary-General thus recommended that the Council reiterate its urgent call to the Bosnian Serb leadership to authorize immediate and full access to displaced persons. Such access should include the possibility for an impartial international investigation to take place and remained a crucial step in ascertaining the full extent of violations of international humanitarian law and human rights and in addressing any persisting abuses.

At its 3572nd meeting, on 7 September 1995, the Council included that report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Italy) then stated that, after consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:³⁶²

The Security Council has considered the report of the Secretary-General of 30 August 1995 submitted pursuant to Council resolution 1010 (1995) of 10 August 1995.

The Council strongly condemns the failure of the Bosnian Serb party to comply with the demands contained in resolution 1010 (1995). The Bosnian Serb party's refusal to cooperate with the United Nations High Commissioner for Refugees and the International Committee of the Red Cross cannot but reinforce the deep concern expressed in that resolution and in previous resolutions and statements.

The Council stresses its determination that the fate of persons displaced from Srebrenica and Zepa be established. It reaffirms its demands to the Bosnian Serb party to give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and

³⁶¹ S/1995/755.

³⁶² S/PRST/1995/43.

other international agencies immediate access to such persons who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and to permit representatives of the International Committee of the Red Cross to visit and register any persons detained against their will.

The Council also reaffirms its demands to the Bosnian Serb party to respect fully the rights of all such persons, to ensure their safety and to release them.

The Council reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts.

The Council takes note of the investigations that are being carried out by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993). The Council reiterates in this context that all States shall cooperate fully with the Tribunal and its organs, including by providing access to sites the Tribunal deems important for its investigations.

The Council requests the Secretary-General to continue his efforts and to report to the Council no later than 6 October 1995 regarding compliance with resolution 1010 (1995) and any further relevant information that may become available.

The Security Council will remain actively seized of the matter.

Deliberations of 8 September 1995 (3575th meeting)

At its 3575th meeting, on 8 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Pakistan, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion. The President (Italy) then drew the attention of the Council members to several documents.³⁶³

³⁶³ Letter dated 7 September 1995 from the representative of the Russian Federation addressed to the Secretary-General (S/1995/776); letter dated 7 September 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/778); and letter dated 8 September 1995 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General (S/1995/780).

The representative of the Russian Federation noted that his country had requested an urgent meeting of the Security Council, to consider the situation that had arisen in Bosnia and Herzegovina as a result of the bombing of Bosnian Serb positions by NATO aircraft. The Russian Federation was convinced that the NATO air strikes and the shelling of the Bosnian Serbs by the Rapid Reaction Force were undermining, rather than strengthening, efforts to reach a political settlement. Such steps were beyond the decisions of the Security Council, changing the peacekeeping character of the United Nations operation in Bosnia and involving the international community in a conflict against one of the parties. The speaker also raised a number of objections to the manner in which the air strikes had proceeded. Firstly, the agreed procedures for the use of force in Bosnia and Herzegovina had been seriously violated. Consultations had not been held with members of the Council, despite the stipulation in resolution 844 (1993) that they should take place, and the members of the Council had not been informed in a timely fashion of the actions taken. Those oversights were particularly inadmissible because the actions represented a qualitative change in the nature of the use of force. Secondly, the bombing and shelling had been “disproportionate and excessive”. Thirdly, there had been a qualitative change in the “dual key” procedure, meaning that the United Nations had no authority to end the use of force without the agreement of NATO. Fourthly, apparently a memorandum of understanding had been drawn up between NATO and the United Nations concerning the use of air power under the new conditions, according to which force would be applied to areas outside the boundaries of Bosnia and Herzegovina. Such a use of air power would be in direct violation of the resolutions of the Council. Lastly, the active participation of the Rapid Reaction Force exceeded its mandate, as set out in resolution 988 (1995). The recent actions had not been taken to protect United Nations personnel and humanitarian convoys. Rather, they amounted to virtual participation in military action against one side. Thus, the Rapid Reaction Force no longer remained impartial, even though it remained an integral part of the United Nations peacekeeping operation in Bosnia.³⁶⁴

The representative of the United Kingdom stated that his delegation was confident that the recent United Nations/NATO action in Bosnia had been appropriate

³⁶⁴ S/PV.3575, pp. 2-4.

and justified. The action had had clear and specific objectives, designed to protect the safe areas in line with Security Council resolutions. If the Bosnian Serbs were to comply with the requirements explained to them by the United Nations commanders, then the action would end.³⁶⁵

The representative of France emphasized that the military action taken by the United Nations and NATO had been the outcome of decisions taken at the London Conference of July 1994, as part of a plan to protect the safe areas. Those operations had been triggered by the shelling of the Sarajevo market and had been based upon the “dual key” mechanism, whose legitimacy was beyond reproach, and on respect for the prerogatives of the Council and the responsibilities of the United Nations. He further stated that military firmness was an essential condition for the success of diplomatic action. It was essential that the siege of Sarajevo be lifted, that heavy weapons be withdrawn beyond the exclusion zone, and that all attacks against the safe areas cease.³⁶⁶

The representative of the United States stated that, in order to defend the possibility of a diplomatic solution, the international community had had no choice but to respond forcefully to the Bosnian Serb attack on the Sarajevo marketplace. The Bosnian Serbs had been warned that continued attacks on the safe areas would lead to a strong response. They had chosen to ignore that warning and must accept the consequences of their actions. The United Nations and NATO had made it clear that they were not at war with the Bosnian Serbs. The air strikes would end as soon as the Bosnian Serb leadership complied with certain conditions, which called for nothing more than the implementation of Security Council resolutions. The speaker further noted that these actions were fully authorized by Security Council resolutions. The Security Council had created the safe areas and had given UNPROFOR the mandate to deter attacks and it should support the efforts of UNPROFOR to implement that mandate.³⁶⁷

The representative of Nigeria stated that the NATO air strikes had been an appropriate and measured response to the recent attack by the Bosnian Serb forces against a civilian centre. At the same time,

however, Nigeria regretted that it had become necessary to employ such force. Nigeria hoped that the air strikes had not done irreparable harm to the neutrality of the United Nations. It was not too late to make a reassessment of strategy.³⁶⁸

The representative of China welcomed the progress achieved in Geneva. He noted, however, that his country was not in favour of using air strikes to exert pressure. Taking such action would further complicate the situation and create obstacles to a political settlement. In the light of the progress achieved, it was necessary to cease the air strikes immediately, in order to create an environment conducive to a political settlement.³⁶⁹

The representative of Bosnia and Herzegovina stated that her Government fully supported the United Nations and NATO action against military targets of the Bosnian Serbs and considered the legitimacy of such actions to be beyond doubt, as they were being taken in accordance with resolution 836 (1993).³⁷⁰

The representative of Croatia stated that his country supported the operation of NATO in Bosnia. Croatia believed that it was necessary to continue exerting pressure on the Bosnian Serb party, and that NATO’s course of action would decisively assist to bring about an overall lasting peaceful settlement in the region. It was assisting in that effort by allowing the use of its airspace by NATO air forces, and providing the use of its ports for the rapid reaction capacity of UNPROFOR. While supporting the newest peace initiative, the speaker emphasized the importance of mutual recognition of the countries in the former Socialist Federal Republic of Yugoslavia. It was essential to protect and unconditionally respect all international borders and territorial integrity of all the successor States of the former Socialist Federal Republic of Yugoslavia. His delegation also stated that Croatia did not find encouragement in the reluctance of the Federal Republic of Yugoslavia to subscribe to the basic principle of the peaceful reintegration of Eastern Slavonia into the rest of Croatia.³⁷¹

Mr. Djokic demanded that the Security Council take urgent measures to end the NATO air strikes and attacks by the Rapid Reaction Force against Bosnian

³⁶⁵ Ibid., p. 4.

³⁶⁶ Ibid., pp. 4-5.

³⁶⁷ Ibid., pp. 5-6.

³⁶⁸ Ibid., pp. 7-8.

³⁶⁹ Ibid., p. 8.

³⁷⁰ Ibid., pp. 10-11.

³⁷¹ Ibid., p. 12.

Serb military and civilian targets. Noting that NATO air strikes had commenced as a retaliation for the shelling of Sarajevo, the speaker contended, however, that the scale, intensity and duration of the strikes went far beyond retaliatory measures, and their clear aim was to inflict serious injury on the Bosnian Serb military capability, economic infrastructure and even civilian facilities. Moreover, the scope and intensity of the bombing had greatly exceeded the mandate given to the Secretary-General and NATO by relevant Security Council resolutions with the aim of protecting the safe areas in Bosnia and Herzegovina. By departing from the traditional principles of peacekeeping, neutrality and impartiality, the United Nations and NATO had set out on a “slippery slope”, which could lead to further involvement on the side of the Bosnian Muslims and full-scale war against the Bosnian Serbs. At a time when a just and lasting peace was at last within reach, it was essential that that opportunity should not be missed, and that NATO air strikes be stopped.³⁷²

The representative of Ukraine stated that in view of the very encouraging progress which had been achieved in the process of securing a peace settlement in the Balkans, it would be desirable to review the question of putting an end to any further bombing of military targets belonging to the Bosnian Serbs by NATO. Such a step would help create a favourable atmosphere at the talks and help to strengthen trust between the parties. A second matter, of even greater immediacy, was the question of lifting economic sanctions against the Federal Republic of Yugoslavia.³⁷³

During the debate, other speakers supported the air operation conducted by NATO which was consistent with Security Council resolutions, in particular resolution 836 (1993).³⁷⁴ Some were of the view that the operation should continue until its objectives were fully met.³⁷⁵

³⁷² Ibid., pp. 12-13.

³⁷³ Ibid., pp. 13-14.

³⁷⁴ Ibid., pp. 6-7 (Germany); p. 7 (Czech Republic); pp. 8-9 (Indonesia); p. 9 (Argentina); pp. 14-15 (Egypt); p. 16 (Turkey); and pp. 16-17 (Pakistan).

³⁷⁵ Ibid., pp. 14-15 (Egypt); and p. 16 (Turkey).

Decision of 8 September 1995 (3576th meeting): statement by the President

At its 3576th meeting, on 8 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Italy) drew the attention of the members of the Council to a letter dated 8 September 1995 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General,³⁷⁶ transmitting the text of the Joint Statement and Agreed Basic Principles signed on 8 September 1995, in Geneva, by the Ministers for Foreign Affairs of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). He then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁷⁷

The Security Council welcomes the meeting of the Ministers for Foreign Affairs of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) held under the auspices of the Contact Group at Geneva on 8 September 1995. It welcomes the joint statement issued at the conclusion of that meeting and in particular the agreement by the parties on the Agreed Basic Principles. It strongly urges the parties to negotiate in good faith and expeditiously on the basis of those Principles with the aim of achieving a lasting peace throughout the region.

Decision of 15 September 1995 (3578th meeting): resolution 1015 (1995)

By a letter dated 6 September 1995 addressed to the President of the Security Council,³⁷⁸ the Secretary-General transmitted the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference’s mission to the Federal Republic of Yugoslavia. The report contained the certification referred to in resolution 1003 (1993).³⁷⁹

At its 3578th meeting, on 15 September 1995, the Council included the above-mentioned letter in its

³⁷⁶ S/1995/780.

³⁷⁷ S/PRST/1995/45.

³⁷⁸ S/1995/768.

³⁷⁹ See footnote 294.

agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Bulgaria, Croatia and Ukraine, at their request, to participate in the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.³⁸⁰

The representative of Bosnia and Herzegovina stated that the findings of his Government differed drastically from those of the International Conference on the Former Yugoslavia mission. According to the Government of Bosnia, deliveries of military assistance from the Federal Republic of Yugoslavia to the Bosnian Serbs had doubled between January and July. His delegation was surprised that the draft resolution before the Council supported the suspension of sanctions against the Federal Republic of Yugoslavia for 180 days. At the same time it believed that the time “when the international community was willing to be deceived by the regime in Belgrade was irretrievably gone”. Bosnia hoped that the latest peace initiative would mean that the draft resolution would be the last in a series of sanctions resolutions.³⁸¹

The representative of Ukraine considered the draft resolution to constitute a recognition by the international community of the desire of the Federal Republic of Yugoslavia to cooperate for a peaceful settlement. Ukraine believed, however, that the continuation of the suspension of sanctions for a further 180 days was an inadequate step. Rather, the Council should be considering lifting the sanctions altogether. A first step in that direction could be renewing transit to the Federal Republic of Yugoslavia of a list of individual products, together with a lifting of the ban on trade in products not regarded as strategic. In that connection, Ukraine welcomed paragraph 3 of the draft resolution, which made it possible for the Council to consider adjustments to the sanctions regime. Before concluding, the speaker stated that the process for lifting the sanctions could take place at the same time as the process of mutual recognition of the successor States of the former Yugoslavia.³⁸²

³⁸⁰ S/1995/789.

³⁸¹ S/PV.3578, pp. 2-3.

³⁸² *Ibid.*, pp. 3-5.

The representative of Bulgaria, referring to the continuing sanctions against the Federal Republic of Yugoslavia, noted that Bulgaria, as a State Member of the United Nations that was strictly observing the sanctions regardless of their devastating effect on its economy, hoped that the peace process might lead to a discussion about the suspension and gradual lifting of the sanctions. Recalling the statement of 18 May by the Foreign Ministers of Bulgaria, Greece, Moldova, Romania and Ukraine, which had expressed concern at the overall situation in the region aggravated by the sanctions, the speaker reiterated his Government’s support for the concrete proposals made by the Foreign Ministers to mitigate the impact of the sanctions. He further emphasized that one of the major challenges facing the United Nations was the extent to which it would be able to resolve the special economic problems of non-target countries affected by the implementation of sanctions.³⁸³

The representative of Croatia noted that his delegation believed that the sanctions were still one of the most effective instruments of the international community for bringing an end to the conflict. Eliminating that instrument would undermine the established balance and the international community’s leverage. His delegation also believed that the gradual lifting of the sanctions against Belgrade must be related to deeds and not promises. It also reminded the Council that resolution 871 (1993) had clearly established the linkage between ending Belgrade’s economic and political isolation, and its cooperation in ending the occupation of parts of Croatia. It warned that any exclusion of the question of the remaining occupied territories of Croatia from the comprehensive peace plan, including delinking them from the sanctions against Belgrade, would inevitably force the Government of Croatia to consider other legitimate means of restoring its sovereignty.³⁸⁴

Speaking before the vote, the representative of Indonesia took note of the certification issued by the International Conference on the Former Yugoslavia mission. At the same time, Indonesia was concerned by the continued shortcomings experienced in the border closure and, in particular, by the fact that uniformed personnel were continuing to cross the border between the Federal Republic of Yugoslavia and Bosnia and

³⁸³ *Ibid.*, pp. 5-6.

³⁸⁴ *Ibid.*, pp. 6-7.

Herzegovina. Clearly, it was possible to improve the closure of the border. Indonesia would vote in favour of the draft resolution, however, for it believed that the closure of the border remained an instrumental pillar for the achievement of a negotiated settlement.³⁸⁵

The representative of China noted that the Federal Republic of Yugoslavia had made many efforts to implement the relevant resolutions of the Council, including continuing to meet its commitment to close the border with Bosnia and Herzegovina. China was of the view that Belgrade's efforts to meet its commitments should be recognized and encouraged by the Council, through concrete action. China would vote in favour of the draft resolution extending the partial suspension of sanctions against the Federal Republic of Yugoslavia to 180 days. In keeping with its position on sanctions, however, China was not in favour of using pressure tactics such as mandatory sanctions in the region of the former Yugoslavia, for such steps would only complicate the issue and hurt innocent civilians. China therefore believed that the Council should lift the sanctions against the Federal Republic of Yugoslavia and ease the remaining economic sanctions. Such a step would alleviate the suffering of the people in the Federal Republic of Yugoslavia, facilitate the economic development of all the countries of the region, and contribute to restoring peace and stability.³⁸⁶

The representative of the Russian Federation stated that, in his delegation's view, the draft resolution was a significant improvement over previous resolutions on the subject, in particular because it did not contain provisions pertaining to Belgrade's decision to close the border to all but humanitarian deliveries. Another step in the right direction was the substantial increase in the timeframe for the next suspension of some sanctions. In light of those factors, the Russian Federation would support the draft. In a broader context, it believed that the constructive policy of the Yugoslav leadership should meet with an appropriate response from the international community. The sanctions should be lifted without delay, as their retention was hindering efforts to reach a political settlement. Given the Russian Federation's position in favour of an immediate lifting of the sanctions, it took note of paragraph 3, reaffirming the Council's decision to consider further steps with regard to measures

applicable to the Federal Republic of Yugoslavia in the light of further progress. Such steps towards a further easing of sanctions might be adopted at any time, without waiting for the resolution's deadline to expire.³⁸⁷

The representative of Honduras stated that maintaining sanctions indefinitely would not help to resolve the conflict. Honduras hoped that lifting the sanctions would lighten the burden upon the economic and social development of the Federal Republic of Yugoslavia and neighbouring countries. It further hoped that the draft resolution would motivate the Belgrade authorities to continue cooperating with the international community, so that the Council might consider revoking the sanctions regime.³⁸⁸

The representative of Botswana stated that the proposed length of the suspension of aspects of the sanctions was a clear recognition of the positive role played by Belgrade in the peace process in recent weeks. Botswana welcomed the agreement signed the previous day for the withdrawal of the Bosnian Serb heavy weapons from Sarajevo. Turning to the question of the air strikes, the speaker cautioned against the appearance of partiality by the United Nations in the Balkan conflict. The shelling of the Sarajevo marketplace in Sarajevo had constituted a cynical provocation against the authority of the United Nations and deserved a strong response. The United Nations should, however, avoid the appearance of taking sides. It could not wage war in Bosnia and hope to make peace at the same time, without compromising the execution of one of those aims. Furthermore, it was critical that the Council guard against losing control of the transfer of authority of the United Nations to regional arrangements. In such situations, the United Nations should never assume the position of a bystander in an operation that was supposed to be under the command and control of the Council.³⁸⁹

The representative of Nigeria noted with satisfaction Belgrade's continuing political commitment to the closure of the border. Nigeria was concerned, however, at reports of continuing violations of that border. It therefore called on Belgrade to take adequate steps to put a stop to all illegal activities and border violations. It would support the draft resolution,

³⁸⁵ Ibid., pp. 7-8.

³⁸⁶ Ibid., p. 8.

³⁸⁷ Ibid., pp. 8-9.

³⁸⁸ Ibid., p. 9.

³⁸⁹ Ibid., pp. 9-10.

however, because it had seen signs that the Council's "carrot-and-stick policy" was modifying the behaviour of the authorities in Belgrade.³⁹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 1015 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995, 988 (1995) of 21 April 1995 and 1003 (1995) of 5 July 1995,

Calling upon all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

Noting the measures taken by the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 6 September 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia with the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be generally good,

Reaffirming the importance of further efforts by the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and underlining the importance of the necessary resources being made available so as to strengthen the capacity of the Mission to carry out its tasks,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 March 1996;

2. *Decides also* that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

³⁹⁰ *Ibid.*, p. 10.

3. *Reaffirms its decision* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States underlined some fundamental points about the resolution just adopted. First, the suspended sanctions were limited strictly to cultural and sports exchanges, the restoration of passenger air transport to and from Belgrade, and ferry service to the port of Bar. There was no suspension of economic sanctions, meaning that there had been no increase of sanctions relief. Rather, the existing relief had been extended for six months. The United States continued to believe that further sanctions relief must follow real steps towards peace, such as mutual recognition among the successor States to the former Yugoslavia. Secondly, the requirements of resolution 988 (1995) remained in full force, including the requirement in paragraphs 14 and 15 that the Secretary-General report to the Council immediately if he had evidence of non-compliance by the authorities of Serbia and Montenegro with the border closure. If such a report were to be submitted, the suspension of the sanctions would terminate. In that connection, there had been indications of shortcomings in the implementation of Serbia and Montenegro's commitment to close its border. In particular, efforts by Serbia and Montenegro to assist the Bosnian Serbs in restoring their military communications and air defence networks and providing other military assistance would violate the commitment to close the border.³⁹¹

The representative of France stated that while the resolution just adopted was technical in nature, the improvement made to it — the extension of the suspension period to 180 days — reflected his delegation's conviction that a dynamic of negotiation seemed to have begun and must be encouraged. France hoped that the Council would have the opportunity to decide, on the basis of the evolving situation, on the further alleviation of sanctions.³⁹²

³⁹¹ *Ibid.*, pp. 11-12.

³⁹² *Ibid.*, pp. 12-13.

Decision of 18 September 1995 (3580th meeting): statement by the President

At its 3580th meeting, on 18 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Italy) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁹³

The Security Council deploras the rapidly escalating military situation on the ground in the Republic of Bosnia and Herzegovina, and expresses its deep concern about the plight of the civilian population resulting therefrom.

The Council demands that all the parties involved in offensive military activities and hostile acts in western Bosnia cease them immediately and respect fully the rights of the local population. It stresses the importance it attaches to intensified efforts to alleviate the plight of refugees and displaced persons and to the fullest cooperation in this regard by the parties with the United Nations Protection Force and the international humanitarian agencies. The Council reiterates that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina and urges all parties not to take military advantage of the present situation. It once again expresses its full support for the Agreed Basic Principles signed at Geneva on 8 September 1995, which provide a basis for negotiations with the aim of achieving a lasting peace throughout the region.

The Council furthermore deploras the death of one Danish peacekeeper and injury to nine others and expresses its condolences to the Government of Denmark and to the family of the peacekeeper who lost his life.

Decision of 21 September 1995 (3581st meeting): resolution 1016 (1995)

At its 3581st meeting, on 21 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution prepared in the course

of the Council's prior consultations³⁹⁴ and to several other documents.³⁹⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 1016 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions and the statement by its President of 18 September 1995,

Deeply concerned by the military situation on the ground in the Republic of Bosnia and Herzegovina and by the plight of the civilian population there, which constitutes a humanitarian crisis of significant proportions,

Especially concerned by the humanitarian consequences, as a result of the recent fighting, including loss of life and suffering among the civilian population, and a new flow of tens of thousands of refugees and displaced persons,

Reiterating its full support for the Agreed Basic Principles signed at Geneva on 8 September 1995,

Gravely concerned about all offensives and hostile acts in the Republic of Bosnia and Herzegovina by the parties concerned, including those most recently undertaken,

1. *Notes* the assurances given by the Governments of the Republic of Bosnia and Herzegovina and the Republic of Croatia regarding offensive actions in western Bosnia and, while taking note of the reports that the offensive actions have slowed down, affirms the need for full compliance with the demands set out in the statement by its President of 18 September 1995;

2. *Deploras* the casualties suffered by the Danish peacekeepers, expresses its condolences to the Government of Denmark and to the families of the peacekeepers who lost their lives, and demands that all parties fully respect the safety of United Nations personnel;

3. *Calls upon* all parties and others concerned to refrain from violence and hostile acts and to reach immediately a ceasefire and a cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina;

4. *Calls upon* Member States involved in promoting an overall peaceful settlement in the region to intensify their efforts to this end with the parties to ensure that they take no advantage from the current situation and show utmost restraint;

5. *Demands* that the parties negotiate in good faith on the basis of the Agreed Basic Principles signed at Geneva on

³⁹³ S/PRST/1995/47.

³⁹⁴ S/1995/810.

³⁹⁵ Letter dated 19 September 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/808); and letter dated 20 September 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/812).

8 September 1995 with the aim of achieving lasting peace throughout the region;

6. *Reiterates* that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina;

7. *Urges* all States and international humanitarian organizations to intensify their efforts to help to alleviate the plight of refugees and displaced persons;

8. *Requests* the Secretary-General to provide to the Council as soon as possible information on the humanitarian situation, including information available through the United Nations High Commissioner for Refugees and other sources;

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

**Decision of 12 October 1995 (3587th meeting):
statement by the President**

At its 3587th meeting, on 12 October 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁹⁶

The Security Council welcomes the entry into force of the ceasefire agreement of 5 October 1995 between the Bosnian parties.

The Council takes this opportunity to express its gratitude to all those who negotiated the ceasefire agreement and to the United Nations Protection Force and others who, often at risk to their own lives, have made possible, with the cooperation of all the parties, the restoration of gas and electricity supplies to the inhabitants of Sarajevo, enabling them to live in more decent conditions.

The Council demands that all parties fully comply with the provisions of the ceasefire agreement and refrain from any military activity that could jeopardize the peace process. It expresses its deepest concern at any operation that provokes large-scale movements of population detrimental to the peace process and a final and fair settlement. The Council is particularly concerned about new reports related to the movements of the displaced population in the areas of Sanski Most and Mrkonjic Grad.

The Council reiterates its strong condemnation of all practices of ethnic cleansing wherever they occur and by whomsoever committed. It demands their immediate cessation and underlines the need to alleviate the sufferings caused by these acts. The Council urges all Bosnian parties to respect fully

³⁹⁶ S/PRST/1995/52.

the rights of all communities, including their right to remain where they are or to return to their homes in safety.

The Council is, in particular, deeply concerned about new reports concerning acts of ethnic cleansing committed in the Banja Luka and Prijedor areas, especially about reports, including those by international humanitarian organizations, that non-Serb men and boys of draft age are being taken away by Bosnian Serb and other paramilitary forces. The Council demands that those persons be immediately released.

The Council demands that the Bosnian Serb party grant United Nations personnel and the representatives of the International Committee of the Red Cross immediate and unimpeded access to all the areas of concern. It also demands that representatives of the International Committee of the Red Cross be allowed to visit and register any persons detained against their will. The Council reiterates in this context the demands set out in resolution 1010 (1995) and in the statement by its President of 7 September 1995 on Srebrenica and Zepa.

The Council reaffirms that those who have committed or have ordered the commission of violations of international humanitarian law will be held individually responsible for them. The Council recalls in this context the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, pursuant to its resolution 827 (1993) and reiterates that all States shall cooperate fully with the Tribunal and its organs.

The Council will remain actively seized of the matter.

**Decision of 30 November 1995 (3601st meeting):
resolution 1026 (1995)**

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report on the three peacekeeping missions in the former Yugoslavia.³⁹⁷ The report was intended to assist the Council in its deliberations on the future of those missions.

In his report, the Secretary-General noted that the general framework agreement, which had been initialled by the Presidents of Bosnia and Herzegovina, Croatia and Serbia on 21 November 1995 in Dayton, provided the basis for peace to become reality. The framework agreement contained many aspects with far-reaching implications not only for the United Nations peacekeeping forces deployed in the former Yugoslavia, but also for the future role of the

³⁹⁷ S/1995/987. The report was considered by the Council also at its 3600th meeting, under the item "The situation in Croatia" (see sect. 21.K of the present chapter).

Organization in that region, which had yet to be fully assessed and analysed. In connection with UNPROFOR, the Secretary-General noted that since the agreement envisaged the implementation of the military and regional stabilization aspects to be the responsibility of a new Implementation Force (IFOR), to be authorized by the Security Council, a primary task for UNPROFOR was to arrange for the transfer of responsibility to IFOR. Pending finalization of the arrangements for the transfer of responsibility to IFOR, the Secretary-General recommended that the existing mandate of UNPROFOR be extended for two months, or until the appropriate transfer of authority had been executed between UNPROFOR and the incoming Implementation Force, subject to authorization of the Security Council.

At its 3601st meeting, on 30 November 1995, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina and included the above-mentioned report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the United Kingdom and the United States,³⁹⁸ as well as to a letter dated 29 November 1995 from the representative of the United States addressed to the Secretary-General,³⁹⁹ transmitting the text of the General Framework Agreement for Peace in Bosnia and Herzegovina.

The draft resolution was then put to the vote and adopted unanimously as resolution 1026 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 982 (1995) of 31 March 1995 and 998 (1995) of 16 June 1995,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

Welcoming again the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by the

Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

Stressing the need for all parties to comply fully with all provisions of the Peace Agreement and, prior to the entry into force of that agreement, the need for all parties to cooperate fully with the United Nations Protection Force and to maintain the current ceasefire agreement,

Welcoming the positive role played by the United Nations Protection Force, and paying tribute to the personnel of the Force in the performance of their mandate,

Having considered the report of the Secretary-General of 23 November 1995,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 23 November 1995;

2. *Decides* to extend the mandate of the United Nations Protection Force for a period terminating on 31 January 1996, pending further action by the Council with regard to the implementation of the Peace Agreement;

3. *Invites* the Secretary-General to keep the Council informed of developments in the peace process and to submit as soon as possible to the Council reports, containing the necessary information and recommendations, on aspects of the implementation of the Peace Agreement as they affect the United Nations in order to enable the Council to take a decision ensuring an orderly transfer of authority as envisaged in the Peace Agreement;

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

**Decision of 7 December 1995 (3603rd meeting):
statement by the President**

At its 3603rd meeting, on 7 December 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁰⁰

³⁹⁸ S/1995/995.

³⁹⁹ S/1995/999.

⁴⁰⁰ S/PRST/1995/60.

The Security Council expresses deep concern over the looting and burning of houses by the forces of the Croatian Defence Council in the area of Mrkonjic Grad and Sipovo, which have continued for some time, and it also notes with concern that similar acts have been committed by Bosnian Serb forces in other areas of Bosnia and Herzegovina. The Council is also deeply concerned by reports that the Croatian Defence Council is moving mine-laying equipment into the Mrkonjic Grad and Sipovo areas.

The Council considers that such actions are dangerous and detrimental to the spirit of confidence essential for the implementation of the Peace Agreement on Bosnia and Herzegovina.

The Council demands that all such actions be stopped immediately and stresses the need for all parties to exercise maximum restraint and to demonstrate the cooperation essential for the successful implementation of the Peace Agreement.

**Decision of 15 December 1995 (3607th meeting):
resolution 1031 (1995)**

On 13 December 1995, pursuant to resolution 1026 (1995), the Secretary-General submitted to the Council a report on developments in the peace process in Bosnia and Herzegovina.⁴⁰¹ The report noted that the most important development since the adoption of resolution 1026 (1995) was the Peace Implementation Conference convened in London on 8 and 9 December which had resulted in the adoption of a document known as “the London conclusions”. The Conference had also approved the designation of Mr. Carl Bildt as High Representative and had invited the Security Council to agree to it. The report also addressed aspects of implementation of the peace agreement that affected the United Nations and dealt with the future of certain existing United Nations activities which would either be discontinued or transferred to other agencies. The Secretary-General observed that the Peace Agreement offered real hope of bringing an end to the conflict in Bosnia and Herzegovina. He welcomed the fact that Member States had decided that the task of helping to implement the Peace Agreement in Bosnia and Herzegovina should not be entrusted to the United Nations alone. He noted, in that regard, that only a cooperative effort between many international organizations and Member States could generate the skills and resources, and above all, the political will required to end the fighting and start building the peace in Bosnia and Herzegovina. Referring to the ways in which the United Nations could make its contribution

⁴⁰¹ S/1995/1031.

to that common effort, he stated that the most important of them were in the fields of humanitarian relief and return of refugees, and civilian police, where the parties had asked the Organization to deploy a United Nations civilian police greater than any previously seen. Other areas, where the United Nations could make a contribution, included human rights.

At its 3607th meeting, on 15 December 1995, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina and included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Brazil, Canada, Croatia, Egypt, Japan, Malaysia, Norway, Spain, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address it in the course of the subsequent discussion. The President (Russian Federation) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States,⁴⁰² as well as to several other documents.⁴⁰³

The representative of Bosnia and Herzegovina noted that the Council would be deciding upon a comprehensive resolution on the various aspects of the implementation of the Dayton Peace Agreement. As a host country to the Implementation Force, Bosnia and Herzegovina pledged partnership in the implementation of the agreement. Bosnia and Herzegovina was committed to furthering existing democratic institutions and establishing new ones to restore the rule of law and order in every part of the country, thus guaranteeing safety, justice and respect for all citizens of Bosnia and Herzegovina, regardless of ethnic or religious background. The speaker argued that restoration of mutual confidence would be possible if

⁴⁰² S/1995/1033.

⁴⁰³ Letter dated 29 November 1995 from the representative of the United States addressed to the Secretary-General (S/1995/999); letter dated 7 December 1995 from the representatives of Bosnia and Herzegovina and Croatia addressed to the Secretary-General (S/1995/1021); letter dated 11 December 1995 from the representative of the United Kingdom addressed to the Secretary-General (S/1995/1029); and letter dated 14 December 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/1034).

the Bosnian Serb authorities were to do the same in the territories under their control, including by bringing to justice those who had committed war crimes and by preventing them from playing any future political role. Finally, Sarajevo should again be not only a symbol of the ethnic, religious and cultural diversity and richness of Bosnia and Herzegovina, but also the birthplace of new international hope and solidarity.⁴⁰⁴

The representative of Croatia noted that no matter how difficult and tragic the past four years had been, the peace agreement would move Bosnia and the whole region forwards and the timely deployment of IFOR, to be authorized by the draft resolution, would continue the momentum for peace. It would also be necessary, however, to implement the economic and electoral aspects of the Agreement with the same commitment and vigour. IFOR alone could not secure a lasting and just peace in Bosnia. Croatia regretted that the agreement on the normalization of relations between it and Bosnia and Herzegovina, including mutual recognition, had not been signed in Paris. Croatia's position remained that unconditional recognition was a prerequisite for the equitable resolution of all outstanding issues between two sovereign States. Turning to the draft resolution, the speaker emphasized paragraph 8, which recognized the right of all Bosnian refugees and displaced persons to return to their homes of origin in safety and called on the United Nations to play a leading role in their repatriation. Those refugees and displaced persons must be given the opportunity to return home or they must be compensated for their property fairly and in a timely manner. The speaker concluded by presenting the position of his Government on the report of 13 December of the Secretary-General⁴⁰⁵ on the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium.⁴⁰⁶ Croatia expressed concern that that report placed emphasis on external risks and not enough emphasis on the most important element of the agreement which was demilitarization. It could not accept an attempt to build a new and improved safe area in the occupied Vukovar region. Therefore, the deployment of a large international force to Croatia was unacceptable. Rather, the military aspects of the implementation force should be reduced and the civilian aspects strengthened. The speaker

⁴⁰⁴ S/PV.3607, pp. 3-4.

⁴⁰⁵ S/1995/1028.

⁴⁰⁶ S/1995/951, annex.

further noted any delay in addressing the implementation of the Basic Agreement would minimize the possibility of its success. The momentum for peace that was evident in implementing the Peace Agreement in Bosnia should be emulated and utilized to secure peace in Croatia as well.⁴⁰⁷

Mr. Jovanovic noted that it had not been an easy task to achieve the Peace Agreement, but the essential thing was that peace had finally prevailed and that the implementation of the Agreement would strengthen stability, not only in Bosnia and Herzegovina but also in the Balkans and Europe. The basic task ahead was full implementation of the Peace Agreement. The responsibility for such implementation lay not only with the Republika of Srpska and the Muslim-Croat Federation and other interested parties, but also with international entities assigned major implementation tasks. For its part, Yugoslavia stood ready to implement fully the commitments it had undertaken under the Agreement. The speaker further stated that it was imperative that the military and civilian components of the international presence in Bosnia and Herzegovina took an impartial and objective position towards all parties. It was also imperative that the Serbs of Sarajevo receive concrete guarantees that their freedom, security, equality and human rights would be fairly and unconditionally respected. Referring to the question of sanctions, the speaker stated that his delegation expected that, in accordance with the Peace Agreement, the Council would soon lift all sanctions against the Federal Republic of Yugoslavia. Having been "crippled" by international sanctions and isolated from the international community, the Federal Republic of Yugoslavia was eagerly seeking to restore its place in the family of nations. It believed that, by pursuing a constructive policy for peace in the former Yugoslavia, it had earned the right to normalize its status in all international organizations, and to normalize relations with the European Union. As a founding Member, the Federal Republic of Yugoslavia requested that the Council allow it to resume its rightful place in the United Nations without delay, in accordance with the Charter of the United Nations and international law. It was particularly unacceptable that additional conditions were being set for the normalization of the status of the Federal Republic of Yugoslavia in the United Nations. With the signing of

⁴⁰⁷ S/PV.3607, pp. 4-6.

the Peace Agreement, it was only logical that Yugoslavia's rights be fully restored.⁴⁰⁸

Speaking before the vote, the representative of the United Kingdom stated that the conclusion of the Peace Agreement and the draft resolution before the Council sounded the call for the most comprehensive operation to reconstruct a European country since the Marshall Plan half a century earlier. Sustaining that process would be vital, if the promise of peace were to become a reality. One important task was military in nature. The role of IFOR would be even-handed and limited in scope and duration. The force would not be imposing the peace settlement, but it would take necessary action to ensure compliance. Furthermore, should it be decided that IFOR would detain and transfer to the appropriate authorities any persons indicted by the Tribunal with whom it came into contact, then the authority to do so was provided by the draft resolution, when read in conjunction with the Peace Agreement. The implementation of the Peace Agreement, however, was simply not a military task. IFOR was necessary, but not a sufficient, condition for rebuilding the civil, political and economic institutions and structures that would form the basis of a unified, prosperous and stable society. The international community faced a huge commitment in implementing the Peace Agreement. That commitment needed to be matched by a similar determination on the part of the Bosnian people, the Federal Republic of Yugoslavia and Croatia. Before concluding, the speaker warned that failure by the Bosnian Serbs to cooperate would lead to the continuation of economic sanctions.⁴⁰⁹

The representative of Germany stated that the draft resolution conferred a challenging responsibility upon the members of the Council. By an affirmative vote, the Council would set in motion an enormous international military and civilian operation. Noting that all parties had consented to the deployment of IFOR, including the use of force if necessary, the speaker stated that it was essential that the parties comply with their commitment to refrain from the use of force, and that they cooperate fully with IFOR in the military side of the implementation of the Peace Agreement. However, while the military component of the implementation of the Dayton Agreement represented the foundation of peace, the construction

of peace would be a civilian task. It was therefore necessary to strengthen the political consensus achieved so far by holding free and fair elections. It was also necessary to assist the local security forces, to monitor human and minority rights, to undertake important humanitarian tasks, and to reconstruct and develop a devastated country and its economy. In that effort, the United Nations would continue to have an important peacekeeping role, and Germany fully supported the concept of a strong International Police Task Force and of a United Nations civilian mission. Referring to the question of the admission of the Federal Republic of Yugoslavia to the General Assembly, the speaker noted that his delegation would welcome such a development under the conditions determined by the respective organs of the United Nations. Turning to the question of coordination of the civilian tasks to be carried out in the implementation of the Peace Agreement, the speaker stated that the many international organizations involved must work in the same direction. It was important that there be no duplication of effort. In that respect, the draft resolution spelled out clearly the responsibilities of the High Representative, as the final authority in theatre regarding civilian implementation and as coordinator of the civilian operations with the authority to give guidance as appropriate. In conclusion, the speaker stated that those responsible for war crimes and violations of international humanitarian law must be brought to justice. Without uncovering the truth and without justice, national reconciliation could not be achieved. The draft rightly stressed the importance of full cooperation with the International Tribunal and made it clear that IFOR had a role to play in that respect.⁴¹⁰

The representative of Argentina stated that, as clearly set out in one of the preambular paragraphs of the draft resolution, the conflict in the former Yugoslavia remained a threat to international peace and security. That factor explained the widespread concern that the principal role for the United Nations, through the Council, would be to keep the implementation of the Peace Agreement under permanent review. With the draft resolution, work of great importance to the United Nations would begin in such areas as the protection of human rights, humanitarian assistance, civil policing and the removal of mines. Argentina was struck, however, by the fact that the supervision of electoral

⁴⁰⁸ *Ibid.*, pp. 6-7.

⁴⁰⁹ *Ibid.*, pp. 8-9.

⁴¹⁰ *Ibid.*, pp. 9-11.

processes, which was an area where the United Nations had unparalleled experience and aptitude — had been assigned to the Organization for Security and Cooperation in Europe (OSCE). It therefore supported the Secretary-General's offer to OSCE that the invaluable experience of the United Nations might be put to use in Bosnia. Argentina also emphasized the importance of the International Tribunal. Peace would only be lasting if those responsible for atrocities were made to face the consequences of their actions.⁴¹¹

The representative of China welcomed the positive developments in relation to the situation in Bosnia and Herzegovina. Observing that the Federal Republic of Yugoslavia had made unremitting efforts in the peace process and should be acknowledged and encouraged by the international community, he stated that the Council should resolve soon the question of the status of the Federal Republic of Yugoslavia in the United Nations. On the basis of China's position in support of the peace process in the former Yugoslavia, and the fact that the draft resolution called for extraordinary action in extraordinary circumstances, the Chinese delegation would vote in favour of the draft resolution. That did not represent, however, a change in China's position. China had long disapproved of operations authorized by the Council when Chapter VII was invoked and mandatory measures adopted, and it could not approve the Council's authorization of the unlimited use of force. It therefore believed that IFOR must maintain neutrality and impartiality and avoid the wanton use of force, in order not to damage the image of the United Nations. IFOR should thus provide the Council with timely and full reports on the implementation of its tasks and should accept the necessary control of and guidance from the Council.⁴¹²

The representative of Nigeria noted that his delegation would have preferred a United Nations operation under the policy control of the Council and the managerial supervision of the Secretary-General, in spite of the fact that the parties to the agreement had requested a multinational force. While mindful of the Secretary-General's observations about the inability of the United Nations to undertake such an operation at that time, Nigeria believed that it was a lack of political backing and of the resource support of

Member States that was preventing the Organization from undertaking directly the enforcement operations envisaged in Chapter VII of the Charter. Nigeria also believed that the Council should not continue to contract out what would normally be a United Nations responsibility to a group of powerful States. Questions about the timeframe and concept of operations were not quite clear, nor could one say exactly whence the post of High Representative derived its legitimacy and authority. As States Members of the United Nations, the members of the Council should not support decisions that had the effect of subordinating the Organization or its Secretary-General to another organization. The United Nations was still the most universal expression of the will of the international community. However, in view of its policy of supporting all peace initiatives and of the primary objective of helping to resolve the Balkan conflict, Nigeria would support the draft resolution.⁴¹³

The draft resolution was then put to the vote and adopted unanimously as resolution 1031 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

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

Welcoming the signing on 14 December 1995 at the Paris Peace Conference of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto,

Welcoming also the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995,

Welcoming further the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions,

Paying tribute to the International Conference on the Former Yugoslavia for its efforts aimed at achieving a peace settlement, and taking note of the decision of the London Conference that the Peace Implementation Council will subsume the International Conference on the Former Yugoslavia,

⁴¹¹ Ibid., pp. 11-12.

⁴¹² Ibid., pp. 13-14.

⁴¹³ Ibid., pp. 14-15.

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

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

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

I

1. *Welcomes and supports* the Peace Agreement, and calls upon the parties to fulfil in good faith the commitments entered into in that Agreement;

2. *Expresses its intention* to keep the implementation of the Peace Agreement under review;

3. *Welcomes* the progress made towards mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders;

4. *Reaffirms* its resolutions concerning compliance with international humanitarian law in the former Yugoslavia, reaffirms also that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former since 1991 and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute, and calls upon them to allow the establishment of offices of the Tribunal;

5. *Recognizes* that the parties shall cooperate fully with all entities involved in the implementation of the peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal, and that the parties have in particular authorized the multinational force referred to in paragraph 14 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

6. *Welcomes* the agreement by the Organization for Security and Cooperation in Europe to adopt and put in place a programme of elections for Bosnia and Herzegovina, at the request of the parties to annex 3 of the Peace Agreement;

7. *Welcomes also* the parties' commitment, as specified in the Peace Agreement, to securing for all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, stresses that compliance with this commitment is of vital importance in achieving a lasting peace, and welcomes the invitation by the parties to the United Nations Commission on Human Rights, the

Organization for Security and Cooperation in Europe, the United Nations High Commissioner for Human Rights and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;

8. *Welcomes further* the parties' commitment to the right of all refugees and displaced persons freely to return to their homes of origin in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, in assisting with the repatriation and relief of refugees and displaced persons, and stresses the importance of repatriation being phased, gradual and orderly;

9. *Emphasizes* the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina, and encourages Member States to provide assistance for the programme of reconstruction in that country;

10. *Underlines* the relationship, as described in the conclusions of the London Conference, between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

11. *Welcomes* the agreement of the parties to annex 1-B of the Peace Agreement that the establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region, emphasizes the importance of all Member States supporting their efforts to this end, and supports the commitment of the Organization for Security and Cooperation in Europe to assist the parties with the negotiation and implementation of such measures;

II

12. *Welcomes* the willingness of the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to assist the parties to the Peace Agreement by deploying a multinational implementation force;

13. *Notes* the invitation of the parties to the international community to send to the region for a period of approximately one year a multinational implementation force to assist in implementation of the territorial and other militarily related provisions of annex 1-A of the Peace Agreement;

14. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish a multinational Implementation Force under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement;

15. *Authorizes* the Member States acting under paragraph 14 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall be held

equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Implementation Force as may be necessary to ensure implementation of that annex and the protection of the Force, and takes note that the parties have consented to the taking of such measures by the Implementation Force;

16. *Authorizes* the Member States acting under paragraph 14 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of the Implementation Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Authorizes* Member States to take all necessary measures, at the request of the Implementation Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

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

19. *Decides* that, with effect from the day on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force to the Implementation Force has taken place, the authority to take certain measures conferred upon States by resolutions 770 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, 816 (1993) of 31 March 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 958 (1994) of 19 November 1994 shall be terminated, and that the provisions of resolution 824 (1993) of 6 May 1993 and subsequent resolutions regarding safe areas shall also be terminated from the same date;

20. *Requests* the Government of Bosnia and Herzegovina to cooperate with the Commander of the Implementation Force to ensure the effective management of the airports in Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1 A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

21. *Decides*, with a view to terminating the authorization granted in paragraphs 14 to 17 above one year after the transfer of authority from the United Nations Protection Force to the Implementation Force, to review by that date and to take a decision whether that authorization should continue, based upon the recommendations from the States participating in the Implementation Force and from the High Representative through the Secretary-General;

22. *Decides also* that the embargo imposed by resolution 713 (1991) of 25 September 1991 shall not apply to weapons and military equipment destined for the sole use of the Member States acting under paragraph 14 above, or of international police forces;

23. *Invites* all States, in particular those in the region, to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 14 above;

24. *Welcomes* the conclusion of the agreements concerning the status of forces as referred to in appendix B to annex 1 A of the Peace Agreement, and demands that the parties comply fully with those agreements;

25. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1 A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals, the first such report be made not later than ten days following the adoption of the present resolution;

26. *Endorses* the establishment of a High Representative, following the request of the parties, who, in accordance with annex 10 on civilian implementation, will monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to and coordinate the activities of the civilian organizations and agencies involved, and agrees to the designation of Mr. Carl Bildt as High Representative;

27. *Confirms* that the High Representative is the final authority in theatre regarding interpretation of annex 10 of the Peace Agreement on civilian implementation;

28. *Decides* that all States concerned, and in particular those where the High Representative establishes offices, shall ensure that the High Representative enjoys such legal capacity as may be necessary for the exercise of his functions, including the capacity to contract and to acquire and dispose of real and personal property;

29. *Notes* that close cooperation between the Implementation Force, the High Representative and the agencies will be vital to ensure successful implementation;

30. *Affirms* the need for the implementation of the Peace Agreement in its entirety, and in this context stresses the importance it attaches to the urgent implementation of annex 11 of the Peace Agreement, decides to act expeditiously on the report of the Secretary-General recommending the establishment of a United Nations civilian police force with the tasks set out in that annex, together with a civilian office with the responsibilities described in the report of the Secretary-General, and further decides that in the interim civilian police, demining, civil affairs and other personnel that might be required to carry out the tasks described in that report shall continue in theatre, notwithstanding the provisions of paragraphs 33 and 34 below;

31. *Stresses* the need for early action in Sarajevo to create confidence between the communities, and, to this end, requests the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo;

32. *Requests* the Secretary-General to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement;

III

33. *Decides* that the mandate of the United Nations Protection Force shall terminate on the date on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force to the Implementation Force has taken place;

34. *Approves* the arrangements set out in the report of the Secretary-General on the withdrawal of the United Nations Protection Force and headquarters elements from the United Nations Peace Force, including the arrangements for the command and control of the United Nations Protection Force following the transfer of authority from it to the Implementation Force;

35. *Expresses its warmest appreciation* to all United Nations Protection Force personnel who have served the cause of peace in the former Yugoslavia, and pays tribute to those who have given their lives and those who have suffered serious injuries in that service;

36. *Authorizes* the Member States, acting under paragraph 14 above, to use all necessary means to assist in the withdrawal of the United Nations Protection Force;

37. *Calls upon* the parties to ensure the safety and security of the United Nations Protection Force and confirms that the Force will continue to enjoy all existing privileges and immunities, including during the period of withdrawal;

38. *Requests* the Secretary-General to report to the Council when the withdrawal of the United Nations Protection Force is complete;

IV

39. *Recognizes* the unique, extraordinary and complex character of the present situation in Bosnia and Herzegovina, requiring an exceptional response;

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

Speaking after the vote, the representative of the United States stated that, while much of the Council's work had borne fruit, often its resolutions and statements had promised much but accomplished little. Often the Council's message to the people of Bosnia had been a tragic one: "We cannot defend you and we will not let you defend yourselves". Now, however, the Council's message was different. It had helped Bosnia to negotiate a peace agreement, it was authorizing a powerful military force to implement that peace, and it would enable Bosnia to ensure that peace once the international presence had left. Noting that the purpose

of IFOR was to make peace work, not to fight a war or to occupy, the speaker warned nevertheless that, if anyone were foolish enough to attack or threaten IFOR, then they would regret having done so. The speaker noted that the resolution just adopted recognized that the parties must cooperate fully with the International Tribunal and that IFOR had authority to take actions, including the use of necessary force, to ensure compliance with the relevant provisions of the Peace Agreement. That was a welcome supplement to the duties and authorities stemming from resolution 827 (1993). The NATO Council could now underscore the obligation of the parties to cooperate fully with the Tribunal by explicitly authorizing IFOR to transfer indicted persons to the Tribunal and to detain such persons for that purpose. The United States also stressed the importance of every country's obligation to cooperate with the Tribunal and to comply with its orders. Unless they complied with their obligations, the parties to the conflict could not expect to reap the benefits of peace, ensure the permanent easing of economic sanctions, or hope to rejoin fully the community of civilized nations, including as a Member of the United Nations. The speaker further stated that special attention must be given to holding democratic elections, ensuring respect for human rights, planning for the safe return of refugees and displaced persons, creating a professional police force, and initiating a comprehensive programme of economic reconstruction.⁴¹⁴

The representative of France expressed his country's view that the Council must assume three tasks. First, it must finalize the necessary arrangements to implement the civilian and military aspects integral to the Peace Agreement. Second, it must maintain the United Nations presence whenever that presence was indispensable. Third, the authority of the Council must be affirmed. It was the Council, and the Council alone, that under the Charter could give legitimacy to the military means to be used. It must also ensure the overall coherence of the operation by regularly assessing both the civilian and military aspects of its implementation. The speaker noted that the resolution just adopted met those objectives.⁴¹⁵

The President, speaking in his capacity as the representative of the Russian Federation, emphasized

⁴¹⁴ *Ibid.*, pp. 19-21.

⁴¹⁵ *Ibid.*, pp. 21-22.

what he considered as the most important feature of the resolution that the Member States providing forces to IFOR were authorized by the resolution to do only what the Bosnian parties themselves had agreed to. Thus, should force be used against violators of the Agreement, the resolution clearly made those sides' agreement conditional on an equal, impartial approach to all sides to the Bosnian conflict. The Russian Federation would consistently defend the need to avoid unjustified use of force in the course of the operation. It was important that, under the resolution, the Security Council must take a decision a year later regarding the need to extend the military component of the operation. That provision, together with regular reporting to the Council on the conduct of the entire operation, ensured reliable political control by the Security Council and indicated that the massive military operation in no way represented a replacement of the United Nations by individual or regional organizations. The speaker further noted that the resolution defined the need to strengthen regional stability and control over armaments, which meant that all sides must ensure that the arms reserves of the Bosnian side should be reduced rather than increased. The Council had also confirmed that the achievement of a just and lasting peace was impossible without securing internationally recognized human rights, including the right of refugees and displaced persons freely to return. Another necessity was the cooperation of all parties with the International Tribunal, in accordance with Council decisions and commitments entered into by the parties themselves in Dayton. Of primary importance in creating an appropriate climate between the parties were immediate measures to strengthen and build confidence, particularly in areas where ethnic groups were living side by side. The most complex situation arose in Sarajevo, where there was an urgent need to prevent a massive exodus of the Serbian population. The Russian Federation expected the immediate implementation of tasks entrusted to the Secretary-General by the resolution for ensuring a speedy redeployment to Sarajevo of additional contingents of the United Nations civilian police. The Russian Federation was also in favour of deciding on an immediate repeal of sanctions against Belgrade and against the Serb Republic, in order to foster the successful implementation of the Agreements.⁴¹⁶

⁴¹⁶ Ibid., pp. 24-26.

The representative of Ukraine stressed that the ultimate responsibility for the implementation of the Peace Agreement lay with the conflicting parties. In that context, Ukraine fully supported paragraph 10 of the resolution just adopted, underlining the relationship between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development. Referring to the military aspects of the resolution just adopted, the speaker noted that his Government supported the authorization by the Council of IFOR, which would provide monthly reports to the Council on its activities, thus enabling an appropriate means of political monitoring by the Council. The establishment of IFOR was a decisive step towards a comprehensive settlement of the conflict. IFOR would be deployed as a neutral and impartial force, capable of ensuring implementation of the Peace Agreement and of protecting itself. At the same time, Ukraine hoped that IFOR commanders would take all necessary steps to ensure that the right to take all necessary measures to defend against the threat of attack was not abused. The speaker, finally, suggested that the establishment of a "special regime" of participation in the rehabilitation and development of Bosnia might be appropriate for the States that had been most affected economically by their strict observance of the sanctions against the Federal Republic of Yugoslavia. Such an initiative could be regarded as partial compensation for the billions of dollars in losses suffered by the States neighbouring the Federal Republic of Yugoslavia.⁴¹⁷

The representative of Egypt welcomed the Peace Agreement and the resolution just adopted. Egypt hoped that a negotiated settlement would be reached by all concerned parties on outstanding issues related to the succession of States within the former Yugoslavia, so that the successor States might resume the international role that the Federated Republic of Yugoslavia had played in the past. It also hoped that the peoples of the successor States would be able to live in safety, security and dignity in the context of mutual friendly relations amongst all successor States. Egypt considered it important that there be a guarantee of the voluntary return of all refugees and displaced persons, that there be cooperation with the International Tribunal, and that IFOR would be deployed and would act in the context of a Security

⁴¹⁷ Ibid., pp. 28-30.

Council resolution, thus meaning that the force would be acting on behalf of the international community.⁴¹⁸

**Decision of 21 December 1995: letter from the
President of the Secretary-General**

On 13 December 1995, pursuant to resolution 1025 (1995), the Secretary-General submitted to the Council a report⁴¹⁹ on aspects of the establishment by the Council of an operation consisting of a transitional administration and a transitional peacekeeping force to implement the relevant provisions of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium,⁴²⁰ which had been signed on 12 November 1995.

The Secretary-General observed that, although the conclusion of the Framework Agreement for peace in the neighbouring Bosnia and Herzegovina should contribute to a vastly improved climate in the region as a whole, the past record of the parties to the Basic Agreement in honouring their undertakings was not encouraging and the imprecise nature of the agreement made it unwise to assume that compliance would be readily forthcoming. The force deployed must therefore have a mandate under Chapter VII of the Charter, as well as the capacity to take the necessary action to maintain peace and security, deter attack from any side, and defend itself. A Chapter VII mandate would also be necessary to give the transitional administrator the power to “govern”, as stipulated in the Agreement. The Secretary-General remained of the view that the deployment and command of the force required would best be entrusted to a coalition of Member States, rather than to the United Nations. One option was therefore for the Council to authorize Member States to establish a multinational force to conduct the operation. However, in consultations with the Secretariat, some Member States had expressed a preference for the Basic Agreement to be implemented by a United Nations force. If that point of view were to be accepted by the Council, then the arguments in favour of giving the force a Chapter VII mandate would remain no less compelling. The Secretary-General further noted that, while effective demilitarization at the outset of the operation would be a major key to success, it would be important for the implementation of the civilian aspects to begin as soon

as possible. He therefore recommended that the Council authorize the establishment of the transitional council and local implementation committees. He would soon nominate a suitable official to serve as the transitional administrator.

By a letter dated 21 December 1995,⁴²¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have reviewed your report of 13 December 1995 on the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium. The members of the Council agree with you that the agreement merits full international support for its effective and timely implementation.

In the agreement it is requested that the Council establish a transitional administration and authorize the deployment of an international force. The members of the Security Council, reaffirming resolution 1025 (1995) of 30 November 1995, stand ready to consider the option that both be components of a United Nations operation and, if the Council decides to establish such an operation, they stress the need for the necessary financial resources to be made available in a timely fashion.

The members of the Council agree that the force should operate under an appropriate mandate and be provided with the necessary protection. They encourage you to accelerate discussions with possible troop contributors so that the force can be deployed at the earliest possible date.

The members of the Council agree with your observation that implementation of the Agreement of 12 November will be complex and difficult. They recognize the danger that the two sides might have different interpretations of some of its provisions. They therefore welcome your decision to send an envoy to the region as soon as is convenient to discuss the implementation of the Agreement with the Government of Croatia and representatives of the local Serbs, and practical aspects of the establishment of a United Nations operation, including the possibilities for assistance from the host country in offsetting its cost.

**Decision of 21 December 1995 (3612th meeting):
resolution 1034 (1995)**

On 27 November 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Council a report on violations of international humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most.⁴²² The Secretary-General noted that United Nations personnel had had very limited access to the areas mentioned and

⁴¹⁸ Ibid., pp. 33-34.

⁴¹⁹ S/1995/1028.

⁴²⁰ S/1995/951, annex.

⁴²¹ S/1995/1053.

⁴²² S/1995/988.

that most of the information had been gathered from refugees and displaced persons. He reported that the last few months had seen further despicable acts of cruelty and violence. There were reports of a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances, which had yet to be properly investigated. Access to the areas in question was crucial and the international community should insist that the Bosnian Serb leadership provide full cooperation to all relevant international mechanisms, in order to enable events to be thoroughly investigated and the truth to be established. The Secretary-General also noted that, on 16 November 1995, the International Tribunal had issued further indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic, for their direct and individual responsibilities in the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995, after the fall of the enclave to Bosnian Serb forces. They were charged with genocide, crimes against humanity and violations of the laws or customs of war. It was imperative that the Prosecutor of the International Tribunal be provided with the ability and powers to gather the necessary evidence swiftly. Moreover, States had an obligation to take the actions needed to create the conditions for the Tribunal to perform its task.

At its 3612th meeting, on 21 December 1995, the Council resumed its consideration of the item and included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, France, Germany, Italy, the United Kingdom and the United States,⁴²³ and read out some changes that had been made to the draft.

Speaking before the vote, the representative of Germany noted that the report of the Secretary-General was a particularly worrying summary of the state of information on the missing persons, executions and the involvement of Bosnian Serb leaders and of Serbian paramilitary forces in those crimes. His delegation, together with the French delegation, had taken the

initiative for the draft resolution, because it had felt that the Council could not shy away from a specific, clear and unequivocal reaction to the specific crimes and violations of international law described in the report. The speaker reiterated his country position with regard to two fundamental principles. First, it was of the utmost importance that the same legal standards, the same norms of law and the same critical objectivity be applied. There must be no selectivity, no attempts to “diminish” or “enlarge”, for partisan reasons, the violations of international humanitarian law committed by one side. In the same manner, Germany opposed attempts to “balance” the crimes committed by one side with human rights violations committed by another or to equate behaviours that cannot be equated. Second, it was equally important that the Council honour the general principle of the separation of powers, by seeing to it that the judicial prerogatives and competences of the International Tribunal were fully respected. In order to establish the full truth about the crimes and human rights violations in question, three aspects were of particular importance: there must be a full investigation of the violations in question; there must be access to the area; and the international community must be firm in its support of the efforts of the International Tribunal.⁴²⁴

The representative of Oman stated that substantial evidence supported the conclusion that Bosnian Serb soldiers were responsible for the crime of genocide. Justice should prevail and those who had committed crimes against humanity must be brought to justice. Oman hoped that IFOR would act according to its mandate, including by apprehending those indicted by the International Tribunal.⁴²⁵

The representative of the United Kingdom stated that the adoption of the draft resolution would be the clearest signal that the Council had not forgotten what had happened in Srebrenica, Zepa, Banja Luka and Sanski Most. The report of the Secretary-General provided irrefutable evidence of atrocities in those places and elsewhere. Given the scale of the human rights abuses, it was right that the Council should focus on those events in particular. There should be no misunderstanding, however: the Council’s commitment was to human rights, irrespective of ethnic background, nationality or religion. By focusing on crimes against

⁴²³ S/1995/1047.

⁴²⁴ S/PV.3612, pp. 5-6.

⁴²⁵ *Ibid.*, p. 7.

non-Serbs, the Council did not in any way condone or ignore human rights violations committed against members of the Serb population. Nor did the draft seek to condemn the Bosnian Serb people. The crimes in question had been committed by individuals and those involved would be held responsible as individuals. Noting that the Peace Agreement set out a road map designed to re-establish the rule of law throughout all the communities in Bosnia, the speaker observed that implementation would be hindered if those responsible for the acts contained in the report of the Secretary-General were not brought to justice. Thus, all should support the work of the International Tribunal. It was also essential that UNHCR and ICRC be given full access to those displaced or detained or missing from Srebrenica and elsewhere. If there were to be a durable peace in Bosnia, then it must be based upon reconciliation between communities. That reconciliation would only be complete if accomplished by justice.⁴²⁶

The representative of China said that his delegation would vote in favour of the draft resolution, however it believed that, in dealing with violations of international humanitarian law, the Council should distinguish its purview from those of other bodies, and refrain from intervening in matters falling in the purview of others. China therefore expressed reservations relating to elements of the draft resolution that should have been dealt with by the International Tribunal or other related United Nations bodies.⁴²⁷

The representative of the United States stated that the responsibility for the atrocities committed in eastern Bosnia was not in doubt; it rested with the Bosnian Serbs, as it was made clear by the Secretary-General's report. The Secretary-General's report underlined the importance of support for the work of the Tribunal and the necessity for the parties to cooperate with the Tribunal in every way. The draft resolution also condemned the burning and looting of houses and territory which, under the Dayton Agreement, were to be returned to Bosnian Serb control. Although the nature and extent of those violations of human rights could not be equated to those committed by the Bosnian Serbs, the United

States deplored them and joined the Council in urging an end to all such practices.⁴²⁸

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 1034 (1995), which reads:

The Security Council,

Reaffirming all its earlier relevant resolutions on the situation in Bosnia and Herzegovina, including resolution 1019 (1995) of 9 November 1995, and condemning the Bosnian Serb party's failure, despite repeated calls that it should do so, to comply with the demands contained therein,

Having considered the report of the Secretary-General of 27 November 1995 pursuant to resolution 1019 (1995) on violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most,

Gravely concerned at the information contained in the above-mentioned report that there is overwhelming evidence of a consistent pattern of summary executions, rape, mass expulsion, arbitrary detentions, forced labour and large-scale disappearances,

Reiterating its strong support for the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993) of 25 May 1993,

Noting that the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), initialled at Dayton, Ohio, on 21 November 1995, provides that no person who is serving a sentence imposed by the International Tribunal and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina,

Condemning the failure of the Bosnian Serb party to comply with its commitments in respect of giving access to displaced persons and to persons detained or reported missing,

Reiterating its concern expressed in the statement by its President of 7 December 1995,

Deeply concerned by the plight of hundreds of thousands of refugees and displaced persons as a result of hostilities in the former Yugoslavia,

1. *Strongly condemns* all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia, demands that all concerned comply fully with their obligations in this regard, and reiterates that all those

⁴²⁶ Ibid., pp. 7-8.

⁴²⁷ Ibid., p. 10.

⁴²⁸ Ibid., pp. 12-13.

who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

2. *Condemns in particular in the strongest possible terms* the violations of international humanitarian law and of human rights by Bosnian Serb and paramilitary forces in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most as described in the report of the Secretary-General of 27 November 1995 and showing a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances;

3. *Notes with the utmost concern* the substantial evidence referred to in the report of the Secretary-General that an unknown but large number of men in the area of Srebrenica, namely in Nova Kasaba-Konjevic Polje (Kaldrumica), Kravice, Rasica Gai, Zabrde and two sites in Karakaj, and possibly also in Bratunac and Potocari, have been summarily executed by Bosnian Serb and paramilitary forces, and condemns in the strongest terms the commission of such acts;

4. *Reiterates its strong support* for the efforts of the International Committee of the Red Cross in seeking access to displaced persons and to persons detained or reported missing, and calls upon all parties to comply with their commitments in respect of such access;

5. *Reaffirms its demand* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate and unimpeded access to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka and Sanski Most who are within the areas of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross (a) to visit and register any persons detained against their will, whether civilians or members of the forces of Bosnia and Herzegovina, and (b) to have access to any site it may deem important;

6. *Affirms* that the violations of humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most from July to October 1995 must be fully and properly investigated by the relevant United Nations and other international organizations and institutions;

7. *Notes* that the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to resolution 827 (1993), issued on 16 November 1995 indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic for their direct and individual responsibilities for the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995;

8. *Reaffirms its demand* that the Bosnian Serb party give representatives of the relevant United Nations and other international organizations and institutions, including the Special Rapporteur of the Commission on Human Rights,

immediate and unrestricted access to the areas in question, including for the purpose of the investigation of the atrocities;

9. *Underlines* in particular the urgent necessity for all the parties to enable the Prosecutor of the International Tribunal to gather effectively and swiftly the evidence necessary for the Tribunal to perform its task;

10. *Stresses* the obligations of all the parties to cooperate with and provide unrestricted access to the relevant United Nations and other international organizations and institutions so as to facilitate their investigations, and notes their commitment under the Peace Agreement in this regard;

11. *Reiterates its demand* that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

12. *Also reiterates its demand* that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia, comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal, and calls upon them to create the conditions essential for the Tribunal to perform the task for which it has been created, including the establishment of offices of the Tribunal when the latter deems it necessary;

13. *Further reiterates* its demand that all detention camps throughout the territory of Bosnia and Herzegovina should be immediately closed;

14. *Urges* the parties to ensure full respect for the norms of international humanitarian law and of human rights of the civilian population living in the areas in Bosnia and Herzegovina now under their control which under the Peace Agreement will be transferred to another party;

15. *Condemns* the widespread looting and destruction of houses and other property, in particular by the Croatian Defence Council forces in the area of Mrkonjic Grad and Sipovo, and demands that all sides immediately stop such action, investigate them and make sure that those who violated the law be held individually responsible in respect of such acts;

16. *Demands* that all sides refrain from laying mines, in particular in those areas now under their control which under the Peace Agreement will be transferred to another party;

17. *Urges* Member States to continue to assist the efforts of the United Nations, humanitarian agencies and non-governmental organizations under way in the former Yugoslavia to alleviate the plight of hundreds of thousands of refugees and displaced persons;

18. *Also urges* all the parties to the conflicts in the territory of the former Yugoslavia to cooperate fully with these efforts with a view to creating conditions conducive to the repatriation and return of refugees and displaced persons in safety and dignity;

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

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

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

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

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

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

The Security Council,

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

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

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

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

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

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

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

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

Initial proceedings

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

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

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

⁴³² S/25156.

⁴²⁹ Ibid., pp. 15-16.

⁴³⁰ S/1995/1031 and Add.1.

⁴³¹ S/1995/1049.

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

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

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

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

The Security Council,

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

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

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

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

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

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

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

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

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

⁴³³ S/25160.

⁴³⁴ S/25154 and S/25159.

⁴³⁵ S/PV.3163, pp. 3-4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴³⁶ *Ibid.*, pp. 6-7.

⁴³⁷ S/25178.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴³⁸ S/25897.

⁴³⁹ S/26082.

⁴⁴⁰ S/26074.

⁴⁴¹ S/26084.

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

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

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

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

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

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

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

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

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

The Council will remain actively seized of the matter.

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

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

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

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

⁴⁴² S/26199.

⁴⁴³ S/26373.

⁴⁴⁴ S/26374.

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

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

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

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

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

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

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

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

⁴⁴⁵ S/1995/28.

⁴⁴⁶ S/PRST/1995/2.

C. Navigation on the Danube river⁴⁴⁷

Initial proceedings

Decision of 28 January 1993: statement by the President

By a letter dated 27 January 1993 addressed to the President of the Security Council, the representative of Romania transmitted the declaration issued by his Government on 27 January 1993, concerning the situation created on the Danube river as a result of the flagrant violation of Security Council resolutions 757 (1992) and 787 (1992) by Yugoslav vessels transporting petroleum products.⁴⁴⁸ The representative of Romania underlined that cooperation between riparian States as well as international cooperation, including appropriate consideration and action by the Security Council, was necessary in order to compel the Yugoslav authorities to take immediate measures to stop the violation of the embargo by the Yugoslav vessels.

By a letter dated 28 January 1993 addressed to the President of the Security Council,⁴⁴⁹ the representative of Bulgaria transmitted the text of a press release of 27 January 1993 by his Ministry of Foreign Affairs regarding the recent incident involving the unauthorized passage of the Serbian convoy towed by the tugship *Bihac* through the Bulgarian-Romanian sector of the Danube. The Ministry stated that establishing close cooperation between Bulgarian and Romanian authorities was of decisive significance to prevent such incident in the future. He reiterated his appeal for the deployment of international sanctions monitoring missions at all ports along the Danube and stressed the urgent need for substantial technical support to assist his country and Romania in the implementation of the sanctions.

On 28 January 1993, after consultations with the members of the Council, the President made the

⁴⁴⁷ This item was initially considered under the title "Navigation on the Danube river in the Federal Republic of Yugoslavia (Serbia and Montenegro)". It was reformulated to read "Navigation on the Danube river" as from the 3533rd meeting, held on 11 May 1995.

⁴⁴⁸ S/25189.

⁴⁴⁹ S/25182.

following statement to the media on behalf of the members of the Council:⁴⁵⁰

In connection with letters dated 27 January from the representative of Romania and 28 January 1993 from the representative of Bulgaria to the President of the Security Council, the members of the Council heard a report from the Chairman of the Committee established by resolution 724 (1991) about Yugoslav vessels carrying oil from Ukraine to Serbia by way of the Danube, a flagrant violation of mandatory Security Council resolutions.

The members of the Council are concerned that these shipments are reported to have left Ukrainian territory after the adoption of resolution 757 (1992) of 30 May 1992 and indeed may have left after the adoption of resolution 787 (1992) of 16 November 1992. They call on the Government of Ukraine to ensure that no further such shipments are permitted.

The members of the Council are also extremely concerned that some of the vessels have already reached Serbia. In this regard, they demand that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) comply fully with the relevant resolutions. They have asked the President of the Council to convey their concern to the representatives of Romania and Bulgaria, to remind them of their clear obligations under the relevant resolutions and to seek an explanation of their failure to fulfil them. They have asked the President to draw particular attention to the relevant resolutions, which make clear the responsibility of all riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with Council resolutions, including such enforcement measures commensurate with the specific circumstances as may be necessary to halt such shipping. The members of the Council reaffirm their support for vigorous enforcement of the relevant resolutions, and they are clear that the riparian States have the means to fulfil this obligation and that they must do so forthwith.

Decision of 10 February 1993: statement by the President

On 10 February 1993, after consultations with the members of the Council, the President made the following statement to the media on behalf of the members of the Council:⁴⁵¹

The members of the Security Council have heard a report from the Chairman of the Committee established by resolution 724 (1991) about the detention of Romanian vessels on the Danube by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

They have learned that the Minister of Transport of the Federal Republic of Yugoslavia (Serbia and Montenegro) has threatened to detain more Romanian vessels if Romania does not

⁴⁵⁰ S/25190.

⁴⁵¹ S/25270.

allow the passage of Yugoslav vessels on the Danube. They have also learned that that Minister has addressed a letter to the Chairman of the Committee established by resolution 724 (1991) informing him that the Romanian vessels would be released without further delay, which according to information provided by the Chargé d'affaires of the Permanent Mission of Romania to the United Nations has not yet happened.

The members of the Council recall their statement of 28 January 1993 about the responsibility of States to enforce mandatory Security Council resolutions, with particular reference to Yugoslav vessels attempting to violate those resolutions by way of the Danube. They commend the Romanian Government for the action it has since taken in this regard and reaffirm once again their full support for vigorous enforcement of the relevant resolutions.

They also recall that under Article 103 of the Charter, the obligations of the Members of the United Nations under the Charter prevail over their obligations under any other international agreement.

The members of the Council condemn any such retaliatory action and threats of such action by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). It is wholly unacceptable for those authorities to take retaliatory measures in response to action by a State in fulfilment of its obligations under the Charter of the United Nations. They demand that those authorities release forthwith the Romanian vessels they have unjustifiably detained, and that they desist from further unlawful detention.

**Decision of 13 October 1993 (3290th meeting):
statement by the President**

By a letter dated 11 October 1993 addressed to the President of the Security Council, the representative of Hungary reported that the blockade on the Danube at Belgrade, which had been initiated in mid-July by two Serbian non-governmental organizations, was continuing unabated.⁴⁵² Despite recent promises made by the Federal Republic of Yugoslavia to eliminate the blockade, Belgrade had taken no measures to remedy the situation. Moreover, the authorities of the Federal Republic of Yugoslavia continued to impose tolls on vessels wishing to transit the Yugoslav section of the Danube, in violation of the Danube Convention and despite the call made on 3 September 1993 by the Security Council Committee established pursuant to resolution 724 (1991) to cease their illegal action. Hungary, while firm in its commitment to the full implementation of its obligations arising in connection with the sanctions regime, was facing an increasingly complex task of stopping shipments falling under that

⁴⁵² S/26562.

regime and lacking proper authorization or carrying falsified documents. The letter noted that those shipments had, in many instances, crossed several international borders before reaching Hungary and it contended that Hungary's commitment to implementing the sanctions could be efficient only if it was sustained by the cooperation of all the States Members of the United Nations, in observance of the relevant Security Council resolutions.

At its 3290th meeting, on 13 October 1993, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the President (Brazil) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁵³

The Security Council has learned with deep concern that the blocking of the Danube by two Serbian non-governmental organizations is still continuing and deplores the acquiescence of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), which is reflected in the fact that they have failed to take any action to prevent these acts. It condemns these deliberate and unjustified acts of interference with the river traffic of several Member States of the United Nations. It emphasizes the importance it attaches to the free and unhindered navigation on the Danube, which is essential for legitimate trade in the region. It reminds the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of their previous written commitment to secure free and safe navigation on this vital international waterway.

The Council is also concerned that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continue to impose tolls on foreign vessels transiting the section of the Danube which passes through the territory of the Federal Republic. By extracting these payments, the Federal Republic of Yugoslavia (Serbia and Montenegro) violates its international obligations. The Council rejects any attempt to justify, on whatever ground, the imposition of tolls on the Danube. It demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and any others imposing similar tolls cease such action immediately.

The Council condemns these illegal actions and reaffirms that it is wholly unacceptable for the Federal Republic of Yugoslavia (Serbia and Montenegro) to take retaliatory measures in response to action by a State in fulfilment of its obligations under the Charter of the United Nations. It reminds the Federal Republic of Yugoslavia (Serbia and Montenegro) of its own international obligations and demands that its authorities ensure free movement of international traffic on the Danube.

The Council remains seized of the matter.

⁴⁵³ S/26572.

**Decision of 14 March 1994 (3348th meeting):
statement by the President**

At its 3348th meeting, on 14 March 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (France) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁵⁴

The Security Council has taken note of the letters dated 10 and 14 March 1994 from the Chargé d'affaires a.i. of the Federal Republic of Yugoslavia (Serbia and Montenegro). In these documents, his Government acknowledges that the Bulgarian convoy, the *Han Kubrat*, composed of 6 barges transporting 6,000 tons of diesel oil on the Danube, entered the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) on the morning of 6 March 1994 at the port of Prahovo. The Government also recognizes that the cargo was unloaded and that the convoy returned to Bulgaria without it.

The Council most strongly condemns this flagrant violation by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the relevant resolutions of the Council prohibiting the shipment of commodities and products to the Federal Republic of Yugoslavia (Serbia and Montenegro). It holds the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) fully accountable for the non-return of the cargo of the *Han Kubrat*.

The Council welcomes the cooperative attitude of the Bulgarian Government. It calls upon the authorities of Bulgaria to assess the precise circumstances of this act and to prosecute those responsible for it.

The Council reaffirms the importance it attaches to free and unimpeded navigation on the Danube, which is essential to legitimate commerce in the region. It again stresses that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have undertaken in writing to guarantee the freedom and security of navigation on this crucial international waterway. It invites them to respect scrupulously their commitments in this regard.

The Council stands ready to address the issue again in the future.

**Decision of 11 May 1995 (3533rd meeting):
resolution 992 (1995)**

At its 3533rd meeting, on 11 May 1995, the Council included the item entitled "Navigation on the Danube river" in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the Council members to the text of a draft resolution

⁴⁵⁴ S/PRST/1994/10.

that had been prepared in the course of the Council's prior consultations⁴⁵⁵ and to a letter dated 8 May 1995 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council.⁴⁵⁶ The Chairman informed the Council that the Government of Romania, supported by other Danube riparian States, the Danube Commission and the European Union/Organization for Security and Cooperation in Europe Sanctions Coordinator, had requested authorization for vessels of the Federal Republic of Yugoslavia to be allowed to use the Romanian locks of the Iron Gates I system, on the left bank of the Danube, while repairs were carried out to the locks on the right bank. The riparian States and international organizations concerned had asked for the Committee's assistance, stressing the importance for safe international navigation on the Danube of the Iron Gates I system being properly maintained and repaired. In considering the matter, the Committee had taken into account the need and readiness of Romania to ensure that vessels of the Federal Republic of Yugoslavia, if allowed to use the Romanian locks of the system, would not engage in any activities contravening the relevant Security Council resolutions. The Committee had therefore recommended, in view of the exceptional circumstances as well as the provisions contained in paragraph 16 of resolution 820 (1993), that the Security Council consider the adoption of a technical resolution on the matter.

The draft resolution was then put to the vote and was adopted unanimously as resolution 992 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the former Yugoslavia, in particular its resolution 820 (1993) of 17 April 1993,

Desiring to promote free and unhindered navigation on the Danube in accordance with those resolutions,

Recalling statements made by the President of the Security Council on freedom of navigation on the Danube, in particular that made on 13 October 1993 expressing concern about the imposition of illegal tolls on foreign vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

⁴⁵⁵ S/1995/373.

⁴⁵⁶ S/1995/372.

Reminding States of their obligations under paragraph 5 of resolution 757 (1992) of 30 May 1992 not to make available to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro) any funds or any other financial or economic resources and to prevent their nationals from making available to those authorities or to any such undertaking any such funds or resources, and noting that flag States may submit claims to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) for reimbursement of tolls illegally imposed on their vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Taking note of the letter dated 8 May 1995 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) regarding the use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of the locks of the Iron Gates I system on the left bank of the Danube while repairs are carried out to the locks on the right bank,

Recognizing that the use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of the locks will require an exemption from the provisions of paragraph 16 of resolution 820 (1993) and acting, in this respect, under Chapter VII of the Charter of the United Nations,

1. *Decides* that the use of the locks of the Iron Gates I system on the left bank of the Danube by vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be permitted in accordance with this resolution;

2. *Also decides* that the present resolution shall come into force on the day following the receipt by the Council from the Security Council Committee established pursuant to resolution 724 (1991) of a report by the Danube Commission that it is satisfied that preparations for the repairs to the locks of the Iron Gates I system on the right bank of the Danube have been completed, and that the present resolution shall remain in force, subject to paragraph 6 below, for a period of sixty days from the date on which it comes into force, and, unless the Council decides otherwise, for further periods of up to sixty days if the Council is notified by the Committee established pursuant to resolution 724 (1991) that each such further period is required for completion of the necessary repairs;

3. *Requests* the Government of Romania, with the assistance of the European Union/Organization for Security and Cooperation in Europe Sanctions Assistance Missions, strictly to

monitor this use, including, if necessary, by inspections of the vessels and their cargo, to ensure that no goods are loaded or unloaded during the passage by the vessels through the locks of the Iron Gates I system;

4. *Also requests* the Government of Romania to deny passage through the locks of the Iron Gates I system on the left bank of the Danube to any vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above which is identified as being a party to any suspected or substantiated violation of the relevant Council resolutions;

5. *Requests* the Sanctions Assistance Missions Communications Centre to report to the Committee established pursuant to resolution 724 (1991) and to the Romanian authorities operating the locks of the Iron Gates I system on the left bank of the Danube any suspected violation of any of the relevant Council resolutions by vessels using the locks of the Iron Gates I system under the authority of paragraph 1 above and to transmit to the Committee and to the Romanian authorities evidence that any such violation has in fact occurred; and decides that the Chairman of the Committee shall, after consulting members of the Committee, transmit to the Council any substantiated evidence of such a violation forthwith;

6. *Decides* that the exemption provided for in paragraph 1 above shall terminate on the third working day after the Council receives substantiated evidence from the Chairman of the Committee established pursuant to resolution 724 (1991) of a violation of any of the relevant resolutions of the Council by a vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above, unless the Council decides to the contrary, and that the Government of Romania shall be so informed immediately;

7. *Requests* the Executive Director of the Danube Commission to inform the Chairman of the Committee established pursuant to resolution 724 (1991) of the date of completion of the repairs, or, if the repairs have not been completed within sixty days of the entry into force of the present resolution, or within the subsequent periods of up to sixty days for which the provisions of the present resolution may be extended, to provide the Chairman with a report on the state of the repairs ten days before the expiry of any such period;

8. *Confirms* that, in accordance with the provisions of resolution 760 (1992), the importation into the Federal Republic of Yugoslavia (Serbia and Montenegro) of supplies essential to the repair of the locks on the right bank of the Danube may be approved in accordance with the procedures of the Committee established pursuant to resolution 724 (1991) at a meeting or meetings of the Committee;

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

D. United Nations Protection Force⁴⁵⁷

Decision of 19 February 1993 (3174th meeting): resolution 807 (1993)

On 10 February 1993, pursuant to resolution 743 (1992), the Secretary-General submitted to the Security Council a further report on the United Nations Protection Force (UNPROFOR).⁴⁵⁸ The report was intended to provide a basis for the Security Council to take appropriate action on the future of the Force before its mandate expired on 21 February 1993. It focused primarily on the options available to the Council in relation to the UNPROFOR mandate in Croatia.

The Secretary-General observed that while the non-cooperation of the local Serb authorities had seriously retarded the implementation of the United Nations peace-keeping plan, the Croatian offensive on and after 22 January 1993 had significantly altered the realities on the ground. Following the offensive, the President of Croatia had indicated publicly that his Government was also prepared to invade the United Nations Protected Areas if UNPROFOR was unable to fulfil its mandate there. For its part, the Serb leadership in the United Nations Protected Areas had rearmed and remobilized its force in response to the Croatian offensive. In addition, the circumstances in which the peacekeeping plan had been drafted and agreed had themselves changed. The plan had been envisaged as an interim arrangement pending an overall political solution to the Yugoslav crisis. The Government of Croatia claimed there was no longer any "overall political solution" to negotiate. The only issue, in its view, was the return of the Protected Areas and the "pink zones" to Croatian control, with the Serb minority enjoying the rights granted by the Croatian Constitution and other legal instruments. The Serb leadership in the Protected Areas, however, refused to

consider those territories to be part of Croatia and rejected talks on that basis. It further argued that the two parties to the original plan no longer have any locus standi in the area where UNPROFOR was deployed. The mandate and deployment of UNPROFOR must now be discussed with them as the sovereign "Republic of Serb Krajina".

Noting that these positions appeared to be irreconcilable, the Secretary-General proposed the following options with regard to the UNPROFOR mandate: (a) to renew the mandate entrusted to UNPROFOR by resolution 743 (1992); (b) to modify that mandate; or (c) to give UNPROFOR no mandate in Croatia. Analysis of these options, however, did not indicate any clear way forward in a difficult situation not foreseen when the Security Council had decided to establish UNPROFOR. Two factors needed to be addressed before taking any decision regarding UNPROFOR. The first was the failure to implement the peacekeeping plan. The second was that it had not been possible to negotiate an agreed settlement to the conflict between Croatia and the Serbs populations living in the United Nations Protected Areas and the pink zones. He had therefore asked the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia to address those questions urgently, so that he could make a substantive recommendation for an extension of the UNPROFOR mandate. As it was unlikely that those results could be achieved by 21 February 1993, when the existing UNPROFOR mandate was due to expire, the Secretary-General recommended that the Security Council extend the mandate of the Force for an interim period, until 31 March 1993.

At its 3174th meeting, on 19 February 1993, the Council included the further report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the discussion. The President (Morocco) then drew the attention of the Council members to the text of a draft resolution that

⁴⁵⁷ This item was initially considered under the title "Report of the Secretary-General pursuant to resolution 743 (1992)". It was reformulated to read "United Nations Protection Force (UNPROFOR)" as from the 3248th meeting, held on 30 June 1993.

⁴⁵⁸ S/25264 and Corr.1.

had been prepared in the course of the Council's prior consultations⁴⁵⁹ and to several other documents.⁴⁶⁰

The representative of Croatia stated that his Government supported the Secretary-General's proposal for the provisional extension of the UNPROFOR mandate, as it would provide enough time for negotiations concerning all aspects of the UNPROFOR operation and for full implementation of the Vance plan. Referring to his letter dated 12 February 1993, he stressed that future United Nations operations in Croatia must be based on the following basic elements: complete demilitarization of the United Nations Protected Areas and pink zones; voluntary return of the refugees; control of Croatian international borders; confidence-building measures as a part of the process of reintegration of the Protected Areas and the pink zones into the Croatian State; and protection of national minorities and other human rights. Croatia was prepared to implement Security Council resolution 802 (1993) as a first step in the demilitarization process that would be fully established through the implementation of resolutions 762 (1992) and 769 (1992) and that would enable a comprehensive political solution under the auspices of the Conference on the Former Yugoslavia. Before concluding, the speaker expressed confidence that future decisions of the Council would give added credibility to the UNPROFOR operation, and would provide it with effective mechanisms to attain the goals foreseen in the Vance plan.⁴⁶¹

Mr. Djokic contended that the recent aggression of the Croatian Army against the United Nations

Protected Areas, UNPROFOR and the Serb civilian population, represented a flagrant violation of the Vance peace plan and of relevant Security Council resolutions, including resolutions 724 (1991) and 762 (1992). He argued that Croatia had ignored recent decisions of the Council, such as resolution 802 (1993) and the presidential statement of 27 January 1993, and that the Council had an obligation to take all appropriate measures, including those envisaged in Chapter VII, to make Croatia honour the Charter of the United Nations and all relevant Security Council resolutions. For its part, the Federal Republic of Yugoslavia had fulfilled all obligations undertaken under the Vance plan and supported further engagement of UNPROFOR and full implementation of resolution 802 (1993). The speaker further argued that UNPROFOR had proved to be justified, thus creating the basic prerequisites for all open questions to be resolved. The Federal Republic of Yugoslavia had expected the UNPROFOR mandate to be extended for a year, however it supported the proposal contained in the draft resolution. It hoped that in the meantime the necessary conditions would be created so that the mandate could be further extended, as envisioned by the plan, until a comprehensive and peaceful solution was reached.⁴⁶²

Speaking before the vote, the representative of France stated that the security of UNPROFOR personnel was a priority for his Government, in considering the question of renewing the UNPROFOR mandate. Recent events in Croatia had demonstrated that there was an overriding need to endow the Force with both the legal basis and the military means to ensure its self-defence. In the circumstances, the Council's only option was to extend the mandate for an interim period of six weeks, but even for that brief period it had been "unthinkable" to extend the mandate in its current form. The French delegation had therefore proposed a draft resolution placing UNPROFOR within the framework of Chapter VII of the Charter, and it had suggested a series of concrete measures to ensure greater stability in the areas where UNPROFOR was deployed. The reference to Chapter VII was not designed to change the nature of the Force from peacekeeping to peacemaking. Rather, the sole

⁴⁵⁹ S/25306.

⁴⁶⁰ Letters dated 5 January and 12 February 1993, respectively, from the representative of Croatia addressed to the Secretary-General (S/25062 and S/25288); letter dated 29 January 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/25193); letters dated 1 and 3 February 1993, respectively, from the representative of Yugoslavia addressed to the President of the Security Council (S/25218 and S/25237); letter dated 26 January 1993 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council, transmitting the text of the statement on the former Yugoslavia adopted by the European Community on 25 January 1993 (S/25222); and letter dated 5 February 1993 from the representative of Turkey addressed to the Secretary-General (S/25246).

⁴⁶¹ S/PV.3174, pp. 3-6.

⁴⁶² *Ibid.*, pp. 6-13.

consideration was “preventive security”, which was reflected in the text of the draft resolution.⁴⁶³

The representative of China said that the UNPROFOR mandate should be extended for an interim period. His delegation shared the concern of other delegations relating to the threat posed to the security of Force personnel and it supported the Secretary-General’s taking appropriate measures to strengthen the security of UNPROFOR personnel. In the light of that consideration, and of the fact that it had been repeatedly stated that the purpose of invoking Chapter VII of the Charter in the draft resolution was to take measures to increase appropriately the UNPROFOR self-defence capability, his delegation would vote in favour of the draft resolution. The speaker, however, pointed out that UNPROFOR was a peacekeeping operation and that Chapter VII had not been invoked either in resolution 743 (1992) or in subsequent resolutions relating to the matter, nor did the Secretary-General’s report contained such request. The question could have been settled through the expanded concept of self-defence and rules of engagement, and by taking appropriate measures without invoking Chapter VII. China wished to place on record its understanding that the practice of invoking Chapter VII was exceptional and did not constitute a precedent for future peacekeeping operations.⁴⁶⁴

The representative of the Russian Federation stated that his delegation considered the demand contained in the draft resolution for the rapid implementation of resolution 802 (1993) and other resolutions to be extremely important. It was important to exert a “balanced influence” over those involved in the Yugoslav crisis, in the interest of prompt settlement. The Russian Federation believed that, should Croatia fail to meet the demands contained in resolution 802 (1993) and other Security Council resolutions, sanctions under Chapter VII of the Charter should also be applied to Croatia. The Russian Federation also supported the provisions in the draft resolution that sought to strengthen the security of UNPROFOR personnel.⁴⁶⁵

⁴⁶³ Ibid., pp. 13-15.

⁴⁶⁴ Ibid., pp. 19-21.

⁴⁶⁵ Ibid., pp. 21-23.

The draft resolution was then put to the vote and adopted unanimously as resolution 807 (1993), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Having considered the report of the Secretary-General of 10 February 1993,

Deeply concerned by the lack of cooperation of the parties and others concerned in implementing the United Nations peacekeeping plan in Croatia,

Deeply concerned also by the recent and repeated violations by the parties and others concerned of their ceasefire obligations,

Determining that the situation thus created constitutes a threat to peace and security in the region,

Noting in that context the request of the Secretary-General to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, mentioned in his report, to establish as soon as possible, through discussions with the parties, a basis on which the mandate of the Force could be renewed,

Determined to ensure the security of the Force, and to this end acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the parties and others concerned comply fully with the United Nations peacekeeping plan in Croatia and with the other commitments they have undertaken and in particular with their ceasefire obligations;

2. *Demands also* that the parties and others concerned refrain from positioning their forces in the proximity of units of the United Nations Protection Force in the United Nations Protected Areas and in the pink zones;

3. *Demands* the full and strict observance of all relevant Security Council resolutions relating to the mandate and operations of the Force in the Republic of Bosnia and Herzegovina;

4. *Demands further* that the parties and others concerned respect fully unimpeded freedom of movement of the Force, enabling it, inter alia, to carry out all necessary concentrations and deployments, all movements of equipment and weapons and all humanitarian and logistical activities;

5. *Decides*, in the context of these demands, to extend the mandate of the Force for an interim period terminating on 31 March 1993;

6. *Urges* the parties and others concerned fully to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in the

discussions under their auspices in order to ensure full implementation of the United Nations peacekeeping mandate in Croatia, including, inter alia, through the collection and supervision of heavy weapons by the Force and the appropriate withdrawal of forces;

7. *Invites* the Secretary-General to work to achieve the rapid implementation of the United Nations peacekeeping mandate and of relevant Security Council resolutions, including resolution 802 (1993) of 25 January 1993, thus to ensure security and stability throughout the Protected Areas and the pink zones;

8. *Also invites* the Secretary-General, during the interim period and in consultation with the force contributing States, to take, in accordance with paragraph 17 of his report, all appropriate measures to strengthen the security of the Force, in particular by providing it with the necessary defensive means, and to study the possibility of carrying out such local redeployment of military units as is required to ensure their protection;

9. *Requests* the Secretary-General to submit a report on the further extension of the mandate of the Force, including financial estimates for all its activities as proposed in his report of 10 February 1993;

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

**Decision of 30 March 1993 (3189th meeting):
resolution 815 (1993)**

On 25 March 1993, pursuant to resolution 807 (1993), the Secretary-General submitted to the Council a report on the further extension of the UNPROFOR mandate.⁴⁶⁶ The Secretary-General informed the Council that in accordance with resolution 807 (1993), the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia had held several rounds of talks, in New York and Geneva, with representatives of the Government of Croatia and the Serb population living in the United Nations Protected Areas and the pink zones. While some progress had been made in the talks, fundamental differences remained. It appeared, therefore, that more time would be needed to bring the negotiations to a meaningful conclusion. However, as any termination of the UNPROFOR presence in Croatia would entail the strong likelihood of an outbreak of renewed hostilities, the Secretary-General recommended that the Force's mandate be extended for a further interim period of three months. In the meantime, the Secretary-General had requested the Co-Chairmen to continue their efforts to obtain renewed commitment by the parties to

the United Nations peacekeeping plan and to the implementation of resolution 802 (1993) and other relevant resolutions.

At its 3189th meeting, held on 30 March 1993, the Council continued its discussion under the item entitled "Report of the Secretary-General pursuant to Security Council resolution 807 (1993)". Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁴⁶⁷ to the report of the Secretary-General and to several other documents.⁴⁶⁸

Speaking before the vote, the representative of France stated that his delegation welcomed the draft resolution, which strengthened the recourse to Chapter VII by extending it to the question of the freedom of movement of UNPROFOR. The draft resolution also extended the Force's mandate for an interim period and provided that the Council would reconsider the situation of UNPROFOR within one month and, if necessary, would draw the appropriate conclusions. He warned that, should the fighting continue, a series of firm measures would have to be considered and implemented. These measures could include: the use of all necessary measures to strengthen the monitoring of the embargo, or the adoption of new measures; the deployment or reinforcement of observers on the Bosnian-Croatian border; the broadening of the application of Chapter VII when the mandate of the Force was next renewed; or, if the situation called for it, the partial or total withdrawal of the Force. The speaker concluded by stating that the

⁴⁶⁷ S/25481.

⁴⁶⁸ Letter dated 1 March 1993 from the representative of Croatia addressed to the President of the Security Council (S/25350); letters dated 22 and 26 March 1993, respectively, from the representative of Croatia addressed to the President of the Security Council (S/25454 and S/25477); letter dated 19 March 1993 from the representative of Croatia addressed to the Secretary-General (S/25447); letters dated 8 March 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/25381 and S/25382); and letter dated 22 March 1993 from the representative of Yugoslavia addressed to the President of the Security Council (S/25449).

⁴⁶⁶ S/25470 and Add.1.

principle of respect for Croatia's territorial integrity must be solemnly established.⁴⁶⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 815 (1993), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Reaffirming in particular its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Republics where the Force is deployed,

Having considered the report of the Secretary-General of 25 and 26 March 1993,

Deeply concerned at the continuing violations by the parties and others concerned of their ceasefire obligations,

Determining that the situation thus created continues to constitute a threat to peace and security in the region,

Determined to ensure the security of the Force and its freedom of movement for all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General, in particular its paragraph 5;

2. *Reaffirms* all the provisions of its resolutions 802 (1993) of 25 January 1993 and 807 (1993) of 19 February 1993;

3. *Decides* to reconsider one month after the date of the adoption of the present resolution, or at any time at the request of the Secretary-General, the mandate of the United Nations Protection Force in the light of developments of the International Conference on the Former Yugoslavia and the situation on the ground;

4. *Decides*, in this context, further to extend the mandate of the Force for an additional interim period terminating on 30 June 1993;

5. *Supports* the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in their efforts to help to define the future status of those territories comprising the United Nations Protected Areas, which are integral parts of the territory of the Republic of Croatia, and demands full respect for international humanitarian law, and in particular the Geneva Conventions, in these Areas;

6. *Requests* the Secretary-General to report urgently to the Security Council on how the United Nations peace plan for Croatia can be effectively implemented;

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

⁴⁶⁹ S/PV.3189, pp. 3-6.

Speaking after the vote, the representative of Hungary stated that his country had voted in favour of resolution 815 (1993), even though it could not yet indicate the tasks that the United Nations would have to bear in the future in the settlement of the crisis of the former Yugoslavia. He further noted that his delegation did not regard the resolution just adopted as merely a technical extension of the UNPROFOR mandate for another three months. The resolution again reaffirmed that any future mandate must be based on respect for the sovereignty and territorial integrity of Croatia, and that the United Nations Protected Areas were an integral part of the territory of the Republic of Croatia. The Security Council was therefore clearly establishing the framework within which the parties in Croatia would continue political negotiations.⁴⁷⁰

The representative of the United States welcomed the resolution just adopted, which recognized that UNPROFOR was doing its best to contain the fighting and to create conditions for the peaceful resolution of the conflict. Unfortunately, United Nations efforts had not been totally successful. In Croatia, for example, the inability of UNPROFOR to implement the United Nations peacekeeping plan had been partially responsible for the renewal of fighting. That was why the Council was acting to create conditions for the complete implementation of that plan. The United States also believed it important to stress that the United Nations Protected Areas were integral parts of Croatia.⁴⁷¹

The representative of China noted that his delegation supported the principles contained in the resolution just adopted, particularly that of ensuring the sovereignty and territorial integrity of Croatia. He also reiterated his country's position that the application of Chapter VII of the Charter was due to the special and specific needs of Croatia and that it should not constitute a precedent for the peacekeeping operations of the United Nations.⁴⁷²

**Decision of 30 June 1993 (3248th meeting):
resolution 847 (1993)**

On 15 May 1993, pursuant to resolution 815 (1993), the Secretary-General submitted to the Council a report containing an interim assessment of

⁴⁷⁰ Ibid., pp. 8-12.

⁴⁷¹ Ibid., p. 12.

⁴⁷² Ibid., pp. 14-16.

developments relating to the UNPROFOR mandate in Croatia.⁴⁷³

The Secretary-General noted that developments since the establishment of UNPROFOR had done little to alleviate his original apprehension that there remained a number of unanswered questions about the extent to which the Force would receive the necessary cooperation. The Serb side had taken the presence of UNPROFOR as a licence to freeze the status quo in place, under UNPROFOR “protection” while establishing a “state” of the “Republic of Serb Krajina” in the UNPROFOR area of responsibility. The Croatian side, meanwhile, had insisted that since the plan was drafted, the “overall political solution” that was sought at the time had been found with the recognition of Croatia and its admission to the United Nations; the Serbs must therefore accept the authority of Zagreb, which they had rebelled against in the first place.

The Secretary-General further noted that while UNPROFOR had succeeded in ensuring the complete withdrawal from the United Nations Protected Areas, it had not been able to fulfil other aspects of the original peacekeeping plan. The Serbs had failed to demilitarize the Protected Areas and as a result, little progress had been made towards the return of refugees and displaced persons to their homes in the Protected Areas. They had also refused to cooperate with UNPROFOR in the implementation of resolutions 762 (1992) and 769 (1992). They had imposed restrictions on the UNPROFOR monitoring function. The Croatian side, in turn, had manifested its impatience with the United Nations, launching military offensives across the line of confrontation. The view of the Government of Croatia was that UNPROFOR should be given enforcement powers to oblige the Serbs to comply with Security Council resolutions, and to do so with specific objectives against a set timetable, failing which the Government had made it clear it would not agree to further extensions of the UNPROFOR mandate. In the light of the virtually irreconcilable differences between the parties, the Secretary-General proposed the following options: (a) to declare the mandate unworkable and to withdraw the Force; (b) to accept the Croatian view and approve enforcement action to exact compliance from the Serbs; and (c) to leave UNPROFOR in place, with no change in mandate but with limited enhancements of its military capacity. In

⁴⁷³ S/25777 and Corr.1 and Add.1.

addition, he proposed certain enhancements to the strength of UNPROFOR.⁴⁷⁴

The Secretary-General, however, decided to await a report from the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia and Special Representative in the former Yugoslavia before making any recommendations to the Council. The Secretary-General also underscored the importance of pursuing, as soon as possible and parallel to the work of the peacekeeping force, a process of active negotiation under the auspices of the Conference, in order to find long-term political solutions to the question of the United Nations Protected Areas and the relationship between Croats and Serbs in Croatia.

On 24 June 1993, pursuant to resolution 815 (1993), the Secretary-General submitted a further report on UNPROFOR.⁴⁷⁵ The report focused primarily on the activities of UNPROFOR in Croatia, as developments in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina appeared to warrant an extension of the Force’s mandate in those areas.

The Secretary-General reported that, although intensive efforts had been made by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and by UNPROFOR, no significant progress had occurred. At the same time, the presence of UNPROFOR was indispensable to control the conflict and to foster a climate in which negotiations between parties could be promoted. The continued presence of UNPROFOR could be justified by the fact that it was playing a role in preventing the resumption or escalation of conflict, by providing a “breathing space” for the continued efforts of the Co-Chairmen, and by supporting the provision of essential humanitarian assistance to the victims of the conflict. According to the Co-Chairmen, the termination of the mandate would risk the resumption of a major conflict in the region and cause severe adverse consequences for humanitarian relief operations. In view of those considerations, the Secretary-General recommended that UNPROFOR be

⁴⁷⁴ The enhancements (see S/25777, paras. 22, 24 and 25) were subsequently referred to by the Council in resolution 847 (1993), para. 1. For details relating to the enhancements, see chapter V.

⁴⁷⁵ S/25993.

maintained with its existing mandate, and its mandate be extended for a further period of three months, until 30 September 1993. He noted, however, that significant progress would be required in the “peacemaking” efforts of the Co-Chairmen if a further renewal were to be contemplated. He also warned that, should the threats to the safety of security of United Nations personnel become even more serious, he would have to inform the Council that a viable basis for the continuation of the Force no longer existed.

At its 3248th meeting, on 30 June 1993, the Council included in its agenda the item entitled “United Nations Protection Force (UNPROFOR)”, as well as the above-mentioned reports. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members to the text of a draft resolution⁴⁷⁶ that had been prepared in the course of the Council’s prior consultations and to several other documents,⁴⁷⁷ including a letter dated 25 June from the representative of Croatia to the Secretary-General. The letter transmitted a letter of the same date from the President of Croatia in which he stated that a limited extension of the UNPROFOR mandate was only partially acceptable, namely, for a period of one month. However, if progress was made during that one-month period, Croatia would be willing to accept the prolongation of the role of UNPROFOR in Croatia under a new mandate. The new mandate must give UNPROFOR the authority and instructions to enforce and implement all the relevant resolutions of the Council in accordance with a specific timetable. Moreover, any agreement on the new mandate could be concluded only between Croatia and the United Nations and be separated from the UNPROFOR mandates in Bosnia and Herzegovina and Macedonia.

The draft resolution was then put to the vote and adopted unanimously as resolution 847 (1993), which reads:

⁴⁷⁶ S/26014.

⁴⁷⁷ Letters dated 18 and 25 June 1993, respectively, from the representative of Croatia addressed to the Secretary-General (S/25973 and S/26002); and letter dated 30 June 1993 from the representative of Hungary addressed to the President of the Security Council (S/26017).

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Having considered the reports of the Secretary-General of 15 and 25 May 1993 and of 24 June 1993,

Having considered also the letter dated 26 June 1993 from the President of the Republic of Croatia addressed to the Secretary-General,

Recalling the overwhelming importance of seeking, on the basis of the relevant resolutions of the Security Council, comprehensive political solutions to the conflicts in the territory of the former Yugoslavia, and of sustaining confidence and stability in the former Yugoslav Republic of Macedonia,

Strongly condemning continuing military attacks within the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina, and reaffirming its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Member States where the Force is deployed,

Calling on the parties and others concerned to reach an agreement on confidence-building measures in the territory of Croatia, including the opening of the railroad between Zagreb and Split, the highway between Zagreb and Zupanja, and the Adriatic oil pipeline, securing the uninterrupted traffic across the Maslenica straits, and restoring the supply of electricity and water to all regions of Croatia, including the United Nations Protected Areas,

Determined to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in Croatia and in Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General of 24 June 1993 and the request for additional resources contained in paragraphs 22, 24 and 25 of his report of 15 May 1993;

2. *Requests* the Secretary-General to report one month after the adoption of the present resolution on progress towards implementation of the United Nations peacekeeping plan for Croatia and all relevant Security Council resolutions, taking into account the position of the Government of Croatia, and decides to reconsider, in the light of that report, the mandate of the United Nations Protection Force in the territory of the Republic of Croatia;

3. *Decides*, in this context, to extend the mandate of the Force for an additional interim period terminating on 30 September 1993;

4. *Requests* the Secretary-General to keep the Security Council regularly informed on developments in regard to the implementation of the mandate of the Force;

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

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

By a letter dated 18 August 1993 addressed to the President of the Security Council,⁴⁷⁸ the Secretary-General reported that, following the necessary training exercises in coordination with the North Atlantic Treaty Organization (NATO), the United Nations now had the initial operational capability for the use of air power in support of the United Nations Protection Force in Bosnia and Herzegovina.

By a letter dated 20 August 1993,⁴⁷⁹ the President of the Security Council informed the Secretary-General of the following:

I have the honour to inform you that I have shared the contents of your letter to me of 18 August 1993, in which you informed me that the United Nations now has the initial operational capability for the use of air power in support of the United Nations Protection Force in Bosnia and Herzegovina, with all members of the Security Council.

Decision of 30 September 1993 (3284th meeting): resolution 869 (1993)

On 20 September 1993, pursuant to resolution 743 (1992), the Secretary-General submitted to the Council a further report on UNPROFOR⁴⁸⁰ to assist the Council in its deliberations on the renewal of the mandate of UNPROFOR.

The Secretary-General reported that the President of Croatia, in a letter to him dated 13 September 1993, had advanced a number of considerations which he wished to be taken into account. One of his suggestions was that UNPROFOR be divided into three parts — UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia) — while retaining its integrated military, logistical and administrative structure under the command of one Special Representative of the Secretary-General and one theatre Force Commander. In view of the importance attached by the Croatian authorities to such a division, and taking into account the circumstances prevailing on the ground at that time, the Secretary-General had decided to grant this suggestion favourable consideration.

⁴⁷⁸ S/26335.

⁴⁷⁹ S/26336.

⁴⁸⁰ S/26470 and Add.1.

Turning to the question of the UNPROFOR mandate, the Secretary-General reiterated that the fundamental solution to the conflict needed to be sought through political dialogue. The parties bore the primary responsibility for achieving such a solution and they needed to take steps towards reconciliation. In that process, the principal objective of UNPROFOR could only be to keep the peace, thus permitting negotiations to take place on an overall political settlement. Despite the fact that conditions on the ground had prevented UNPROFOR from carrying out essential elements of its mandate, its presence in Croatia had nevertheless helped to contain a volatile situation. The Secretary-General therefore recommended that the Security Council renew the UNPROFOR mandate for a period of six months; demand that the parties in Croatia conclude an immediate ceasefire and cooperate with UNPROFOR, so that it might fulfil the peacekeeping aspects of its mandate; and direct the parties to cooperate with UNPROFOR in restoring water, power, communications and other economic necessities. To enhance the security force, he had requested the extension of close air support to the territory of Croatia. He would report to the Council by 30 November 1993 on the progress achieved by the Co-Chairmen and UNPROFOR and make further recommendations.⁴⁸¹

At its 3284th meeting, on 30 September 1993, the Council included the above-mentioned report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Venezuela) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁴⁸² and to other documents.⁴⁸³

The draft resolution was then put to the vote and adopted unanimously as resolution 869 (1993), which reads:

⁴⁸¹ The Secretary-General's recommendations (S/26470, para. 16) were subsequently referred to by the Council in resolution 871 (1993), para. 1.

⁴⁸² S/26513.

⁴⁸³ Letter dated 17 September 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/26464); and letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council (S/26491).

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Reiterating its determination to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Protection Force for an additional period terminating on 1 October 1993;

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

Decision of 1 October 1993 (3285th meeting): resolution 870 (1993)

At its 3285th meeting, on 1 October 1993, the Council continued its consideration of the item. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁴⁸⁴ and to a revision that had been made to the draft in its provisional form.

The draft resolution, as orally revised, was then put to the vote and adopted unanimously as resolution 870 (1993), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Reiterating its determination to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Protection Force for an additional period terminating on 5 October 1993;

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

Decision of 4 October 1993 (3286th meeting): resolution 871 (1993)

At its 3286th meeting, on 4 October 1993, the Council continued its consideration of the item. Following the adoption of the agenda, the Council

⁴⁸⁴ S/26525.

invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Brazil) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁴⁸⁵ and to several other documents,⁴⁸⁶ including a letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council, transmitting a letter of the same date from the Minister for Foreign Affairs addressed to the President of the Security Council. In that letter, the Minister outlined certain measures which his Government insisted should be an essential part of the future of the UNPROFOR presence on the territory of Croatia. If such measures were not incorporated in the Council's resolution concerning the extension of the UNPROFOR mandate, Croatia would consider the mandate terminated and would request the withdrawal of all UNPROFOR contingents by 30 November 1993.

The draft resolution was then put to the vote and adopted unanimously as resolution 871 (1993), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

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

Having considered the report of the Secretary-General of 20 September 1993,

Having also considered the letter of the Minister for Foreign Affairs of the Republic of Croatia dated 24 September 1993,

⁴⁸⁵ S/26518.

⁴⁸⁶ Letter dated 17 September 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/26464); letter dated 19 September 1993 from the Secretary-General addressed to the President of the Security Council (S/26468); letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council (S/26491); and letter dated 30 September 1993 from the representatives of China, France, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General, transmitting the text of the statement issued on 30 September 1993 by the Ministers for Foreign Affairs of the five permanent members of the Security Council following a meeting with the Secretary-General (S/26517).

Deeply concerned that the United Nations peacekeeping plan for the Republic of Croatia, and all relevant Council resolutions, in particular resolution 769 (1992) of 7 August 1992, have not yet been fully implemented,

Reiterating its determination to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 20 September 1993, in particular paragraph 16 thereof;

2. *Notes* the intention of the Secretary-General to establish, as described in his report, three subordinate commands within the United Nations Protection Force — UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia) — while retaining the existing dispositions in all other respects for the direction and conduct of the United Nations operation in the territory of the former Yugoslavia;

3. *Condemns once again* continuing military attacks within the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina, and reaffirms its commitment to ensure respect for the sovereignty and territorial integrity of Croatia, of Bosnia and Herzegovina and of the former Yugoslav Republic of Macedonia, where the Force is deployed;

4. *Reaffirms* the crucial importance of the full and prompt implementation of the United Nations peacekeeping plan for the Republic of Croatia, including the provisions of the plan concerning the demilitarization of the United Nations Protected Areas, and calls upon the signatories of that plan and all others concerned, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in its full implementation;

5. *Declares* that continued non-cooperation in the implementation of the relevant resolutions of the Security Council or external interference, in respect of the full implementation of the United Nations peacekeeping plan for the Republic of Croatia, would have serious consequences, and in this connection affirms that full normalization of the international community's position towards those concerned will take into account their actions in implementing all relevant Council resolutions, including those relating to the peacekeeping plan for Croatia;

6. *Calls* for an immediate ceasefire agreement between the Government of Croatia and the local Serb authorities in the Protected Areas, mediated under the auspices of the International Conference on the Former Yugoslavia, and urges them to cooperate fully and unconditionally in its implementation, as well as in the implementation of all the relevant Council resolutions;

7. *Stresses* the importance it attaches, as a first step towards the implementation of the United Nations peacekeeping plan for the Republic of Croatia, to the process of restoration of

the authority of the Republic of Croatia in the pink zones, and in this context calls for the revival of the Joint Commission established under the chairmanship of the United Nations Protection Force;

8. *Urges* all the parties and others concerned to cooperate with the Force in reaching and implementing an agreement on confidence-building measures including the restoration of electricity, water and communications in all regions of Croatia, and stresses in this context the importance it attaches to the opening of the railroad between Zagreb and Split, the highway between Zagreb and Zupanja, and the Adriatic oil pipeline, securing the uninterrupted traffic across the Maslenica strait, and restoring the supply of electricity and water to all regions of Croatia including the Protected Areas;

9. *Authorizes* the Force, in carrying out its mandate in Croatia, acting in self-defence, to take the necessary measures, including the use of force, to ensure its security and its freedom of movement;

10. *Decides* to continue to review urgently the extension of close air support to the Force in the territory of Croatia as recommended by the Secretary-General in his report of 20 September 1993;

11. *Decides* in this context to extend the mandate of the Force for an additional period terminating on 31 March 1994;

12. *Requests* the Secretary-General to report two months after the adoption of the present resolution on progress towards implementation of the United Nations peacekeeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider the mandate of the Force in the light of that report;

13. *Also requests* the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of the Force's mandate;

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

Speaking after the vote, the representative of France noted that it had not been easy to negotiate the resolution just adopted, for it had not been a "routine" extension of the mandate of UNPROFOR. The Council had had to take into account the concerns of the parties, as well as new operational needs. It had attempted to respond to Croatia's requests, without running the risk of promising more than it could deliver. He contended that the resolution established a balance between the legitimate concerns of the Croatian Government and the means available to the Council and UNPROFOR. His delegation understood that the Council would be able to take action the following week on the Secretary-General's proposal to

extend close air support in Bosnia and Herzegovina to UNPROFOR operations in Croatia.⁴⁸⁷

The representative of the United States stated that her delegation considered the extension of the UNPROFOR mandate essential to the international community's efforts to minimize the conflict in the former Yugoslavia, prevent it from spreading, provide humanitarian relief and, most important, facilitate negotiated solutions to all aspects of the conflict. She also observed that, although much attention had been focused on the operations of UNPROFOR in Croatia, it was important to emphasize that the UNPROFOR mandate and the effects of its extension applied with equal importance to Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. What was important also was to look to the future and begin the difficult work of implementing the Vance plan in good faith. Before concluding, she observed that, while UNPROFOR (Croatia) would become one of the subordinate commands within the integrated command structure of UNPROFOR as a whole, the resolution just adopted established no precedent for the command and control arrangements for any peacekeeping force that might be led by NATO in order to implement a peace agreement in Bosnia.⁴⁸⁸

The representative of China noted that the consent of the parties was a precondition to the deployment of United Nations peacekeeping operations and the extension of their mandates. Since the Croatian Government had agreed to the extension of the mandate, the Chinese delegation had voted in favour of the resolution just adopted. The speaker further stated that China was not in favour of invoking Chapter VII of the Charter in peacekeeping operations, nor was it in favour of using sanctions as a means to resolve conflicts. His delegation therefore had reservations on certain elements in the resolution. In addition, prudence should be exercised with regard to the extension of air support to UNPROFOR in Croatia, so as to avoid further complicating the matter and adversely affecting the political settlement process.⁴⁸⁹

The representative of Hungary stated that his delegation had voted in favour of the resolution just adopted because it wished to maintain UNPROFOR operations on the territory of Croatia and to do

everything possible to prevent a resurgence of armed hostilities along its southern borders. Hungary gave its full support to the resolution because it reflected the special problems facing Croatia and the region. It hoped that the resolution might help to create the necessary conditions for a peaceful settlement of all disputes on the basis of respect for the principles of territorial integrity and the rights of ethnic communities.⁴⁹⁰

The representative of the Russian Federation stated that UNPROFOR was playing a particularly important role in stabilizing the situation and creating conditions for the implementation of agreements that remained to be signed. He cautioned that withdrawing United Nations forces from Croatia, could have "catastrophic consequences", leading to an escalation of the entire conflict in the former Yugoslavia. He also noted that, pursuant to the resolution just adopted, the Council would continue to review urgently the question of extending close air support to UNPROFOR in Croatia. The Russian delegation understood that the mechanism for such an extension would be the same as that provided for in resolution 836 (1993). It was also important that an agreement be reached on confidence-building measures, which could be promoted by restoring water and electricity supplies and communications, and by satisfying other economic needs of the people.⁴⁹¹

Decision of 17 December 1993: letter from the President to the Secretary-General

On 1 December 1993, pursuant to resolution 871 (1993), the Secretary-General submitted to the Council a report on progress towards implementation of the United Nations peacekeeping plan for Croatia and all relevant Security Council resolutions, as well as on the outcome of talks within the framework of the International Conference on the Former Yugoslavia.⁴⁹²

The Secretary-General reported that a series of talks, chaired by the International Conference on the Former Yugoslavia, had been held between the parties during November 1993. The aims of the talks had been to discuss a ceasefire, economic reconstruction and political questions. While some progress had been made towards a ceasefire and in identifying economic

⁴⁸⁷ S/PV.3286, pp. 5-6.

⁴⁸⁸ Ibid., pp. 6-7.

⁴⁸⁹ Ibid., pp. 7-9.

⁴⁹⁰ Ibid., pp. 10-11.

⁴⁹¹ Ibid., pp. 22-25.

⁴⁹² S/26828.

matters of mutual interest, both sides had requested modifications to the proposed ceasefire agreement. In the meantime, they had agreed to establish a military Joint Commission to work on outstanding areas of dispute in relation to the lines of separation that would be used once the ceasefire was implemented. The Secretary-General observed that the various initiatives that were under way could pave the way for implementation of the peacekeeping plan.⁴⁹³ Progress was slow and was quickly halted if one side attacked territory held by the other. He did not recommend reconsideration by the Council of the UNPROFOR mandate. However, it was essential that the two sides intensify their efforts for the achievement of a ceasefire agreement, for the institution of practical measures of economic cooperation and for the negotiation of a lasting political settlement.⁴⁹⁴

By a letter dated 17 December 1993,⁴⁹⁵ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have taken note of your report of 1 December 1993 submitted pursuant to Security Council resolution 871 (1993), in the light of which they have completed the review provided for in paragraph 12 of that resolution.

They share the observations contained in paragraph 16 of this report regarding the mandate of the United Nations Protection Force.

**Decision of 31 March 1994 (3356th meeting):
resolution 908 (1994)**

On 11 March 1994, pursuant to resolution 900 (1994), the Secretary-General submitted to the Council a report on UNPROFOR.⁴⁹⁶

The Secretary-General noted that the situation in Bosnia and Herzegovina was undergoing rapid changes, which had provided a multitude of new opportunities to make significant progress towards a

peaceful settlement. The significant developments that had taken place during the reporting period included the active and direct involvement of major powers in the negotiation process and the signature of a ceasefire agreement, on 23 February in Zagreb, between the Army of Bosnia and Herzegovina and the Croatian Defence Council. In addition, the signing on 1 March 1994 of the Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croatian Population, and the Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and that Federation had opened new avenues for a political settlement.

Given that fluid situation, the Secretary-General could only provide an outline of the major concepts and requirements of UNPROFOR.⁴⁹⁷ The Secretary-General also commented on the utility of extending the concept of safe areas to Mostar, Vitez and Maglaj. While he did not believe there was a need to apply the protection defined in resolutions 824 (1993) and 836 (1993) to Mostar and Vitez where the ceasefire prevailed, he was of the opinion that, in view of the continuing hostilities in and around Maglaj, there may be a merit in extending the safe area concept to this city.

The Secretary-General further observed that the recent developments in Bosnia had created a new situation, which should provide numerous opportunities for UNPROFOR to make substantial progress in the implementation of the mandates entrusted to it. At that critical juncture, however, the ability of UNPROFOR was severely limited by the lack of military resources. He therefore recommended that the Council consider increasing the authorized strength of UNPROFOR to 8,250 additional troops. Should the Council decide to extend the safe area concept to Maglaj, an additional 1,500 troops would be required.

On 16 March 1994, pursuant to resolution 871 (1993), the Secretary-General submitted to the Council a report containing a comprehensive review of the role and functioning of UNPROFOR.⁴⁹⁸

⁴⁹³ The report mentioned the peace initiative of the President of Croatia, Franjo Tudjman (S/26681, appendix), which addressed the situations in the United Nations Protected Areas and in Bosnia, and future cooperation in the area of the former Yugoslavia.

⁴⁹⁴ The Secretary-General's observations (S/26828, para. 16), were referred to in the letter subsequently addressed to him by the President of the Security Council.

⁴⁹⁵ S/26890.

⁴⁹⁶ S/1994/291 and Corr.1 and Add.1.

⁴⁹⁷ For details see section II of the report of the Secretary-General. The proposals in section II were subsequently endorsed by the Council in resolution 908 (1994), para. 11.

⁴⁹⁸ S/1994/300.

The Secretary-General observed that the dilemma confronting the international community as the expiry of the Force's current mandate approached, was whether to consider that the limited successes of UNPROFOR continued to justify the United Nations enormous expenditure of resources and lives or whether the Force's ability to implement all the tasks assigned to it warrant an end to, or reduction of, its efforts. Another option would be to redefine its mandates commensurate with the resources the international community was prepared to make available to UNPROFOR. However, he did not believe that at that stage extensive redefinition was advisable. As he had previously pointed out to the Council, the choice in Croatia was between continuing a mission that was clearly unable to fulfil its original mandate in full or withdrawing and risking a renewed war that would probably result in appeals for UNPROFOR to return to restore peace. Given such a choice, soldiering on in hope seemed preferable to withdrawing in abdication. In Bosnia and Herzegovina, the continued deployment of UNPROFOR would serve a three-pronged strategy: (a) to use military means for humanitarian purposes; (b) to seek to end the conflict itself by creating conditions favourable to diplomatic negotiations on a political settlement; and (c) to provide a capacity to help the parties to implement agreements resulting from the diplomatic negotiations. Since the demilitarization of Sarajevo in February 1994, the military means of the international community were being used more directly to serve its diplomatic objectives. That offered new grounds for hope for an overall solution.

The Secretary-General therefore recommended the renewal of the UNPROFOR mandate for a further 12 months beyond 31 March 1994. That period was proposed in the interest of efficiency, although he would be prepared, should the situation on the ground improve, to recommend reducing the duration of the Force's mandate. He also recommended that authority for close air support be extended to the territory of Croatia.

On 24 March 1994, pursuant to resolutions 844 (1993), 836 (1993) and 776 (1992), the Secretary-General submitted to the Council a report containing his plans to direct UNPROFOR to reopen Tuzla airport for the delivery of humanitarian supplies and related purposes.⁴⁹⁹

⁴⁹⁹ S/1994/333 and Add.1.

The Secretary-General noted that the opening of Tuzla airport had been repeatedly requested by the Tuzla authorities since the spring of 1993. While the Bosnian Serb authorities on the ground had not previously raised objections to the opening of the airport under United Nations control, Mr. Karadzic, at a meeting on 18 November 1993, with the United Nations, had refused to permit its opening prior to the conclusion of an overall settlement, stating his strong fear of possible misuse of the airport for military purposes. That same position was repeated on several other occasions. Given the increasing humanitarian need, the Secretary-General had requested UNPROFOR to draw up a detailed plan for the opening of Tuzla airport. That plan described three scenarios based on varying degrees of consent of the parties. The Special Representative of the Secretary-General had been liaising with the parties to open the airport with their consent. On 6 March, Mr. Karadzic had agreed to the opening of the airport in Tuzla for humanitarian purposes under United Nations control, on certain conditions which were rejected by the other party. The Secretary-General, however, believed that the opening of Tuzla airport for UNPROFOR purposes was now feasible, and that humanitarian flights would be possible before long. His Special Representative was therefore continuing intensive negotiations with the parties in order to achieve an agreement which would govern the modalities of the full-fledged reopening of the airport. He also outlined the additional resources that would be required in order to support UNPROFOR activities at Tuzla airport.⁵⁰⁰ He further noted that, as the opening of Tuzla airport was being pursued for the purpose of improving the capability to deliver humanitarian assistance, the activity would fall within the existing mandate given by Council resolutions 836 (1993) and 844 (1993). However, in the light of the political importance of such an action and of the need for additional resources to ensure the safe operation of the airport, he believed that the explicit approval and support of the Security Council was required. He therefore recommended that the Council approve the UNPROFOR plans for the opening of Tuzla airport for

⁵⁰⁰ The Secretary-General's observations relating to the additional resource requirements (S/1994/333, para. 14) were subsequently approved by the Council in resolution 908 (1994), para. 5. An estimate of the costs for the additional requirements was submitted as an addendum to the report.

humanitarian purposes, as well as the additional resources requested for that purpose.

By a letter dated 30 March 1994 addressed to the President of the Security Council,⁵⁰¹ the Secretary-General informed the Council of the conclusion on 29 March 1994 in Zagreb of a ceasefire agreement between the Government of Croatia and the local Serb authorities in the United Nations Protected Areas, which copy of it was attached to the letter as an annex. He noted that the implementation of the ceasefire agreement would involve, inter alia, interpositioning UNPROFOR forces in a zone of separation; establishing additional control points, observation posts and patrols; and monitoring the withdrawal of heavy weapons out of range of the contact line. He suggested that the Council might wish to welcome that development and to authorize UNPROFOR to perform the functions called for in the agreement. He also noted that UNPROFOR would require additional military resources in order to undertake those tasks, and he recommended that the Council authorize the provision of those additional resources.

At its 3356th meeting, on 31 March 1994, the Council included the three above-mentioned reports and the letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁵⁰² and to several other documents,⁵⁰³ including a letter dated 16 March

⁵⁰¹ S/1994/367.

⁵⁰² S/1994/359.

⁵⁰³ Letters dated 15 and 23 March 1994, respectively, from the representative of Bulgaria addressed to the President of the Security Council (S/1994/302 and S/1994/336); letter dated 16 March 1994 from the representative of Croatia addressed to the Secretary-General (S/1994/305 and Corr.1); letter dated 22 March 1994 from the representative of Greece addressed to the President of the Security Council (S/1994/328); letter dated 22 March 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/330); letter dated 23 March 1994 from the President of the Security Council addressed to the Secretary-General (S/1994/331); and letter dated 25 March 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/350).

addressed to the Secretary-General, transmitting a letter of the same date from the President of Croatia to the Secretary-General, in which he agreed to the extension of the UNPROFOR mandate and enclosed a series of goals and actions which he considered to be necessary for the success of the renewed mandate.

Speaking before the vote, the representative of Pakistan stated that his delegation, along with other members of the Non-Aligned Movement in the Council, had favoured the designation of Maglaj as a safe area, and regretted that it had not found the support of all members in the Council. His delegation, however, would support the draft resolution before the Council. He added that the international community must demonstrate its resolve to arrive at a just and lasting solution to the crisis in Bosnia and Herzegovina by taking all appropriate measures to reverse the consequences of aggression against that country. The lands seized by the use of force and "ethnic cleansing" must be returned. The sovereignty, territorial integrity and political independence of Bosnia and Herzegovina must be restored and respected.⁵⁰⁴

The representative of the Czech Republic questioned the Secretary-General's suggestion that 1,500 additional troops would be required to turn Maglaj into a safe area, when Srebrenica and Zepa had been granted the status of safe areas with far fewer troops than that. He contended that experience had shown that declaring an area safe contributed, in and of itself, to the safety of the area, whether or not it was truly safe from the military point of view. His delegation could not but regret that some of the energy the Council devoted to the almost moot issue of Maglaj had not been spent on what appeared to be an even worse situation in Banjaluka. The city had been in the hands of ethnic Serbs for some time now and "ethnic cleansing" continued unabated there.⁵⁰⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 908 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the Former Yugoslavia, and reaffirming in this context its resolution 871 (1993) of 4 October 1993 on the mandate of the United Nations Protection Force,

⁵⁰⁴ S/PV.3356, pp. 3-5.

⁵⁰⁵ *Ibid.*, pp. 5-6.

Having considered the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994,

Having considered also the letter dated 16 March 1994 from the President of the Republic of Croatia addressed to the Secretary-General,

Emphasizing the need for a negotiated settlement accepted by all parties, and welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the ceasefire agreement between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and the signature of the Washington Framework Agreement of 1 March 1994 between the Government of the Republic of Bosnia and Herzegovina and the Government of the Republic of Croatia and the Bosnian Croat party, as steps towards an overall settlement,

Underlining the importance of involving the Bosnian Serb party in further efforts to achieve an overall negotiated settlement,

Welcoming the ceasefire agreement signed on 29 March 1994 between the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas, which was facilitated by the Russian Federation, the United States of America, the European Union and the International Conference on the Former Yugoslavia,

Welcoming also the discussions between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to the joint statement of 19 January 1994,

Welcoming further the recent significant progress achieved in and around Sarajevo, and stressing that a strong and visible presence of the Force in this area, as well as in other areas of the Republic of Bosnia and Herzegovina and the Republic of Croatia, within the framework of its mandate, is essential to consolidate such progress,

Recalling the statement by the President of the Security Council of 14 March 1994 and the joint letter of Bosnia and Herzegovina and Croatia dated 17 March 1994, and in this context taking note of the recent developments in Maglaj,

Determined to put an end to the suffering of the civilian population in and around Maglaj,

Welcoming the ongoing efforts aimed at the reopening of the Tuzla airport for humanitarian purposes,

Welcoming also the work undertaken by the joint civil mission to Sarajevo of the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Welcoming further the dispatch of the European Union fact-finding mission to Mostar with a view to helping improve

living conditions in that city and contributing to the implementation of the agreements between the parties on it,

Reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

A

1. *Welcomes* the reports of the Secretary-General of 11 March, 16 March and 24 March, and his letter dated 30 March 1994;

2. *Reaffirms its commitment* to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia, the Republic of Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia, where the United Nations Protection Force is deployed;

3. *Decides* to extend the mandate of the Force for an additional period terminating on 30 September 1994;

4. *Recognizes* the need, following recent progress, for increased resources for the Force, described in the reports of the Secretary-General of 11 and 16 March 1994 and his letter dated 30 March 1994, decides, as an initial step, to authorize an increase of Force personnel by up to 3,500 additional troops, and also decides to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General in the above-mentioned documents, with a view to providing the Force with the means necessary for the implementation of its mandate;

5. *Approves* the Force's plans, described in the report of the Secretary-General of 24 March 1994, for the reopening of the Tuzla airport for humanitarian purposes, and authorizes additional resources requested in paragraph 14 of that report for these purposes;

6. *Calls upon* Member States to assist the Secretary-General to implement paragraphs 4 and 5 above by contributing personnel, equipment and training;

7. *Urges* that necessary arrangements be concluded, including, where appropriate, agreements on the status of forces and other personnel with the Republic of Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

8. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures to extend close air support to the territory of the Republic of Croatia, in defence of Force personnel in the performance of the Force's mandate, as recommended by the Secretary-General in paragraph 12 of his report of 16 March 1994;

9. *Urges* the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas to comply with the ceasefire agreement signed on 29 March 1994, and welcomes the efforts undertaken by the Force towards implementing this agreement;

10. *Also urges* all the parties and others concerned to cooperate with the Force in reaching and implementing an agreement on confidence-building measures in all regions of the Republic of Croatia including the United Nations Protected Areas, further urges the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas, *inter alia*, to revive the Joint Commission process with regard to communication links and economic issues, and recognizes in this context the importance of the immediate reopening of the Adriatic oil pipeline for the economies of the Republic of Croatia and of the other countries in the region;

11. *Endorses* the proposals in section II of the report of the Secretary-General of 11 March 1994, on arrangements relating to the ceasefire and ensuring the freedom of movement in and around Sarajevo, including the additional tasks set out in paragraph 14 thereof, emphasizes the need for the Force to deploy its resources in a flexible manner, in particular in and around the safe areas, and authorizes the Force to carry out these tasks in relation to the ceasefire entered into by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and, following a report by the Secretary-General and within existing resources, in relation to any further ceasefire agreed between the parties in Bosnia and Herzegovina in pursuit of the peace process;

12. *Encourages* the Special Representative of the Secretary-General for the Former Yugoslavia, in cooperation with the authorities of the Former Yugoslav Republic of Macedonia, to use his good offices, as appropriate, to contribute to the maintenance of peace and stability in that Republic;

13. *Urges* the parties to seize the opportunity provided by the Force's continuation to bring the peace process to a successful conclusion;

14. *Requests* the Secretary-General to keep it regularly informed on progress towards implementation of the United Nations peacekeeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Government of the Republic of Croatia, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider the mandate of the Force at any time according to the developments on the ground and in the negotiations;

B

15. *Welcomes* the appointment by the Secretary-General of a senior civilian official for the restoration of essential public services in and around Sarajevo in accordance with the provisions of resolution 900 (1994) of 4 March 1994;

16. *Commends* in this context the setting up of the Interim Coordination Board to assess the situation in Sarajevo in order to facilitate the task of this senior official;

17. *Welcomes* the establishment by the Secretary-General on 21 March 1994 of a voluntary trust fund for the restoration of essential public services in and around Sarajevo, in accordance with the provisions of resolution 900 (1994), and strongly appeals to the international community to make voluntary financial contributions to this trust fund;

18. *Notes with appreciation* the steps being taken by the Secretary-General, the Force and other United Nations agencies and humanitarian organizations to restore normal life to all areas of the Republic of Bosnia and Herzegovina, encourages them to continue their efforts, and in this context requests the Secretary-General to consider ways and means of further enhancing the work of the civilian component of the Force;

19. *Calls on* the parties to honour their commitments to ensure the Office of the United Nations High Commissioner for Refugees and the Force unimpeded access throughout the Republic of Bosnia and Herzegovina in performance of their mandate, and in particular calls upon the Bosnian Croat party to release infrastructure equipment and material urgently needed for humanitarian relief;

C

20. *Welcomes* the presence of Force personnel and the arrival of humanitarian convoys in Maglaj, but expresses once again its deep concern at the situation there;

21. *Welcomes also* the contribution of the Force, within its available resources, to the restoration of safety and security to the area in and around Maglaj in order to promote the well-being of its inhabitants;

22. *Demands* that the Bosnian Serb party cease forthwith all military operations against the town of Maglaj and remove all obstacles to free access to it, condemns all such obstacles, and calls upon all parties to show restraint;

23. *Takes note* of the assessment by the Secretary-General of the feasibility of extending the safe area concept to Maglaj, and requests him to keep the situation under review and to report to the Council as appropriate;

D

24. *Requests* the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of the Force's mandate;

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

Speaking after the vote, the representative of the United Kingdom stated that the implementation of confidence-building measures in the United Nations Protected Areas referred to in the resolution and the revival of the joint-commission process were steps

which should be taken quickly, paving the way for a final settlement involving autonomy for the Serbs within the existing borders of Croatia. His delegation welcomed the increase in the strength of UNPROFOR provided for in the resolution just adopted, which would allow those additional personnel already available from Member States to be deployed immediately. It also welcomed the resolution's authorization of additional personnel for the reopening of Tuzla airport. The speaker cautioned, however, that further reinforcement of UNPROFOR would be needed if the ceasefires in central Bosnia and Croatia were to be implemented fully. He also argued that tasks could not be added indefinitely if the necessary resources were not available. His Government would have been prepared to join in authorizing all the additional personnel requested by the Secretary-General. In the following month the Council would need to act on the balance of those requests, for delay would put at risk the achievements of UNPROFOR.⁵⁰⁶

The representative of the United States stated that his Government had consistently supported, and continued to support, UNPROFOR which had been called on to provide vital missions in the former Yugoslavia. In recent weeks there had been many encouraging developments in Bosnia and Herzegovina, and rapidly expanding challenges that had taxed UNPROFOR resources to the limit. The United States agreed with the members of the Council that UNPROFOR must have the necessary resources to meet these challenges. In the context of the resolution just adopted, his Government's concern had been to ensure that the financial resources were available to sustain that vital operation. The resolution stated that the Council would review, within one month, the question of the requirements of UNPROFOR. During that month, the United States Government would be considering the question seriously and urgently, for peacekeeping was so important that the international community must do its best to regularize the way it provided the money to support those operations. The speaker also commended the Council's authorization of close air support for UNPROFOR troops operating in Croatia, and pointed out that NATO implementation would require the agreement of the North Atlantic

Council, which he was confident would be forthcoming.⁵⁰⁷

The representative of China noted that the Council's approval of a further enlargement of UNPROFOR and an extension of its mandate reflected the hope that the presence of UNPROFOR would create favourable conditions for an early and comprehensive political settlement. He reiterated the position of his country on questions related to UNPROFOR. First, the sovereignty of Croatia and Bosnia and Herzegovina, as well as other countries in the region, should be fully respected. Secondly, China was not in favour of the use or threat of force, nor the invocation of Chapter VII in the peacekeeping operations of UNPROFOR. It therefore retained reservations on the invocations of Chapter VII in the resolution just adopted. At the same time, however, it had noted that the resolution specified certain limitations concerning that issue. Thirdly, in relation to the extension of close air support to UNPROFOR operations in Croatia, such air support should only be used to ensure the safety of UNPROFOR personnel in the performance of its mandate and for self-defence, rather than for punitive purposes. Fourthly, the settlement of the conflict in the former Yugoslavia could only be achieved by the people of that region themselves. Lastly, the difficulties faced by UNPROFOR with regard to manpower and financial resources needed to be removed, although the deployment of UNPROFOR troops should be undertaken in a flexible manner, according to the degree of urgency in each specific situation.⁵⁰⁸

The representative of the Russian Federation stated that, while favouring the continuation of UNPROFOR, his delegation believed that UNPROFOR efforts should be directed towards the essential purpose for which it was established, paying particular attention to the priority tasks highlighted in paragraph 50 of the Secretary-General's report of 16 March, and taking into account the need to adopt a rational attitude towards the limited resources available to the United Nations. Noting that the United Nations had been faced with new tasks, his delegation believed that those tasks should be performed strictly in accordance with, and in the framework of, the existing mandate of UNPROFOR. If, however, it was felt necessary either

⁵⁰⁶ Ibid., pp. 8-9.

⁵⁰⁷ Ibid., p. 9.

⁵⁰⁸ Ibid., pp. 10-11.

to amend or expand the mandate, that would require an additional decision to be taken by the Security Council. The Russian Federation also supported the extension of close air support to Croatia. At the same time, it also supported the search for ways and means of achieving maximum cooperation between the United Nations and NATO, because it believed that deploying air forces in support of United Nations personnel should be carried out, as indicated in the relevant resolutions, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR.⁵⁰⁹

The President, speaking in his capacity as the representative of France, stated that his delegation was particularly pleased with those aspects of the resolution which unambiguously strengthened the Council's commitment to approve all the reinforcements requested by the Secretary-General, for both Bosnia and Croatia, by the end of April. Actions must now proceed in two directions. The international community must consolidate what had been achieved on the ground, with UNPROFOR backing the parties' will to make peace and, in that regard, UNPROFOR could never be used to protect territorial gains. On the diplomatic level, discussions on the territorial questions would soon have to resume and in that respect, the European Union's plan seemed to be the only basis for a possible agreement.⁵¹⁰

**Decision of 27 April 1994 (3369th meeting):
resolution 914 (1994)**

At its 3369th meeting, on 27 April 1994, the Council included in its agenda the reports of the Secretary-General of 11, 16 and 24 March, as well as the Secretary-General's letter dated 30 March 1994. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain and the United Kingdom.⁵¹¹

The draft resolution was then put to the vote and adopted unanimously as resolution 914 (1994), which reads:

⁵⁰⁹ Ibid., pp. 11-12.

⁵¹⁰ Ibid., pp. 13-14.

⁵¹¹ S/1994/487.

The Security Council,

Reaffirming its resolutions 908 (1994) of 31 March 1994 and 913 (1994) of 22 April 1994,

Having considered the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994,

Determined to strengthen the operations of the United Nations Protection Force in fulfilment of its mandate,

Reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes once again* the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994;

2. *Decides* to authorize, as recommended by the Secretary-General in the above-mentioned documents, an increase of United Nations Protection Force personnel by up to 6,550 additional troops, 150 military observers and 275 civilian police monitors, in addition to the reinforcement already approved in resolution 908 (1994);

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

Speaking after the vote, the representative of France welcomed the fact that the Council had granted UNPROFOR the reinforcements requested by the Secretary-General while stressing that the decision should have come at the end of March when the Force's mandate had been extended. France could only regret that delay unjustifiable in view of the situation on the ground. The Council, from a political standpoint, had not reflected the clear determination which the circumstances had required nor had it shown the support which UNPROFOR had a right to expect from it at a time when, faced with a constant shortage of personnel, they were given additional missions in an increasingly dangerous environment. As the increases in personnel had been authorized, Member States now needed to respond to the earnest requests of the Secretariat.⁵¹²

The representative of the United Kingdom stated that the Council's decision reaffirmed its support for UNPROFOR and signalled its determination to bring about a cessation of hostilities and a peaceful negotiated settlement in that country. He recalled that, at its previous meeting on Bosnia, on 21 April, the Council had adopted resolution 913 (1994),

⁵¹² S/PV.3369, pp. 2-3.

condemning the attacks by Bosnian Serb forces on Gorazde, demanding their withdrawal, and calling for an end to the hostilities. In parallel, the United Nations and NATO had made it clear that force would be used if those elements were not complied with. Thanks to the determination of UNPROFOR and NATO, the immediate threat in Gorazde had ended. The United Kingdom called upon all parties to cooperate fully with UNPROFOR and other United Nations and relief personnel working in Gorazde. The speaker warned that the Bosnian Serbs should not forget that the terms of the North Atlantic Council's recent decisions remained in force, and that they applied to attacks against or threats to the other safe areas. His Government was giving its full support to efforts to bring more closely together the diplomatic activity of the United Nations, the European Union, the United States and the Russian Federation, including the action taken through the establishment of a Contact Group.⁵¹³

**Decision of 11 August 1994 (3416th meeting):
statement by the President**

By a letter dated 26 July 1994 addressed to the President of the Security Council, the Secretary-General reported that serious difficulties had arisen for UNPROFOR operations in Croatia, as a result of blockades being implemented by demonstrators against all UNPROFOR traffic into the United Nations Protected Areas.⁵¹⁴ The blockades had severely undermined the ability of UNPROFOR to monitor the 29 March ceasefire agreement, resulting in an increased number of violations of that Agreement and causing rising tensions within the zone of separation. The blockades were also preventing UNPROFOR from performing its other basic tasks. The Special Representative of the Secretary-General had met with officials of the Government of Croatia to impress upon them the Government's responsibility to ensure that the work of UNPROFOR was not impeded. He had informed them that the Force had clear evidence of the participation of Croatian police in several of the blockades, rendering the Government in violation of aspects of the ceasefire agreement. While the Government might not have been fully in control of the demonstrators, it was undeniably responsible for ensuring that their actions did not prevent UNPROFOR from carrying out its mandate. The Secretary-General

warned that if the situation were not rectified UNPROFOR would not be able to function in pursuance of its mandates and he recommended that the Council call upon the Government of Croatia to fulfil its obligations to UNPROFOR and end the blockade.

At its 3416th meeting, on 11 August 1994, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the President (Russian Federation) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵¹⁵

The Security Council is deeply concerned by the letter from the Secretary-General dated 26 July 1994 and by further reports from the Secretariat of continuing difficulties that have arisen for the operations of the United Nations Protection Force in Croatia owing to blockades of Force traffic into the United Nations Protected Areas by demonstrators. The Council considers that such blockades by Croatian citizens as well as related impediments imposed by the Croatian authorities on the freedom of movement of the Force are inadmissible. In that context the Council deplores the remaining blockades of access roads to the United Nations Protected Areas in the Republic of Croatia.

The Council is encouraged by the signing on 4 August 1994 of an agreement between the Government of the Republic of Croatia and the United Nations Protection Force regarding the procedures regulating Force traffic to and from the United Nations Protected Areas, and calls on the Croatian authorities to implement its provisions faithfully. The Council welcomes the progress that has been made since the signature of this agreement to open eleven of nineteen crossing points. However, the Council reminds the Government of the Republic of Croatia of its obligation to facilitate the unimpeded access of the Force to all nineteen crossing points agreed upon in the ceasefire agreement of 29 March 1994.

In this context the Council is also concerned about the continuing unacceptable practice of the Government of the Republic of Croatia of levying tolls and other taxes on the Force for the use of roads and airports in the Republic of Croatia. The Council strongly disapproves of any action that would both impede the functioning of the Force and add to the already high cost of the peacekeeping operation in Croatia. Recalling paragraph 7 of its resolution 908 (1994) of 31 March 1994, the Council again urges the Government of the Republic of Croatia to conclude without further delay a status-of-forces agreement with the United Nations Protection Force and to resolve the above and any other issues in accordance with the provisions of that agreement.

⁵¹³ Ibid., p. 3.

⁵¹⁴ S/1994/888.

⁵¹⁵ S/PRST/1994/44.

The Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Croatia and the right of all displaced persons and refugees to return to their homes. The Council expects the Government of the Republic of Croatia to cooperate fully with the efforts of the Force.

Decision of 30 September 1994 (3434th meeting): resolution 947 (1994)

On 9 May 1994, pursuant to resolutions 836 (1993) and 844 (1993), the Secretary-General submitted to the Council a report to inform the Council of the results achieved and lessons learned in the implementation of the safe areas concept in Bosnia and Herzegovina, as well as to propose some improvements in the short term.⁵¹⁶

The Secretary-General noted that the existing approach to safe areas required reworking. In his view, the successful implementation of the safe area concept required the acceptance of three overriding principles: (a) the intention of safe areas was primarily to protect people and not to defend territory; (b) the method of execution of the safe area task should not detract from, but rather enhance, the original mandates of UNPROFOR, namely supporting humanitarian assistance and contributing to the overall peace process through the implementation of ceasefires and local disengagements; and (c) the mandate must take into account UNPROFOR's resource limitations.

The Secretary-General did not believe that extending the safe area concept to other parts of Bosnia and Herzegovina would be advisable. While reaffirming the Council's commitments in relation to existing safe areas, he believed that sources of tension elsewhere in the Republic needed to be dealt with by other measures, including local ceasefires and modest deployments of UNPROFOR observers. In addition to the arrangements already in place for protection of safe areas it was necessary that: (a) the mission of UNPROFOR in the safe areas be clearly defined; (b) the safe areas be clearly delineated; (c) the safe areas be respected; and (d) complete freedom of movement, on a "notification basis" be ensured for the provision of humanitarian aid to safe areas. While safe areas could be made more effective and manageable, they did not in themselves represent a long-term solution to the conflict in Bosnia and Herzegovina. Rather, the safe area concept should be viewed as a

temporary mechanism by which some vulnerable populations could be protected pending a comprehensive negotiated political settlement. The Secretary-General therefore recommended that the Security Council approve the statement of the Force's mission in relation to the safe areas, authorize UNPROFOR to promulgate precise boundaries for those areas and approve the arrangements outlined in his report.

On 17 September 1994, pursuant to resolution 908 (1994), the Secretary-General submitted to the Council a report intended to assist the Council in its deliberations on the renewal of the UNPROFOR mandate.⁵¹⁷

The Secretary-General noted that the conflicts in the former Yugoslavia were closely interrelated and had a direct impact on UNPROFOR operations in Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. In that context, the work of the Contact Group which involved five major Powers working with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, could be of great significance for the future of UNPROFOR.

With regard to Croatia, the Secretary-General outlined four problem areas in the UNPROFOR mandate which required assessment: the demilitarization of the United Nations Protected Areas; the restoration of Croatian authority in the "pink zones"; the establishment of border controls; and assistance for the return of refugees and displaced persons. All four required either enforcement or the consent of both parties for their implementation. UNPROFOR had neither the means nor the mandate for enforcement action of that nature and the cooperation of the parties had been elusive.

The Secretary-General further noted that progress in Croatia had been slow and had proved insufficient to moderate Croatian impatience for a quick solution to the problem of reintegration of the United Nations Protected Areas into Croatia. Assistance in the creation of conditions that would permit the voluntary return of displaced persons to their homes in or near the Protected Areas continued to be of the highest priority for UNPROFOR and discussions were taking place among the Office of the United Nations High

⁵¹⁶ S/1994/555.

⁵¹⁷ S/1994/1067 and Add.1.

Commissioner for Refugees, UNPROFOR and both parties on the implementation of a pilot project for voluntary return to a few selected villages in or near the zone of separation.⁵¹⁸

In considering the various options for the UNPROFOR presence in Croatia, the Secretary-General was aware that the situation on the ground could be frozen in a stalemate in which the Force's continued presence contributed only to the maintenance of an unsatisfactory status quo. In the current circumstances, however, it was very important to secure continued respect for the ceasefire agreement. At the same time, further efforts would have to be made for the reopening of negotiations. These tasks would require the continued presence of UNPROFOR in Croatia.

With regard to Bosnia and Herzegovina, experience gained over the last six months had enhanced mutual understanding, joint planning and cooperation between UNPROFOR and NATO, and the successful deployment of long-awaited additional forces had enabled UNPROFOR to improve its ability to seize opportunities for progress. Nevertheless, the possibility of a further exacerbation and intensification of the conflict in Bosnia and Herzegovina had highlighted the limitations of UNPROFOR, and underlined a number of areas of concern. The Secretary-General acknowledged that some Member States might believe that the international community's strategy of deploying peacekeeping operations only upon the active cooperation of the parties was no longer adequate to serve the objectives proclaimed in the Council's resolutions. He warned, however, that the use of disincentives would change the nature of the United Nations presence in the area, entailing unacceptable risks to UNPROFOR. The result would be a fundamental shift from the logic of peacekeeping to the logic of war and would require the withdrawal of UNPROFOR from Bosnia and Herzegovina. The Secretary-General had therefore directed that plans be made for a potential withdrawal at short notice. Any consideration of decisions leading to the withdrawal of UNPROFOR had, however, to be weighed against the tasks that were currently being implemented successfully by UNPROFOR and in the absence of an overall political settlement acceptable to all the parties.

⁵¹⁸ The Secretary-General's comments relating to the return of refugees and displaced persons (S/1994/1067, para. 39) were subsequently referred to by the Council in resolution 947 (1994), para. 13.

He did not, therefore, recommend the withdrawal of the Force at that time. He did recommend, however, that due to the continued harassment of minorities in Bosnia and Herzegovina, particularly by the Bosnian Serbs, the Security Council might consider providing UNPROFOR with a more comprehensive, uniform, United Nations civilian police mandate throughout the territory of Bosnia and Herzegovina, similar to that already mandated for Croatia.

The Secretary-General also recommended the renewal of UNPROFOR mandate for a further period of six months. He further suggested that the Council might wish to endorse the Force's activities in relation to mine-clearing in Bosnia and Herzegovina, and support the acquisition of a small number of protected vehicles for uses in areas of mine hazard. He also recommended that the Council endorse the Force's public information policy and programmes, including the establishment of an independent radio station to provide the population within the mission area access to impartial, factual and timely information, thereby increasing public understanding and support for UNPROFOR "peacemaking" efforts in the former Yugoslavia.

At its 3434th meeting, on 30 September 1994, the Council included the report of the Secretary-General of 17 September 1994 in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address the Council in the course of its consideration of the item. The President (Spain) then drew the attention of the Council members to the text of a draft resolution, submitted by France, Spain and the United Kingdom,⁵¹⁹ and read out some revisions that had been made to the draft in its provisional form. He also drew the attention of the Council members to several other documents.⁵²⁰

⁵¹⁹ S/1994/1120.

⁵²⁰ Letters dated 9 and 28 September 1994, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1994/1045 and S/1994/1108); letters dated 15 and 26 September 1994, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1994/1058 and S/1994/1095); and letter dated 16 September 1994 from the representative of Croatia addressed to the Secretary-General (S/1994/1062).

The representative of Bosnia and Herzegovina outlined two reflections with respect to the renewal of the UNPROFOR mandate. First, every Security Council resolution mandating UNPROFOR had reflected the commitment of the Council to the territorial integrity and sovereignty of Bosnia and Herzegovina. Secondly, although some might wish to characterize UNPROFOR as a peacekeeping mission, its mandate was more complex. Within the mandate there was no reference to peacekeeping, while there was reference to specific assignments calling for “necessary measures” and appropriate responses to attacks on civilian safe areas and violations of humanitarian standards. The speaker contended that, in that context, any threats directed at Bosnia and Herzegovina and its defence forces exercising the responsibility of defending its civilians and its territorial integrity and sovereignty must be viewed as contrary to the word and spirit of the relevant Security Council resolutions. He argued that the mandate should not be redefined, but rather that if there was a “practical incapacity to execute the original mandate”, then additional resources should be provided or the mandate must be terminated. It was necessary to re-establish the clear objectives of the UNPROFOR mandate.⁵²¹

The representative of Croatia stated that his Government remained bound by the decision of the Croatian parliament on the UNPROFOR mandate and it welcomed the elements of that decision which had been incorporated in the draft resolution, especially in respect of the “pink zones”, the border monitors and the pilot project for the return of displaced persons to their homes in the occupied areas. His delegation believed that the draft resolution pointed the solution-seeking process in the right direction and it hoped that the Contact Group and the United Nations would immediately begin to pursue measures consistent with the letter and spirit of the draft resolution so that the relevant parties would not be compelled to consider a new UNPROFOR mandate after 100 days. It also emphasized that the decision to accept the new UNPROFOR mandate in Croatia had been made with the view that the Contact Group would immediately commence work on the comprehensive reintegration plan for Croatia, which would provide local autonomy in pre-war Serbian majority areas in Croatia, with the same acceptance/rejection measures that should be

applied to the Federal Republic of Yugoslavia and its “proxies” in Knin. It further underlined the importance of the mutual recognition of existing borders between Croatia and the Federal Republic of Yugoslavia as the next step for the Contact Group’s activities. Before concluding, the speaker expressed regret that the Federal Republic of Yugoslavia had been permitted to address the Council. His Government had taken the position that the UNPROFOR mandate only applied to the territories of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, and that the Federal Republic of Yugoslavia did not therefore possess any special status in relation to the UNPROFOR issue.⁵²²

Mr. Jovanovic stated that the Federal Republic of Yugoslavia considered that the conditions for terminating the UNPROFOR peace operation had not yet been created and that its continued presence in the protected areas was necessary until an overall political solution was reached. The UNPROFOR presence in the protected areas had been of vital importance for the protection of the Serbian civilian population of Krajina. He contended that the question of extending the UNPROFOR mandate should be viewed apart from the search for a political solution to the crisis. The extension of the Force’s mandate and the protection of the Serbian population could not be used by one side as an instrument for exerting political pressure in the negotiating process. On the contrary, the presence of UNPROFOR was a precondition for facilitating a political solution. His delegation fully agreed with the Secretary-General’s assessment that resort to a military option would have incalculable consequences. It also shared the Secretary-General view that not all efforts towards the peaceful resolution of the conflict had yet been exhausted. The Federal Republic of Yugoslavia was convinced that a three-phase policy was the only way to achieve peace. Building on the results of the ceasefire, negotiations should be speedily resumed on confidence-building measures and the re-establishment of economic relations and infrastructure, which would enable the Vance plan to be realized. The speaker further stated that the Federal Republic of Yugoslavia had given its full support to the Contact Group’s plan and had tried to convince the Bosnian Serb leadership to accept it. He hinted that a clear-cut, written agreement by the Contact Group that the Bosnian Serbs should have the equal right to establish confederal ties

⁵²¹ S/PV.3434, pp. 2-3.

⁵²² *Ibid.*, pp. 3-4.

with the Federal Republic of Yugoslavia would open the door for the Bosnian Serbs to agree to the Contact Group. Turning to the draft resolution before the Council, he expressed regret that it contained certain provisions which, he contended, dealt with issues that should not have been addressed in a “technical resolution” on the extension of the UNPROFOR mandate. In that respect, he referred in particular to the third and fifth preambular paragraphs, as well as to operative paragraphs 4, 5, 6, 10, 11, 13 and 14. He further contended that the provisions of operative paragraph 14 attempted to impose political solutions which were in “flagrant contravention” of the Vance plan, as the Vance plan provided that the political status of the protected areas should be resolved only after all of the plan’s provisions had been implemented.⁵²³

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 947 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the Former Yugoslavia, and reaffirming in this context its resolution 908 (1994) of 31 March 1994, on the mandate of the United Nations Protection Force,

Having considered the reports of the Secretary-General of 9 May and 17 September 1994,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the Former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the efforts of Member States in the context of the Contact Group, and emphasizing the utmost importance of the work of the Contact Group and its role in the overall peace process in the area,

Recognizing that the major provisions of the United Nations peacekeeping plan for the Republic of Croatia and relevant Security Council resolutions, in particular resolution 871 (1993) of 4 October 1993, still remain to be implemented,

Stressing that the Force plays an essential role in preventing and containing hostilities and thus creating the conditions for achieving an overall political settlement,

Paying tribute to the Force personnel in the performance of the mandate of the Force, in particular in assisting the delivery of humanitarian assistance and monitoring the ceasefires,

Reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 17 September 1994, and approves the proposals therein concerning the activities of the United Nations Protection Force in relation to mine clearance, public information and civilian police;

2. *Decides* to extend the mandate of the Force for an additional period terminating on 31 March 1995;

3. *Urges* all the parties and others concerned to cooperate with the Force in carrying out its mandate, to refrain from any hostile and provocative acts against Force personnel, and to ensure their security and their freedom of movement;

4. *Requests* the Secretary-General to report no later than 20 January 1995 on progress towards the implementation of the United Nations peacekeeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, and decides to reconsider the mandate of the Force in the light of that report;

5. *Also requests* the Secretary-General, in the light of resolution 871 (1993), to include in that report information on progress towards (a) opening the road and railway communications with the United Nations Protected Areas and the rest of the Republic of Croatia, (b) establishing the water and electricity supply in all regions of Croatia for the mutual benefit of all its citizens, and (c) opening the Adriatic pipeline;

6. *Invites* the Secretary-General to update his report submitted pursuant to Security Council resolution 838 (1993) of 10 June 1993 and to expand it as appropriate to cover other areas where the Force is deployed;

7. *Affirms* the right of all displaced persons to return voluntarily to their homes of origin in safety and dignity with the assistance of the international community;

8. *Reaffirms its support* for the established principle that all statements or commitments made under duress, particularly those regarding land and ownership, are null and void;

9. *Calls on* all parties and others concerned fully to comply with all Security Council resolutions regarding the situation in the Former Yugoslavia and concerning in particular the Force in Croatia, to create the conditions that would facilitate the full implementation of its mandate;

10. *Expresses its concern* that the necessary arrangements, including, where appropriate, agreements on the

⁵²³ Ibid., pp. 4-6.

status of forces and other personnel, have not yet been concluded by the Republic of Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls upon them to conclude such arrangements without delay;

11. *Requests* the Secretary-General to keep the Council regularly informed on progress with regard to the implementation of the mandate of the Force, and to report, as necessary, on any developments on the ground and other circumstances affecting the mandate of the Force;

12. *Urges* the Bosnian Serb party fully to respect the territorial integrity of the Republic of Croatia and to refrain from any actions that are threatening its security;

13. *Also urges* that the pilot project described in paragraph 39 of the report of the Secretary-General of 17 September 1994 be put into effect as soon as possible;

14. *Declares* that the restoration of the authority of the Republic of Croatia in the “pink zones”, to the extent that it is compatible with the 29 March 1994 ceasefire agreement, must be accomplished under the close supervision of the Force, and in such a manner as to avoid any further destabilization of the region;

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

Speaking after the vote, the representative of France contended that without UNPROFOR there would have been increased suffering for the civilian population, increased movements of refugees and irreversible developments on the ground that would have confronted the international community with an insoluble problem. While acknowledging that more could have been done, he pointed out that UNPROFOR had neither the mandate nor the military means to impose peace. The speaker further stated that UNPROFOR had reached a turning point in its history. Either a dynamic for peace would gain strength in the coming weeks, or, on the contrary hope of a negotiated settlement would fade, and then decisions would inevitably have to be taken involving the withdrawal of UNPROFOR. Thus that was undoubtedly the last time that the Council would be extending the UNPROFOR mandate in a routine manner. In the next stage, which would be crucial, UNPROFOR would have to strive to ensure strict implementation of the Council’s decisions, particularly those concerning safe areas. That might imply the use of force, if necessary, especially to ensure respect for the exclusion zones. The Government of France therefore hoped that explicit

instructions along those lines would be issued to the leaders of the Force.⁵²⁴

The representative of the Russian Federation stated that his delegation supported the resolution just adopted because it believed that UNPROFOR was playing an extremely important role in efforts to settle the conflicts in the former Yugoslavia. He cautioned that everything needed to be done to ensure that UNPROFOR did not become a party to the conflict or a “hostage” to the forces participating in it. He emphasized that the effectiveness of UNPROFOR depended to a large extent on the good will of the parties. In Croatia, it was clear that the unimpeded fulfilment by the Force of its mandate in the United Nations Protected Areas was the most important prerequisite for the implementation of the Vance plan. The Russian Federation also attached particular importance to the continued efforts of the countries of the Contact Group to develop their cooperation with the Security Council. It was important to increase pressure on all parties to promote a comprehensive peace settlement. Such a settlement should be based on a territorial arrangement and on constitutional principles placing all parties on an equal footing.⁵²⁵

The representative of New Zealand welcomed the Council’s decision to extend the UNPROFOR mandate for a further six months. He cautioned, however, that if UNPROFOR were to continue to be supported, the status quo could not be continued. He therefore urged the parties to reinvigorate the progress towards implementation of the peace plan. Recalling that the Council had adopted the previous week a series of measures, the speaker noted that those measures needed to be followed up with further specific steps. First, there should be early recognition of Bosnia and Herzegovina and Croatia. Secondly, there needed to be firm and united resolve on the part of UNPROFOR and NATO to use force where warranted for the protection of the safe areas and the enforcement of the exclusion zones. Thirdly, the “strangulation” of Sarajevo must cease. Fourthly, the progressive withdrawal of the Bosnian Serbs to positions consistent with the territorial settlement proposal should be pursued. The speaker also observed that the resolution just adopted was less specific than his delegation would have liked on the question of the mutual recognition of

⁵²⁴ Ibid., pp. 6-7.

⁵²⁵ Ibid., p. 8.

international boundaries in the region of the former Yugoslavia. He emphasized that it was the view of his delegation that mutual recognition should be the starting point for the overall settlement of the conflict in the former Yugoslavia.⁵²⁶

The representative of the United States observed that, in Bosnia, the most important development had been the Contact Group's presentation of its territorial proposal to the parties. Unfortunately, while the Bosnian Federation had accepted the proposal, the Bosnian Serbs had not. The United States would continue to demand that the Bosnian Serbs accept the proposal, which represented the best opportunity for a just and equitable settlement to the conflict. Just a week earlier, with its adoption of a resolution tightening sanctions against the Bosnian Serbs, the Council had reminded the Bosnian Serbs that their continuing "obstinacy" was incurring substantial costs. In respect of the situation in Croatia, the United States Government strongly supported the basic precept, reflected in the resolution just adopted, that a settlement of the conflict must be in conformity with Croatia's sovereignty and territorial integrity. The speaker also expressed her Government's concern at the increasing violations of the exclusion zones, as well as its commitment to their strict enforcement. She expressed confidence that, should strict enforcement continue to be necessary, UNPROFOR would work closely with NATO to ensure that the intent of the Council to protect the safe areas was carried out. Before concluding, she noted that the resolution just adopted lay upon the parties — and her Government interpreted that to refer especially to the Serb party — the responsibility to create the conditions that would allow UNPROFOR to fulfil its mandate.⁵²⁷

**Decisions of 31 March 1995 (3512th meeting):
resolutions 981 (1995), 982 (1995) and
983 (1995)**

On 22 March 1995, pursuant to resolution 947 (1994), the Secretary-General submitted to the Council a report on UNPROFOR.⁵²⁸ The report was intended, in conjunction with the report of the Secretary-General dated 14 January 1995, to assist the Council in its consideration of the mandate of UNPROFOR. It contained an overview of the activities of the Force, as

well as the Secretary-General's proposals for its future mandate.

The Secretary-General recalled that, in his interim report of 14 January 1995, he had noted that, despite the earlier inability of UNPROFOR to fulfil important parts of its mandate under the United Nations peacekeeping plan in Croatia, the successful implementation of the ceasefire agreement of 29 March 1994 and the conclusion of the economic agreement on 2 December 1994 had been positive steps towards confidence-building and reconciliation. He had expressed disappointment that the potential for success through the three-step approach — cessation of hostilities, economic normalization and political negotiations — had not been fully explored before the decision of the Government of Croatia on 12 January 1995 to withdraw its support for the continuing role of UNPROFOR. The Secretary-General therefore welcomed the announcement on 12 March 1995 by Croatia's President that he had agreed to the retention of UNPROFOR.⁵²⁹ The maintenance of a reduced force in Croatia under a new mandate thus seemed the only way to reduce the risks of a renewed major war, while permitting continued progress in implementing the economic agreement and beginning political negotiations. He had instructed his Special Envoy to conduct negotiations with the parties on the mandate of a future United Nations peacekeeping force in Croatia. The gulf between the positions of the Government of Croatia and the Krajina Serb authorities on the role and functions of the new force remained wide. Further negotiations were necessary. The Secretary-General was, however, able to report the basis could be established for agreement that the mandate should include the following: (a) support for the implementation of the ceasefire agreement of 29 March 1994; (b) support for the implementation of the

⁵²⁹ In the announcement the President of Croatia stated that his country would seek to negotiate a new mandate for an international presence in Croatia that would (a) control the international borders between Croatia and the Federal Republic of Yugoslavia and between Croatia and Bosnia and Herzegovina; (b) control access and communications for UNPROFOR and other international humanitarian operations to Bosnia through territory not under the control of Croatia; and (c) facilitate the continued implementation of existing and future agreements and the relevant Security Council and General Assembly resolutions. In the meantime, the Government of Croatia agreed to the continuation of the current force.

⁵²⁶ *Ibid.*, pp. 8-9.

⁵²⁷ *Ibid.*, pp. 9-10.

⁵²⁸ S/1995/222 and Corr.1 and 2.

economic agreement of 2 December 1994; and (c) implementation of these elements of the existing United Nations peacekeeping plan for Croatia that were accepted by both parties as having continuing relevance. In addition to that “core mandate”, the new force would continue to perform functions arising from the accord on the Prevlaka peninsula and from relevant resolutions of the Security Council, such as monitoring the “no-fly zone” and the extension of close air support in Croatia.

Concerning Bosnia and Herzegovina, the Secretary-General observed that the inability of UNPROFOR to deter attacks on Bihac had brought to the fore some of the key issues addressed in previous reports on the concept of safe areas. Until the Council was able to provide clear guidance on those matters, it was unlikely that the commitment of the parties or the Force’s performance in the safe areas would improve, and there was a danger that situations such as that in Bihac would recur. The Secretary-General further noted that the current impasse on the Contact Group’s proposal had created a vacuum in which the Force had little or no political context for the pursuit of local initiatives, and the parties had little or no incentive to cooperate. He appealed to the members of the contact Group to renew their efforts to fill the current vacuum.

Regarding the former Yugoslav Republic of Macedonia, the Secretary-General suggested that the Council might wish to call, in the context of Article 50 of the Charter, for increased international economic support to be provided to the former Yugoslav Republic of Macedonia.

The Secretary-General further reported that the Governments of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia had expressed the wish that the United Nations in their countries should be separate from UNPROFOR. He therefore proposed that UNPROFOR be replaced by three separate, but interlinked, peacekeeping operations: United Nations Peace Force — one in Croatia (UNPF-1), one in Bosnia and Herzegovina (UNPF-2), and one in the former Yugoslav Republic of Macedonia (UNPF-3).⁵³⁰

The Secretary-General accordingly recommended that the Security Council approve the following: (a) the

⁵³⁰ See S/1995/222, para. 84. These proposals were subsequently endorsed by the Council in resolution 981 (1995), paras. 1 and 2; resolution 982 (1995), para. 1; and resolution 983 (1995), para. 1.

restructuring of UNPROFOR into three forces, each with a mandate extending to 30 November 1995; (b) the negotiation, on the basis of the elements previously identified, of a new mandate and functions for UNPF-1, which would be significantly smaller than the existing UNPROFOR strength in Croatia; (c) the conversion of UNPROFOR in Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia into UNPF-2 and UNPF-3, respectively, with the same responsibilities and composition as UNPROFOR had possessed in those Republics; (d) appeals to the respective Governments to conclude status-of-forces agreements with the United Nations and to grant it suitable broadcasting facilities;⁵³¹ and (e) the transfer to the three United Nations Peace Forces of the applicability of all relevant Security Council resolutions relating to the functioning of UNPROFOR in the territories of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, respectively.

At its 3512th meeting, on 31 March 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. The President (China) then drew the attention of the Council members to the text of three draft resolutions submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States,⁵³² as well as to several other documents.⁵³³

⁵³¹ See S/1995/222, paras. 47-51. The appeal to facilitate suitable radio and television broadcasts for the United Nations was subsequently endorsed by the Council in resolution 981 (1995), para. 12; and resolution 982 (1995), para. 10.

⁵³² S/1995/242-244.

⁵³³ Letter dated 22 March 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/214); letters dated 22, 28 and 29 March 1995, respectively, from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/216, S/1995/227 and S/1995/245); letters dated 22, 27, 28 and 29 March 1995, respectively, from the representative of Croatia addressed to the Secretary-General (S/1995/221, S/1995/223, S/1995/229 and S/1995/232); letter dated 29 March 1995 from the representative of the former Yugoslav Republic of

The representative of Bosnia and Herzegovina charged that UNPROFOR had become a “substitute for real peacemaking” in his country. After three years of that imposed role, UNPROFOR must be judged a failure. Moreover, those behind the strategy of “usurping” UNPROFOR for the purpose of substituting it for peacemaking must be judged guilty also of allowing aggression and genocide to continue, of endangering international peace and security, and of betraying their responsibilities to the United Nations. He further contended that the Force’s limited success in providing humanitarian assistance was gradually eroding and that UNPROFOR’s mission was actually being brought into contradiction with efforts to bring about peace. For that reason, the delegation of Bosnia and Herzegovina had requested that the UNPROFOR mandate be comprehensively reviewed. The modalities and a time frame must be established for that review. Most important, the review should incorporate the contributions of the Security Council, of the troop contributors, of interested regional organizations and Member States. Referring to the situation in and around Sarajevo, the speaker argued that the “Blue Route” must be placed under United Nations protection, the Sarajevo airport access routes must be freed of roadblocks, and Sarajevo citizens must be liberated from snipers. Those requests were not new, nor did they require fresh Security Council action; authority already existed for such steps. All that was needed was the will to carry out that existing authority.

Referring to the report of the Secretary-General, the speaker requested that modalities be established to prevent further violations of Bosnia and Herzegovina’s territorial integrity and sovereignty by the Krajina Serbs, and he noted that Bosnia and Herzegovina supported Croatia’s efforts to have those borders sealed. He also argued that the international arms embargo restricted Bosnia and Herzegovina’s capacity for self-defence, making it even more dependent upon the international community’s responsibility for preserving international peace and security.⁵³⁴

Macedonia addressed to the Secretary-General (S/1995/236); and letter dated 30 March 1995 from the representative of Croatia, transmitting the text of a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia addressed to the President of the Security Council (S/1995/246).

⁵³⁴ S/PV.3512, pp. 2-5.

The representative of Croatia stated that UNPROFOR had contributed positively by keeping relative peace in Croatia and had given the international community time to establish a political framework and binding legal decisions that would assist in reintegrating the occupied territories and their residents into Croatia peacefully and in a manner consistent with Croatia’s sovereignty and territorial integrity. But its mission had fallen short because of the uncompromising resistance of the local Croatian Serbs and Belgrade. His Government emphasized that it had an exclusive right of veto in the upcoming negotiations over the operational definitions for the new arrangements within its sovereign territory granted by the Charter and the relevant resolutions. Croatia disputed the Vance plan per se as a legal basis for the new arrangement but remained committed to the unfulfilled humanitarian elements of the Vance plan.

His Government welcomed the draft resolution, which not only recognized Croatia’s sovereignty over its occupied territories and defined its international borders, but also called for control and demarcation of those borders. The draft resolution gave the United Nations ample legal ground to control the relevant borders of Croatia. Croatia also attached the utmost importance to paragraph 3 (d), which should be thoroughly planned and effectively executed. It believed that a peaceful settlement in Croatia was possible only if that paragraph was strictly implemented. The border mechanism could be made effective by taking measures beyond those expressed in the Vance plan and by imposing punitive measures against violators, in the form of sanctions. He noted, in that regard, that the Council had already established in resolution 871 (1993) that the sanctions regime imposed against the Federal Republic of Yugoslavia could be linked to developments in the occupied territories in Croatia.

Croatia also welcomed operative paragraph 5 of the draft resolution, which stated that the final political solution in regard to the rights of the Croatian Serb minority must be consistent with the territorial integrity and sovereignty of Croatia. That paragraph, along with the third and fourth preambular paragraphs, confirmed and supported the territorial integrity of Croatia in its internationally recognized borders. Croatia hoped that both Knin and Belgrade would understand that message and would finally accept that the only way to achieve a solution to the problem of

the occupied territories was for Belgrade to recognize Croatia and for Knin to permit the peaceful reintegration of the occupied territories into the legal and administrative systems of Croatia. The speaker expressed the concern of his delegation that the draft resolution did not give enough consideration to the right of displaced persons and refugees to return to their homes. His delegation hoped that the upcoming report of the Secretary-General might mitigate those concerns.⁵³⁵

Speaking before the votes on the draft resolutions, the representative of Indonesia stated that Croatia's sovereignty and territorial integrity could not be compromised. That must also remain a guiding principle for the United Nations presence in Croatia and in Bosnia and Herzegovina. In relation to the new United Nations Confidence Restoration Operation in Croatia (UNCRO), he stressed the importance of controlling the manner in which military personnel, equipment, supplies and weapons crossed the international borders between Croatia and Bosnia and Herzegovina, and between Croatia and the Federal Republic of Yugoslavia. He also emphasized that the troop strength of UNCRO should be sufficient not only to implement the operation's mandate, but also to serve a deterrent function. Another important element of the UNCRO mandate was facilitating the delivery of humanitarian assistance to Bosnia and Herzegovina through Croatian territory. In relation to the operations in Bosnia and Herzegovina, the speaker noted that his delegation wished to draw attention to the past discrepancies between the UNPROFOR mandate and its implementation, and to emphasize the importance of effective implementation. In that connection, his delegation emphasized the importance of the tenth preambular paragraph of the second draft resolution on the need for Member States to take appropriate steps to enhance UNPROFOR's capacity to execute its mandate.⁵³⁶

The representative of Germany pointed out that the fact that a new mandate for the presence of the United Nations had become necessary was, in his delegation's view, a consequence of the obstructive attitude of the Croatian Serbs towards the United Nations peacekeeping plan for Croatia. Also the Serbian refusal to implement the Vance plan had

become a major problem for UNPROFOR in Croatia. The speaker welcomed the decision of the Croatian President to agree to a continued but modified presence of the United Nations. Germany shared the view of the Secretary-General that a three-phase process of negotiations — ceasefire; implementation of the Economic Agreement; and political negotiations — was the only practical path to durable peace. It welcomed the fact that that was also the basic approach underlying the mandate of UNCRO. He expressed concern at the continued refusal of the Government of the Federal Republic of Yugoslavia to recognize Bosnia and Herzegovina and Croatia, which he suggested was effectively blocking the peace process. Finally, the speaker stressed that close cooperation between the three peacekeeping operations and NATO would be essential.⁵³⁷

The representative of the Russian Federation stated that the adoption of a new mandate for the operation in Croatia was absolutely necessary, but was only a first step. The Secretary-General had work of the utmost importance to do on continuing the consultations on the implementation of the mandate and the modalities for the operation, all aspects of which had to be acceptable to both parties. The Government of Croatia and local Serb authorities must demonstrate a constructive attitude to the discussions. Turning to the situation in Bosnia and Herzegovina, the speaker urged the parties to abide strictly by the agreements on a ceasefire and the cessation of hostilities and to cooperate with UNPROFOR in carrying out the provisions of those agreements. He also urged the Bosnian Serbs to accept the Contact Group plan. He contended that the flare-up of hostilities in Bosnia and Herzegovina was linked to the illegal supplies of arms to the region, which were hardening the positions of the parties and creating the impression that the conflict could be resolved by military means. There must be a "clamp-down" in implementing the arms embargo against all the Republics of the former Yugoslavia, established by resolution 713 (1991). The Security Council must pay greater attention to the issue and the Committee on sanctions should take up the problem of the violations of the embargo, as the Council had instructed it to do. The Russian Federation attached particular importance to the fact that the Security Council, in reorganizing UNPROFOR and establishing three independent

⁵³⁵ *Ibid.*, pp. 5-8.

⁵³⁶ *Ibid.*, pp. 9-10.

⁵³⁷ *Ibid.*, pp. 11-13.

peacekeeping operations, had taken the important decision to maintain a unified political and military command for the three operations.⁵³⁸

The first draft resolution⁵³⁹ was then put to the vote and adopted unanimously as resolution 981 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia,

Having considered the report of the Secretary-General of 22 March 1995,

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

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, including its rights and obligations in respect of control over its international trade,

Welcoming the continuing efforts of representatives of the United Nations, the European Union, the Russian Federation and the United States of America to facilitate a negotiated solution to the conflict in the Republic of Croatia, and reaffirming its call upon the Government of the Republic of Croatia and the local Serb authorities to enter into the negotiations, urgently and without preconditions, for such a settlement, making full use of the plan presented to them by those representatives,

Recognizing that major provisions of the United Nations peacekeeping plan for the Republic of Croatia remain to be implemented, in particular those regarding demilitarization of the areas under the control of the local Serb authorities, the return of all refugees and displaced persons to their homes and the establishment of local police forces to carry out their duties without discrimination against persons of any nationality in order to protect the human rights of all residents, and urging the parties to agree to their implementation,

Recognizing also that major provisions of relevant Security Council resolutions, in particular resolutions 871 (1993) of 4 October 1993 and 947 (1994) of 30 September 1994, still remain to be implemented,

Noting that the mandate of the United Nations Protection Force in the Republic of Croatia expires on 31 March 1995, in conformity with resolution 947 (1994),

Noting also the letter dated 17 March 1995 from the Permanent Representative of the Republic of Croatia to the

United Nations regarding his Government's views on the establishment of a United Nations peacekeeping operation in the Republic of Croatia,

Emphasizing that improved observance of human rights, including appropriate international monitoring thereof, is an essential step towards restoration of confidence between the parties and building a durable peace,

Reaffirming its determination to ensure the security and freedom of movement of personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements in paragraph 84 thereof;

2. *Decides* to establish under its authority the United Nations Confidence Restoration Operation in Croatia, which shall be known as UNCRO, in accordance with paragraph 84 of the above-mentioned report, for a period terminating on 30 November 1995, and requests the Secretary-General to take the measures necessary to ensure its earliest possible deployment;

3. *Decides* that, in accordance with the report of the Secretary-General, and based on the United Nations peacekeeping plan for the Republic of Croatia, relevant resolutions of the Security Council, the ceasefire agreement of 29 March 1994 between the Republic of Croatia and the local Serb authorities and the economic agreement of 2 December 1994 concluded under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, the mandate of UNCRO shall include:

(a) Performing fully the functions envisaged in the ceasefire agreement of 29 March 1994;

(b) Facilitating implementation of the economic agreement of 2 December 1994;

(c) Facilitating implementation of all relevant Security Council resolutions, including the functions identified in paragraph 72 of the above-mentioned report;

(d) Assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons over the international borders between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO is responsible, as specified in the United Nations peacekeeping plan for the Republic of Croatia;

(e) Facilitating the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia;

⁵³⁸ *Ibid.*, pp. 18-20.

⁵³⁹ S/1995/242.

(f) Monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992) of 6 October 1992;

4. *Requests* the Secretary-General to continue his consultations with all concerned on the detailed implementation of the mandate outlined in paragraph 3 above and to report to the Council not later than 21 April 1995 for its approval;

5. *Decides* that UNCRO shall be an interim arrangement to create the conditions that will facilitate a negotiated settlement consistent with the territorial integrity of the Republic of Croatia and guaranteeing the security and rights of all communities living in a particular area of the Republic of Croatia, irrespective of whether they constitute in this area a majority or minority;

6. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the United Nations Theatre Force Commander, using the existing procedures which have been agreed with the Secretary-General, all necessary measures to extend close air support to the territory of the Republic of Croatia in defence of UNCRO personnel in the performance of the UNCRO mandate, and requests the Secretary-General to continue to report to the Council on any use of close air support;

7. *Emphasizes* the responsibility of the parties and others concerned in the Republic of Croatia for the security and safety of UNCRO, and in this context demands that all parties and others concerned refrain from any acts of intimidation or violence against UNCRO;

8. *Calls upon* the Government of the Republic of Croatia and the local Serb authorities to refrain from the threat or use of force and to reaffirm their commitment to a peaceful resolution of their differences;

9. *Invites* the Secretary-General to report as appropriate and not less than every four months on progress towards a peaceful political settlement and the situation on the ground, including the ability of UNCRO to implement its mandate as described above, and undertakes in this connection to examine without delay any recommendations that the Secretary-General may make in his reports and adopt appropriate decisions;

10. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to UNCRO in the performance of its mandate;

11. *Stresses* the importance of the necessary arrangements, including agreements on the status of forces and other personnel, being concluded by the Republic of Croatia, calls upon it to agree to such arrangements without delay, and requests the Secretary-General to inform the Council of progress on this issue in the report mentioned in paragraph 4 above;

12. *Urges* the Government of the Republic of Croatia to provide suitable radio broadcasting frequencies and television broadcasting slots at no cost to the United Nations as described in paragraphs 47 to 51 of the report of the Secretary-General of 22 March 1995;

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

The second draft resolution⁵⁴⁰ was then put to the vote and adopted unanimously as resolution 982 (1995), which reads as follows:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, and reaffirming in this context its resolution 947 (1994) of 30 September 1994 on the mandate of the United Nations Protection Force and subsequent relevant resolutions,

Having considered the report of the Secretary-General of 22 March 1995,

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

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

Welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the efforts of Member States, in particular those of the Contact Group, and emphasizing the utmost importance of the work of the Contact Group in the overall peace process in the area,

Welcoming further the acceptance by the Government of the Republic of Bosnia and Herzegovina of the Contact Group peace plan,

Welcoming the agreements between the Bosnian parties on a ceasefire and on the complete cessation of hostilities in the Republic of Bosnia and Herzegovina, concluded on 23 and 31 December 1994, and the essential role the United Nations Protection Force plays in implementation of these agreements, and stressing the importance it places thereupon,

Wishing to encourage the efforts of the United Nations Protection Force, as part of its activities to facilitate an overall settlement of the conflict in the Republic of Bosnia and Herzegovina and as detailed in paragraphs 30 to 32 of the above-mentioned report of the Secretary-General, to help the

⁵⁴⁰ S/1995/243.

parties to implement the Washington agreements regarding the Federation of Bosnia and Herzegovina,

Recognizing the need for Member States to take appropriate steps to enhance the capacity of the United Nations Protection Force in the Republic of Bosnia and Herzegovina to execute its mandate as set out in the relevant resolutions of the Security Council, including providing the Secretary-General with all the resources authorized by previous resolutions of the Security Council,

Reiterating the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre, and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo and to achieving an overall settlement, consistent with the Contact Group peace plan,

Noting that the United Nations Protection Force plays an essential role in preventing and containing hostilities, thus creating the conditions for achieving an overall political settlement, and paying tribute to all Force personnel, especially those who have given their lives for the cause of peace,

Noting also that the mandate of the United Nations Protection Force expires on 31 March 1995, in conformity with resolution 947 (1994),

Noting further the letter dated 29 March 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General,

Noting the letter dated 17 March 1995 from the Permanent Representative of the Republic of Croatia to the United Nations regarding his Government's views on the continued presence of the United Nations Protection Force in the Republic of Croatia,

Paying tribute to the United Nations Protection Force personnel in the performance of the mandate of the Force, in particular in assisting the delivery of humanitarian assistance and monitoring the ceasefires,

Emphasizing that improved observance of human rights, including appropriate international monitoring thereof, is an essential step towards restoration of confidence between the parties and building a durable peace,

Reaffirming its determination to ensure the security of the United Nations Protection Force and freedom of movement for all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements contained in paragraph 84 thereof;

2. *Decides* to extend the mandate of the United Nations Protection Force in the Republic of Bosnia and Herzegovina for an additional period terminating on 30 November 1995, and further decides that all previous relevant resolutions relating to the Force shall continue to apply;

3. *Authorizes* the Secretary-General to redeploy before 30 June 1995 all United Nations Protection Force personnel and assets from the Republic of Croatia with the exception of those whose continued presence in the Republic of Croatia is required for United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, or for the functions referred to in paragraphs 4 and 5 below;

4. *Decides* that the United Nations Protection Force shall continue to perform fully the functions envisaged in the implementation of the ceasefire agreement of 29 March 1994 and the economic agreement of 2 December 1994 between the Republic of Croatia and the local Serb authorities and all relevant Security Council resolutions, including the functions identified in paragraph 72 of the report of the Secretary-General of 22 March 1995, and to facilitate the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia until the effective deployment of UNCRO or 30 June 1995, whichever is sooner;

5. *Decides* that the United Nations Protection Force shall retain its existing support structures in the Republic of Croatia, including the operation of its headquarters;

6. *Emphasizes* the responsibility of the parties and others concerned in the Republic of Croatia and the Republic of Bosnia and Herzegovina for the security and safety of the United Nations Protection Force, and in this context demands that all parties and others concerned refrain from any acts of intimidation or violence against the Force;

7. *Reiterates* the importance it attaches to full compliance with the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina, calls upon them to agree to a further extension and implementation of these agreements beyond 30 April 1995 and to use that period to negotiate an overall peaceful settlement on the basis of the acceptance of the Contact Group peace plan as a starting point, and further calls upon the Bosnian Serb party to accept this;

8. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Protection Force in the performance of its mandate;

9. *Calls upon* all parties and others concerned to comply fully with all Security Council resolutions regarding the situation in the former Yugoslavia to create the conditions that would facilitate the full implementation of the mandate of the United Nations Protection Force;

10. *Notes with satisfaction* the progress made in the discussions between the Government of the Republic of Bosnia

and Herzegovina and the United Nations referred to in paragraph 49 of the report of the Secretary-General of 22 March 1995, and urges the Government of the Republic of Bosnia and Herzegovina to provide suitable radio broadcasting frequencies and television broadcasting slots at no cost to the United Nations for the purposes described in paragraphs 47 to 51 of that report;

11. *Requests* the Secretary-General to keep the Council regularly informed of progress with regard to the implementation of the mandate of the United Nations Protection Force and to report, as necessary, on any developments on the ground, the attitude of the parties and other circumstances affecting the mandate of the Force, and in particular to report within eight weeks of the adoption of the present resolution, taking into account, inter alia, the concerns raised by the members of the Council and issues raised by the Government of the Republic of Bosnia and Herzegovina;

12. *Urges* the Government of the Republic of Bosnia and Herzegovina to implement fully the provisions of the status-of-forces agreement of 15 May 1993 between that Government and the United Nations;

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

The third draft resolution⁵⁴¹ was then put to the vote and adopted unanimously as resolution 983 (1995), which reads:

The Security Council,

Recalling its resolution 795 (1992) of 11 December 1992 and all subsequent relevant resolutions,

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

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Recalling its concern about possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory,

Welcoming the positive role played by the United Nations Protection Force in the former Yugoslav Republic of Macedonia, and paying tribute to the personnel of the Force in the performance of its mandate in the former Yugoslav Republic of Macedonia,

Taking note of the report of the Secretary-General of 22 March 1995,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements contained in paragraph 84 thereof;

2. *Decides* that the United Nations Protection Force within the former Yugoslav Republic of Macedonia shall be known as the United Nations Preventive Deployment Force, with the mandate set out in paragraph 85 of the report of the Secretary-General of 22 March 1995, and that the mandate of the United Nations Preventive Deployment Force shall continue for a period terminating on 30 November 1995;

3. *Urges* the United Nations Preventive Deployment Force to continue the current cooperation between the United Nations Protection Force and the mission of the Organization for Security and Cooperation in Europe;

4. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Preventive Deployment Force in the performance of its mandate;

5. *Requests* the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate of the United Nations Preventive Deployment Force;

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

Speaking after the vote, the representative of the United States stated that the creation of the new force in Croatia underlined the Council's commitment to the sovereignty and territorial integrity of that country within its internationally recognized borders. His Government was concerned that goods were crossing those borders in violation of paragraph 12 of resolution 820 (1993), without Croatia's permission or knowledge. In Bosnia, his Government was concerned by the recent violations of the ceasefire. With regard to Bosnia and Herzegovina, the speaker noted that the presence of United Nations forces there was not an end in itself: to have meaning, it must contribute to political progress. Such progress was dependent, in turn, on the will of the parties. Here the responsibilities for failure rested on the Bosnian Serb party for its unwillingness to enter into negotiations on the basis of the Contact Group Plan. He stated that the changes to UNPROFOR acknowledged that the circumstances in the three countries differed and that specifically tailored mandates were required. At the same time, by retaining important links between the forces the Council was recognizing that tensions and conflict in the region were closely connected and that the efficiency of the operations was essential.⁵⁴²

⁵⁴¹ S/1995/244.

⁵⁴² S/PV.3512, pp. 20-22.

The representative of France stated that the resolution just adopted, in relation to the situation in Croatia, should permit UNCRO to carry out several essential missions: implementation of the ceasefire agreement, the application of the Economic Agreement, and the monitoring of Croatia's international borders, which reflected the Council's concern that its sovereignty and territorial integrity be preserved. Keeping UNPROFOR in Bosnia and Herzegovina was not an end in itself. Its sole purpose was to facilitate the conclusion of a political settlement. Referring to the restructuring of UNPROFOR into three distinct operations, the speaker stated that his delegation was satisfied that the solution chosen preserved the unity of command and political leadership over the entire theatre, as well as the logistical and organizational interrelationship between the three Forces. His delegation believed that respect for that principle of unity strengthened both the security of the troops deployed and the means available to the United Nations. It emphasized that the theatre commander must continue to exercise full authority over all the Blue Helmets deployed throughout the territories of successor States to the former Yugoslavia. That meant that the civilian authorities under the Special Representative of the Secretary-General would not assume responsibilities within the chain of military command, and that the theatre commander would have full responsibility for the implementation of the three mandates entrusted to the United Nations forces.⁵⁴³

The representative of the United Kingdom noted that UNCRO would need to continue to monitor the ceasefire, which was vital to continued stability, and it would also need to facilitate the implementation of the Economic Agreement and monitor Croatia's internationally recognized borders. The United Kingdom remained fully committed to Croatia's sovereignty and territorial integrity. At the same time, it was essential that a satisfactory autonomous status and protection for individual rights be firmly established for the Krajina Serbs. The deployment of UNCRO would clear the way for further talks on economic normalization and on a political solution. In Bosnia, the United Kingdom appealed to all sides to show restraint and to cooperate with UNPROFOR in implementing the cessation-of-hostilities agreement, which should be extended in order to permit the political process to continue. The United Kingdom also

⁵⁴³ Ibid., pp. 22-23.

urged the parties to respond constructively to the proposals of the Contact Group.⁵⁴⁴

The President, speaking in his capacity as the representative of China, reiterated China's position that the sovereignty and territorial integrity of the States of the region should be respected. Settlement of the conflict would ultimately depend on the peoples of the region themselves and must be achieved through peaceful means, with the United Nations peacekeeping operations playing only a complementary role. China hoped that the division of UNPROFOR into three parts, as proposed by the Secretary-General, would give further impetus to the political settlement process. For those reasons, the Chinese delegation had voted in favour of the three resolutions just adopted. The President stated that the United Nations peacekeeping operations should conform strictly to the purposes and principles of the Charter and should enjoy the consent and support of the parties concerned. He also reiterated China's reservations in relation to enforcement action and the use of force in peacekeeping operations under Chapter VII of the Charter.⁵⁴⁵

**Decision of 16 June 1995 (3543rd meeting):
resolution 998 (1995)**

On 30 May 1995, pursuant to resolutions 982 (1995) and 987 (1995), the Secretary-General submitted to the Council a report on UNPROFOR.⁵⁴⁶

The Secretary-General reported that hostilities had intensified in and around Sarajevo, particularly after the expiry of the cessation-of-hostilities agreement on 1 May 1995, despite the persistent efforts of his Special Representative to obtain its renewal. That had led to the sustained use of heavy weapons by the two sides, increased civilian and UNPROFOR casualties and mounting calls for stricter enforcement of the exclusion zone. As previous measures had failed and as neither side had appeared ready to stop fighting, UNPROFOR had decided to use all available means to restore compliance with the Sarajevo agreement of February 1994. At the expiration of an ultimatum by UNPROFOR addressed to both parties, air strikes had taken place on 25 and 26 May 1995. Bosnian Serb forces had reacted by surrounding additional weapons collection points, taking United Nations military

⁵⁴⁴ Ibid., pp. 24-25.

⁵⁴⁵ Ibid., p. 28.

⁵⁴⁶ S/1995/444.

observers into custody and using a number of them as human shields and by cutting electricity to the city. A relative calm had eventually prevailed in Sarajevo at a high cost for UNPROFOR. The ability of UNPROFOR, however, to operate effectively throughout Bosnia and Herzegovina was seriously compromised.

The Secretary-General noted that UNPROFOR remained deployed in a war situation where there was no peace to keep. Its position was complicated by the fact that its original peacekeeping mandate, which could not be implemented without the cooperation of the parties, had gradually been enlarged to include elements of enforcement, which caused it to be seen as a party to the conflict. The safe-areas mandate, for instance, required it to cooperate and negotiate with a party upon whom it was also expected to call air strikes. Similarly, the United Nations had imposed sanctions upon one party, whilst at the same time sending out a Force that was obliged to work with the consent and cooperation of that party. The result was that Bosnian Serb leaders had largely withdrawn their consent and cooperation from UNPROFOR, declaring that they were applying their own “sanctions” to the United Nations in response to United Nations sanctions on them. As a result of those contradictions, UNPROFOR found itself in an intolerable predicament. Urgent measures needed to be taken to release the hostages, to adapt the UNPROFOR mandate and its implementation to the political and operational realities on the ground and to relaunch the peace process.

The Secretary-General presented four options as to the future role of UNPROFOR: withdraw UNPROFOR, leaving only a small political mission, if the parties so wished; retain its existing tasks and methods; change the existing mandate to permit the greater use of force; or revise the mandate to include only those tasks that a peacekeeping operation could realistically be expected to perform in the circumstances prevailing in Bosnia and Herzegovina. The Secretary-General was of the opinion that the fourth option would give UNPROFOR a realistic mandate.

By a letter dated 9 June 1995 addressed to the President of the Security Council,⁵⁴⁷ the Secretary-General conveyed a proposal by the Governments of France, the Netherlands and the United Kingdom to

⁵⁴⁷ S/1995/470 and Add.1.

provide military reinforcements for UNPROFOR in order to reduce the vulnerability of its personnel and enhance its capacity to carry out its mandate.⁵⁴⁸ The three Governments had made it clear that their intention was that the reinforced UNPROFOR would continue to be a peacekeeping mission. The Secretary-General noted that the proposal would provide the Commander of UNPROFOR with well-armed and mobile forces, with which to respond promptly to threats to United Nations personnel. He therefore recommended that the Security Council accept the proposal, as it would enhance the ability of UNPROFOR to continue its humanitarian efforts, with less danger to its personnel. In order to accommodate the additional troops that would be required under the reinforcements, the Council would need to increase the authorized UNPROFOR troop levels by 12,500.

At its 3543rd meeting, on 16 June 1995, the Council included the above-mentioned report and letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Malaysia and Turkey, at their request, to participate in the discussion without the right to vote. The President (Germany) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Honduras, the Netherlands, Oman and the United Kingdom.⁵⁴⁹ He also read out a revision that had been made to the draft in its provisional form, and referred to several other documents.⁵⁵⁰

The representative of Bosnia and Herzegovina stated that the measures offered to his country by the United Nations, which had helped to sustain its people, had almost totally “evaporated”. Sarajevo, Srebrenica, Zepa, Gorazde and Bihac were being denied any humanitarian assistance, and the “stranglehold” was

⁵⁴⁸ S/1995/470, annex.

⁵⁴⁹ S/1995/478.

⁵⁵⁰ Identical letters dated 12 June 1995 from the representative of Morocco addressed to the Secretary-General and the President of the Security Council (S/1995/477); letter dated 12 June 1995 from the representative of Kazakhstan addressed to the Secretary-General (S/1995/480); and letter dated 14 June 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting the text of a letter of the same date from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/483).

tightening without response. Furthermore, Serbian forces had become so emboldened as to take United Nations personnel as human shields. In addition, the exclusion zone was being violated by the Serbs and ignored by those who were obligated to enforce it. The Government of Bosnia and Herzegovina looked forward to the deployment of the rapid-reaction force and expected that it would enable the United Nations mission to be fully and faithfully implemented.⁵⁵¹

The representative of Malaysia stated that by taking United Nations peacekeepers hostage and defying Security Council resolutions, the Bosnian Serbs were giving the impression that the United Nations, and in particular the Security Council, was ineffective in addressing a threat to international peace and security. His delegation did not agree with the attempt to characterize UNPROFOR as merely a peacekeeping operation and to downplay the Force's mandate relating to its enforcement responsibilities. The UNPROFOR mandate had been clearly spelled out in the relevant Security Council resolutions, including in the context of Chapter VII of the Charter and its enforcement. He further stated that the existing mandate was suffering from a lack of implementation, and UNPROFOR should be provided with the means necessary for its full implementation. Of the four options proposed by the Secretary-General, the Malaysian delegation favoured option C, being of the view that assertive action could be taken without changing the existing mandate. It did not agree that option D was the way to move forward and argued that that option would weaken the UNPROFOR mandate rather than strengthen it. Malaysia welcomed the establishment of the rapid reaction capacity to assist UNPROFOR in the robust implementation of its mandate. The rapid reaction capacity should also be used for the protection of the civilian population, particularly in the safe areas, with air support from NATO, in addition to the protection of UNPROFOR personnel. The rapid reaction capacity should also establish land corridors for humanitarian aid. It was also necessary to withdraw the United Nations military observers, who had become "pawns" in the Serb strategy to embarrass the United Nations. Malaysia also stressed the need for security guarantees for the Bosnian Government in terms of its right to self-

defence, as provided for in the Charter, including by lifting the arms embargo.⁵⁵²

The representative of Egypt commented on some aspects of the Secretary-General's report. First, in order to ensure the credibility of the United Nations and to force the Serb party to respect international legality, the provisions of the Charter should be applied, and the resolutions of the Council should be implemented. Secondly, the international community must not accept the demilitarization of the safe areas. While the purpose of the safe area was to provide international protection for the territories and their population, their demilitarization would mean that they would be under the Serb forces' domination if the international forces withdraw or were unable to ensure their defence. Thirdly, the options available to the Council must be studied in the light of the detailed information contained in the report, because the four operations could not be studied in isolation from other options and possibilities. The third option would presuppose a strengthening of the mandate, but it would also mean modifying that mandate. That was not possible because the current mandate of UNPROFOR was sufficient. Lastly, Egypt supported the conclusions of the Secretary-General that the international mediation efforts had come to a standstill, and that the Council should therefore reassess the situation and adopt another initiative to relaunch the peace process.⁵⁵³

The representative of Croatia stated that his country welcomed the establishment of the rapid reaction force and was ready to provide logistical support. It was Croatia's understanding that, while the rapid reaction force would use some command and logistic facilities on the territory of Croatia, its theatre of operation would be exclusively on the territory of Bosnia and Herzegovina. The Government of Croatia was of the firm view that any operational use of the rapid reaction force on Croatian territory could proceed only with its prior consent.⁵⁵⁴

The representative of Turkey stated that the international community was committed, under General Assembly and Security Council resolutions, to preserving the territorial integrity, unity and independence of Bosnia and Herzegovina. He noted

⁵⁵¹ S/PV.3543, pp. 2-3.

⁵⁵² *Ibid.*, pp. 3-5.

⁵⁵³ *Ibid.*, pp. 5-6.

⁵⁵⁴ *Ibid.*, pp. 6-7.

that almost all of the Security Council resolutions on Bosnia and Herzegovina referred to Chapter VII of the Charter and he contended that UNPROFOR had been established as a protection force and had therefore never been a traditional peacekeeping force. It was the strong conviction of his Government that UNPROFOR should be reinforced so that it could implement its existing mandate robustly and in full. Noting that the Force's commitment to protect the safe areas pursuant to resolutions 824 (1993) and 836 (1993) had yet to be carried out, he argued that UNPROFOR needed to be strengthened in such a way as to enable it to act vigorously to deter attacks on the safe areas. His delegation also supported the establishment of the rapid reaction force.⁵⁵⁵

Speaking before the vote, the representative of Nigeria observed that, although all arguments seemed to militate in favour of a total withdrawal of the United Nations from Bosnia and Herzegovina, there was agreement that Bosnia should not be abandoned, that humanitarian assistance must continue to be rendered and that the civilian populations must be protected to the extent possible. There was also agreement that the war must be contained and that the credibility of the United Nations must not be allowed to suffer irreparably through a precipitate withdrawal. The Security Council's response to the report of the Secretary-General — to increase the number of troops in Bosnia to protect UNPROFOR better and enhance its ability to discharge its duties — did not answer some of the pertinent questions raised by the Secretary-General. Nigeria would go along with the draft resolution, however, due to its belief that countries in the region had a primary responsibility to resolve the crisis, and in the light of its commitment not to abandon Bosnia as it tried to defend its sovereignty and territorial integrity. The Government of Nigeria also hoped that initiatives on the diplomatic political track would resume and would be pursued with vigour.⁵⁵⁶

The representative of the Russian Federation stated that, while measures must be taken to prevent attacks against United Nations personnel, the main lessons to be drawn from the Bosnian crisis were that the use of force was not a panacea, and that decisive action was needed to achieve a breakthrough for a political settlement. In principle, the Russian

Federation favoured enhancing the security of United Nations personnel, including through providing UNPROFOR with a rapid reaction capability. Strengthening the Force's ability to protect the lives and safety of its peacekeepers, however, should in no way make them a party to the conflict. Referring to the draft resolution, the speaker noted that it was of paramount importance that it called for the maintenance of the impartial, peacekeeping nature of UNPROFOR. He further noted that the sponsors of the draft resolution did take into account several proposals by the Russian Federation. The draft resolution, however, did not manage to avoid the impression that the rapid reaction force was intended to operate against one of the Bosnian parties. While sharing the anger of others over the inadmissible acts that had been committed by the Bosnian Serbs, his delegation could not fail to note that the Government of Bosnia and Herzegovina bore responsibility for provocations, for violating agreements and for direct attacks on UNPROFOR. His delegation had also proposed a reference to the inadmissible violations of the arms embargo in the former Yugoslavia, but it had not been incorporated. The Security Council must take genuine steps to put an end to such violations. The Russian Federation was also concerned at the haste with which the draft resolution had been brought before the Council, meaning that the Council had not had time to agree on reliable guarantees against attempts to use the rapid reaction force to involve UNPROFOR in the conflict. In the light of those circumstances, the Russian Federation would be forced to abstain in the voting.⁵⁵⁷

The representative of Indonesia stated that his delegation endorsed the paramount objective of the draft resolution, which was to provide UNPROFOR with the necessary means to implement its mandate. The establishment of the rapid reaction force was an important step in pursuing that objective. Although the support and cooperation of the parties was a prerequisite for any peacekeeping operation, in the case of Bosnia and Herzegovina that requirement had been manipulated by the Bosnian Serbs, thereby eroding the authority of UNPROFOR. It was necessary to address such tactics with decisiveness, in order to ensure the effective implementation of Security Council resolutions. The deployment of a rapid reaction force should enhance the capability of

⁵⁵⁵ *Ibid.*, pp. 7-8.

⁵⁵⁶ *Ibid.*, pp. 8-9.

⁵⁵⁷ *Ibid.*, pp. 9-11.

UNPROFOR to ensure the security of the civilian population in the safe areas, which was one of its most important tasks. While his delegation was cognizant of the calls for the demilitarization of safe areas as a means to enhance the protection of the civilian population therein, it believed, however, that demilitarization which was confined to the safe areas was inherently unjust. It was tantamount to depriving the victims of the necessary means to protect themselves while leaving the aggressors free to continue and intensify their attacks from the surrounding areas. It was in that context that the Non-Aligned Movement caucus had proposed that demilitarization based on mutual agreements should apply not only to safe areas, but also to their immediate surroundings. The speaker further emphasized that the demilitarization of the safe areas and their surrounding areas should be carried out with due regard for the need to respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, in accordance with the Charter of the United Nations, including its right to defend itself.⁵⁵⁸

The representative of Honduras stated that the purpose of UNPROFOR was to keep the peace, not to impose it. A revision of the Force's mandate in order to allow it to take military action without the cooperation of one of the parties or to ensure the protection of its own personnel was not a viable possibility. His delegation supported the proposal for the integration of a rapid reaction force under United Nations command and available to UNPROFOR, not only because its objective was to strengthen the Force's capacity to fulfil its mandate, but also because it would enable UNPROFOR to continue as a peacekeeping operation. Referring to the question of the safe areas, the speaker argued that the military presence of the parties in the "safe areas" was totally inconsistent with the fundamental principles that should govern those areas. His delegation therefore agreed with the provisions of the draft resolution relating to the need to demilitarize the safe areas by mutual agreement.⁵⁵⁹

The representative of China stated that the establishment of the rapid reaction force under Chapter VII of the Charter was for the purpose of enforcement actions and therefore brought about a de facto change in the status of UNPROFOR. Once the force was put

into action, UNPROFOR was bound to become a party to the conflict, thus depriving it of its status as a peacekeeping force. The establishment of the rapid reaction force would also increase substantially the peacekeeping expenditure of the United Nations. Given that the United Nations was experiencing a financial crisis, it was all the more necessary for the Security Council to act within the means available to it, without wilfully increasing the burden of the States Members of the United Nations. It was neither appropriate nor desirable to finance the establishment of the rapid reaction force from the United Nations peacekeeping budget. The Chinese delegation could not support the draft resolution, since many of its elements ran counter to its principled position. Taking into account, however, the fact that many developing countries wished the Security Council to take appropriate measures to alleviate the situation in Bosnia and Herzegovina, as well as the fact that the draft resolution stressed the importance of a political settlement and of protecting the security of United Nations personnel, and as the draft had incorporated some of its proposed amendments, China would abstain from the subsequent vote.⁵⁶⁰

The representative of the Czech Republic stated that the draft resolution preserved the peacekeeping nature of UNPROFOR. It was easy to argue that there was no peace to keep in Bosnia and Herzegovina. The important aspect, however, was that, peace or not, UNPROFOR was not turning into a peacemaking or a peace-enforcement operation. The Czech delegation was satisfied that Chapter VII of the Charter was invoked only in the context of the Force's self-defence and freedom of movement. The Security Council would therefore be emphasizing once more, through the draft resolution, that peaceful negotiations, not war, were the way to settle the conflict.⁵⁶¹

The representative of the United States stated that her Government supported the deployment of a rapid reaction force for the purpose of defending UNPROFOR personnel and enabling the peacekeeping mission to fulfil its mandate in a more robust and successful fashion. However, because of the enormous cost of UNPROFOR and the existing budgetary situation in Washington, the United States could not agree to funding the rapid deployment force through

⁵⁵⁸ Ibid., pp. 11-12.

⁵⁵⁹ Ibid., pp. 12-13.

⁵⁶⁰ Ibid., pp. 13-14.

⁵⁶¹ Ibid., pp. 15-16.

the normal United Nations peacekeeping assessment process. Nevertheless, it stood ready to consider all reasonable alternatives.⁵⁶²

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 998 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Reaffirming the mandate of the United Nations Protection Force as referred to in resolution 982 (1995) of 31 March 1995 and the need for its full implementation,

Having considered the report of the Secretary-General of 30 May 1995,

Having considered also the letter dated 9 June 1995 from the Secretary-General to the President of the Security Council and the annex thereto,

Noting that the rapid reaction force referred to in the above-mentioned letter will be an integral part of the existing United Nations peacekeeping operation and that the status of the United Nations Protection Force and its impartiality will be maintained,

Deeply concerned by the continuing armed hostilities in the territory of the Republic of Bosnia and Herzegovina,

Expressing its deep regret that the situation in the Republic of Bosnia and Herzegovina has continued to deteriorate and that the parties were not able to agree to a further ceasefire following the breakdown of the ceasefire agreement of 23 December 1994 and its subsequent expiration on 1 May 1995,

Gravely concerned that the regular obstruction of deliveries of humanitarian assistance, and the denial of the use of Sarajevo airport by the Bosnian Serb side threaten the ability of the United Nations in Bosnia and Herzegovina to carry out its mandate,

Condemning in the strongest possible terms all attacks by the parties on United Nations Protection Force personnel,

Condemning also the increasing attacks on the civilian population by Bosnian Serb forces,

Determined to enhance the protection of the United Nations Protection Force and to enable it to carry out its mandate,

Noting the letter dated 14 June 1995 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council, welcoming the reinforcement of the United Nations Protection Force,

Stressing the importance at this juncture of renewed efforts to achieve an overall peaceful settlement,

Underlining once again the urgent need for acceptance by the Bosnian Serb party of the Contact Group peace plan as a starting point, opening the way to the negotiation of such an overall peaceful settlement,

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

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

Determining that the situation in the former Yugoslavia continues to be a threat to international peace and security,

Reaffirming its determination to ensure the security of the United Nations Peace Forces/United Nations Protection Force and freedom of movement for the accomplishment of all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Bosnian Serb forces release immediately and unconditionally all remaining detained United Nations Protection Force personnel, and further demands that all parties fully respect the safety of Force personnel and others engaged in the delivery of humanitarian assistance and ensure their complete freedom of movement;

2. *Emphasizes* that there can be no military solution to the conflict, stresses the importance it attaches to vigorous pursuit of a political settlement, and reiterates its demand that the Bosnian Serb party accept the Contact Group peace plan as a starting point;

3. *Calls upon* the parties to agree without further delay to a ceasefire and a complete cessation of hostilities in the Republic of Bosnia and Herzegovina;

4. *Demands* that all parties allow unimpeded access for humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina and, in particular, to the safe areas;

5. *Demands also* that the Bosnian Serb forces comply immediately with the agreement of 5 June 1992 and ensure unimpeded access by land to Sarajevo;

6. *Demands further* that the parties respect fully the status of the safe areas and, in particular, the need to ensure the safety of the civilian population therein;

7. *Underlines* the need for a mutually agreed demilitarization of the safe areas and their immediate surroundings and the benefits this would bring to all parties in terms of the cessation of attacks on the safe areas and of launching military attacks therefrom;

8. *Encourages*, in this context, the Secretary-General further to intensify efforts aimed at reaching agreement with the parties on the modalities for demilitarization, taking particular

⁵⁶² Ibid., pp. 16-17.

account of the need to ensure the safety of the civilian population, and calls upon the parties to cooperate fully with these efforts;

9. *Welcomes* the letter dated 9 June 1995 from the Secretary-General on the reinforcement of the United Nations Protection Force and the establishment of a rapid reaction capacity to enable the United Nations Peace Forces/United Nations Protection Force to carry out its mandate;

10. *Decides* accordingly to authorize an increase in United Nations Peace Forces/United Nations Protection Force personnel, acting under the present mandate and on the terms set out in the above-mentioned letter, by up to 12,500 additional troops, the modalities of financing to be determined later;

11. *Authorizes* the Secretary-General to carry forward the implementation of paragraphs 9 and 10 above, maintaining close contact with the Government of the Republic of Bosnia and Herzegovina and others concerned;

12. *Requests* the Secretary-General, in taking any decisions with respect to the deployment of United Nations Protection Force personnel, to take full account of the need to enhance their security and minimize the dangers to which they might be exposed;

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

Speaking after the vote, the representative of the United Kingdom welcomed the resolution just adopted. The increase in reinforcements would provide United Nations commanders, for the first time, with a credible rapid reaction capability. He argued that it was clear that the UNPROFOR mission remained one of peacekeeping. Its purpose was to facilitate the delivery of humanitarian aid, to assist the parties in developing and implementing ceasefire agreements and to provide a “breathing space” for the political process. His Government was determined to do everything possible to ensure that UNPROFOR was able to remain in Bosnia. But, ultimately, whether it did so was up to the parties themselves, UNPROFOR could only be successful if it had the continued consent and cooperation of all sides. The speaker, however, warned that if the parties instead insist on embracing the military option, if UNPROFOR was prevented from carrying out its tasks or it faced unacceptable risks, then there might be no choice but to withdraw UNPROFOR. Turning to the draft resolution, he speaker noted that his delegation had accepted the addition of the words at the end of paragraph 10 because it understood the domestic political difficulties facing the United States at that time. He argued,

however, that the Security Council had no locus to take decisions on financial questions, as the Charter reserved to the General Assembly the responsibility for budgetary and financial matters. Therefore, the amendment of paragraph 10 could not change the financial procedures followed by the Organization.⁵⁶³

The representative of France stated that providing UNPROFOR with new means had a twofold objective, to assure the security of its personnel and to enable UNPROFOR to fulfil its mission. He emphasized that the Force’s nature would not change. The elements of the rapid reaction force would act in support of UNPROFOR within the framework of its mandate. The missions of that force would consist essentially of emergency actions to help isolated or threatened units to help in the redeployment of UNPROFOR elements in order to make them less vulnerable or facilitate their freedom of movement. He noted that the resolution contained a provision relating to the subsequent determination of the financial modalities and stated that his country understood that provision to mean that it was not up to the Council itself to establish the modalities for financing an operation upon which it had decided. In view of the serious difficulties faced by UNPROFOR on the ground, the Governments of France, the United Kingdom and the Netherlands, rather than electing to withdraw from Bosnia, had proposed that additional means be made available to the United Nations. The Government of France expected these new means to be used judiciously, but not weakly.⁵⁶⁴

The representative of Argentina stated that his delegation agreed with the Secretary-General that the peace process should be relaunched and intensified through new political initiatives. It therefore attached particular importance to paragraph 2 of the resolution just adopted. Referring to the rapid reaction force, the speaker argued that the use of force should be restricted to self-defence and should be engaged in with great care, lest the line between peacekeeping and peace enforcement be crossed.⁵⁶⁵

⁵⁶³ *Ibid.*, pp. 17-19.

⁵⁶⁴ *Ibid.*, pp. 19-20.

⁵⁶⁵ *Ibid.*, pp. 21-22.

**Decision of 19 August 1995 (3568th meeting):
statement by the President**

By a letter dated 17 August 1995 addressed to the President of the Security Council,⁵⁶⁶ the Secretary-General reported that his Special Representative for the former Yugoslavia and the UNPF/UNPROFOR Force Commander had undertaken consultations with the Governments of Bosnia and Herzegovina and Croatia, with a view to facilitating the deployment of the additional troops authorized by the Council under resolution 998 (1995) and the freedom of movement of the units of the rapid reaction force. Both Governments had taken the position that the additional troops were not part of the UNPF/UNPROFOR and were therefore not covered by the relevant status-of-forces agreement. The Governments further maintained that resolution 998 (1995) had been adopted after the conclusion of the status-of-forces agreement. The Special Representative had outlined the position of the United Nations, which was that the Council's decision to authorize the addition of the rapid reaction force did not exclude the expanded UNPF/UNPROFOR from the scope of the status-of-forces agreement. Once the Council had authorized a peacekeeping operation, it could at any time reduce or expand the strength of the operation, without having to conclude additional agreements. The Secretary-General warned that the position of the two Governments had delayed the deployment of the rapid reaction force, which could have serious consequences for the United Nations forces already deployed. Furthermore, the local Croat authorities in Bosnia and Herzegovina had been demanding that the United Nations sign an agreement with them governing the status of the rapid reaction force. The United Nations was of the view that the status-of-forces agreement was applicable throughout the entire territory, and it was not necessary to enter into such an agreement with the Federation of Bosnia and Herzegovina. The Special Representative had suggested to the Bosnian authorities that supplementary arrangements, as envisaged in article VIII of the existing status-of-forces agreement, be concluded to cover the issues in question. The United Nations would require that the supplementary arrangements contain a clause providing that, in the event of conflict between the supplementary arrangements and the status-of-forces agreement, the latter should prevail.

⁵⁶⁶ S/1995/707.

At its 3568th meeting, on 19 August, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a letter dated 18 August 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council⁵⁶⁷ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵⁶⁸

The Security Council is deeply concerned by the contents of the letter dated 17 August 1995 from the Secretary-General regarding the continued impediments to the functioning and deployment of the rapid reaction force established by resolution 998 (1995) of 16 June 1995. The Council reaffirms in this regard that the rapid reaction force is an integral part of the United Nations Peace Forces/United Nations Protection Force and that its deployment is crucial for the strengthening of the capacity of the United Nations Protection Force to carry out its mandate in the Republic of Bosnia and Herzegovina. It shares the Secretary-General's view that the existing status-of-forces agreements constitute an appropriate and sufficient basis for the presence of the United Nations Peace Forces/United Nations Protection Force, including the rapid reaction force. The Council is deeply concerned at the implications of the continued impediments to the functioning of the rapid reaction force for the effectiveness of the United Nations mission in the Republic of Bosnia and Herzegovina. It calls upon the Governments of the Republic of Croatia and the Republic of Bosnia and Herzegovina immediately to remove all impediments and to give clear undertakings concerning the freedom of movement and provision of facilities for the rapid reaction force, in order that it may perform its tasks without further delay. It further calls upon them to resolve forthwith within the framework of the existing status-of-forces agreements any outstanding difficulties with the relevant United Nations authorities. The Council supports fully the efforts of the Secretary-General in this matter and will return to this question in the light of a further report which the Council requests the Secretary-General to submit no later than 24 August 1995.

**Decision of 2 December 1993: letter from the
President to the Secretary-General**

By a letter dated 1 December 1993 addressed to the President of the Security Council,⁵⁶⁹ the Secretary-General referred to the senior-level staffing of the

⁵⁶⁷ S/1995/710.

⁵⁶⁸ S/PRST/1995/40.

⁵⁶⁹ S/26838.

United Nations peacemaking and peacekeeping efforts related to the former Yugoslavia. He recalled that in May 1993 Mr. Thorvald Stoltenberg had been appointed as both Special Representative of the Secretary-General and Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia. At that time it had been hoped that the Vance-Owen plan for Bosnia and Herzegovina would shortly be agreed and that thereafter the main focus of United Nations activities in the former Yugoslavia would be implementation of that plan on the ground, together with continuing efforts to implement the Vance plan related to the United Nations Protected Areas in Croatia. However, as the members of the Council were aware, the Vance-Owen plan had not been accepted and Mr. Stoltenberg remained heavily engaged in continuing negotiations. That had left him insufficient time to carry out in full the functions of Special Representative of the Secretary-General and Chief of Mission of UNPROFOR. Accordingly, and after consulting Mr. Stoltenberg and contacting the heads of Government and other parties directly concerned in the former Yugoslavia, the Secretary-General had come to the conclusion that the resumption of negotiations in Geneva, following the meeting there between the Foreign Ministers of the European Union, the Co-Chairmen of the Steering Committee of the Conference and the parties on 29 November 1993, made it necessary to separate the functions of Co-Chairman of the Steering Committee and Special Representative. Therefore, it was the Secretary-General's intention that Mr. Stoltenberg should continue to serve as Co-Chairman and that Mr. Yasushi Akashi, until recently the Secretary-General's Special Representative for Cambodia, should be appointed to the post of Special Representative for the former Yugoslavia and Chief of Mission of UNPROFOR. The Secretary-General further stated that he had so informed the heads of Government and other parties directly concerned in the former Yugoslavia.

By a letter dated 2 December 1993,⁵⁷⁰ the President of the Security Council informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 1 December 1993 concerning the staffing of the United Nations peace keeping and peacemaking efforts in the former Yugoslavia has been brought to the attention of the members of the Council.

⁵⁷⁰ S/26839.

They take note of the information contained in your letter and agree with the proposal mentioned therein.

E. Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia

Initial proceedings

Decision of 22 February 1993 (3175th meeting): resolution 808 (1993)

At its 3175th meeting, on 22 February 1993, the Security Council included the item entitled "Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia" in its agenda. The Council also included the following documents in its agenda: a letter dated 10 February 1993 from the representative of France addressed to the Secretary-General, transmitting the report of a Committee of French jurists set up to study the establishment of an international criminal tribunal to judge the crimes committed in the former Yugoslavia;⁵⁷¹ a letter dated 16 February 1993 from the representative of Italy addressed to the Secretary-General, forwarding a draft statute for a tribunal for war crimes and crimes against humanity committed in the territory of the former Yugoslavia;⁵⁷² and a letter dated 18 February 1993 from the representative of Sweden addressed to the Secretary-General, transmitting the decision by the States of the Conference on Security and Cooperation in Europe (CSCE) on a proposal for an international war crimes tribunal for the former Yugoslavia made by the Rapporteurs under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia.⁵⁷³

Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The

⁵⁷¹ S/25266.

⁵⁷² S/25300.

⁵⁷³ S/25307.

President (Morocco) then drew the attention of the Council members to several documents,⁵⁷⁴ and to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁵⁷⁵

Speaking before the vote, the representative of Brazil stated that the information gathered by the Commission of Experts and by the Special Rapporteur of the Commission on Human Rights had provided substantial evidence of grave breaches of humanitarian law being committed on a massive scale and in a systematic fashion. The international community could not allow that to continue unpunished. These grave breaches of the most elementary norms of humanity must be treated as what they were: criminal acts, crimes against women and children and other defenceless victims, but also crimes against humanity. Brazil favoured strong action to ensure the full ascertainment of the truth about each of the cases of war crimes and crimes against humanity committed in the territory of the former Yugoslavia and, in that regard, supported the establishment of an international criminal tribunal to bring to justice the individuals found to be responsible for such "abominable acts".

The speaker further observed that it was of particular importance that the international tribunal should rest on a solid legal foundation, in order to ensure the effectiveness of its actions. Addressing the question of the best method for establishing an ad hoc international criminal tribunal, he noted that the authority of the Security Council was not self-constituted but originated from a delegation of powers by the whole membership of the Organization. The Security Council, in the exercise of its responsibilities, acted on behalf of the States Members of the United

Nations, in accordance with Article 24 (1) of the Charter. Its powers could not be created, recreated or reinterpreted by decisions of the Council itself, but must be based on specific Charter provisions. Because the Council exercised a delegated responsibility, the task of interpreting its competence called for extreme caution, in particular when invoking Chapter VII of the Charter. The Security Council should play a strong and positive role in promoting the implementation of the various elements that would contribute to the peace efforts developed by the International Conference on the Former Yugoslavia, but that role should remain within the scope of the powers expressly granted to the Security Council in accordance with the Charter. In a rapidly changing world, Brazil considered it increasingly important to promote the rule of law in international relations by acting to ensure strict respect for the provisions of the Charter and other norms of international law.⁵⁷⁶

The representative of China stated that his delegation supported the thrust of the draft resolution and would therefore vote in favour. That vote would not, however, prejudice China's position on future Security Council actions on the subject.⁵⁷⁷

The draft resolution was then put to the vote and adopted as resolution 808 (1993), which reads:

The Security Council,

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

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law, in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

Recalling also its resolution 771 (1992) of 13 August 1992, in which, inter alia, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,

Recalling further its resolution 780 (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial commission of experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the commission may obtain, with a view

⁵⁷⁴ Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia (S/25221); letter dated 9 February 1993 from the Secretary-General addressed to the President of the Security Council, transmitting the interim report of the Commission of Experts established pursuant to resolution 780 (1992) to provide the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia (S/25274); and letter dated 2 February 1993 from the representative of Denmark addressed to the Secretary-General, forwarding the final report of the investigative mission into the treatment of Muslim women in the former Yugoslavia (S/25240).

⁵⁷⁵ S/25314.

⁵⁷⁶ S/PV.3175, pp. 4-7.

⁵⁷⁷ *Ibid.*, p. 7.

to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

Having considered the interim report of the Commission of Experts established pursuant to resolution 780 (1992), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuance of the practice of "ethnic cleansing",

Determining that this situation constitutes a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal,

Taking note with grave concern of the report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia,

Taking note of the report of the committee of jurists submitted by France, the report of the commission of jurists submitted by Italy, and the report transmitted by the Permanent Representative of Sweden on behalf of the Chairman in Office of the Conference on Security and Cooperation in Europe,

1. *Decides* that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than sixty days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

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

Speaking after the vote, the representative of France stated that the atrocities committed by all sides in the Yugoslav crisis had given rise to an intolerable situation which was fanning the flames of conflict and, therefore, constituted a threat to international peace and security. Prosecuting the guilty was necessary in order to do justice to the victims and to the international community. It would also send a clear message to those continuing to commit such crimes that they would be held responsible for their acts. For the United Nations and, particularly, for the Security Council, prosecuting the guilty was also a matter of doing their duty to maintain and restore peace. With those considerations in mind, the French Foreign Minister had asked a group of jurists to draw up a report on setting up an international criminal tribunal that could prosecute persons responsible for the serious violations of international humanitarian law that had been committed in the territory of the former Yugoslavia since the beginning of Yugoslavia's dissolution. The report had concluded that the creation of an international tribunal for the former Yugoslavia could be decided on by the Security Council, within the framework of its powers under Chapter VII of the Charter to maintain or restore international peace and security. France had endorsed that conclusion and had taken the initiative of proposing to the Security Council a draft resolution for its implementation. The speaker further observed that the Security Council had taken a decision of major significance. For the first time in history, the United Nations would be setting up an international criminal jurisdiction — one that would be competent to try those who had committed serious violations of international humanitarian law in the territory of the former Yugoslavia. The tribunal should be established as soon as possible, through a further decision of the Security Council under the provisions of Chapter VII, which established the Council's competence in the maintenance and restoration of international peace and security.⁵⁷⁸

The representative of the United States stated that her delegation strongly supported the historic resolution just adopted, which took the first step in establishing an ad hoc tribunal to prosecute persons accused of war crimes and other serious violations of international humanitarian law in the territory of the former Yugoslavia. Her delegation looked forward to working with the Secretary-General to accomplish

⁵⁷⁸ *Ibid.*, pp. 8-11.

expeditiously his task of providing the Council with options for a statute and rules of procedure of the tribunal. Once the Secretary-General's report had been received, the United States would act quickly, along with the other members of the Council, to establish a tribunal under Chapter VII.⁵⁷⁹

The representative of the United Kingdom said that it was vital that an international legal mechanism be established to bring those accused of war crimes, from whatever party to the conflict, to justice. His delegation welcomed the valuable work that had been done on possible mechanisms and which would contribute to the study by the Secretary-General of the most effective and feasible way of establishing a tribunal or a court. The Secretary-General's task would not be easy. The Commission of Experts in its interim report had noted the difficulties of identifying the perpetrators of those crimes. It was vital that whatever court or tribunal was established would be provided with the necessary evidence. The Commission must therefore be given adequate resources to continue its work. He noted that the "court" was an ad hoc legal framework to deal with war crimes committed only in the territory of the former Yugoslavia.⁵⁸⁰

The representative of the Russian Federation stated that the resolution just adopted reflected the international community's will to exert its influence on all parties to the conflict in order to accelerate the peace process. The legal basis, status, composition and powers of the international tribunal, and the modalities for its establishment and functioning, would be decided by the Council subsequently, but already the resolution should serve the purpose of "bringing to their senses" those who were ready to sacrifice the lives and dignity of hundreds of thousands of innocent people. The Russian delegation believed that resolution 808 (1993) would also serve as a warning to those guilty of mass crimes and flagrant violations of human rights in other parts of the world.⁵⁸¹

The representative of Hungary considered the Security Council's decision of the previous October to set up a Commission of Experts charged with studying and analyzing information on the grave violations of international humanitarian law in the former Yugoslavia, to be of great importance. Information and

reports from various sources confirmed that the gravity and massive nature of those violations constituted a threat to international peace and security. Consequently, there should be no doubt about the competence of the Security Council to deal with the matter.⁵⁸²

The representative of Spain stated that his delegation understood that some might harbour certain doubts about the competence of the Council to take the step of establishing a tribunal, as it was a novel one. Spain did not share those doubts, however, for it was a limited and precise action with the clear objective of restoring peace, which was perfectly in keeping with the competence of the Council. In fact, the Council was not attempting to establish a new jurisdictional or legislative framework of a permanent nature. It was not setting itself up as a permanent judge or legislator. It was only attempting to create an ad hoc mechanism that, by applying existing laws, would assign responsibility for acts committed in an ongoing conflict that had already been seen to threaten and undermine peace. That mechanism would contribute, by means of recourse to justice and punishment of the guilty, to restoring the peace and ensuring its maintenance, so as to deter the repetition of similar acts in the future. The speaker noted that Spain would have preferred the establishment of a criminal tribunal with universal jurisdiction, but it recognized that to create one would have required more time than was available. Nevertheless, the Spanish delegation was confident that the resolution just adopted was the first step towards the future creation of an international, universal, permanent criminal jurisdiction, and it would continue to support and promote the efforts towards that end being made in other forums within the Organization.⁵⁸³

**Decision of 25 May 1993 (3217th meeting):
resolution 827 (1993)**

On 3 May 1993, pursuant to resolution 808 (1993), the Secretary-General submitted to the Council a report on the establishment of an international tribunal to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, to which was annexed a draft statute.⁵⁸⁴ The Secretary-

⁵⁷⁹ Ibid., pp. 11-14.

⁵⁸⁰ Ibid., pp. 14-15.

⁵⁸¹ Ibid., p. 16.

⁵⁸² Ibid., pp. 18-21.

⁵⁸³ Ibid., pp. 21-26.

⁵⁸⁴ S/25704 and Add.1 and Corr.1.

General believed that the international tribunal should be established by a decision of the Security Council on the basis of Chapter VII of the Charter. Such a decision would constitute a measure to maintain or restore international peace and security, following the requisite determination of the existence of a threat to the peace, breach of the peace or act of aggression. It would also have the advantage of being expeditious and of being immediately effective, as all States would be under a binding obligation to take whatever action was required to carry out a decision taken as an enforcement measure under Chapter VII. The Secretary-General also believed that the establishment of the tribunal by means of a Chapter VII decision would be legally justified, both in terms of the object and purpose of the decision and of past Security Council practice. He recalled, in that regard, that the Council had on various occasions adopted decisions under Chapter VII, aimed at restoring of maintaining international peace and security, which had involved the establishment of subsidiary organs for a variety of purposes.

The Secretary-General pointed out that the Security Council would be establishing a subsidiary organ within the terms of Article 29 of the Charter, but one of a judicial nature. The organ would have to perform its functions independently of political considerations; it would not be subject to the authority or control of the Security Council with regard to the performance of its judicial functions. As an enforcement measure under Chapter VII, however, the lifespan of the tribunal would be linked to the restoration and maintenance of international peace and security in the territory of the former Yugoslavia. In assigning to the tribunal the task of prosecuting persons responsible for serious violations of international humanitarian law, the Security Council would not, however, be creating nor purporting to “legislate” that law. Rather, the international tribunal would have the task of applying existing international humanitarian law. The Secretary-General therefore proposed that the Security Council, acting under Chapter VII of the Charter, establish the international tribunal.

At its 3217th meeting, on 25 May 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate

in the discussion without the right to vote. The President (Russian Federation) drew the attention of the Council members to the text of a draft resolution submitted by France, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States,⁵⁸⁵ and to several other documents.⁵⁸⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 827 (1993), which reads:

The Security Council,

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

Having considered the report of the Secretary-General of 3 and 17 May 1993 pursuant to paragraph 2 of resolution 808 (1993),

Expressing once again its grave alarm at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized and systematic detention and rape of women and the continuance of the practice of “ethnic cleansing”, including for the acquisition and the holding of territory,

Determining that this situation continues to constitute a threat to international peace and security,

⁵⁸⁵ S/25826.

⁵⁸⁶ Note verbale dated 12 March 1993 from the representative of Mexico addressed to the Secretary-General (S/25417); letters dated 31 March and 13 April 1993 from the representative of Canada addressed to the Secretary-General (S/25504 and S/25594); letter dated 5 April 1993 from the representative of the Russian Federation addressed to the Secretary-General (S/25537); letter dated 6 April 1993 from the representative of Brazil addressed to the Secretary-General (S/25540); letter dated 5 April 1993 from the representative of the United States addressed to the Secretary-General (S/25575); letter dated 20 April 1993 from the representative of Slovenia addressed to the Secretary-General (S/25652); note verbale dated 30 April 1993 from the representative of the Netherlands addressed to the Secretary-General (S/25716); letter dated 11 May 1993 from the representative of Canada addressed to the Secretary-General (S/25765); letter dated 19 May 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/25801); and letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Security Council (S/25829).

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal and the prosecution of persons responsible for the above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal,

Reaffirming in this regard its decision in resolution 808 (1993) of 22 February 1993 that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991,

Considering that, pending the appointment of the prosecutor of the international tribunal, the Commission of Experts established pursuant to resolution 780 (1992) should continue on an urgent basis the collection of information relating to evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law as proposed in its interim report,

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

1. *Approves* the report of the Secretary-General;

2. *Decides* hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace and to this end to adopt the statute of the International Tribunal annexed to the report of the Secretary-General;

3. *Requests* the Secretary-General to submit to the judges of the International Tribunal, upon their election, any suggestions received from States for the rules of procedure and evidence called for in article 15 of the statute of the Tribunal;

4. *Decides* that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute, including the obligation of States to

comply with requests for assistance or orders issued by a trial chamber under article 29 of the statute;

5. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

6. *Decides* that the determination of the seat of the International Tribunal is subject to the conclusion of appropriate arrangements between the United Nations and the Netherlands acceptable to the Council, and that the Tribunal may sit elsewhere when it considers it necessary for the efficient exercise of its functions;

7. *Decides also* that the work of the International Tribunal shall be carried out without prejudice to the right of the victims to seek, through appropriate means, compensation for damages incurred as a result of violations of international humanitarian law;

8. *Requests* the Secretary-General to implement urgently the present resolution and in particular to make practical arrangements for the effective functioning of the International Tribunal at the earliest time and to report periodically to the Council;

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

Speaking after the vote, the representative of Venezuela recalled that his delegation had voted in favour of resolution 808 (1993), because it had been convinced of the duty incumbent upon the international community to reaffirm that the commission of crimes such as those committed in the former Yugoslavia could not pass without political condemnation and penal sanctions. The Venezuelan delegation recognized that the Tribunal was intended to deal with a specific and limited crisis that the Council had been addressing under Chapter VII of the Charter. It also recognized that the Tribunal, as a subsidiary organ of the Council, would not be empowered with — nor would the Council be assuming — the ability to set down norms of international law or to legislate with respect to those rights. The Tribunal simply applied existing international humanitarian law. It further acknowledged that, in adopting the draft statute, the Council was also taking exceptional action. Venezuela believed that the ad hoc Tribunal had thus been established to act in support of the purposes and principles of the Charter.⁵⁸⁷

The representative of France noted that, through resolution 827 (1993), the Council had established an International Tribunal that would prosecute, judge and

⁵⁸⁷ S/PV.3217, pp. 6-10.

punish people from any community who had committed or continued to commit crimes in the territory of the former Yugoslavia. He also noted that resolution 827 (1993) had been adopted under Chapter VII of the Charter. The threat to international peace and security created by the situation in the former Yugoslavia justified recourse to those provisions. As a decision within the meaning of Article 25 of the Charter, that resolution applied to all States, meaning that all States were required to cooperate fully with the Tribunal, even if that obliged them to amend certain provisions of their domestic law. The speaker also made comments relating to the statute of the Tribunal.⁵⁸⁸

The representative of the United States stated that the crimes being committed in the former Yugoslavia were often the systematic and orchestrated crimes of Government officials, military commanders, and disciplined artillerymen and foot soldiers. The men and women behind those crimes were individually responsible for the crimes of those they purported to control; the fact that their power was often self-proclaimed did not lessen their culpability. Addressing those “who derided the tribunal as being powerless because the suspects may avoid arrest”, she argued that the tribunal would issue indictments whether or not suspects could be taken into custody. While they might be able to hide within the borders of Serbia or in parts of Bosnia or Croatia, they would be imprisoned for the rest of their lives within their own land. She further stressed that under the resolution just adopted every Government, including each one in the former Yugoslavia, would be obliged to hand over those indicted by the Tribunal. Regarding resolution 827 (1993), she made the following remarks. First, the Commission of Experts would continue to pursue its work of establishing a database and preparing evidence during the interim period before the appointment of the Tribunal’s Prosecutor, and hiring of staff to begin authoritative investigations and preparations for trials. At the appropriate time, her delegation expected that the Commission would cease to exist and its work would be “folded” into the Prosecutor’s office. Secondly, States were encouraged to submit proposals for the rules of evidence and procedure for consideration by the judges of the Tribunal. Thirdly, States should take measures under their domestic law to enable them to implement the provisions of the

⁵⁸⁸ Ibid., pp. 10-12.

Statute. The speaker also commented on the statute of the Tribunal.⁵⁸⁹

The representative of the United Kingdom stated that all parties in the former Yugoslavia shared some responsibility for the crimes committed and that it was important to emphasize that the Council’s action of that day was not aimed at one party alone. The Security Council had repeatedly demanded the immediate cessation of such atrocities, but those demands had not been heeded. It was essential that those who committed such acts be in no doubt that they would be held individually responsible and that those atrocities be investigated and the perpetrators called to account. The establishment of the Tribunal was an exceptional step needed to deal with exceptional circumstances. At the same time, the Government of the United Kingdom continued to support the work of the International Law Commission, which would result in the establishment of an international criminal court with general jurisdiction. Like the previous speakers, the speaker commented on the Statute of the Tribunal.⁵⁹⁰

The representative of New Zealand noted that the establishment of the Tribunal and the prosecution of persons suspected of crimes against international humanitarian law were closely related to the wider efforts to restore peace and security to the former Yugoslavia. He stressed that the Tribunal was a court, with the task of applying independently and impartially the rules of customary international law and conventional law applicable in the territory of the former Yugoslavia. The Tribunal must be left to carry out its work until it had discharged its mandate under its statute or until the Council decided that its work should be brought to an end.⁵⁹¹

The representative of Japan suggested that perhaps more extensive legal studies could have been undertaken on various aspects of the statute. At the same time, Japan fully shared the determination of the international community, which called for the exhaustion of all possible measures, including the expeditious establishment of the Tribunal, to put an end to the ongoing atrocities in the former Yugoslavia and to restore justice. That was why Japan supported the adoption of the resolution and why it intended to cooperate in its implementation to the best of its

⁵⁸⁹ Ibid., pp. 12-17.

⁵⁹⁰ Ibid., pp. 17-19.

⁵⁹¹ Ibid., pp. 22-23.

ability, in accordance with the spirit of international established principles on criminal matters and within its Constitution. The speaker contended that the statute of the Tribunal reflected the way of thinking of the Security Council. First, the commencement of activities by the Tribunal in no way relieved the parties of their obligation to enforce international humanitarian law. Secondly, such legal remedies in no way relieved the Security Council of its responsibility to address the Yugoslav crisis in its entirety. Thirdly, cooperation and assistance on the part of the States concerned was essential to guarantee the smooth functioning of the Tribunal. All States must exhaust all means to cooperate in good faith. Before concluding, the speaker stated that the Security Council was obliged to take the exceptional measures it was taking that day. Yet it could not be argued that those measures lay outside the Council's jurisdiction, for the complexity of the threat and the gravity of the crisis had made the Council's action inevitable. On the contrary, it might be argued that, without a comprehensive strategy on the part of the international community, the complex situation in the former Yugoslavia could not be properly addressed.⁵⁹²

The representative of Morocco noted that it had always been his delegation's view that an international tribunal must be but one element of a plan, based on the principles of the Charter, to put an end to Serb aggression, to demand the return of territory acquired by force and "ethnic cleansing" and fully to restore the territorial integrity, unity and sovereignty of Bosnia and Herzegovina. The Tribunal must seek to punish serious violations of international humanitarian law in the broadest sense as crimes against international peace and security. He argued that the legitimacy and legality of the Tribunal should not be questioned, and that the Tribunal should hand down deterrent sentences both for those who committed crimes and for their accomplices, and should not ignore appropriate compensations for victims and their families, nor the responsibility of States for breaches of international law attributable to them. He also stressed that States had the obligation to cooperate with and support the Tribunal.⁵⁹³

The representative of Cape Verde expressed the belief that the establishment of the Tribunal should be

⁵⁹² *Ibid.*, pp. 23-26.

⁵⁹³ *Ibid.*, pp. 26-28.

but the first step in a long and complex process. His delegation considered that the establishment of the Tribunal would be a positive step only if it was viewed as closely connected to a suitably comprehensive peace plan capable of preserving international peace and security throughout the territory of the former Yugoslavia. His delegation considered the establishment of the Tribunal to be an instrument for the promotion of international peace and security.⁵⁹⁴

The representative of Pakistan argued that "ethnic cleansing", genocide and other heinous crimes had been committed in Bosnia and Herzegovina, in flagrant violation of international humanitarian law, with the specific objective of acquiring territory and as a deliberate campaign to exterminate Bosnia and Herzegovina, a sovereign State Member of the United Nations. His delegation hoped that the establishment of the Tribunal would help to halt such crimes and would lead to the vacating by the aggressors of territories forcefully occupied and to the full restoration of the unity, territorial integrity and sovereignty of Bosnia and Herzegovina. Pakistan believed that the resolution just adopted was an important element of the Vance-Owen plan and fell squarely within its ambit. The speaker further stated that the international community must halt the aggression, reverse it through withdrawals from all territories occupied by the use of force and "ethnic cleansing" and restore international legality. He contended that the Security Council needed to move swiftly to take further appropriate and effective enforcement actions in that direction. The Pakistan delegation could not accept, even by implication, the status quo imposed by aggression, the use of force and "ethnic cleansing", as that would set a dangerous precedent for the civilized world.⁵⁹⁵

The representative of China stated that, bearing in mind the particular circumstances in the former Yugoslavia and the urgency of restoring and maintaining world peace, the Chinese delegation had voted in favour of the resolution just adopted. He cautioned, however, that that should not be construed as an endorsement of the legal approach involved. China had always held that, to avoid setting any precedent for abusing Chapter VII of the Charter, a prudent attitude should be adopted with regard to the establishment of an international tribunal by means of

⁵⁹⁴ *Ibid.*, pp. 28-31.

⁵⁹⁵ *Ibid.*, pp. 31-32.

Security Council resolutions under Chapter VII. It was the consistent position of the Chinese delegation that an international tribunal should be established by concluding a treaty so as to provide a solid legal foundation for it and ensure its effective functioning. Furthermore, the statute of the Tribunal just adopted was a legal instrument with the attributes of an international treaty, involving complicated legal and financial questions. It ought to become effective only after having been negotiated and concluded by sovereign States and ratified by their national legislative organs in accordance with domestic laws. Therefore, to adopt by a Security Council resolution a statute that gave the Tribunal both preferential and exclusive jurisdiction was not in compliance with the principle of State judicial sovereignty. The adoption of the Statute of the International Tribunal by the Security Council through a resolution invoking Chapter VII meant that United Nations Member States must implement it to fulfil their obligations under the Charter. That would bring many problems and difficulties both in theory and in practice. For that reason, China had consistently maintained its reservations. In short, the Chinese delegation emphasized that the Tribunal established in the current manner could only be an ad hoc arrangement, suited only to the special circumstances of the former Yugoslavia. It should not constitute a precedent.⁵⁹⁶

The representative of Brazil observed that the proposals for the establishment by the Security Council of an international tribunal had posed intricate and not unimportant legal difficulties, many of which had not been resolved to the satisfaction of his delegation. It had only been the consideration of the “unique and exceptionally serious circumstances” in the former Yugoslavia that had determined the vote cast by Brazil on the resolution just adopted. The positive Brazilian vote should not be construed as an overall endorsement of legal formulas involved in the foundation or in the statute of the Tribunal. The speaker believed that the matter should also have been brought to the attention of the General Assembly. The views of the Government of Brazil on the main legal issues had been expressed when the Council had adopted resolution 808 (1993). In particular, Brazil had expressed the view that the most appropriate and effective method for establishing the Tribunal would have been the conclusion of a convention setting up an ad hoc international criminal

jurisdiction and containing the terms of reference for its exercise. The option of establishing the Tribunal through a resolution of the Security Council, which Brazil had not favoured, left unresolved a number of serious legal issues relating to the powers and competencies attributed to the Council by the Charter. It was the view of the Brazilian delegation that the resolution just adopted was aimed at addressing a specific and unique situation with a view to producing one specific result: bringing to justice the persons responsible for serious violations of international humanitarian law in the former Yugoslavia. Both the resolution and the statute it adopted were thus not meant to establish new norms or precedents of international law. The representative of Brazil stated that by adopting the resolution, the Council was not creating, nor purporting to legislate, international humanitarian law. Rather, the Tribunal would have the task of applying existing norms of international humanitarian law. Before concluding, the speaker noted that for the work of the Tribunal to be effective, it would need to receive the fullest cooperation from all States. That was a clear obligation resulting from the resolution just adopted.⁵⁹⁷

The representative of Spain stated that the statute of the Tribunal could be improved upon. Nevertheless, Spain had preferred to retain the form proposed by the Secretary-General in its entirety for several reasons. First, certain clarifications could be found by reading the statute in the light of the explanations provided in the Secretary-General’s report with respect to each article. Other clarifications could be contributed by the Tribunal itself when it drafted its rules of procedure and began carrying out its judicial activities. Moreover, the goal of restoring peace in the territory of the former Yugoslavia required prompt action, which might have been compromised through a prolonged and detailed discussion of a statute which satisfied the fundamental prerequisites for ensuring the achievement of that goal. Although the statute lacked express provisions in that respect, the tribunal was clearly an independent organ and that such independence was not at all incompatible with the Tribunal’s formal character as a subsidiary organ of the Council, as was borne out by the International Court of Justice with respect to the United Nations Administrative Tribunal and its relations with the General Assembly. Second, the Tribunal was an impartial body governed by the law

⁵⁹⁶ Ibid., pp. 33-34.

⁵⁹⁷ Ibid., pp. 34-37.

itself in fulfilling its duties. Its jurisdiction encompassed all of the territory of the former Yugoslavia and actions by all parties involved in the conflict. Third, as there was a wish for the Tribunal to be effective, it was indispensable to impose upon States an obligation to cooperate with the Tribunal that was based upon Chapter VII of the Charter. That obligation implied the duty to promulgate any domestic legal measures that might be necessary. A particularly important feature of that obligation was the primacy accorded the Tribunal over national courts. Lastly, the resolution created an ad hoc body with a jurisdiction limited not only geographically and temporally, but also materially, in that it would be circumscribed to applying the international law in force. In fact, with the establishment of the Tribunal the aim was not to create new international law nor to change existing law, but to guarantee respect for that law.⁵⁹⁸

The President, speaking in his capacity as the representative of the Russian Federation, stated that his delegation favoured the establishment of the Tribunal because it saw it as an instrument of justice to restore international legality and the faith of the world community in the triumph of justice and reason. That was why the Security Council had assumed, in accordance with the Charter of the United Nations, the responsibility for implementing the appropriate specific measures contained in the resolution just adopted, including the establishment of the Tribunal. While supporting the tribunal, the Russian delegation believed that that body would not abolish nor replace national tribunals. The speaker further stated that the establishment of the Tribunal, apart from possessing great juridical meaning, also represented an important political act taken by the international community, which at the same time fulfilled a preventive function and promoted the restoration of peace in the region.⁵⁹⁹

**Decision of 20 August 1993 (3265th meeting):
resolution 857 (1993)**

At its 3265th meeting, on 20 August 1993, the Council resumed its consideration of the item and included in its agenda the sub-item entitled "Establishment of the list of candidates for judges". Following the adoption of the agenda, the President (United States) drew the attention of the Council

⁵⁹⁸ Ibid., pp. 38-41.

⁵⁹⁹ Ibid., pp. 43-46.

members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁶⁰⁰ and to revisions to be made to the draft in its provisional form.

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 857 (1993), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having decided to consider the nominations for Judges of the International Tribunal received by the Secretary-General before 16 August 1993,

Establishes the following list of candidates in accordance with article 13 of the statute of the International Tribunal:

- Mr. Georges Michel ABI-SAAB (Egypt)
- Mr. Julio A. BARBERIS (Argentina)
- Mr. Raphaël BARRAS (Switzerland)
- Mr. Sikhe CAMARA (Guinea)
- Mr. Antonio CASSESE (Italy)
- Mr. Hans Axel Valdemar CORELL (Sweden)
- Mr. Alfonso DE LOS HEROS (Peru)
- Mr. Jules DESCHENES (Canada)
- Mr. Jerzy JASINSKI (Poland)
- Mr. Heike JUNG (Germany)
- Mr. Adolphus Godwin KARIBI-WHYTE (Nigeria)
- Mr. Valentin G. KISILEV (Russian Federation)
- Mr. Germain LE FOYER DE COSTIL (France)
- Mr. LI Haopei (China)
- Ms. Gabrielle Kirk McDONALD (United States of America)
- Mr. Amadou N'DIAYE (Mali)
- Mr. Daniel David Ntanda NSEREKO (Uganda)
- Ms. Elizabeth ODIO BENITO (Costa Rica)
- Mr. Hüseyin PAZARCI (Turkey)
- Mr. Moragodge Christopher Walter PINTO (Sri Lanka)
- Mr. Rustam S. SIDHWA (Pakistan)
- Sir Ninian STEPHEN (Australia)
- Mr. Lal Chan VOHRAH (Malaysia)

**Decision of 21 October 1993 (3296th meeting):
resolution 877 (1993)**

At its 3296th meeting, on 21 October 1993, the Council resumed its consideration of the item and included in its agenda the sub-item entitled "Appointment of the Prosecutor". Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft

⁶⁰⁰ S/26331.

resolution that had been prepared in the course of the Council's prior consultations.⁶⁰¹

The Council then adopted the draft resolution, without a vote, as resolution 877 (1993), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having regard to article 16, paragraph 4, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Having considered the nomination by the Secretary-General of Mr. Ramón Escovar-Salom for the position of Prosecutor of the International Tribunal,

Appoints Mr. Ramón Escovar-Salom as Prosecutor of the International Tribunal.

**Decision of 8 July 1994 (3401st meeting):
resolution 936 (1994)**

At its 3401st meeting, on 8 July 1994, the Council resumed its consideration of the item and the sub-item entitled "Appointment of the Prosecutor". Following the adoption of the agenda, the President (Pakistan) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁶⁰²

The Council then adopted the draft resolution, without a vote, as resolution 936 (1994), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having regard to article 16, paragraph 4, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Having considered the nomination by the Secretary-General of Mr. Richard J. Goldstone for the position of Prosecutor of the International Tribunal,

Appoints Mr. Richard J. Goldstone as Prosecutor of the International Tribunal.

**Decision of 25 July 1994: letter from the
President to the Secretary-General**

By a letter dated 14 July 1994 addressed to the President of the Security Council,⁶⁰³ the Secretary-General transmitted copies of the agreement between the United Nations and the Netherlands concerning the Headquarters of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia since 1991 and requested that the Security Council confirm that the arrangements were acceptable and that the seat of the Tribunal had been determined to be at The Hague.

By a letter dated 25 July 1994,⁶⁰⁴ the President of the Security Council informed the Secretary-General of the following:

I have the honour to refer to your letter of 14 July 1994 transmitting copies of the agreement between the United Nations and the Kingdom of the Netherlands concerning the Headquarters of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the Agreement for Tenancy of Churchillplein 1, The Hague.

I have the honour to inform you that, in accordance with paragraph 6 of its resolution 827 (1993) of 25 May 1993 and without prejudice to consideration of the arrangements by the General Assembly, the Security Council finds the arrangements between the United Nations and the Netherlands acceptable. The Council confirms that the seat of the Tribunal has been determined to be in The Hague.

**Decision of 23 September 1994: letter from the
President to the Secretary-General**

By a letter dated 23 September 1994,⁶⁰⁵ the President of the Security Council informed the Secretary-General of the following:

Article 27 of the statute of the International Tribunal for the Former Yugoslavia, adopted by the Security Council in its resolution 827 (1993) of 25 May 1993, prescribes that imprisonment imposed by the International Tribunal on a convicted person shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Council their willingness to accept convicted persons. In the report on the statute of the International Tribunal presented by the Secretary-General to the Council, it is suggested that the Council make appropriate arrangements to obtain from States an

⁶⁰¹ S/26608.

⁶⁰² S/1994/805.

⁶⁰³ S/1994/848.

⁶⁰⁴ S/1994/849.

⁶⁰⁵ S/1994/1090.

indication of their willingness to accept convicted persons. This information would be communicated to the Registrar of the International Tribunal who would prepare a list of States in which the enforcement of sentences would be carried out.

On behalf of the Security Council, I hereby kindly request that you assist the Council in obtaining such indications from States.

F. Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council

Initial proceedings

Decision of 28 April 1993 (3204th meeting): resolution 821 (1993)

At its 3204th meeting, on 28 April 1993, the Security Council included the item entitled "Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council" in its agenda. Following the adoption of the agenda, the President (Pakistan) drew the attention of the Council members to the text of a draft resolution submitted by France, Spain and the United Kingdom,⁶⁰⁶ and read out a revision to be made to the draft in its provisional form. He also informed the Council members that the United States had joined as a sponsor of the draft resolution.

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation) as resolution 821 (1993), which reads:

The Security Council,

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

Considering that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

Recalling its resolution 757 (1992) of 30 May 1992, in which it noted that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted",

Recalling also its resolution 777 (1992) of 19 September 1992, in which it recommended to the General Assembly that it

decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

Recalling further that the General Assembly in its resolution 47/1 of 22 September 1992, having received the recommendation of the Security Council of 19 September 1992, considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

Recalling that in its resolution 777 (1992) it decided to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly, and that in December 1992 the members of the Council agreed to keep the subject-matter of resolution 777 (1992) under continuous review and to consider it again at a later date,

1. *Reaffirms* that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore recommends to the General Assembly that, further to the decisions taken in Assembly resolution 47/1, it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council;

2. *Decides* to consider the matter again before the end of the forty-seventh session of the General Assembly.

Speaking after the vote, the representative of China recalled that his delegation had always held that all the Republics of the former Yugoslavia should take their own seats in the United Nations, and that no Republic should be excluded lightly. His delegation considered that the resolution just adopted was a transitory arrangement. It hoped that the question of the seat of the Federal Republic of Yugoslavia might be settled properly and that the Federal Republic of Yugoslavia would be able to obtain its own seat in the United Nations and the organs belonging to the United Nations system.⁶⁰⁷

The representative of the United States stated that her delegation had voted in favour of the resolution just adopted, as it continued to believe that the claim of the Federal Republic of Yugoslavia to membership in international organizations was legally invalid. The United States would support the application of the Federal Republic of Yugoslavia for membership in the

⁶⁰⁶ S/25675.

⁶⁰⁷ S/PV.3204, pp. 3-6.

United Nations only when Serbia and Montenegro met the criteria in the Charter of the United Nations. The Federal Republic of Yugoslavia therefore must show that it was a peace-loving State and must demonstrate its willingness to comply fully with Chapter VII resolutions of the Security Council. The Belgrade authorities must end their support for the Bosnian Serbs and for aggression in Bosnia and Croatia.⁶⁰⁸

The representative of Brazil recalled that his delegation had expressed its views on the question of the participation of the Federal Republic of Yugoslavia when the issue had been taken up by the General Assembly the previous September. Brazil remained convinced that questions relating to admission, participation, suspension or expulsion affected the most basic rights of States in relation to the Organization, and that they should therefore be treated with the utmost care and attention, bearing in mind the fundamental need to follow the Charter strictly. It was only in extraordinary circumstances, such as the deteriorating situation in the territories of the former Yugoslavia, and particularly in Bosnia and Herzegovina, that the application of extraordinary measures could be justified. By voting in favour of the resolution just adopted, Brazil wished to signify its support for the urgent efforts of the Security Council to bring to an end to the conflict in the territory of the former Yugoslavia.⁶⁰⁹

The representative of the Russian Federation noted that his delegation had abstained in the voting on the resolution just adopted because it was against taking further steps to separate Belgrade, and excluding it from the international organizations. He contended that recent events in the Yugoslav crisis, combined with the fact that the leadership of the Federal Republic of Yugoslavia had undertaken specific steps to apply pressure on the Bosnian Serbs in order to ensure that they adhered to the Vance-Owen plan, rendered inappropriate the idea of meting out further punishment to Belgrade. The speaker also cautioned that such action might give the impression that the international community regarded such punishment as an end in itself, to the detriment of ongoing efforts to seek a peaceful settlement.⁶¹⁰

⁶⁰⁸ Ibid., pp. 6-7.

⁶⁰⁹ Ibid., pp. 7-8.

⁶¹⁰ Ibid., p. 8.

Decision of 17 September 1993: letter from the President to the President of the General Assembly

By a letter dated 17 September 1993,⁶¹¹ the President of the Security Council informed the President of the General Assembly of the following:

I have the honour to inform you that in consultations in connection with Security Council resolution 821 (1993) of 28 April 1993, the members of the Council agreed to keep the subject-matter of that resolution under continuous review and to consider it again at a later date.

G. The situation in the former Yugoslav Republic of Macedonia

Initial proceedings

Decision of 18 June 1993 (3239th meeting): resolution 842 (1993)

At its 3239th meeting, on 18 June 1993, the Security Council included in its agenda the item entitled "The situation in the former Yugoslav Republic of Macedonia" as well as a letter dated 15 June 1993 from the Secretary-General addressed to the President of the Security Council.⁶¹² By that letter, the Secretary-General transmitted a letter dated 11 June 1993 from the representative of the United States, stating that the United States had decided to offer a reinforced company team of approximately 300 troops to operate with the United Nations Protection Force (UNPROFOR) stationed in the former Yugoslav Republic of Macedonia. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁶¹³

The draft resolution was then put to the vote and adopted unanimously as resolution 842 (1993) which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

⁶¹¹ S/26466.

⁶¹² S/25954 and Add.1. For details see chapter V.

⁶¹³ S/25955.

Recalling in particular resolution 795 (1992) of 11 December 1992, by which it authorized the presence of the Force in the former Yugoslav Republic of Macedonia,

Welcoming the important contribution of the existing Force presence in the former Yugoslav Republic of Macedonia to stability in the region,

Seeking to support efforts for a peaceful resolution of the situation in the former Yugoslavia as it relates to the former Yugoslav Republic of Macedonia as provided for in the report of the Secretary-General of 9 December 1992 and approved in resolution 795 (1992) of 11 December 1992,

Noting with appreciation the offer made by a Member State (S/25954 and Add.1) to contribute additional personnel to the Force presence in the former Yugoslav Republic of Macedonia, and the latter Government's favourable response thereto,

1. *Welcomes* the offer made by a Member State to contribute additional personnel to the presence of the United Nations Protection Force in the former Yugoslav Republic of Macedonia, and decides to expand the size of the Force accordingly and to authorize the deployment of these additional personnel;

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

Decision of 22 July 1993: letter from the President to the Secretary-General

On 13 July 1993, pursuant to Security Council resolution 795 (1992), the Secretary-General submitted to the Council a report on the deployment and activities of UNPROFOR in the former Yugoslav Republic of Macedonia prior to its expansion.⁶¹⁴ The Secretary-General noted that UNPROFOR had so far been successful in its preventive mandate in the former Yugoslav Republic of Macedonia. However, it was still too early to draw definitive conclusions about the effectiveness of that deployment in the highly volatile situation prevailing in the region. He recalled that in proposing the initial deployment of UNPROFOR in the former Yugoslav Republic of Macedonia on 9 December 1992, he had expressed the belief that a small preventive United Nations deployment would help the countries concerned "to make safe passage through a potentially turbulent and hazardous period".⁶¹⁵ That remained his hope at a time when the conflagration in other parts of the former Yugoslavia showed little sign of abating.

⁶¹⁴ S/26099.

⁶¹⁵ See S/24923.

By a letter dated 22 July 1993,⁶¹⁶ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have noted your report of 13 July 1993 pursuant to resolution 795 (1992) on the deployment and activities of the United Nations Protection Force (UNPROFOR) in the former Yugoslav Republic of Macedonia, prior to its expansion in accordance with resolution 842 (1993) of 18 June 1993. They welcome the fact that, subsequent to the events recorded in your report, the further addition to UNPROFOR's strength pursuant to the latter resolution has now been completed. The members of the Council are conscious of the important contribution made by UNPROFOR in the former Yugoslav Republic of Macedonia to stability in the region. They welcome the establishment of close coordination with the CSCE missions there, as called for in paragraph 4 of resolution 795 (1992) of 11 December 1992, and welcome UNPROFOR's increased ability to fulfil its mandate in the implementation of all relevant resolutions of the Security Council.

The members of the Council look forward to receiving further reports in due course on UNPROFOR's activities in the former Yugoslav Republic of Macedonia.

Decision of 30 November 1995 (3602nd meeting): resolution 1027 (1995)

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report on peacekeeping missions in the former Yugoslavia, including the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia.⁶¹⁷ The report was intended to assist the Council in its deliberations on the future of the missions.

The Secretary-General noted that the preventive deployment role of UNPREDEP had contributed greatly to the peace and stability of the southern Balkans. The operation had proved that preventive deployment was an effective form of peacekeeping and that results could be achieved even with a small, almost symbolic deployment of United Nations peacekeepers, if it was done at the right time and with a clear mandate. He noted, however, that the Government of the former Yugoslav Republic of Macedonia was of the opinion, which he shared, that the causes leading to the establishment of UNPREDEP had not ceased to exist. The continued presence of

⁶¹⁶ S/26130.

⁶¹⁷ S/1995/987.

UNPREDEP, with basically the same mandate, strength and troop composition, was vital to the maintenance of peace and stability in the country. The Secretary-General recommended that the mandate of UNPREDEP should be renewed for a further 12-month period. He also noted that it was his intention to make, as soon as possible, recommendations relating to the establishment of UNPREDEP on “a fully independent footing”, reporting directly to New York.

At its 3602nd meeting, on 30 November 1995, the Council resumed its consideration of the item and included the above-mentioned report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of the former Yugoslav Republic of Macedonia, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom, the United States and Honduras.⁶¹⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 1027 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions and in particular its resolution 983 (1995) of 31 March 1995,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Recalling its concern about possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory,

Welcoming the positive role played by the United Nations Preventive Deployment Force, and paying tribute to the personnel of the Force in the performance of their mandate,

Having considered the report of the Secretary-General of 23 November 1995,

1. *Welcomes* the report of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Preventive Deployment Force for a period terminating on 30 May 1996;
3. *Urges* the Force to continue its cooperation with the mission of the Organization for Security and Cooperation in Europe;

⁶¹⁸ S/1995/996.

4. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the Force in the performance of its mandate;

5. *Requests* the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate of the Force, and in particular to submit, if possible by 31 January 1996, a report on all aspects of the Force, in the light of developments in the region, for review by the Council;

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

Speaking after the vote, the representative of the former Yugoslav Republic of Macedonia stated that it was his Government's view that UNPREDEP should become a completely independent United Nations operation reporting directly to the Secretary-General, with its base, military command and logistics structure located in Skopje. His Government also requested that the mandate of UNPREDEP be extended until 30 November 1996.⁶¹⁹

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

Initial proceedings

Decision of 18 June 1993 (3240th meeting): resolution 843 (1993)

At its 3240th meeting, on 18 June 1993, the Security Council included the item entitled “Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia” in its agenda. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁶²⁰

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

⁶¹⁹ S/PV.3602, pp. 2-5.

⁶²⁰ S/25956.

The Security Council,

Recalling its resolution 724 (1991) of 15 December 1991 concerning Yugoslavia and all other relevant resolutions,

Recalling also Article 50 of the Charter of the United Nations,

Conscious of the fact that an increasing number of requests for assistance have been received under the provisions of Article 50 of the Charter,

Noting that the Security Council Committee established pursuant to resolution 724 (1991), at its 65th meeting, set up a working group to examine the above-mentioned requests,

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

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

Decision of 6 July 1993: letter from the President to the Secretary-General

By a letter dated 2 July 1993 addressed to the President of the Security Council,⁶²¹ the Acting Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia transmitted, pursuant to resolution 843 (1993), the recommendations of the Committee relating to the requests made by Bulgaria, Hungary, Romania, Uganda and Ukraine for assistance under the provisions of Article 50 of the Charter of the United Nations. In its recommendations, the Committee recognized the urgent need to assist the interested State and appealed to all States to provide immediate assistance to such State; invited the competent organs and specialized agencies of the United Nations system to consider how their assistance programmes and facilities might be helpful to the interested State; and requested the Secretary-General to report on the implementation of such recommendations.

By a letter dated 6 July 1993,⁶²² the President of the Security Council informed the Secretary-General of the following:

By resolution 843 (1993), adopted on 18 June 1993, the Security Council confirmed that its Committee established pursuant to resolution 724 (1991) concerning Yugoslavia was

⁶²¹ S/26040.

⁶²² S/26056.

entrusted with the task of examining requests for assistance under the provisions of Article 50 of the Charter of the United Nations and making recommendations to the President of the Security Council for appropriate action.

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

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

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

By a letter dated 4 August 1993 addressed to the President of the Security Council,⁶²³ the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia transmitted, pursuant to resolution 843 (1993), the recommendations of the Committee relating to the request made by Albania for assistance under the provisions of Article 50 of the Charter of the United Nations.⁶²⁴

By a letter dated 9 August 1993,⁶²⁵ the President of the Security Council informed the Secretary-General of the following:

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

I have now received a further letter dated 4 August 1993, addressed to me by the Chairman of the Committee, submitting a recommendation formulated by the Committee in respect of the application made by Albania under the terms of Article 50. In the course of their consultations of the whole today, the

⁶²³ S/26040/Add.1.

⁶²⁴ The recommendations were similar to those previously made.

⁶²⁵ S/26282.

members of the Council reviewed the recommendation on Albania and agreed that, as in the case of the previous recommendations, you should be similarly requested to implement the actions contained in the above-mentioned recommendation on Albania. For this purpose, I am transmitting herewith, for your information and appropriate action, the text of the letter and its enclosure from the Chairman of the Committee.

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

By a letter dated 14 December 1993 addressed to the President of the Security Council,⁶²⁶ the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia transmitted, pursuant to resolution 843 (1993), the recommendations of the Committee relating to the requests made by Slovakia and the former Yugoslav Republic of Macedonia for assistance under the provisions of Article 50 of the Charter of the United Nations.⁶²⁷

By a letter dated 20 December 1993,⁶²⁸ the President of the Security Council informed the Secretary-General of the following:

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

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

⁶²⁶ S/26040/Add.2.

⁶²⁷ The recommendations were similar to those previously made.

⁶²⁸ S/26905.

appropriate action, the text of the letter and its enclosures from the Chairman of the Committee.

**I. Follow-up to resolution 817 (1993):
letter dated 26 May 1993 from the
Secretary-General addressed to the
President of the Security Council**

Initial proceedings

**Decision of 18 June 1993 (3243rd meeting):
resolution 845 (1993)**

By a letter dated 26 May 1993 addressed to the President of the Security Council,⁶²⁹ the Secretary-General transmitted, pursuant to resolution 817 (1993),⁶³⁰ his report of 14 May 1993 on the exercise of good offices by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, in respect of the difference that had arisen in connection with the request for admission to membership in the United Nations of the State admitted as the former Yugoslav Republic of Macedonia.⁶³¹ In doing so, he drew the attention of the members of the Council to the fact that an early endorsement by the Council of the proposals contained in annex V to the report would help the parties to reach agreement. Annex V contained a draft Treaty proposed by the Co-Chairmen Confirming the Existing Frontier and Establishing Measures for Confidence Building, Friendship and Neighbourly Cooperation between the Republic of Greece and the former Yugoslav Republic of Macedonia.

The Secretary-General noted that the draft Treaty presented to the parties by the Co-Chairmen had been prepared on the basis of extensive consultations with the parties. The main outstanding point of contention remained the name to be used by the State that had been admitted to the United Nations with the provisional name "the former Yugoslav Republic of Macedonia". The Greek delegation's position was that the other party should not use, whether for domestic or international purposes, a name that included the word

⁶²⁹ S/25855 and Add.1 and 2.

⁶³⁰ Resolution 817 (1993) was adopted at the 3196th meeting of the Council on 7 April 1993 under the item "Admission of New Members". For more information, see chapter VII.

⁶³¹ S/25855, annex I.

“Macedonia”. It had indicated, however, that if that term were to be included in a name, then the name “Slavomacedonia” could be envisaged. The delegation of the former Yugoslav Republic of Macedonia, for its part, maintained that its name should be “The Republic of Macedonia”. It was, however, prepared to discuss the modalities of the use of an alternative name, but for international purposes only. The Co-Chairmen proposed the name “The Republic of Nova Makedonia”, to be used for all official purposes.

In two addenda to the report submitted on 3 June 1993, the Secretary-General transmitted to the Council a statement made by the Government of Greece on 27 May 1993 and a letter dated 29 May 1993 from the President of the former Yugoslav Republic of Macedonia, concerning the draft Treaty. In the statement the Government of Greece reiterated its position and added that the name proposed by the Co-Chairmen posed serious difficulties. In his letter, the President of the former Yugoslav Republic of Macedonia raised objections to several provisions contained in the Co-Chairmen’s proposed draft Treaty and argued that the constitutional name, “The Republic of Macedonia”, did not imply territorial or other aspirations. On the contrary, confirmation of such a name would represent a significant contribution to the maintenance of peace and stability in the region, which was an essential requirement of resolution 817 (1993).

At its 3243rd meeting, on 18 June 1993, the Council included the item entitled “Follow-up to resolution 817 (1993)” and the above-mentioned report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution⁶³² and to a letter dated 7 June 1993 from the representative of Albania addressed to the President of the Security Council.⁶³³

The draft resolution was then put to the vote and adopted unanimously as resolution 845 (1993), which reads:

The Security Council,

Recalling its resolution 817 (1993) of 7 April 1993, in which it urged Greece and the former Yugoslav Republic of Macedonia to continue to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the

⁶³² S/25968.

⁶³³ S/25892.

Former Yugoslavia in order to arrive at a speedy settlement of their difference,

Having considered the report of the Secretary-General of 28 May and 3 June 1993 submitted pursuant to resolution 817 (1993), together with the statement of the Government of Greece and the letter of the President of the former Yugoslav Republic of Macedonia dated 27 and 29 May 1993, respectively, annexed thereto,

1. *Expresses its appreciation* to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for their efforts, and commends to the parties as a sound basis for the settlement of their difference the proposals set forth in annex V to the report of the Secretary-General;

2. *Urges* the parties to continue their efforts under the auspices of the Secretary-General to arrive at a speedy settlement of the remaining issues between them;

3. *Requests* the Secretary-General to keep the Council informed on the progress of these further efforts, the objective of which is to resolve the difference between the two parties before the commencement of the forty-eighth session of the General Assembly, and to report to the Council on their outcome in good time, and decides to resume consideration of the matter in the light of the report.

Decision of 15 July 1993: letter from the President to the Secretary-General

By a letter dated 13 July 1993 addressed to the President of the Security Council, the Secretary-General reported that Mr. Cyrus Vance, the former Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, had accepted his request to continue his good offices to help the parties reach an agreement.⁶³⁴ Mr. Vance would begin his assignment on 1 August 1993. The Secretary-General hoped, as stated in resolution 845 (1993), that it would be possible to resolve the difference between the parties before the commencement of the forty-eight session of the General Assembly.

By a letter dated 15 July 1993,⁶³⁵ the President of the Security Council informed the Secretary-General of the following:

The members of the Council thank you for your letter of 13 July 1993 concerning Security Council resolution 845 (1993) and welcome the acceptance by Mr. Cyrus Vance of your invitation to continue his good offices with the objective of helping the parties to resolve the difference between them before

⁶³⁴ S/26088.

⁶³⁵ S/26089.

the commencement of the forty-eighth session of the General Assembly.

**Decision of 11 April 1994: letter from the
President to the Secretary-General**

By a letter dated 31 March 1994 addressed to the President of the Security Council, the Secretary-General updated the Council on the progress of further efforts under his auspices in relation to the difference between Greece and the former Yugoslav Republic of Macedonia.⁶³⁶ He reported that the parties had met separately with Mr. Vance in Geneva on 10 March 1994. Mr. Vance had told both parties that the situation had increased in gravity, and that time had been of the essence in reaching an agreement. In order to help the parties to find common ground, he had submitted a draft accord confirming the existing common frontier as an inviolable international border and establishing measures for confidence-building, friendship and neighbourly cooperation, based in substantial part on the draft treaty. Having expressed preliminary views on the draft, the parties had agreed that Mr. Vance should continue to assist them to reach a settlement on the remaining issues.

By a letter dated 11 April 1994,⁶³⁷ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your letter of 31 March 1994 in which you advised the Council of the progress of further efforts, under your auspices, in relation to the difference between Greece and the Former Yugoslav Republic of Macedonia.

The members of the Council have asked me to convey to you their support for your efforts and those of your Special Envoy, Mr. Cyrus Vance, and their hope that both parties will cooperate fully with you and Mr. Vance to resolve the difference between them.

The members of the Council request you to keep them fully informed of developments.

**Decision of 7 June 1994: letter from the
President to the Secretary-General**

On 27 May 1994, pursuant to resolution 845 (1993), the Secretary-General submitted an interim report on the progress of further efforts taken under his auspices by his Special Envoy to resolve the difference

between the Governments of Greece and the former Yugoslav Republic of Macedonia.⁶³⁸ He reported that his Special Envoy had held two series of discussions with the parties, with the aim of reaching an agreement on a draft interim accord. The draft interim accord was a condensation of the draft accord which Mr. Vance had given the parties on 10 March 1994. It addressed a limited number of issues, including the question of the frontier between the parties, the interpretation of the Constitution of the former Yugoslav Republic of Macedonia, the question of “hostile activities and propaganda”, and the “countermeasures” adopted by Greece. The other issues would be left to a second phase. However, it had still not been possible to reach agreement on all points. The parties had therefore agreed to participate in further talks, under the auspices of the Secretary-General’s Special Envoy, around 13 June 1994.

By a letter dated 7 June 1994,⁶³⁹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your report of 27 May 1994 pursuant to resolution 845 (1993) concerning the difference between Greece and the Former Yugoslav Republic of Macedonia.

The members of the Council have asked me to convey to you their appreciation for your efforts and those of your Special Envoy, Mr. Cyrus Vance. They welcome the steps taken so far under your auspices and support your intention to proceed with further discussions as expeditiously as possible. They welcome the fact that both parties have agreed to take part in further talks at the Minister for Foreign Affairs level on or about 13 June 1994. They urge both parties to cooperate fully with you and Mr. Vance in order to reach agreement on outstanding issues as soon as possible.

The members of the Council welcome your intention to report further on the substance of Mr. Vance’s discussions after his meetings with the parties in June.

**Decision of 17 August 1994: letter from the
President to the Secretary-General**

By a letter dated 5 August 1994 addressed to the President of the Security Council, the Secretary-General informed the Council on the progress of further efforts under his auspices, in relation to the difference between Greece and the former Yugoslav

⁶³⁶ S/1994/376.

⁶³⁷ S/1994/415.

⁶³⁸ S/1994/632.

⁶³⁹ S/1994/679.

Republic of Macedonia.⁶⁴⁰ The talks planned for 13 June 1994 had been delayed, for reasons beyond the control of the parties. Instead, the Special Envoy of the Secretary-General had met separately with both parties between 10 and 13 July 1994, and had discussed with them the issue of the name. Both parties had agreed to resume discussions with the Special Envoy in the autumn. The Secretary-General himself had met with the Foreign Minister of Greece on 12 July, and with the Foreign Minister of the former Yugoslav Republic of Macedonia on 13 July 1994. He had emphasized to both parties his concern that they reach an early agreement on a solution to their difference. Both Ministers had confirmed their Government's desire to continue with the discussions under his auspices and had expressly stated their strong preference that Mr. Vance should continue his mission of good offices.

By a letter dated 17 August 1994,⁶⁴¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your letter of 5 August 1994 pursuant to resolution 845 (1993) concerning the difference between Greece and the Former Yugoslav Republic of Macedonia.

The members of the Council have asked me to convey to you their continuing appreciation for your efforts and those of your Special Envoy, Mr. Cyrus Vance. They note that at the latest round of discussions both parties thoroughly reviewed a number of proposals addressing the principal difference of substance, the name.

The members of the Council expressed some concern that, in spite of several rounds of discussions between the parties following the adoption of resolution 845 (1993) on 18 June 1993, the principal difference of substance — the name — remains unresolved. They were also concerned at the possible consequences that continuation of the current situation might have for the maintenance of peace and stability in the region. They fully shared the views you expressed on 12 and 13 July to the Ministers for Foreign Affairs of Greece and the Former Yugoslav Republic of Macedonia that the parties should reach an early agreement on a solution to the difference between them.

The members of the Council welcome the desire of both parties to continue with discussions under your auspices, and their commitment to resume those discussions with Mr. Vance

this autumn. They call upon both parties to cooperate fully with you and Mr. Vance in order to reach agreement on outstanding issues as soon as possible.

Decision of 15 September 1995 (3579th meeting): statement by the President

By a letter dated 13 September 1995 addressed to the President of the Security Council, the Secretary-General informed the Council that the Foreign Ministers of Greece and the former Yugoslav Republic of Macedonia had signed a wide-ranging interim accord that day at United Nations Headquarters in New York, in the presence of himself and Mr. Vance.⁶⁴² Article 5 of the accord provided, *inter alia*, that the parties would continue negotiations, under the auspices of the Secretary-General and pursuant to resolutions 817 (1993) and 845 (1993), to resolve the difference between them with respect to the name of the former Yugoslav Republic of Macedonia.

At its 3579th meeting, on 15 September 1995, the Council resumed its consideration of the item and included in its agenda the sub-item entitled "Interim Accord between Greece and the former Yugoslav Republic of Macedonia". Following the adoption of the agenda, the President (Italy) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁴³

The Security Council welcomes the signing of the Interim Accord between Greece and the former Yugoslav Republic of Macedonia and looks forward to the establishment of a new relationship between the parties based on international law and peaceful, friendly relations. The Council believes the Accord will promote the strengthening of stability in the region.

The Council commends both parties, the Secretary-General, the Special Envoy of the Secretary-General, Mr. Cyrus Vance, and the United States envoy, Mr. Matthew Nimetz, for their efforts in bringing about this important achievement, pursuant to Council resolutions 817 (1993) and 845 (1993). The Council encourages them to continue their efforts to resolve the remaining differences between the parties and urges the parties to implement fully the Interim Accord.

⁶⁴⁰ S/1994/978.

⁶⁴¹ S/1994/979.

⁶⁴² S/1995/794, annex I.

⁶⁴³ S/PRST/1995/46.

J. Conference on Security and Cooperation in Europe missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro)

Initial proceedings

Decision of 9 August 1993 (3262nd meeting): resolution 855 (1993)

By a letter dated 20 July 1993 addressed to the President of the Security Council, the representative of Sweden transmitted a letter of the same date from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE), in which, in accordance with Article 54 of the Charter, he informed the Council that at the end of June 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) had withdrawn its acceptance of the CSCE missions in Kosovo, Sandzak and Vojvodina and its cooperation with them.⁶⁴⁴ The Chairman-in-Office also noted that it was the considered opinion of the CSCE participating States that the decision by the Belgrade authorities aggravated the existing threats to peace and security in the region.

By a letter dated 23 July 1993 addressed to the President of the Council, the representative of Sweden transmitted a letter of the same date from the Chairman-in-Office addressed to the Minister for Foreign Affairs of Yugoslavia, as well as a related statement by the Chairman-in-Office.⁶⁴⁵ In his letter, the Chairman-in-Office called upon the authorities of the Federal Republic of Yugoslavia to revoke its decision not to allow the CSCE missions to continue their activities and display its willingness to live up to the norms and principles it had accepted as a CSCE participating State.

At its 3262nd meeting, on 9 August 1993, the Council included in its agenda the item entitled "Conference on Security and Cooperation in Europe (CSCE) missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro)" and the two above-mentioned letters. Following the adoption of the agenda, the Council invited Ambassador Dragomir Djokic, at his request, to

take a seat at the Council table during the course of the discussion of the item. The President (United States) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁶⁴⁶ as well as to two letters dated 28 July and 3 August 1993 from the representative of Yugoslavia addressed to the Secretary-General.⁶⁴⁷ The letters transmitted letters dated 28 and 29 July 1993 from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council and the Chairman-in-Office of the CSCE Council, respectively, in which the Minister objected to the fact that the Federal Republic of Yugoslavia had been suspended from participating in CSCE activities since 8 July 1992 and made the point that his Government was willing and ready to continue to cooperate with CSCE and would allow the CSCE missions back, should Serbia and Montenegro be reintegrated into CSCE.

Speaking before the vote, the representative of China contended that the issue of Kosovo was an internal affair of the Federal Republic of Yugoslavia and that the sovereignty, political independence and territorial integrity of the Federal Republic of Yugoslavia should be respected, in line with the basic principles of the Charter of the United Nations and international law. Based on that consideration, his delegation believed that the Council should exercise extreme prudence and should act in strict conformity with the purposes and the principles of the Charter, especially the principle of non-interference in the internal affairs of sovereign States. The speaker also contended that recourse to preventive diplomacy, as part of the pacific settlement of conflicts embodied in Chapter VI of the Charter, should be carried out at the explicit request or with the prior consent of the States and parties concerned, and should never be imposed against their will. Practice over the years had shown that the consent and cooperation of the parties concerned were essential factors in ensuring the success of the endeavours of the United Nations and regional organizations. The dispute should therefore be solved through continued dialogue and consultation, without outside interference or pressure. The speaker observed that, when differences arose between a regional organization and a sovereign State, it was

⁶⁴⁴ S/26121.

⁶⁴⁵ S/26148.

⁶⁴⁶ S/26263.

⁶⁴⁷ S/26210 and S/26234, respectively.

important to consider the question whether the Security Council should involve itself and, if so, according to what principle. He noted that, in the spirit of consensus, the Chinese delegation had offered specific amendments to the draft resolution. As those amendments had not been accepted, however, it would abstain from the voting on the draft resolution.⁶⁴⁸

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (China) as resolution 855 (1993), which reads:

The Security Council,

Taking note of the letters of 20 and 23 July 1993 from the Chairman in Office of the Council of Ministers of the Conference on Security and Cooperation in Europe,

Also taking note of the letters of 28 July and 3 August 1993 circulated by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Deeply concerned at the refusal of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the CSCE missions of long duration to continue their activities,

Bearing in mind that the CSCE missions of long duration are an example of preventive diplomacy undertaken within the framework of the Conference on Security and Cooperation in Europe and have greatly contributed to promoting stability and counteracting the risk of violence in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

Reaffirming its relevant resolutions aimed at putting an end to conflict in the former Yugoslavia,

Determined to avoid any extension of the conflict in the former Yugoslavia, and in this context attaching great importance to the work of the CSCE missions and to the continued ability of the international community to monitor the situation in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

Stressing its commitment to the territorial integrity and political independence of all States in the region,

1. *Endorses* the efforts of the Conference on Security and Cooperation in Europe as described in the letters noted above from the Chairman in Office of the Council of Ministers of the Conference on Security and Cooperation in Europe;

2. *Calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the Conference by taking the practical steps needed for the

resumption of the activities of these missions and to agree to an increase in the number of monitors as decided by the Conference;

3. *Also calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to assure the monitors' safety and security and to allow them free and unimpeded access necessary to accomplish their mission in full;

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

Speaking after the vote, the representative of Hungary stated that the CSCE missions had proved extremely valuable in promoting stability and counteracting the risk of ethnically motivated violence in Kosovo, Sandzak and Vojvodina. The Hungarian delegation strongly believed that transparency in the protection of human rights was an important factor of stability and security, being a litmus test of a Government's fulfilment of its obligations under the Charter and other relevant international instruments. Hungary, like the CSCE community as a whole, was of the view that the expulsion of the CSCE missions was an act that further aggravated the threat to peace and security in the Balkan region. It considered the Council's call to the Belgrade Government to re-examine its position to be "a perfectly legitimate and sound action".⁶⁴⁹

The representative of Brazil stated that his delegation had voted in favour of the resolution just adopted, bearing in mind that the consideration of the substantive aspects of the dispute fell within the competence of the regional arrangement represented by the relationship between CSCE and its member States. The Brazilian delegation hoped that the resolution just adopted would help to create conditions for the adoption of measures of cooperation and ultimately for the solution of the differences between the Federal Republic of Yugoslavia and CSCE.⁶⁵⁰

The representative of France stated that his delegation was pleased that the Council was giving its support to CSCE, so that the activities of its missions could continue. As stated in the letters of the Chairman-in-Office, it was a question of ensuring the stability of the region. As the resolution just adopted emphasized, the activities of the missions were in no way aimed at affecting the sovereignty of a State, but were designed to ensure respect for the fundamental principles to which all the member States of CSCE,

⁶⁴⁹ *Ibid.*, pp. 5-6.

⁶⁵⁰ *Ibid.*, pp. 6-7.

⁶⁴⁸ S/PV.3262, pp. 3-5.

including the Federal Republic of Yugoslavia, had committed themselves. The presence of the missions contributed to avoiding any extension of the conflict in the former Yugoslavia to Kosovo, Sandzak and Vojvodina.⁶⁵¹

The representative of the United Kingdom reminded the authorities in Belgrade that they continued to be bound by obligations which had been entered into in the context of CSCE and the binding commitment under the “Moscow mechanisms”. The missions were a source of objective information and they promoted security and dialogue between the communities, and would avoid the spread of conflict to other parts of the former Yugoslavia.⁶⁵²

The President, speaking in her capacity as the representative of the United States, stated that the United States strongly supported the activities of the CSCE missions, as they were vital to the international community’s efforts to prevent the spread of the conflict in the former Yugoslavia. By monitoring the human rights situation in Kosovo, Sandzak and Vojvodina, those missions had announced clearly to the authorities in Belgrade that the international community would not tolerate Serbian oppression of local non-Serb populations. She warned that the United States was prepared to respond against Serbia in the event of a conflict in Kosovo caused by Serbian action. She also stressed that human rights abuse would simply delay Serbia and Montenegro’s return to the community of nations.⁶⁵³

In the course of the debate, other speakers shared the view that the CSCE missions were fundamental to the maintenance of peace and stability in the region and that their departure would further aggravate the existing threat to that peace and stability.⁶⁵⁴

⁶⁵¹ Ibid., pp. 9-10.

⁶⁵² Ibid., p. 14.

⁶⁵³ Ibid., pp. 17-18.

⁶⁵⁴ Ibid., pp. 7-9 (Pakistan); pp. 10-11 (Japan); and pp. 12-13 (Spain).

K. The situation in Croatia

Initial proceedings

Decision of 14 September 1993 (3275th meeting): statement by the President

At its 3275th meeting, on 14 September 1993, the Security Council began its consideration of the item entitled “The situation in Croatia”. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Venezuela) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁵⁵

The Security Council expresses its profound concern at the reports from the Secretariat of recent military hostilities in Croatia, in particular the escalation of the means employed, and the grave threat they pose to the peace process in Geneva and overall stability in the former Yugoslavia.

The Council reaffirms its respect for the sovereignty and territorial integrity of the Republic of Croatia, and calls on both sides to accept the proposal of the United Nations Protection Force for an immediate ceasefire. It calls on the Government of Croatia to withdraw its armed forces to positions occupied before 9 September 1993, on the basis of that proposal, and calls on the Serbian forces to halt all provocative military actions.

Decision of 7 February 1995 (3498th meeting): statement by the President

At its 3498th meeting, on 7 February 1995, the Council resumed its consideration of the situation in Croatia. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Botswana) drew the attention of the members of the Council to several documents.⁶⁵⁶ The President then stated that, after consultations among members of the Security Council,

⁶⁵⁵ S/26436.

⁶⁵⁶ Letter dated 18 January 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/56); and letters dated 25 and 31 January 1995, respectively, from the representative of Croatia addressed to the Secretary-General (S/1995/82 and S/1995/93).

he had been authorized to make the following statement on behalf of the Council:⁶⁵⁷

The Security Council reiterates its support for the efforts to bring about a political settlement in the Republic of Croatia which ensures full respect for the sovereignty and territorial integrity of the Republic of Croatia and which guarantees the security and rights of all communities living in a particular area irrespective of whether they constitute in this area the majority or a minority.

The Council strongly supports the recent efforts of representatives of the International Conference on the Former Yugoslavia, the European Union, the Russian Federation and the United States of America aimed at achieving a political settlement in the Republic of Croatia. The Council calls upon the Government of the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas to enter urgently and without preconditions into negotiations on such a settlement, benefiting from proposals now made to them as part of these efforts. It calls upon all other relevant parties to support this process.

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

The Council reaffirms its view that the continued and effective presence of the United Nations Protection Force in the Republic of Croatia is of vital importance for regional peace and security and expresses its desire that discussions over the weeks ahead will lead the Government of the Republic of Croatia to re-examine its position taken on 12 January 1995 in relation to the continuing role of the Force in the Republic of Croatia.

**Decision of 28 April 1995 (3527th meeting):
resolution 990 (1995)**

On 18 April 1995, pursuant to resolution 981 (1995), the Secretary-General submitted to the Council a report on the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO).⁶⁵⁸ The report contained a detailed plan for the implementation of the UNCRO mandate, as well as an assessment of the resources needed, indicating that the strength of the United Nations forces currently in Croatia could be reduced to 8,750 troops and that their deployment could be completed by 30 June 1995.⁶⁵⁹

⁶⁵⁷ S/PRST/1995/6.

⁶⁵⁸ S/1995/320.

⁶⁵⁹ For further details see S/1995/320, paras. 11 to 29.

The Secretary-General observed that the plan did not have the formal acceptance and the full support of either the Government of Croatia or the local Serbs authorities. Thus there was a risk that either or both sides would fail to cooperate with the United Nations in its implementation. On the other hand, the plan provided for the pragmatic implementation of paragraph 3 of resolution 981 (1995), and the alternative to its adoption would be the withdrawal of United Nations forces and the resumption of war. If the two sides seriously wished to avoid a renewal of the conflict, it was up to them to provide the necessary conditions for the new operation to discharge its responsibilities successfully. He therefore recommended that the Council approve the arrangements contained in the report and authorize the deployment of UNCRO to secure their implementation.

At its 3527th meeting, on 28 April 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁶⁶⁰ and to a letter dated 28 April 1995 from the representative of Croatia addressed to the President of the Security Council.⁶⁶¹

The draft resolution was then put to the vote and was adopted as resolution 990 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, in particular resolutions 981 (1995) and 982 (1995) of 31 March 1995,

Having considered the report of the Secretary-General of 18 April 1995,

Bearing in mind the importance of any information relevant to the implementation of all its previous resolutions being made available to the Secretary-General,

Reaffirming its determination to ensure the security and freedom of movement of personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

⁶⁶⁰ S/1995/334.

⁶⁶¹ S/1995/339.

1. *Welcomes* the report of the Secretary-General, and in particular approves the arrangements in paragraphs 11 to 28 thereof for the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO;

2. *Decides* to authorize the deployment of UNCRO as set out in paragraph 29 of the above-mentioned report;

3. *Calls upon* the Government of the Republic of Croatia and the local Serb authorities to cooperate fully with UNCRO in the implementation of its mandate;

4. *Expresses its concern* that an agreement on the status of forces and other personnel has not yet been signed, calls once again on the Government of the Republic of Croatia to conclude expeditiously such an agreement, and requests the Secretary-General to report to the Council no later than 15 May 1995;

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

**Decision of 1 May 1995 (3529th meeting):
statement by the President**

At its 3529th meeting, on 1 May 1995, the Council continued its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (France) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁶²

The Security Council is deeply concerned by the resumption of hostilities in the Republic of Croatia over the last few days.

The Council demands that the Government of the Republic of Croatia put an end immediately to the military offensive launched by its forces in the area of Western Slavonia known as Sector West, which started on the morning of 1 May 1995 in violation of the ceasefire agreement of 29 March 1994.

The Council also demands that the parties respect the economic agreement signed between them on 2 December 1994 and, in particular, take all necessary steps to ensure the safety and security of the Zagreb-Belgrade highway and its immediate environs.

The Council urges the parties to cease hostilities and comply with the existing ceasefire agreement.

The Council calls upon the parties to respect fully the safety and freedom of movement of all United Nations and European Community Monitoring Mission personnel in the area concerned, in the area known as Sector South and elsewhere,

⁶⁶² S/PRST/1995/23.

and therefore to remove all restrictions placed on United Nations personnel.

The Council urges the parties, in order to achieve these objectives, to accept without delay the proposals put to them by the Special Representative of the Secretary-General.

The Council expresses its full support to the Secretary-General and his Special Representative in their efforts. The Council further requests the Secretary-General to keep it informed of developments on the ground as well as in the ongoing talks.

**Decision of 4 May 1995 (3531st meeting):
statement by the President**

At its 3531st meeting, on 4 May 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (France) drew the attention of the members of the Council to two letters⁶⁶³ dated 2 and 3 May respectively from the representative of Croatia addressed to the President of the Security Council. The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁶⁴

The Security Council is deeply concerned at the continuation of hostilities in the Republic of Croatia.

The Council reaffirms in this context its statement of 1 May 1995 in all its aspects and demands that the parties comply with the requirements set out therein immediately and in full.

The Council condemns the incursions into the zone of separation by the forces of the Government of the Republic of Croatia in Sectors North and South and by both sides in Sector East. It demands that the forces in question withdraw immediately.

The Council also condemns the bombardment of Zagreb and other centres of civilian population by the forces of the local Serb authorities and demands that they cease immediately.

The Council further condemns acts of harassment and intimidation against United Nations personnel and reminds the parties of their obligations to respect such personnel at all times and to ensure their safety, security and freedom of movement.

The Council calls upon the parties to cooperate fully with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, the Office of the United Nations

⁶⁶³ S/1995/349 and S/1995/351.

⁶⁶⁴ S/PRST/1995/26.

High Commissioner for Refugees and the International Committee of the Red Cross in protecting and assisting the local civilian population and any displaced persons. The Council is deeply concerned by reports that the human rights of the Serb population of Western Slavonia are being violated. It demands that the Government of the Republic of Croatia respect fully the rights of the Serb population concerned, in conformity with internationally recognized standards.

The Council insists that the authority of UNCRO be re-established and respected in Sector West and other areas affected by the hostilities.

The Council demands that the parties act in accordance with the proposals put to them by the Special Representative of the Secretary-General, that they cease all hostilities immediately and that they cooperate fully with the Special Representative of the Secretary-General and with UNCRO.

The Council further calls upon the parties to enter without delay into the discussions at Geneva to which they have been invited by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

The Council will remain actively seized of the matter and will be ready to consider further steps as necessary.

**Decision of 17 May 1995 (3537th meeting):
resolution 994 (1995)**

At its 3537th meeting, on 17 May 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (France) drew the attention of the Council members to the text of a draft resolution submitted by France, Germany, Italy, the Russian Federation, the United Kingdom and the United States⁶⁶⁵ and read out some revisions that had been made to the draft. He also drew the attention of the Council members to several other documents.⁶⁶⁶

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 994 (1995), which reads:

⁶⁶⁵ S/1995/395.

⁶⁶⁶ Letters dated 8 and 17 May 1995, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1995/363 and S/1995/397); and letter dated 10 May 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/383).

The Security Council,

Recalling all its previous resolutions on the conflicts in the territory of the former Yugoslavia and in particular resolutions 981 (1995) and 982 (1995) of 31 March 1995 and 990 (1995) of 28 April 1995,

Deeply concerned that the objectives set out in the statements by the President of the Security Council of 1 May and 4 May 1995 have not been implemented in all their aspects and that the agreement reached by the parties on 7 May 1995 through the mediation of the United Nations Peace Forces headquarters has been violated, in particular regarding the withdrawal of forces from the zones of separation,

Emphasizing the necessity for full compliance by the parties with the ceasefire agreement of 29 March 1994, and stressing the importance of such compliance for the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO,

Emphasizing further that withdrawal from the zones of separation is a condition for the implementation of the mandate of UNCRO,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, stressing the importance it attaches to the mutual recognition thereof, and in this context welcoming all international efforts to facilitate a negotiated solution to the conflict in the Republic of Croatia,

Emphasizing that full observance of human rights, including appropriate international monitoring thereof, in particular in the area of Western Slavonia known as Sector West, is an essential step towards restoration of confidence between the parties and building a durable peace,

Condemning in the strongest terms all unacceptable acts which were directed at the personnel of the United Nations peacekeeping forces, and determined to obtain strict respect of the status of such personnel in the Republic of Croatia as provided for in the Agreement between the United Nations and the Government of the Republic of Croatia signed on 15 May 1995,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the statements by the President of the Security Council of 1 May and 4 May 1995 issued as a result of the military offensive launched by the forces of the Government of Croatia in the area of Western Slavonia known as Sector West on 1 May 1995 in violation of the ceasefire agreement of 29 March 1994;

2. *Notes with satisfaction* the steps taken so far as to meet the requirements set out in the above-mentioned statements, but demands that the parties complete without further delay the withdrawal of all their troops from the zones of separation and refrain from any further violations of those zones;

3. *Stresses* the need for the early re-establishment of the authority of UNCRO, in accordance with its mandate;

4. *Requests* the Secretary-General to make the necessary arrangements in order to ensure full deployment of UNCRO, after the withdrawal of the troops of the parties, as provided for in its mandate established by resolutions 981 (1995) and 990 (1995);

5. *Demands* that the status and the mandate of UNCRO as well as the safety and security of its personnel be respected;

6. *Demands also* that the Government of the Republic of Croatia respect fully the rights of the Serb population, including their freedom of movement, and allow access to this population by international humanitarian organizations, in conformity with internationally recognized standards;

7. *Requests* the Secretary-General, in cooperation with the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population in Sector West, including the problem of refugees, and to report thereon as soon as possible;

8. *Fully supports* the efforts of the Special Representative of the Secretary-General to achieve the objectives outlined in the statements by the President of the Security Council of 1 and 4 May 1995, and requests the parties to cooperate fully to this end;

9. *Calls upon* the parties to respect the economic agreement signed by them on 2 December 1994, and in particular to take all necessary steps to ensure the safety and security of the Zagreb-Belgrade highway and its immediate environs as provided for in that agreement;

10. *Demands* that the parties refrain from taking any further military measures or actions that could lead to the escalation of the situation, and warns that in the event of failure to comply with this demand it will consider further steps needed to ensure such compliance;

11. *Requests* the Secretary-General to report to the Council for its consideration within two weeks on the implementation of the provisions of the present resolution, including on the modalities for the implementation of the mandate of UNCRO in Sector West;

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

Speaking after the vote, the representative of Italy stated that the resolution just adopted could and must encourage the parties to speed up their complete and unconditional withdrawal from the zones of separation in order to allow the complete and immediate deployment of UNCRO, and the full implementation of its mandate as outlined in resolutions 981 (1995) and 990 (1995). Nevertheless, resolution 994 (1995) was not merely an attempt to remedy a situation created on the ground by the recent Croatian offensive: it also looked to the future. In that regard, the speaker emphasized the importance of paragraph 10, which contained a firm warning to the parties, demanding that they refrain from taking any further military initiatives that could lead to a new escalation of the conflict. If the parties did not refrain from such initiatives, the Council should not hesitate to consider further measures to ensure compliance with that demand.⁶⁶⁷

The representative of the United Kingdom noted that the resolution just adopted condemned in the strongest possible terms any action against United Nations personnel. Progress towards the withdrawal of troops from the zones of separation was welcome, but it was essential that such a withdrawal be completed forthwith. Otherwise, there was little chance of getting the political process back on track, and only when withdrawal had been completed would UNCRO be able to redeploy so as to begin its tasks of implementing its mandate. It was also essential that the United Nations and other international bodies be given full access to Western Slavonia, so as to lay to rest concerns about human rights. The report of the Secretary-General on the implementation of resolution 994 (1995), to be submitted within the following two weeks, would be important as the Council would need to consider at that stage how best to ensure full deployment of UNCRO in accordance with its mandate.⁶⁶⁸

The representative of the Russian Federation stated that it was the non-compliance with the demands set forth in the presidential statements of 1 and 4 May, that had forced his delegation to consider the real need to adopt a resolution that would demonstrate that the Council did not intend to go along with violations of its decisions. His delegation assumed that the adoption of resolution 994 (1995) would lead to: a full restoration of the mandate of UNCRO; a full withdrawal of the

⁶⁶⁷ S/PV.3537, pp. 2-3.

⁶⁶⁸ *Ibid.*, pp. 3-4.

forces of all sides from the zones of separation; and the appropriate implementation of the ceasefire agreement and the economic agreement. Referring to paragraph 6 of that resolution, the speaker said that the Russian Federation expected that the Secretary-General would carry out the request to prepare a report on the humanitarian situation of the Serb population in Sector West. He further noted that his delegation would have preferred the resolution to contain a clearer assessment of the situation that had arose as a result of the Croatian attacks, such as the failure to observe the military embargo against Croatia. He concluded by pointing out that the resolution just adopted did not in any way conclude the Council's consideration of Croatia. In that regard, he referred to paragraph 10 of the resolution in which the Council warned the parties that in the event they would not comply with the demand contained in that paragraph, it would consider additional steps.⁶⁶⁹

The President, speaking in his capacity as the representative of France, recalled that the Council had demanded in clear terms, in its presidential statements of 1 and 4 May, that an end be put to the armed incursions in the zones of separation in Croatia. He noted that, in spite of the commitments announced in that respect by the Croatian authorities, concrete withdrawal operations on the ground had been partial and delayed. That was why France had voted in favour of resolution 994 (1995) which demanded that a total withdraw be completed without further delay. That demand was also addressed to the Croatian Serb forces which were still in the zones of separation. The situation could not truly be stabilized unless both parties respect the buffer zones.⁶⁷⁰

**Decision of 16 June 1995 (3545th meeting):
statement by the President**

On 9 June 1995, pursuant to resolution 994 (1995), the Secretary-General submitted to the Council a report on the implementation of that resolution, including on the modalities for the implementation of the mandate in Sector West of UNCRO, and on the humanitarian situation of the local Serb population in Sector West.⁶⁷¹

⁶⁶⁹ Ibid., pp. 5-6.

⁶⁷⁰ Ibid., p. 7.

⁶⁷¹ S/1995/467.

The Secretary-General noted that the Croatian military offensive in Sector West on 1 May 1995 had underlined the reality that peacekeeping forces could not keep the peace without the cooperation of the parties. While the presence of United Nations forces was critical for achieving the cessation-of-hostilities agreement of 3 May 1995, for preventing escalation and for monitoring the subsequent humanitarian and human rights situation of Serbs in the Sector, it had not been sufficient to prevent the sequence of events leading to the Croatian offensive nor to forestall the offensive itself. In these circumstances, he had seriously re-examined the role of UNCRO. In meetings with his Special Representative, both sides had stated their desire that the peacekeeping mission should continue. But cooperation on the ground had been unsatisfactory and UNCRO personnel had been put at risk. Concerning the UNCRO mandate, there appeared to be common ground between the parties that the mission should fulfil the tasks arising from the ceasefire and economic agreements and from its humanitarian and human rights mandates. The redeployment of the mission by 30 June 1995 was no longer possible however.

The Secretary-General stated that the parties' request that UNCRO should stay was a positive deployment. He therefore intended to monitor closely the continuing level of the parties' cooperation with UNCRO and particularly the extent to which they complied with the ceasefire agreement, allowed UNCRO full freedom of movement and made serious efforts to protect its personnel. UNCRO would coordinate closely with the Croatian Government as well as with international organizations and agencies, to ensure full respect for the human rights of the Serb minority in Sector West and to report on the extent to which purposeful policies of reconciliation and confidence-building were being implemented in the Sector. The Secretary-General was conscious that there remained, on both sides, influential elements that continued to be unreconciled to the objectives of the international community and who were inclined to pursue their ends by military means.

At its 3545th meeting, on 16 June 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Germany) then stated that,

after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁷²

The Security Council has considered the report of the Secretary-General of 9 June 1995 submitted pursuant to its resolution 994 (1995) of 17 May 1995. It is concerned at the situation described therein, and at the continuing failure of the parties to cooperate satisfactorily with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and to comply fully with the demands of the Council. It condemns in particular the continuation of offensive actions and the intimidation of UNCRO personnel in violation of its resolution 994 (1995).

The Council looks to the parties to cooperate fully and unconditionally with UNCRO in the performance of its mandate and to ensure the safety, security and freedom of movement of its personnel. The Council demands that they fulfil their commitment under the ceasefire agreement of 29 March 1994, in particular in respect of the withdrawal of all forces and heavy weapons from the zones of separation, and fully implement the agreement of 2 December 1994 on economic confidence-building measures. It calls upon the parties, and in particular the Government of Croatia, to cease all military action in and around Sector South. It also calls upon all parties to respect fully the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina and to stop any action that extends the conflict across this border, since this is in violation of the Council's resolutions. It reiterates its warning that in the event of failure to comply with the demand in its resolution 994 (1995) that the parties refrain from taking any further military measures or actions that could lead to the escalation of the situation, it will consider further steps needed to ensure such compliance.

The Council requests the Committee established under resolution 724 (1991) of 15 December 1991 to continue to investigate, in accordance with its mandate, reports of violations of resolution 713 (1991) of 25 September 1991.

The Council welcomes the agreement of the Government of Croatia to a continued UNCRO presence in the area of Western Slavonia known as Sector West for the purposes of implementing its mandate, in particular in respect of human rights, to which it continues to attach great importance. It endorses the Secretary-General's view as to the necessity for reconciliation and confidence-building in that Sector. It stresses the importance it attaches to full respect for the human rights of the Serb population there. It encourages the Secretary-General to continue his coordination with the United Nations High Commissioner for Human Rights as well as other international organizations and agencies in this regard.

The Council notes the Secretary-General's judgement that completion of the redeployment of United Nations peacekeeping personnel in the Republic of Croatia by 30 June 1995 envisaged

in its resolution 982 (1995) of 31 March 1995 is no longer possible. It requests the Secretary-General to proceed as expeditiously as possible with this redeployment with the aim of fulfilling all tasks under the mandate of UNCRO. It demands that the parties cooperate with the efforts of UNCRO to implement fully its mandate.

The Council notes the fact that both parties have stated their desire that the peacekeeping mission should continue and that they are seeking the assistance of UNCRO. It welcomes the Secretary-General's intention to monitor closely their cooperation with UNCRO and their compliance with the ceasefire agreement of 29 March 1994, and requests him to keep the Council fully informed. Such cooperation and compliance are essential for the implementation of the mandate of UNCRO and for progress towards a negotiated settlement which respects fully the sovereignty and territorial integrity of the Republic of Croatia and which guarantees the security and rights of all communities.

The Council could not countenance moves by the local Serb authorities in the Republic of Croatia and the Republic of Bosnia and Herzegovina to establish a union between them, since this would be inconsistent with the Council's commitment to the sovereignty and territorial integrity of the Republic of Croatia and the Republic of Bosnia and Herzegovina.

The Council stresses that there can be no military solution to the conflict and calls upon the parties to reaffirm their commitment to a peaceful resolution of their differences.

The Council notes with distress the loss of life and casualties which have been suffered by UNCRO and extends its condolences to the families of the bereaved.

The Council will remain seized of the matter.

**Decision of 3 August 1995 (3560th meeting):
statement by the President**

At its 3560th meeting, on 3 August 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Indonesia) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁷³

The Security Council is deeply concerned at the deterioration in the situation in and around the Republic of Croatia.

The Council fully supports the efforts of the Special Representative of the Secretary-General and of the Co-Chairman of the Steering Committee of the International Conference on

⁶⁷² S/PRST/1995/30.

⁶⁷³ S/PRST/1995/37.

the Former Yugoslavia to defuse the situation, in line with the Council's previous resolutions.

The Council stresses that there can be no military solution to the conflict in Croatia and welcomes the holding of talks between the parties at Geneva earlier today. It calls on both parties to commit themselves fully to that process and to acceptance of the draft agreement drawn up by the Co-Chairman as a basis for continuing those talks.

The Council demands that the parties halt all military actions and exercise the utmost restraint.

**Decision of 4 August 1995 (3561st meeting):
statement by the President**

At its 3561st meeting, on 4 August 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a letter dated 4 August 1995 from the representative of Croatia addressed to the President of the Security Council, transmitting a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia.⁶⁷⁴

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁷⁵

The Security Council is deeply concerned at the resumption of hostilities in and around the Republic of Croatia. The Council recalls the statement by its President of 3 August 1995. It strongly deplores the decision by the Croatian Government to launch a broad military offensive, thereby unacceptably escalating the conflict, with the risk of further consequent attacks by whatever party, and demands that all military action cease immediately and that there be full compliance with all Council resolutions including resolution 994 (1995).

The Council condemns any shelling of civilian targets. It demands that no military action be taken against civilians and that their human rights be fully respected. It reminds the parties of their responsibilities under international humanitarian law and reiterates that those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. The Council calls on the parties to cooperate fully with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, the United Nations High

Commissioner for Refugees and the International Committee of the Red Cross in ensuring access and protection to the local civilian population as appropriate.

The Council strongly condemns attacks by Croatian Government forces on personnel of the United Nations peacekeeping forces, which have resulted in casualties, including the death of one member of the peacekeeping forces. It demands that such attacks cease immediately and that all detained personnel be released. It also reminds the parties, and in particular the Croatian Government, that they have an obligation to respect United Nations personnel, to ensure their safety and freedom of movement at all times and to enable UNCRO to fulfil its mandate in accordance with the relevant Council resolutions. The Council expresses condolences to the Government of Denmark and to the family of the member of the United Nations peacekeeping forces who lost his life.

The Council deeply regrets the breakdown of the talks which began at Geneva on 3 August 1995. It calls upon the Croatian Government to return to the talks. It reiterates that there can be no military solution to the conflict in Croatia. It reaffirms its call for an unreserved commitment to the search for a negotiated settlement and to resumption of talks on the basis of the draft agreement drawn up by the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

The Council will remain seized of the matter and will consider any further measures that may be necessary.

**Decision of 10 August 1995 (3563rd meeting):
resolution 1009 (1995)**

On 3 August 1995, pursuant to resolution 981 (1995), the Secretary-General submitted to the Council a report on the situation in Croatia, including on the ability of UNCRO to implement its mandate.⁶⁷⁶ The Secretary-General reported that, although there had been no large-scale hostilities since May 1995, there had been almost continuous skirmishes, exchanges of fire, incidents and troop deployments within the zones of separation, and an increased number of violations of the heavy weapons withdrawal zones. Those actions, by both sides, had eroded the credibility of the ceasefire agreement to the point where neither side appeared committed to its key provisions. Moreover, the existing military situation, coupled with restrictions on freedom of movement constantly imposed by both sides, had prevented UNCRO from taking any significant remedial action and, in some cases, from even monitoring the situation. Peacekeepers had been

⁶⁷⁴ S/1995/647.

⁶⁷⁵ S/PRST/1995/38.

⁶⁷⁶ S/1995/650.

unable to position themselves between the warring factions and had been prevented from deploying along the international border. The Secretary-General concluded that, given the high degree of uncertainty concerning developments in Croatia, it was not possible at that time to make a recommendation as to the future of UNCRO. It was his intention, however, to revert to the Security Council with such a recommendation at an appropriate time in the future.

By a letter dated 7 August 1995 addressed to the President of the Security Council,⁶⁷⁷ the Secretary-General reported that on 4 August, the Croatian Army had launched a major offensive against the Krajina region, and a significant number of United Nations observation posts had been overrun by the Croatian Army, with some coming under fire. On two occasions, United Nations troops and Serb prisoners had been used as human shields by Croatian Army units. Subsequently, the United Nations had suffered a total of 18 casualties, three of which had been fatal. On 6 August, the Co-Chairmen of the International Conference on the Former Yugoslavia and representatives of the European Union had met in Geneva with the Foreign Minister of Croatia, who had expressed confidence that the Croatian military operation would be completed within 24 hours and had indicated that Croatia would investigate incidents in which United Nations troops had been attacked. The Minister had also given assurances about granting humanitarian organizations access to civilians displaced by the fighting. The Secretary-General further noted that a refugee crisis of major proportions had begun. Tensions remained high and the possibility of continuing hostilities could not be ruled out.

At its 3563rd meeting, on 10 August 1995, the Council included the above-mentioned report and letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Indonesia) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the

⁶⁷⁷ S/1995/666.

course of the Council's prior consultations⁶⁷⁸ and to several other documents.⁶⁷⁹

The representative of Croatia stated that Croatia's action had been carried out mostly on its internationally recognized territory and in part of the territory of Bosnia and Herzegovina, at the express request of that Government, arguing that establishing sovereignty and security on its own territory and coming to the aid of a friendly Government were fully consistent with the Charter of the United Nations. The speaker further claimed that the siege of Bihac, which had been a serious concern for the international community, had been resolved at minimal cost to the international community and to the civilian population in the area. Croatia therefore regretted that the Council had not accepted an amendment that would have acknowledged that the siege of Bihac had been successfully lifted. His Government had accepted responsibility for those and other casualties amongst United Nations personnel and had taken appropriate measures to remedy the costs of individual "indiscretions" and criminal acts against the peacekeepers. His Government also fully supported the new initiative by the United States to restart the negotiating process in a timely manner, and it would support a new conference along the lines suggested by President Yeltsin of the Russian Federation. The new negotiations should be based on the principle of mutual recognition among all successor States of the former Yugoslavia and on the linkage of the sanctions regime against the Federal Republic of Yugoslavia to its role in the implementation of a negotiated settlement for the Serbian minority in Croatia. Such a linkage would be

⁶⁷⁸ S/1995/676.

⁶⁷⁹ Letters dated 7 August 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/658 and S/1995/660); letters dated 4 and 6 August 1995, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1995/656 and S/1995/663); letters dated 6 and 7 August 1995, respectively, from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/662 and S/1995/664); letter dated 8 August 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/670); letter dated 8 August 1995 from the representative of the Russian Federation addressed to the Secretary-General (S/1995/672); and letter dated 9 August 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/675).

important in respect of a successful resolution to the problem of the remaining occupied territory in Croatia — the Vukovar region (the former Sector East). The speaker also contended that the Belgrade occupation of that territory could not be more evident and warned that the premature easing of the sanctions regime before that problem had been resolved might leave the Government of Croatia with no option other than a military one. Before concluding, the speaker noted that Croatia would look to UNCRO to assist it in resolving the problem of the Vukovar region peacefully. As UNCRO redefined its role in the “reintegrated areas” of Croatia, the Government of Croatia would welcome a redeployment of its excess resources to the international border in the Vukovar region.⁶⁸⁰

The representative of Bosnia and Herzegovina argued that Croatia’s action had been in defence of its territories and rights and in promotion of peace and stability within its borders and had preserved the Bihac safe area. That was a victory of the Croatian army over the terrorists and criminals among the Serbians who wanted to carry out violence against innocent civilians on both sides.⁶⁸¹

Mr. Djokic stated that, by opting for “all-out aggression”, Croatia had not simply attacked the Serb population, but also flagrantly violated the Security Council resolutions establishing the United Nations protected areas in Krajina, and had breached the Vance plan. The Government of Croatia had acted in total disregard of the unambiguous and clear-cut demands of the Security Council, that it refrain from taking any further actions that could lead to the escalation of the situation, and particularly that it cease all military actions in and around sector South. It was particularly worrisome that the Security Council and the international community had not condemned the “brutal” Croatian aggression. Particular responsibility lay with the Security Council, whose primary role under Chapter VII of the Charter was to maintain peace and security and protect the victims of aggression, to take “concrete and resolute measures” against Croatia. The speaker noted that it was particularly distressing that the Council did not demand that Croatian troops withdraw to the positions held prior to 4 August 1995 and that the calls for the introduction of comprehensive

actions against Croatia had been ignored. He further urged the Security Council to make Croatia allow access to representatives of the United Nations and humanitarian organizations to the territories of Krajina in order to conduct a thorough and objective investigation into the events that had taken place during the Croatian offensive, including alleged massacres, torture, opening fire on refugees, and the use of United Nations personnel and Serb soldiers and civilians as human shields. He added that the draft resolution before the Council represented a totally inadequate response to the drama that had been unfolding in Krajina.⁶⁸²

Speaking before the vote, the representative of Germany stated that his delegation deplored the Croatian Government’s decision to use military means to regain those territories previously known as Sector South and Sector North. At the same time it was ready to acknowledge that Croatia’s patience had been tested severely by the intransigence of the Croatian Serb leadership and by the great number of ceasefire violations committed by Croatian Serb forces and their pattern of cross border attacks, in particular in the area of Bihac. From the German view, there were now three priorities. First, the urgent humanitarian needs must be addressed, and full respect for human rights must be ensured. Second, the situation in and around Croatia must be stabilized. Third, the conflicting parties must be brought back to the negotiating table. In concluding, the speaker stated that Croatia needed to ensure that the human rights and minority rights of the Serbs of the former Sector East and Sector North were fully respected. Germany was deeply concerned about the fate of the Croatian Serb refugees and considered it crucial that Croatia guarantee the right of those refugees to return, and that the Croatian authorities do everything in their power to create circumstances and a climate conducive to such a return.⁶⁸³

The representative of China stated that his delegation would vote in favour of the draft resolution because it urged the parties to stop hostilities immediately and resume negotiations at an early date, it called for an urgent solution to humanitarian problems, and it called upon the parties to ensure the freedom of movement of UNCRO personnel. China maintained its reservation, however, with regard to the

⁶⁸⁰ S/PV.3563, pp. 2-4.

⁶⁸¹ Ibid., pp. 5-7.

⁶⁸² Ibid., pp. 7-9.

⁶⁸³ Ibid., pp. 11-12.

references in the draft resolution to Chapter VII of the Charter and resolution 816 (1993).⁶⁸⁴

The representative of the Russian Federation stated that the Croatian offensive had brought to naught the efforts of the international community to find a political solution. He argued that Zagreb had taken a stance of integrating Serb-populated regions by force, meaning that the principle of a just solution had been sacrificed to a philosophy of *fait accompli*. The Russian Federation believed that such an approach would have harmful consequences both for the settlement of the Yugoslav crisis and for the role to be played by the United Nations in maintaining and restoring international peace and security. The speaker stated that the gravity of the situation required the adoption of urgent measures. The Russian Federation therefore had taken an active part in the preparation of the draft resolution. Of special importance in the Russian Federation's view was the demand that Croatia cease immediately all hostilities and comply with all relevant Council resolutions, including resolution 994 (1995), and that it fully respect the rights of the local Serb population. No less important was the demand by the Council that Croatia respect the status of United Nations personnel, put an end to attacks on it and punish those guilty of perpetrating them. Noting that the draft resolution referred with concern to reports of violations of resolution 713 (1991), the speaker stated that the tragic events in Croatia had reaffirmed that if violations of the arms embargo went unpunished, the parties would be tempted to try to solve disputes not around the negotiating table, but by force of arms. It was therefore necessary to adopt additional measures to ensure effective compliance with resolution 713 (1991). Another clear conclusion was that the United Nations peacekeeping operations in Croatia must continue in order to prevent a complete humanitarian catastrophe and to ensure objective international observation of the actions of the Croatian authorities with regard to the Serbian population that had come under its control. In that regard, any violations of international law required the adoption of effective and impartial measures, including by the Council. The situation in Croatia had to remain under the close scrutiny of the Council which would be prepared to consider further measures to achieve compliance with the draft resolution. There were such measures that the Council could take, and that should be remembered by

⁶⁸⁴ *Ibid.*, p. 12.

those who believed that the Council's decision were not binding on them.⁶⁸⁵

The draft resolution was then put to the vote and was adopted unanimously as resolution 1009 (1995), which reads:

The Security Council,

Recalling all its previous resolutions on the conflicts in the territory of the former Yugoslavia, in particular resolutions 981 (1995) of 31 March 1995, 990 (1995) of 28 April 1995 and 994 (1995) of 17 May 1995,

Reaffirming the statements by its President of 3 and 4 August 1995, and deeply concerned that the demands set out therein have not yet been fully complied with by the Government of the Republic of Croatia,

Having considered the report of the Secretary-General of 3 August 1995 and his letter of 7 August 1995,

Noting with concern reports of violations of resolution 713 (1991) of 25 September 1991 as reflected in the report of the Secretary-General of 3 August 1995,

Deeply regretting the breakdown of the talks which began at Geneva on 3 August 1995,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, stressing the importance it attaches to the mutual recognition thereof, and in this context welcoming all international efforts to facilitate a negotiated solution to the conflict in the Republic of Croatia,

Strongly deploring the broad military offensive launched on 4 August 1995 by the Government of the Republic of Croatia, thereby unacceptably escalating the conflict, with the risk of further consequent attacks by whatever party,

Condemning the shelling of civilian targets,

Deeply concerned at the grave situation of persons displaced from their homes as a result of the conflict and at reports of violations of international humanitarian law,

Stressing the need to protect the rights of the local Serb population,

Condemning in the strongest terms the unacceptable acts by Croatian Government forces against personnel of the United Nations peacekeeping forces, including those which have resulted in the death of one Danish and two Czech members of those forces, and expressing its condolences to the Governments concerned,

Taking note of the agreement between the Republic of Croatia and the United Nations Peace Forces signed on 6 August

⁶⁸⁵ *Ibid.*, pp. 13-15.

1995, and stressing the need for the Government of the Republic of Croatia to adhere strictly to its provisions,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Government of the Republic of Croatia cease immediately all military actions and that there be full compliance with all Council resolutions, including resolution 994 (1995);

2. *Demands also* that the Government of the Republic of Croatia, in conformity with internationally recognized standards and in compliance with the agreement of 6 August 1995 between the Republic of Croatia and the United Nations Peace Forces, (a) respect fully the rights of the local Serb population, including their rights to remain, leave or return in safety, (b) allow access to this population by international humanitarian organizations and (c) create conditions conducive to the return of those persons who have left their homes;

3. *Reminds* the Government of the Republic of Croatia of its responsibility to allow access for representatives of the International Committee of the Red Cross to members of the local Serb forces who are detained by the Croatian Government forces;

4. *Reiterates* that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

5. *Requests* the Secretary-General, in cooperation with the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population, including the problem of refugees and displaced persons, and to report thereon as soon as possible;

6. *Demands* that the Government of the Republic of Croatia fully respect the status of United Nations personnel, refrain from any attacks against them, bring to justice those responsible for any such attacks and ensure the safety and freedom of movement of United Nations personnel at all times, and requests the Secretary-General to keep the Council informed of steps taken and decisions rendered in this regard;

7. *Urges* the parties and others concerned to exercise maximum restraint in and around Sector East, and requests the Secretary-General to keep the situation there under review;

8. *Reminds* all parties of their obligation to comply fully with the provisions of resolution 816 (1993) of 31 March 1993;

9. *Reiterates its call* for a negotiated settlement that guarantees the rights of all communities, and urges the Government of the Republic of Croatia to resume talks under the

auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia;

10. *Requests* the Secretary-General to report to the Council within three weeks of the adoption of the present resolution on its implementation and on the implications of the situation for the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and expresses its readiness to consider promptly his recommendations in relation to UNCRO;

11. *Decides* to remain actively seized of the matter and to consider further measures to achieve compliance with the present resolution.

Speaking after the vote, the representative of France noted that while Sector North and Sector South, where the Croatian offensive unfolded, were part of Croatia, the Serb population in these regions did have rights recognized by the international community. In that regard, he recalled that recognition of Croatia by the European Union was made expressly contingent on recognition by that State of the rights of the Serb minority. The speaker further stated that the resolutions of the Security Council made it incumbent upon the Croatian authorities to turn to negotiation to bring about reintegration within the Republic of the territories in question. By putting an end to discussions in Geneva with the Serb party in Croatia and deliberately choosing the military option to restore their authority in these sectors, the Zagreb authorities had taken a decision contrary to their international obligations. Turning to the resolution, the speaker noted that the resolution just adopted was timely and fitting for three reasons. First, it placed very special emphasis on respect for the rights of civilians. The Serb populations must be free to move about and those who had fled must be able to come back in satisfactory conditions of safety and security to their region of origin. It was also essential that humanitarian organizations be able to monitor the situation. Secondly, the resolution embodied a very forceful condemnation of the behaviour of Croatian Government forces towards United Nations forces. Those responsible for violations of the laws of war would have to be brought to justice. Finally, the resolution clearly warned that hostilities should not be pursued in the direction of Sector East, because that would raise by yet another notch the escalation and the risk of generalization of the conflict.⁶⁸⁶

⁶⁸⁶ Ibid., pp. 16-17.

The representative of the United States noted that her Government regretted the decision by the Government of Croatia to launch an offensive against the Krajina region. It also urged all parties to refrain from further attacks, whether within Croatia or Bosnia and Herzegovina. The speaker urged that it must be a priority for all parties to protect civilian refugees who had been forced to flee the military operations. The rights of those Serbs who chose to remain in Croatia must also be respected and it was essential that international agencies had unimpeded access to observe conditions in Krajina and provide humanitarian relief where needed. The United States expected the war-crimes Tribunal to investigate allegations of abuse against unarmed civilians, and it joined in condemning the wrongful acts committed against United Nations peacekeepers. The resolution just adopted reminded Croatia of its obligation to create conditions conducive to the safe return of those persons who had fled their homes, and it stressed the importance of granting the International Committee of the Red Cross access to those who had been detained. At the same time, while the United States regretted the means used, it was also necessary to recognize that the new safe area of Bihac was now open to humanitarian relief.⁶⁸⁷

The President, speaking in his capacity as the representative of Indonesia, stated that his delegation had voted in favour of the resolution just adopted since it embodied principles that Indonesia had consistently espoused, including commitment to the search for a comprehensive negotiated settlement of the conflicts in the former Yugoslavia, the need to respect international humanitarian law and the inviolability of all United Nations personnel, as well as the sovereignty and territorial integrity of all States of the former Yugoslavia.⁶⁸⁸

**Decision of 29 August 1995: letter from the
President to the Secretary-General**

On 23 August 1995, pursuant to resolution 1009 (1995), the Secretary-General submitted to the Council a report on the implications of the situation in Croatia on the mandate of UNCRO.⁶⁸⁹

⁶⁸⁷ *Ibid.*, p. 20.

⁶⁸⁸ *Ibid.*, p. 21.

⁶⁸⁹ S/1995/730.

The Secretary-General reported that since his last report of 3 August and his letter of 7 August, neither party had ceased military actions, nor had they complied fully with relevant Security Council resolutions. Tensions had remained high, especially in Sector East, and the Croatian Army had not always prosecuted its campaigns with sufficient regard for the safety of United Nations personnel or Krajina Serb civilians. Croatia's reintegration by force of the former Sectors West, South and North had eliminated the need for infantry battalions in these areas. The Theatre Force Commander had therefore initiated the immediate reduction of the UNCRO troop strength. The Secretary-General observed that UNCRO's immediate task in Sector East was to try to re-establish the regime created by the ceasefire agreement. If that could be achieved, he would be inclined to think that there would be a continuing role for United Nations forces in Sector East. He had instructed his Special Representative to consult with the Government of Croatia and the local Serb leadership in Sector East, in order to define a possible mandate for UNCRO. He had also requested him to discuss with the Government of Croatia what tasks, if any, UNCRO could perform elsewhere in Croatia. The Secretary-General recommended that the Security Council approve the further repatriation, during the existing mandate, of all remaining battalions, with the exception of two in Sector East.⁶⁹⁰

By a letter dated 29 August 1995,⁶⁹¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your report of 23 August 1995 pursuant to resolution 1009 (1995).

The members of the Council agree with your recommendation set out in paragraph 32 of that report concerning the repatriation of remaining battalions of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, with the exception of the two in Sector East. They support the views you express concerning the possible future configuration and tasks of UNCRO and urge you to continue your contacts in this regard. They express their readiness to consider further recommendations in the light of those contacts. Pending such consideration, they stress the importance they attach to the retention of the current configuration and tasks of UNCRO in Sector East. They

⁶⁹⁰ *Ibid.*, para. 32.

⁶⁹¹ S/1995/748.

underline the need for a new spirit of cooperation with UNCRO there and elsewhere in the Republic of Croatia.

The members of the Council fully support you in your efforts to ensure that the parties and others concerned exercise maximum restraint in and around Sector East and pursue a negotiated solution.

The members of the Council note with concern the difficulties you report concerning implementation by the Croatian Government of the agreement on the status of forces. They look to the Croatian Government to implement fully and unconditionally the terms of that agreement in all aspects.

The members of the Council express their concern over the humanitarian problems described in your report. They stress the importance they attach to fulfilment of the provisions of the Council's resolutions in this regard and to efforts by the international community to alleviate the plight of refugees and displaced persons.

**Decision of 7 September 1995 (3573rd meeting):
statement by the President**

At its 3573rd meeting, on 7 September 1995, the Council included the report of the Secretary-General of 23 August 1995 in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Italy) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁹²

The Security Council has considered the report of the Secretary-General of 23 August 1995 submitted pursuant to its resolution 1009 (1995) of 10 August 1995 and in particular the humanitarian situation and human rights violations described therein.

The Council expresses its deep concern at the grave situation of refugees and persons displaced during the Croatian offensive and at reports of violations of international humanitarian law as described in the report of the Secretary-General. The Council shares the view of the Secretary-General that the mass exodus of the local Serb population has created a humanitarian crisis of significant proportions. The Council is also concerned by reports of human rights violations, including the burning of houses, looting of property and killings, and demands that the Government of Croatia immediately investigate all such reports and take appropriate measures to put an end to such acts.

The Council reiterates its demand that the Government of the Republic of Croatia respect fully the rights of the local Serb population, including their right to remain or return in safety.

⁶⁹² S/PRST/1995/44.

The Council welcomes efforts made by the Secretary-General in coordination with international humanitarian organizations in response to this acute humanitarian situation. It calls upon all Member States to provide urgent humanitarian relief and assistance to those refugees and displaced persons.

The Council reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. The Council reiterates in this context that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993), and its organs.

The Council will remain actively seized of the matter.

**Decision of 3 October 1995 (3584th meeting):
statement by the President**

At its 3584th meeting, on 3 October 1995, the Council continued its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶⁹³

The Security Council expresses its concern at the humanitarian situation in and around the Republic of Croatia, including the situation of refugees from the Republic of Bosnia and Herzegovina.

The Council is particularly concerned at the withdrawal of refugee status from and the consequent ending of assistance to many refugees from the Republic of Bosnia and Herzegovina at present in the Republic of Croatia. The decisions of the Government of Croatia in this regard may lead to the involuntary return of tens of thousands of people to an area that is neither safe nor prepared to receive them. The Council stresses the importance of the principle of non-refoulement set out in the 1951 Geneva Convention relating to the Status of Refugees, to which Croatia is a party. The Council urges the Government of Croatia to continue to provide asylum to all refugees regardless of their origin.

The Council is also seriously concerned at the situation of the refugees from the Republic of Croatia wishing to return, as well as of those ethnic Serbs who have chosen to remain in the Republic of Croatia. It reiterates its demands, contained, inter alia, in its resolution 1009 (1995), that the Government of Croatia respect fully the rights of the local Serb population, including

⁶⁹³ S/PRST/1995/49.

their right to remain or return in safety, investigate all reports of human rights violations and take appropriate measures to put an end to such acts. The Council calls upon the Government of Croatia to lift any time-limits placed on the return of refugees to Croatia to reclaim their property. The Council also calls upon the Government to cooperate with international humanitarian organizations in the creation of conditions conducive to the repatriation of refugees in safety and dignity.

The Council will remain actively seized of the matter.

**Decision of 10 October 1995: letter from the
President to the Secretary-General**

On 29 September 1995, pursuant to resolution 1009 (1995), the Secretary-General submitted to the Council a report on consultations held by his Special Representative with the Government of Croatia, Belgrade and the local Serb authorities in Sector East on the tasks of UNCRO.⁶⁹⁴ He reported that, after intensive consultations, his Special Representative had been assured by the parties that they were willing to resolve the issue of Sector East through negotiation. In addition, both sides had undertaken to improve their level of compliance with existing agreements, and specific regard to cooperation with UNCRO. Following his discussions, his Special Representative had proposed a plan based on the six following main tasks: (a) performing fully the functions envisaged in the Ceasefire Agreement between Croatia and the local Serb authorities in Sector East; (b) facilitating the implementation of the sections of the Economic Agreement of 2 December 1994 which were relevant to Sector East, and arranging local economic initiatives as appropriate; (c) facilitating the implementation of all relevant Council resolutions, including the functions identified in paragraph 72 of the Secretary-General's report of 22 March 1995, in particular the continuation of confidence-building and humanitarian tasks, such as assistance to refugees and displaced persons and the monitoring of the treatment of ethnic minorities; (d) assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons, over the international borders between Croatia and the Federal Republic of Yugoslavia at the border crossings where UNCRO was deployed; (e) monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992); and (f) observing and reporting on military incidents in the vicinity of the international border between Croatia and

⁶⁹⁴ S/1995/835.

Bosnia and Herzegovina. The Secretary-General therefore recommended that the Council approve the plan. It would apply to the remainder of the current mandate of UNCRO, pending ongoing negotiations on the ultimate future of Sector East in the context of an overall political settlement of the crisis in the former Yugoslavia.

By a letter dated 10 October 1995,⁶⁹⁵ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your report of 29 September 1995 submitted pursuant to Council resolution 1009 (1995). The members of the Council agree with the arrangements set out in that report for the remainder of the current mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, pending, in the case of Eastern Slavonia, the outcome of the ongoing negotiations on the subject.

**Decision of 22 November 1995 (3596th
meeting): resolution 1023 (1995)**

By a letter dated 15 November 1995 addressed to the Secretary-General, the representative of Croatia transmitted the text of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed by the Government of Croatia and the local Croatian Serb authorities in Eastern Slavonia on 12 November 1995.⁶⁹⁶ The Agreement provided, inter alia, that there would be a transitional period of 12 months, extendable to 24 months if one of the parties so requested, and that the Security Council would establish a Transitional Administration and an international force, respectively, to govern the region during that transitional period and to maintain peace and security.

At its 3596th meeting, on 22 November 1995, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation,

⁶⁹⁵ S/1995/859.

⁶⁹⁶ S/1995/951.

Rwanda, the United Kingdom and the United States,⁶⁹⁷ as well as to several other documents.⁶⁹⁸

Speaking before the vote, the representative of the Russian Federation pointed out that the Basic Agreement on the Region of Slavonia, Baranja and Western Sirmium had been made possible by the parties' realism and sense of responsibility, as well as the considerable contribution of international mediators and States members of the Contact Group. The Basic Agreement provided for restoration of security guarantees that had been undermined for the entire population during the years of conflict, securing for Croats, Serbs and representatives of other nationalities, in equal measure, basic human rights and freedoms, adequate conditions for the return of refugees, and normalization of life. The Agreement also removed the obstacles to the full normalization of relations between Croatia and the Federal Republic of Yugoslavia, which was of decisive significance for a comprehensive settlement of the crisis in the Balkans. In that regard, the Russian Federation believed that the draft resolution before the Council was appropriate and timely. In its view, the United Nations must play an important role in the promotion of the peace process, including the creation of a Transitional Administration and an international force. The Russian Federation, for its part was prepared to continue its contribution to ensuring peace and security in the region. It also supported the continuation and expansion of international efforts to ensure human rights in Croatia.⁶⁹⁹

The representative of China stated that his delegation would vote in favour of the draft resolution on the basis of its position that, in any settlement of the Croatian question, the sovereignty and territorial integrity of Croatia should be respected and that the Government of Croatia and the local Serbian authorities should seek a solution acceptable to both sides to the conflict, through peaceful negotiation. Noting that the Agreement contained requests to the United Nations and the Security Council concerning authorization by the Council of a Transitional Administration and an international force, the speaker

⁶⁹⁷ S/1995/979.

⁶⁹⁸ Letter dated 6 October 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/843); and letter dated 15 November 1995 from the representative of Ukraine addressed to the Secretary-General (S/1995/964).

⁶⁹⁹ S/PV.3596, pp. 2-3.

cautioned that those requests involved many complicated political and legal issues, thus making it necessary to conduct careful studies and to refrain from making hasty decisions as to how the United Nations might facilitate and participate in the implementation of the peace plan in the region.⁷⁰⁰

The representative of the Czech Republic stated that the cornerstone of the Basic Agreement was the setting up of a Transitional Administration in Sector East for one year. His delegation had noted with concern, however, the generality of many of the provisions of the Basic Agreement. It understood from that fact that the parties had agreed on general language but had been divided on the details, thus passing over to the Council the "hot potato" of the details. The parties were eager to pass the responsibility for the consent of their Agreement to the Council, even while the Czech delegation had always argued that the prime responsibility for shaping their future must reside with the parties in conflict themselves.⁷⁰¹

The representative of Germany observed that the Basic Agreement was based on two important principles. On the one side, the sovereignty of Croatia with regard to Eastern Slavonia was acknowledged. On the other hand, there needed to be full protection of and guarantees for the rights of the local Serb population. The speaker cautioned, however, that there should be no misunderstanding: the Basic Agreement would enter into force only upon the Council's adoption of a resolution establishing a Transitional Administration and authorizing an international force. Thus, the Basic Agreement conferred upon the Security Council important responsibilities. In the following days and weeks, the members of the Council would have to work intensively on the details and modalities of the envisaged international force and Transitional Administration. Ultimately, however, it was only the Government of Croatia and the local Serb party that could make the Basic Agreement a success. It was therefore right that the draft resolution stressed the need for them to cooperate fully on the basis of the Agreement and to refrain from any measures that might hinder its implementation. That also held true for the Government of the Federal Republic of Yugoslavia.⁷⁰²

⁷⁰⁰ *Ibid.*, p. 3.

⁷⁰¹ *Ibid.*, p. 4.

⁷⁰² *Ibid.*, pp. 4-5.

The draft resolution was then put to the vote and was adopted unanimously as resolution 1023 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

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

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium, known as Sector East, are integral parts of the Republic of Croatia,

Affirming the importance it attaches to full respect for human rights and fundamental freedoms of all in those territories,

Commending the continuing efforts of the representatives of the United Nations, the European Union, the Russian Federation and the United States of America to facilitate a negotiated solution to the conflict in the Republic of Croatia,

1. *Welcomes* the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb representatives, signed on 12 November 1995 in the presence of the United Nations mediator and the United States Ambassador to the Republic of Croatia;

2. *Recognizes* the request to it contained in the Basic Agreement to establish a transitional administration and authorize an appropriate international force, stands ready to consider the above request expeditiously in order to facilitate the implementation of the Agreement, and invites the Secretary-General to maintain the closest possible contact with all those concerned in order to assist with its work on the matter;

3. *Stresses* the need for the Government of the Republic of Croatia and the local Serb party to cooperate fully on the basis of the Basic Agreement and refrain from any military activity or any measure that might hinder the implementation of the transitional arrangements set out in it, and reminds them of their obligation to cooperate fully with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and to ensure its safety and freedom of movement;

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

Speaking after the vote, the representative of France stated that the principle goal of the resolution just adopted, was to establish and guarantee a just and

lasting peace for all the inhabitants of Eastern Slavonia. It was necessary to show that the international community supported the peace process under way and the principles that had inspired it, including: the sovereignty and territorial integrity of Croatia; the recognition and protection of the fundamental rights of the whole population of the region; the need for the rapid return of all displaced persons and refugees; and the guarantee that all the inhabitants of Eastern Slavonia would be able to live in peace and dignity.⁷⁰³

The representative of the United States noted that the resolution just adopted was an important step in building confidence between Croats and Serbs, but much still remained to be done before a final peace was established. The parties to the Basic Agreement had asked the international community not only to underwrite, but also to administer the region in its transition period. That was a large undertaking, which would require consultation, planning and coordination between interested parties. Before concluding, the speaker noted that the efforts of the Security Council, including establishing and enforcing sanctions, authorizing peacekeeping forces, and responding aggressively to human rights violations on all sides, had finally come to fruition, through the initialling of the Dayton Agreement and the adoption of the Basic Agreement.⁷⁰⁴

The President, speaking in his capacity as the representative of Oman, while welcoming the signing of the Basic Agreement, cautioned that the Agreement was not an end in itself. Rather, it was a first step towards establishing peace and the normalization of relations in that region. Referring to the resolution just adopted, he stated that the most important provision was the reference to mutual recognition between all States in the area of the former Yugoslavia. Such recognition would ensure the sovereignty and territorial integrity of all the States within their internationally recognized borders, helping to establish confidence between the States of the region.⁷⁰⁵

⁷⁰³ *Ibid.*, p. 6.

⁷⁰⁴ *Ibid.*, pp. 6-7.

⁷⁰⁵ *Ibid.*, pp. 7-8.

Decision of 30 November 1995 (3600th meeting): resolution 1025 (1995)

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report on the peacekeeping missions in the former Yugoslavia.⁷⁰⁶ The report was intended to assist the Council in its deliberations on the future of those missions, as their mandates were due to terminate on 30 November 1995. The Secretary-General observed that the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium was a landmark accomplishment that provided for the peaceful integration into Croatia of the region known as Sector East. Recalling that the Basic Agreement requested the Council to establish a transitional administration and to authorize an international force, he stressed that timeliness of its implementation was of the essence for the present momentum of peace to be sustained and required full international support. Addressing the future of UNCRO, the Secretary-General stated that there appeared to be only two realistic options. Either the Security Council could decide to terminate the functions of UNCRO when its mandate expired on 30 November 1995, in the expectation that interested States, international organizations and other institutions would assume responsibility for implementing the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the former Sector East), or the Council could decide to maintain UNCRO for a limited period, during which it would perform its existing tasks until the transitional administration was established and an international force deployed.

The Secretary-General further noted that, the President of Croatia had stated clearly that he could not agree to a further extension of the UNCRO mandate, although he would agree to retain the two currently deployed UNCRO battalions as a transitional arrangement. The President of Croatia had also insisted that the implementation of the Basic Agreement, particularly its demilitarization aspects, begin on 1 December. The Secretary-General warned, however, that to terminate the UNCRO mandate on 30 November 1995, without certainty that other institutions were able to assume responsibility for the implementation of the Basic Agreement, could severely destabilize the area. He therefore recommended that the Council confirm

the presence of UNCRO, for a period of two months, as a transitional arrangement pending the establishment of an international force; designate, as quickly as possible, a civilian transitional administrator for the region; and determine the date on which implementation of the Basic Agreement should begin.

At its 3600th meeting, on 30 November 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the United Kingdom and the United States,⁷⁰⁷ and to a letter dated 15 November 1995 from the representative of Croatia addressed to the Secretary-General.⁷⁰⁸

Speaking before the vote, the representative of China said that his delegation agreed in principle with the Secretary-General's proposal that the mandate of the three United Nations peacekeeping operations in the former Yugoslavia be extended so that studies might be conducted on ways and means for the United Nations to participate in peacekeeping operations in that region in the future, and would vote in favour of the draft resolutions before the Council. The speaker pointed out that many lessons had been learned from the United Nations peacekeeping operations in the region. For instance, mandatory action under Chapter VII of the Charter involving the use of force, including air power, had been "most improper" and had affected the legal and neutral status of those peacekeeping operations. Noting that the Basic Agreement and the Dayton Agreement both contained requests for the implementation of peace in that region, the speaker also observed that the United Nations and the Council would undoubtedly have to shoulder important responsibilities, since those requests involved many complex political, legal, military and financial questions. The Council therefore needed to study those questions carefully and to discuss them thoroughly, in order to take a sound decision. Referring to recent discussion on the potential deployment of implementation forces in the former Yugoslavia, the

⁷⁰⁶ S/1995/987.

⁷⁰⁷ S/1995/994.

⁷⁰⁸ S/1995/951.

speaker cautioned that such deployment could amount to a major operation. He argued that those operations should be placed under the control and guidance of the Council, so that it could prevent the operations from departing from the principles governing United Nations peacekeeping operations and avoid the “abuse of force” and involvement in the conflict. He cautioned that the Council should not become a “rubber stamp” with regard to matters beyond its control and that no “blank cheques” should be written. In addressing such questions, the Council should adopt a prudent and responsible approach, rather than rushing into any commitments or decisions.⁷⁰⁹

The draft resolution was then put to the vote and was adopted unanimously as resolution 1025 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions and in particular its resolution 981 (1995) of 31 March 1995,

Recalling also the report of the Secretary-General of 29 September 1995 and the letter dated 10 October 1995 from the President of the Security Council to the Secretary-General,

Reaffirming its resolution 1023 (1995) of 22 November 1995,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium, known as Sector East, are integral parts of the Republic of Croatia,

Affirming the importance it attaches to full respect for the human rights and fundamental freedoms of all in those territories and elsewhere in the Republic of Croatia,

Welcoming again the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb representatives, signed on 12 November 1995,

Welcoming the positive role played by the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and paying tribute to the personnel of UNCRO in the performance of their mandate,

Having considered the report of the Secretary-General of 23 November 1995,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 23 November 1995;

2. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date and no later than 14 December 1995 a report on all aspects of the establishment by the Council of an operation consisting of a transitional administration and a transitional peacekeeping force to implement the relevant provisions of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, including on the possibilities for assistance from the host country in offsetting the costs of the operation;

3. *Decides* that, in order to allow for the orderly establishment of the operation referred to in paragraph 2 above, the mandate of UNCRO shall terminate after an interim period ending on 15 January 1996 or when the Council has decided on the deployment, including on the necessary period for the transfer of authority, of the transitional peacekeeping force referred to in that paragraph, whichever is sooner;

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

**Decision of 22 December 1995 (3615th meeting):
statement by the President**

On 21 December 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Council a report on the human rights situation in Croatia.⁷¹⁰ The Secretary-General observed that human rights violations continued to be reported in the former Sectors North and South. The right of Krajina Serbs to remain in their homes had not been adequately safeguarded. The remaining Serbs had faced extensive harassment and intimidation; looters and armed thieves had robbed Serb residents of both their property and their sense of security. Furthermore, the rights of the Serb population who had fled during the military operation to return to their homes were being seriously curtailed by the absence of constructive measures to facilitate their return. In addition, the rights of the minority population in Croatia were being restricted by changes in the Constitution. New legal provisions, such as the law concerning the return and reclamation of property, were inhibiting the full enjoyment of human rights and fundamental freedoms. It was therefore necessary to ensure that the rights of the Serb minority were adequately safeguarded in Croatia's legal and constitutional framework.

At its 3615th meeting, on 22 December 1995, the Council included the report in its agenda. Following the adoption of the agenda, the Council invited the

⁷⁰⁹ S/PV.3600, pp. 2-3.

⁷¹⁰ S/1995/1051.

representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁷¹¹

The Security Council takes note of the report of the Secretary-General of 21 December 1995, which it has just received.

The Council, as a matter of urgency, expresses its grave concern that, according to information in that report, the Government of the Republic of Croatia has ignored the call of the Council in the statement by its President of 3 October 1995 that it lift any time-limits placed on the return of refugees to reclaim their property. The requirement that owners must reclaim their property by 27 December 1995 constitutes a virtually insurmountable obstacle for most Serb refugees.

The Council strongly demands that the Government of the Republic of Croatia lift immediately any time-limits placed on the return of refugees to reclaim their property.

The Council shall continue its consideration of the report of the Secretary-General.

L. The situation prevailing in and around the safe area of Bihac

Initial proceedings

Decision of 19 November 1994 (3461st meeting): resolution 958 (1994)

At its 3461st meeting, on 19 November 1994, the Security Council included the item entitled “The situation prevailing in and around the safe area of Bihac” in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and Germany, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution submitted by France, Germany, the Russian Federation, Spain, the United Kingdom and the United States,⁷¹² as well as to a letter dated 18 November 1994 from the representative of Croatia to the President of the Council, transmitting two letters of the same date from the President of Croatia addressed to the President of the Security Council and the Secretary-

General of NATO,⁷¹³ and a letter dated 19 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Council.⁷¹⁴ In the letter to the President of the Council,⁷¹⁵ the President of Croatia reported that rebel Serb forces had been attacking Bosnia and Herzegovina from the United Nations Protected Areas in Croatia, including via air strikes, artillery barrages and cross-border ground troop attacks. His Government urgently requested assistance from the United Nations in ending those attacks, in the form of air strikes against the attacking Serb forces. In the letter to the Secretary-General of NATO,⁷¹⁶ the President of Croatia noted that, in order to end the attacks on Bosnia and Herzegovina from Croatian soil by rebel Serb forces in the United Nations Protected Areas, his Government approved the use of NATO air strikes against those forces for a period of one week.

The representative of Croatia stated that the actions by the so-called Krajina Serb forces in Croatia could no longer be tolerated and he urged that, upon its adoption, the draft resolution should be fully implemented. His delegation was pleased that the draft resolution would further strengthen Croatia’s territorial integrity and sovereignty. The speaker further stated that Croatia would continue to play its constructive role in the peace process so long as the international community continued to uphold its commitment to Croatia in full compliance with the relevant Security Council resolutions but he warned that his country would not wait for ever. He argued that the continuing violations of Croatia’s borders, such as the violations of resolution 820 (1993) and of the border-monitoring mission arrangements of the International Conference on the Former Yugoslavia, contributed to the escalation of activities in the Bihac region by providing fuel for those attacking Bihac. Croatia demanded that the illegal trans-shipment of fuel and goods stop immediately.⁷¹⁷

The representative of Bosnia and Herzegovina said that his delegation was not convinced that the draft resolution was necessary in order to allow an appropriate response to the attacks against the Bihac safe area. He contended that the basis for such action already existed. He added that the actions by the

⁷¹³ S/1994/1312.

⁷¹⁴ S/1994/1319.

⁷¹⁵ S/1994/1312, annex I.

⁷¹⁶ *Ibid.*, annex II.

⁷¹⁷ S/PV.3461, pp. 2-3.

⁷¹¹ S/PRST/1995/63.

⁷¹² S/1994/1316.

so-called Krajina Serbs were also violations of the no-fly zone, of the supposedly demilitarized status of the United Nations Protected Areas in Croatia, and of the territorial integrity of Bosnia and Herzegovina. Any attack against the territory of Bosnia and Herzegovina would amount to a violation of its territorial integrity, requiring the necessary response to such aggression as a threat to international peace and security, regardless of whether or not it involved a safe area. The speaker also expressed the view that, under the draft resolution, any cross-border attack against civilians or UNPROFOR targets within the Bihac region would meet with a response. He urged the Council to adopt further measures to improve the situation, provide the necessary practical support for UNPROFOR within the Bihac area, and put an end to measures inconsistent with the peace process. In particular, he urged the Council to foreclose all flows of fuel to the Krajina Serbs from Serbia and Montenegro through the occupied areas of Bosnia and Herzegovina and Croatia. He referred to estimates that Bosnian Serb forces needed 5 to 15 truckloads of fuel per day to pursue their war effort and noted that, according to reports from the Border Monitoring Mission of the International Conference on the Former Yugoslavia, between 15 and 20 fuel trucks were in fact being allowed across the border from Serbia and Montenegro each day. That fuel was enough for both the so-called Bosnian Serbs and Krajina Serbs to carry out the attacks that the Council was seeking to confront with the draft resolution before it.⁷¹⁸

The draft resolution was then put to the vote and was adopted unanimously as resolution 958 (1994), which reads:

The Security Council,

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

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

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

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

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

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

Speaking after the vote, the representative of the United Kingdom contended that the resolution just adopted was needed to close the gap revealed by the air attacks launched by Krajina Serb forces in Bihac and was in line with the approach the Council had received from President Tudjman and the Croatian authorities. He added that the resolution was clear and straightforward and simply extended the provisions of resolution 836 (1993), in relation to the use of air power, to Croatian territory. The resolution mirrored in every way paragraph 10 of resolution 836 (1993), and the procedures to implement it would similarly mirror these set in place to implement that resolution. It made possible the extension of the geographical scope of existing procedures for the use of air power rather than creating new ones.⁷¹⁹

The representative of France recalled that the UNPROFOR Commander had asked for an appropriate response, with the use of air strikes, to the aerial bombardment of Bihac. His Government took the view that resolutions 836 (1993) and 908 (1994) made it possible to respond favourably to that request. His delegation regretted that none of the options proposed by the UNPROFOR Commander had been adopted. France believed that, in situations that clearly identified the aggressor and the victim, the response called for by UNPROFOR should be put into effect as soon as possible. He also believed that the resolution would contribute to that.⁷²⁰

⁷¹⁹ *Ibid.*, p. 4.

⁷²⁰ *Ibid.*, p. 4.

⁷¹⁸ *Ibid.*, pp. 3-4.

The representative of the Russian Federation stated that his delegation voted in favour of the resolution just adopted, because it believed that the order which had been established for the use of air power in Bosnia and Herzegovina and surrounding areas and which had now been extended to the territory of Croatia to ensure the protection of the Bihac safe area, fully corresponded to the rules for the use of air power in the other safe areas. It was important that the resolution confirmed that the appropriate measures would be taken under the guidance of the Security Council and in close coordination with the Secretary-General and UNPROFOR. In that context, the speaker stressed that the use of air power by the United Nations forces should be impartial, regardless of who might be the violator. It was also important that the main principle of the safe areas be fully and consistently implemented. These areas were intended for the protection of the civilian population and could not be used for offensive military action or for preparations for such action. The best solution would be the demilitarization of the safe areas.⁷²¹

The representative of China stated that his delegation had voted in favour of the resolution just adopted because it was aimed at protecting the safe area of Bihac and the safety of the civilians there, as well as at ensuring that the UNPROFOR mandate was successfully implemented. He, however, expressed his delegation's reservations concerning the mandatory actions authorized by invoking Chapter VII of the Charter in the resolution and said that the Security Council should be extremely prudent and cautious regarding the use of air power in Croatia. Air power should be used only for the purpose of self-defence to protect the safety and security of UNPROFOR personnel and the civilians in the safe area. It should not be "abused" for punitive or pre-emptive purposes. Moreover, in the use of air power, strict measures should be taken to avoid harming innocent civilians.⁷²²

The representative of Brazil stated that, while his delegation concurred with the need for a technical adjustment to resolution 836 (1993) in order to protect the safe area of Bihac, it was nevertheless concerned that the "extraordinary" recourse to air power was being extended to another country. He reiterated his delegation's reservations on the use of the expression

"all necessary measures", which seemed to be becoming a standard expression of the Council associated with the use of military force, to the detriment of diplomatic efforts. It was also his delegation's understanding, as had been confirmed by the sponsors of the resolution, that the requirement contained in paragraph 11 of resolution 836 (1993), relating to the need for Member States cooperating with UNPROFOR to report to the Council through the Secretary-General, also applied to the resolution just adopted.⁷²³

The President, speaking in her capacity as the representative of the United States, stated that the Council had clarified that the use of air power was authorized to attack targets in Croatia that threatened safe areas in Bosnia or United Nations troops operating in Bosnia. Referring to the fact that the previous day, after the Krajina Serbs had attacked Bosnia, the United Nations Commander for the Former Yugoslavia had raised the issue of a NATO response from the air, she noted that her Government believed that an immediate, affirmative response would have been legally authorized by previous resolutions of the Council.⁷²⁴

M. Letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council

Initial proceedings

Decision of 14 December 1994 (3480th meeting): resolution 967 (1994)

By a letter dated 14 December 1994 addressed to the President of the Security Council, the Chairman of the Security Council Committee established by resolution 724 (1991) concerning Yugoslavia, reported that the Acting Executive Director of United Nations Children's Fund (UNICEF) had informed the Committee that several countries in Central Asia and Eastern Europe were facing a major resurgence of diphtheria and that the only available stocks of antiserum to combat this serious condition were located in the Federal Republic of Yugoslavia.⁷²⁵ The

⁷²¹ Ibid., p. 5.

⁷²² Ibid., p. 7.

⁷²³ Ibid., pp. 7-8.

⁷²⁴ Ibid., pp. 9-10.

⁷²⁵ S/1994/1418.

Acting Executive Director of UNICEF had therefore requested that the Committee facilitate the shipment of 12,000 vials of diphtheria antiserum from the Federal Republic of Yugoslavia for use in the affected countries. The Chairman noted that, taking into account the exceptional humanitarian circumstances of the situation, the Committee had decided to recommend that the Council adopt a resolution permitting, for a period of 30 days, the export from the Federal Republic of Yugoslavia of 12,000 vials of diphtheria antiserum. The Committee had also recommended that any payments for such authorized shipments should be made only into frozen accounts.

At its 3480th meeting, on 14 December 1994, the Council began its consideration of the item. Following the adoption of the agenda, the President (Rwanda) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.⁷²⁶ The draft resolution was then put to the vote and was adopted unanimously as resolution 967 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the situation in the Former Yugoslavia, in particular its resolution 757 (1992) of 30 May 1992,

Taking note of the letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and the communication from the Acting Executive Director of the United Nations Children's Fund of 13 December 1994 annexed thereto, in which the Council is informed of a major resurgence of diphtheria and that the only available stocks of antiserum to combat this serious condition are located in the Federal Republic of Yugoslavia (Serbia and Montenegro),

Recognizing that the export of antiserum from the Federal Republic of Yugoslavia (Serbia and Montenegro) will require an exemption from the provisions of resolution 757 (1992) of 30 May 1992, and acting in this respect under Chapter VII of the Charter of the United Nations,

1. *Decides* to permit, for a period of thirty days from the date of the adoption of the present resolution, the export of 12,000 vials of diphtheria antiserum from the Federal Republic of Yugoslavia (Serbia and Montenegro);
2. *Decides* further that any payments for such authorized shipments shall be made only into frozen accounts;
3. *Decides* to remain seized of the matter.

⁷²⁶ S/1994/1419.

N. The situation in the former Yugoslavia

Initial proceedings

Decision of 6 October 1995 (3585th meeting): statement by the President

At its 3585th meeting, on 6 October 1995, the Security Council included the item entitled "The situation in the former Yugoslavia" in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote.

The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁷²⁷

The Security Council welcomes the 5 October 1995 agreement by the Bosnian parties to a ceasefire, including the agreement to terminate all hostile military activities throughout the territory of the Republic of Bosnia and Herzegovina, as of 10 October 1995, provided that full gas and electrical utility service is restored to Sarajevo. It welcomes all efforts to restore such service and calls upon the parties to cooperate fully with such efforts. The Council urges the parties fully to comply with all provisions in the ceasefire agreement once they come into effect.

The Council also welcomes the decision of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to attend proximity peace talks by the end of this month, to be followed by a peace conference. It reiterates that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina and strongly urges the parties to negotiate in good faith on the basis of the Agreed Basic Principles signed at Geneva on 8 September 1995, and the Further Agreed Principles of 26 September 1995.

The Council also welcomes the agreement of 3 October 1995 by the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia to guiding basic principles for negotiations. It strongly urges both parties to negotiate

⁷²⁷ S/PRST/1995/50.

in good faith towards a peaceful final settlement to the conflict consistent with the Council's resolutions.

**Decision of 9 November 1995 (3591st meeting):
resolution 1019 (1995)**

At its 3591st meeting, on 9 November 1995, the Council resumed its consideration of the situation in the former Yugoslavia. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to take a seat at the side of the Council chamber.

The President (Oman) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.⁷²⁸ He also drew the attention of the Council members to a letter dated 31 October 1995 in which the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia informed the President of the Council that an indictment against an individual named Dragan Nikolic had been issued on 4 November 1994, and that the Tribunal had requested that both the Government of Bosnia and Herzegovina and the Bosnian Serb administration issue a warrant for his arrest.⁷²⁹ The Government of Bosnia and Herzegovina had indicated that Mr. Nikolic was residing in territory outside their control, but the Bosnian Serb administration had not responded to the Tribunal's request. The letter noted that, under Article 29 of the statute of the Tribunal, States were obligated to cooperate with the Tribunal. It also recalled that, in resolution 771 (1992), the Council had decided, acting under Chapter VII of the Charter, that all parties in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, should comply with the resolution, failing which the Council would need to take further measures under the Charter. The letter further noted that, in order for the Tribunal to succeed in its mandate of prosecuting serious violations of international humanitarian law, all States in the region — including

self-proclaimed entities de facto exercising governmental functions — must comply with their legal obligation to cooperate with the Tribunal.

Speaking before the vote, the representative of Germany recalled that his delegation had taken the initiative in October for another attempt to establish the fate and the whereabouts of the missing Bosnian men from Srebrenica, Zepa and the Banja Luka area. That initiative had led to the draft resolution before the Council. Noting that the draft resolution also addressed the human rights situation in Croatia, the speaker stated that, while his delegation was deeply concerned about the situation in Croatia, it was also aware of the different qualitative and quantitative dimensions of the violations of international humanitarian law and human rights committed by the Bosnian Serbs. He pointed out that the Croatian side had consistently granted access to human rights observers to the Krajina region, whereas the Bosnian Serbs had systematically blocked all access to the Bosnian Serb sites in question. That attitude had led to the formal request from the President of the Tribunal for the Security Council to consider further measures to achieve cooperation by the Bosnian Serbs with the Tribunal. Germany felt that there was an urgent need for the Council to react to the strong indications of war crimes and to prevent further human rights violations in the area. It welcomed the request in the draft resolution to the Secretary-General to submit a written report on recent violations of international humanitarian law in Srebrenica, Zepa and the wider Banja Luka area as such a report would provide a solid base of information upon which the Security Council could act.⁷³⁰

The representative of China stated that, as the main purpose of the draft resolution was to call for the early settlement of the questions regarding persons detained or reported missing, his delegation would vote in favour of it. He argued, however, that each United Nations body had its own responsibilities and functions and should act accordingly to fulfil its own mandate, as set forth in the Charter. The Security Council should not, in principle, deal with questions of human rights. Moreover, the Council should refrain from involving itself in the Tribunal's work, as the Tribunal had its own explicit provisions for the prosecution of persons responsible for serious violations of international humanitarian law. The Chinese delegation therefore

⁷²⁸ S/1995/940.

⁷²⁹ S/1995/910.

⁷³⁰ S/PV.3591, pp. 2-3.

had reservations with regard to the relevant portions of the draft resolution.⁷³¹

The representative of the United Kingdom stated that the draft resolution underlined the importance the Council attached to the highest respect for human rights and international humanitarian law in the former Yugoslavia, making it clear that there were no exceptions and that all parties must comply with their obligations. Against that background, however, it was right that the Council should address three recent and deeply disturbing events: the disappearance of large numbers of civilians following the fall of Srebrenica and Zepa to Bosnian Serb forces; the brutal campaign of “ethnic cleansing” in the Banja Luka region; and systematic violations of the rights of Croatian Serbs in the Krajinas. The speaker reminded the parties of their obligation to cooperate fully with the work of the Tribunal, calling on the Federal Republic of Yugoslavia to facilitate the establishment of an office of the Tribunal in that country without delay, and on the Bosnian Serbs to comply with the Tribunal’s orders and decisions.⁷³²

The representative of Botswana expressed the strong disquiet of his delegation at the reported incidents of human rights violations perpetrated by the Bosnian Serbs and insisted that they abide by the resolutions of the Council, and cooperate fully with the International Committee of the Red Cross and other international humanitarian organizations. Against that background Botswana would vote in favour of the draft resolution. The speaker noted, however, that while it was almost impossible to draw a line between the political and human rights aspects of the war in Bosnia, it was important that the Security Council guard against the possibility of infringing on the responsibility of the competent bodies of the United Nations, especially the International Tribunal. It was also important that the temptation to politicize human rights be avoided. Botswana believed that all human rights violations in Bosnia and Herzegovina and Croatia should be investigated and those found responsible should be brought to justice.⁷³³

The representative of the Russian Federation strongly supported the draft resolution’s condemnation of all violations of international humanitarian law and

human rights in the territory of the former Yugoslavia, regardless of who committed them. The Russian Federation was seriously concerned by reports on violations of international humanitarian law in Srebrenica and Zepa, as well as by the fact that representatives of the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross had still not been allowed access to the regions where those violations were thought to have occurred. The wording of the draft resolution in that respect was “tough but fair”, while setting out clearly the Council’s conviction that there must not be a selective approach to the protection of human rights in the former Yugoslavia. Before concluding, the speaker noted that the Russian Federation supported the demand to all States and parties in the former Yugoslavia to cooperate with the Tribunal, and confirmed his delegation’s position with regard to the inadmissibility of the use of the Tribunal’s activities to “demonize” any parties to the conflict. He argued that it was the task of the Tribunal to elucidate the truth and to punish appropriately those specific persons whose guilt of crimes against humanity had been established, regardless of their ethnic or religious affiliation.⁷³⁴

The draft resolution was then put to the vote and was adopted unanimously as resolution 1019 (1995), which reads:

The Security Council,

Recalling all its earlier resolutions on the situation in the Republic of Bosnia and Herzegovina, and reaffirming its resolutions 1004 (1995) of 12 July 1995 and 1010 (1995) of 10 August 1995 and the statements by its President of 7 September 1995 and 12 October 1995, and deeply concerned that, despite repeated calls that it should do so, the Bosnian Serb party has not complied with the demands contained therein,

Gravely concerned at reports, including by the representative of the Secretary-General, of grave violations of international humanitarian law and of human rights in and around Srebrenica and in the areas of Banja Luka and Sanski. Most, including reports of mass murder, unlawful detention and forced labour, rape, and deportation of civilians,

Recalling all its earlier relevant resolutions on the situation in the Republic of Croatia, and reaffirming its resolution 1009 (1995) of 10 August 1995 and the statements by its President of 7 September 1995, and 3 October 1995,

Deeply concerned at reports, including by the United Nations Confidence Restoration Operation in Croatia, which is

⁷³¹ Ibid., p. 4.

⁷³² Ibid., p. 5.

⁷³³ Ibid., pp. 5-6.

⁷³⁴ Ibid., pp. 7-8.

known as UNCRO, and United Nations humanitarian agencies, of serious violations of international humanitarian law and of human rights in the former Sectors West, North, and South, in the Republic of Croatia, including burning of houses, looting of property, and killings of civilians,

Reiterating its strong support for the efforts of the International Committee of the Red Cross in seeking access to displaced persons and to persons detained or reported missing, and condemning in the strongest possible terms the failure of the Bosnian Serb party to comply with its commitments in respect of such access,

Commending the efforts of the United Nations Peace Forces and other United Nations personnel in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina, despite extreme difficulties,

Taking note of the letter dated 31 October 1995 to the President of the Security Council from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, established pursuant to resolution 827 (1993) of 25 May 1993,

Expressing its strong support for the work of the International Tribunal,

1. *Condemns in the strongest possible terms* all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia, and demands that all concerned comply fully with their obligations in this regard;

2. *Reaffirms its demand* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate and unimpeded access to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka and Sanski Most who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross (a) to visit and register any persons detained against their will, whether civilians or members of the forces of the Republic of Bosnia and Herzegovina, and (b) to have access to any site it may deem important;

3. *Also reaffirms its demand* that the Bosnian Serb party respect fully the rights of all such persons, ensure their safety and release them immediately;

4. *Reaffirms* the obligation of all the parties to ensure the complete freedom of movement of personnel of the United Nations and other relevant international organizations throughout the territory of the Republic of Bosnia and Herzegovina at all times;

5. *Demands* that all detention camps throughout the territory of the Republic of Bosnia and Herzegovina be immediately closed;

6. *Reaffirms its demand* that the Government of the Republic of Croatia take urgent measures to put an end to violations of international humanitarian law and of human rights and investigate all reports of such violations so that those responsible in respect of such acts may be judged and punished;

7. *Reiterates its demand* that the Government of the Republic of Croatia respect fully the rights of the local Serb population, including their right to remain or return in safety, and reiterates also its call upon the Government of the Republic of Croatia to lift any time-limits placed on the return of refugees to Croatia to reclaim their property;

8. *Demands* that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal established pursuant to that resolution, including by providing access to individuals and sites the Tribunal deems important for its investigations and by complying with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute of the Tribunal, and calls upon them to allow the establishment of offices of the Tribunal;

9. *Demands* that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal, or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

10. *Reaffirms its support* for the actions of the United Nations Peace Forces and other United Nations personnel, including the great importance of their contribution in the humanitarian field, and demands that all parties fully ensure their safety and cooperate fully with them;

11. *Requests* the Secretary-General to submit to the Council as soon as possible a written report based on all information available to the United Nations concerning recent violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most;

12. *Also requests* the Secretary-General to continue to inform the Council on a regular basis of measures taken by the Government of the Republic of Croatia to implement resolution 1009 (1995) and the present resolution;

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

Speaking after the vote, the representative of the United States stressed that the Bosnian Serb side must allow access to the sites and individuals which the Tribunal deemed important for its investigations and that it must grant international agencies access to the refugees displaced from the regions. He also stated that

the authorities in Belgrade should allow the Tribunal to establish an office in Belgrade. His Government also strongly believed that the Government of Croatia must take steps to ensure that the rights of all its citizens were respected, whether they were Croats or Serbs. The United States Government recognized that all violations of human rights were deplorable. It was also necessary, however, to recognize the differences in the circumstances and magnitude of crimes. The murder of large numbers of civilians by Bosnian Serb forces had not been the act of a few individuals acting alone. The systematic and apparently planned nature of the atrocities was evidence of an active and “astonishingly brutal” Bosnian Serb policy.⁷³⁵

Decisions of 22 November 1995 (3595th meeting): resolutions 1021 (1995) and 1022 (1995)

At its 3595th meeting, on 22 November 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Brazil, Canada, Colombia, Croatia, Egypt, the Islamic Republic of Iran, Japan, Malaysia, Morocco, Norway, Pakistan, the Republic of Korea, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address it in the course of the subsequent discussion.

The President (Oman) then drew the attention of the Council members to the texts of two draft resolutions. The first draft resolution had been submitted by Argentina, France, Germany, Honduras, Indonesia, Italy, Oman, Rwanda, the United Kingdom and the United States,⁷³⁶ and the second draft resolution by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, Rwanda, the United Kingdom and the United States.⁷³⁷ The President then drew the attention of the members of the Council to a letter dated 20 November 1995 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General, transmitting a letter of the same date from the

⁷³⁵ *Ibid.*, pp. 12-13.

⁷³⁶ S/1995/977.

⁷³⁷ S/1995/978.

Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia.⁷³⁸

Speaking before the vote, the representative of the United Kingdom welcomed the Peace Agreement on Bosnia and Herzegovina, which had been endorsed by the parties the previous day at Dayton, Ohio. The speaker argued that the existence of the Peace Agreement was “the clearest possible vindication” of the Council’s use of economic sanctions to bring about change. It was therefore right that the Council should reward Belgrade’s contribution to the successful outcome of the Dayton negotiations by granting substantial sanctions relief. He cautioned, however, that the Council was giving a conditional reward. One of the draft resolutions before the Council held out the prospect of the permanent removal of sanctions, once the Agreement had been implemented and free and fair elections had been held. It also provided that sanctions relief could be retracted if there was a failure to cooperate in the implementation of the Agreement. In addition, the draft resolution did not prejudice the complex issue of succession to the former Socialist Federal Republic of Yugoslavia, providing that frozen assets subject to claims by any of the successor States should remain frozen until such claims had been resolved. In that context, the British Government would when implementing the resolution interpret the reference to “claims” as meaning those raised in the current legal proceedings. The speaker further argued that the Council was also right to allow a phased lifting of the arms embargo, in the context of the implementation of the Peace Agreement and given the shared interest of all the States in the region in concluding regional arms controls arrangements. There could be no doubt that both the economic sanctions and the arms embargo had played an important part in containing the conflict and persuading the parties to negotiate in earnest. Finally, the draft resolutions referred only briefly to one very important aspect of the Council’s policy towards the situation in Bosnia, namely the work of the International Tribunal. It was as important as ever that all sides cooperate fully with the Tribunal, as the process of rebuilding a war-torn society required not just reconciliation, but also justice. No Government should suppose that it was at liberty to obstruct the Tribunal’s work.⁷³⁹

⁷³⁸ S/1995/972.

⁷³⁹ S/PV.3595, pp. 2-4.

The representative of Germany stated that the draft resolutions before the Council marked the first step in the implementation of the Peace Agreement. Noting that the arms embargo, which had not always been easy to reconcile with Article 51 of the Charter as it had simultaneously covered both attacker and defender, would be lifted in three phases, the speaker contended that both the arms embargo and the economic sanctions had proved to be important in the peace process. The German delegation shared the view that the sanctions regime had essentially been effective. The speaker expressed the hope that the “defreezing” of funds and assets that could be allocated to the Federal Republic of Yugoslavia, would enable it to re-establish trade links and commerce with other countries as soon as the sanctions had been suspended. He noted, however, that the draft resolution requested that assets and funds subject to third-party claims should remain impounded or frozen. Germany urged the successor States to seek agreement on disputed assets, funds and liabilities as soon as possible, so that they could be released and therefore contribute to the positive development of the economy in the countries concerned and the region as a whole. Germany also stressed the importance of achieving substantial arms control agreements, as outlined in Annex 1B of the Dayton Agreement, to offset the danger that the lifting of the arms embargo might trigger a new regional arms race.⁷⁴⁰

The representative of Indonesia expressed the hope that the parties would make the Peace Agreement work and that that Agreement would lead to the achievement of the ultimate goal not only of preserving Bosnia and Herzegovina as a single State under international law, but also of preserving the people of Bosnia and Herzegovina as one nation. Recalling that his delegation had consistently called on the Council to pronounce itself unequivocally on the non-applicability of resolution 713 (1991) to Bosnia and Herzegovina, he contended that the arms embargo had had the unintended effect of freezing the advantage in weapons in favour of the Bosnian Serbs, thus denying Bosnia and Herzegovina the right to defend itself, as enshrined in the Charter. Long-term security could only be realized through confidence-building measures rather than by a massive arms build-up undertaken to compensate for perceived vulnerability and insecurity. The international community therefore needed to

⁷⁴⁰ Ibid., pp. 4-5.

encourage mutual confidence and trust among the parties in the former Yugoslavia, and Indonesia hoped that the Agreement on Regional Stabilization, set out in Annex 1B of the Dayton Agreement, would contribute to peace and security in the region. The speaker acknowledged the limitations of sanctions as an instrument to maintain or restore international security. Nevertheless, Indonesia believed that the Council had succeeded in clearly defining the objectives of the sanctions. The sanctions had not been punitive measures designed to inflict hardship on the people of the Federal Republic of Yugoslavia, but rather had been intended to encourage Belgrade to modify its policy by playing a constructive role in the peace process. Indonesia welcomed the more positive role that had been played recently by the Federal Republic of Yugoslavia and hence deemed it appropriate for the Council to suspend the sanctions. Nevertheless, it emphasized that the continuation of the suspension of sanctions was contingent upon the fulfilment by the Bosnian Serbs of their obligations under the Peace Agreement. With regard to the provisions contained in the draft resolution relating to funds and assets frozen or impounded by Security Council’s resolutions, his delegation cautioned that funds or assets should not be unfrozen prematurely, as hasty action might preempt a consensual agreement among the successor States as to the disposition of such funds and assets.⁷⁴¹

The representative of China stated that his delegation was of the view that any action by the Council should contribute to, rather than undermine, the consolidation of the negotiation results. China feared that lifting the arms embargo at that stage might have an adverse impact on peace and stability in the region. Furthermore, China had never favoured exerting pressure by means of sanctions in the former Yugoslavia. It supported the early lifting of the sanctions, believing that the international community should acknowledge the efforts made by the Federal Republic of Yugoslavia to promote the Bosnian peace process. The speaker contended that it was inappropriate to link the lifting of sanctions with the holding of elections in Bosnia, as it would set a bad precedent. His delegation therefore expressed serious reservations. He also argued that the status of the Federal Republic of Yugoslavia in the United Nations should be reconsidered, once all parties had signed the Peace Agreement. The Chinese delegation would vote

⁷⁴¹ Ibid., pp. 5-7.

in favour of the two draft resolutions, however, based on its position of supporting the peaceful settlement of the question of the former Yugoslavia.⁷⁴²

The representative of Nigeria expressed the hope that none of the parties would view the lifting of the arms embargo as a license to relaunch any military campaign. Rather, Nigeria hoped that the termination of the embargo would play a positive and reassuring role, by ensuring that all States of the region had the means to defend their sovereignty and territorial integrity. The speaker further stated that the suspension of the sanctions against the Federal Republic of Yugoslavia was consistent with his delegation's belief that sanctions should not be punitive, but should be designed to modify the behaviour of Governments. Nigeria hoped that such a flexible approach to sanctions would be applied to other sanctions regimes, as objective conditions on the ground changed.⁷⁴³

The representative of the Czech Republic noted that the draft resolution easing the sanctions against the Federal Republic of Yugoslavia left open the possibility for reversing the suspension should the subjects of the sanctions fail to take the steps anticipated of them in Dayton. Noting that the draft resolution mentioned, in the preamble but not in the operative section of the draft, compliance with requests and orders of the International Tribunal as an essential aspect of implementing the Peace Agreement, he warned against interpreting that fact as diminishing its importance. Individual responsibility, established by and punished by the Tribunal, was necessary not only for justice to be done, but also to prevent the emergence in Bosnia and Herzegovina of a culture of impunity. The speaker further noted that one of the difficult issues among the south Slav States was the matter of succession. In that regard, the draft resolution rightly stressed the need for successors to the former Socialist Federal Republic of Yugoslavia to reach agreements on the distribution of funds and assets. He also observed that his Government was uncertain about the wisdom of lifting the arms embargo at a time when the implementation force would be deployed in Bosnia and Herzegovina. The Czech Republic was concerned about the potential for suffering casualties as a result of

a fresh inflow of weapons into Bosnia and Herzegovina.⁷⁴⁴

The representative of the Russian Federation noted that his delegation attached particular importance to the fact that, immediately after the initialling of the Dayton Agreement, the provision of the draft resolution relating to the indefinite suspension of the sanctions against the Federal Republic of Yugoslavia and the Bosnian Serbs should come into operation. The Russian Federation believed that the conclusion of the "economic blockade" against Yugoslavia was timely, as the humanitarian crisis there had worsened considerably over the preceding few months and required immediate steps. The speaker further observed that the draft resolution was a balanced document which envisaged various situations, including the possibility of the reintroduction of sanctions, should there be any gross violation of the commitments made under the Peace Agreement. He noted, in that regard, that the Security Council would decide whether such violations were taking place, based upon reports arising from joint consultations of senior leaders of the international military and civilian structures in Bosnia. Referring to the draft resolution on the lifting of the arms embargo, the speaker noted that his country had serious doubts, even though the draft had certain merits, including an even approach to all the parties and the fact that the Security Council would be exercising control over measures to prevent an arms race in the region. Nevertheless, neither the spirit nor the letter of the text of the draft was in harmony with the logic of the political process, which aimed to end military confrontation in the region. The Russian Federation was in favour not of an arms build-up in the region, but of restriction and reduction of arms. Furthermore, it would have preferred the draft to provide for a more clear-cut mechanism that would operate in the event that the peace process was derailed. Of particular importance in that connection would be the reports from the Secretary-General to the Council that the parties were in fact fulfilling their obligations on arms limitation. Nevertheless, in view of the fact that the first draft resolution was an integral part of the Dayton Agreement package, the Russian Federation would abstain in the voting.⁷⁴⁵

⁷⁴² Ibid., pp. 7-8.

⁷⁴³ Ibid., pp. 8-9.

⁷⁴⁴ Ibid., pp. 9-10.

⁷⁴⁵ Ibid., pp. 11-13.

The first draft resolution was then put to the vote and was adopted by 14 votes to none, with 1 abstention (Russian Federation), as resolution 1021 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular its resolutions 713 (1991) of 25 September 1991 and 727 (1992) of 8 January 1992,

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

Welcoming the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

Welcoming also the commitments of the parties set out in annex 1-B (Agreement on Regional Stabilization) of the Peace Agreement,

Determining that the situation in the region continues to constitute a threat to international peace and security,

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

1. *Decides* that the embargo on deliveries of weapons and military equipment imposed by resolution 713 (1991) shall be terminated as follows, beginning from the day the Secretary-General submits to the Council a report stating that the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia have formally signed the Peace Agreement:

(a) During the first ninety days following the submission of such a report, all the provisions of the embargo shall remain in place;

(b) During the second ninety days following the submission of such a report, all provisions of the arms embargo shall be terminated, except that the delivery of heavy weapons (as defined in the Peace Agreement), ammunition therefore, mines, military aircraft and helicopters shall continue to be prohibited until the arms control agreement referred to in annex 1-B has taken effect;

(c) After the one hundred and eightieth day following the submission of such a report and after the submission of a report from the Secretary-General on the implementation of annex 1-B as agreed by the parties, all provisions of the arms embargo terminate unless the Council decides otherwise;

2. *Requests* the Secretary-General to prepare in a timely way and to submit to the Council the reports referred to in paragraph 1 above;

3. *Maintains its commitment* to progressive measures for regional stability and arms control and, if the situation requires, to consider further action;

4. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) to review and to amend its guidelines in the light of the provisions of the present resolution;

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

The second draft resolution was then put to the vote and was adopted unanimously as resolution 1022 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

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

Commending the efforts of the international community, including those of the Contact Group, to assist the parties in reaching a settlement,

Praising the decision of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to attend and participate constructively in proximity talks in the United States of America, and acknowledging with appreciation the efforts made by these Governments to reach a lasting peace settlement in Bosnia and Herzegovina,

Welcoming the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

Taking note of the Concluding Statement issued at the adjournment of the proximity talks, in which all parties undertook, inter alia, to assist in locating the two French pilots missing in Bosnia and Herzegovina and to ensure their immediate and safe return,

Stressing the need for all parties to comply fully with all provisions of the Peace Agreement,

Noting that compliance with the requests and orders of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former

Yugoslavia since 1991 constitutes an essential aspect of implementing the Peace Agreement,

Recognizing the interests of all States in the implementation of the suspension and subsequent termination of measures imposed by the Council and, in particular, the interests of the successor States to the State formerly known as the Socialist Federal Republic of Yugoslavia, with respect to the disposition of assets affected by the fact that that State has ceased to exist, and the desirability of accelerating the process now under way under the auspices of the International Conference on the Former Yugoslavia to reach a consensual agreement among the successor States as to the disposition of such assets,

Determining that the situation in the region continues to constitute a threat to international peace and security,

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

1. *Decides* that the measures imposed by or reaffirmed in resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992, 820 (1993) of 17 April 1993, 942 (1994) and 943 (1994) of 23 September 1994, 988 (1995) of 21 April 1995, 992 (1995) of 11 May 1995, 1003 (1995) of 5 July 1995 and 1015 (1995) of 15 September 1995 are suspended indefinitely with immediate effect subject to the provisions of paragraphs 2 to 5 below, and provided that, if the Secretary-General reports to the Council that the Federal Republic of Yugoslavia has failed formally to sign the Peace Agreement on the date announced by the Contact Group for such purpose and that the other parties thereto have expressed their readiness so to sign, the measures described above shall be automatically reimposed from the fifth day following the date of such report;

2. *Decides also* that the suspension referred to in paragraph 1 above shall not apply to the measures imposed on the Bosnian Serb party until the day after the commander of the international force to be deployed in accordance with the Peace Agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council through the Secretary-General that all Bosnian Serb forces have withdrawn behind the zones of separation established in the Peace Agreement, and urges all parties concerned to take all necessary measures to assist in locating the two French pilots mission in Bosnia and Herzegovina, and to ensure their immediate and safe return;

3. *Decides further* that if at any time, with regard to a matter within the scope of their respective mandates and after joint consultation if appropriate, either the High Representative described in the Peace Agreement, or the commander of the international force to be deployed in accordance with the Peace Agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council through the Secretary-General that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement, the suspension referred

to in paragraph 1 above shall terminate on the fifth day following the Council's receipt of such a report, unless the Council decides otherwise taking into consideration the nature of the non-compliance;

4. *Decides* that it will terminate the measures described in paragraph 1 above on the tenth day following the occurrence of the first free and fair elections provided for in annex 3 of the Peace Agreement, provided that the Bosnian Serb forces have withdrawn from, and have continued to respect, the zones of separation as provided in the Peace Agreement;

5. *Decides also* that, so long as the measures referred to in paragraph 1 above remain suspended or are terminated by a subsequent Council decision in accordance with paragraph 4 above, all funds and assets previously frozen or impounded pursuant to resolutions 757 (1992) and 820 (1993) may be released by States in accordance with law, provided that any such funds and assets that are subject to any claims, liens, judgements or encumbrances, or which are the funds or assets of any person, partnership, corporation or other entity found or deemed insolvent under law or the accounting principles prevailing in such State, shall remain frozen or impounded until released in accordance with applicable law, and decides further that obligations of States related to freezing or impounding funds and assets contained in such resolutions shall be suspended pursuant to paragraph 1 above with respect to all funds and assets not currently frozen or impounded until the measures concerned are terminated by a subsequent Council decision;

6. *Decides further* that the suspension or termination of obligations pursuant to the present resolution is without prejudice to claims of successor States to the former Socialist Federal Republic of Yugoslavia with respect to funds and assets, stresses the need for the successor States to reach agreement on the distribution of funds and assets and the allocation of liabilities of the former Socialist Federal Republic of Yugoslavia, encourages all States to make provision under their national law for addressing competing claims of States, as well as claims of private parties affecting funds and assets, and further encourages States to take appropriate measures to facilitate the expeditious collection of any funds and assets by the appropriate parties and the resolution of claims related thereto;

7. *Decides* that all States shall continue to take the necessary measures to ensure that there shall be no claim in connection with the performance of any contract or other transaction where such performance was affected by the measures imposed by the resolutions referred to in paragraph 1 above and related resolutions;

8. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) to review and to amend its guidelines in the light of the provisions of this resolution;

9. *Pays tribute* to the neighbouring States, the mission of the International Conference on the Former Yugoslavia, the

European Union/Organization for Security and Cooperation in Europe Sanctions Coordinator, the Sanctions Assistance Missions Communications Centre and the Sanctions Assistance Missions, the Western European Union operation on the Danube and the North Atlantic Treaty Organization/Western European Union Sharp Guard operation in the Adriatic Sea for their significant contribution to the achievement of a negotiated peace;

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

Speaking after the vote, the representative of the United States contended that it was logical to lift the embargo against Bosnia, as an embargo should not be maintained against a country whose only crime had been to preserve its sovereignty and defend its people. She noted, however, that the Council's plan was to discourage an arms race and to encourage a stable balance of military power. Thus the Framework Agreement placed restrictions on the military forces and heavy weapons of each party, established an arms control mechanism, and called for talks on measures to increase the confidence of all sides so that no side would seek to evade or take military advantage of the Agreement. Turning to resolution 1022 (1995), the speaker observed that the suspension of the economic sanctions was a conditional step, as the sanctions would be reimposed if Belgrade failed to sign the formal Peace Agreement, or if Belgrade or the Bosnian Serbs failed to meet their obligations under the Agreement. She underscored that the international community needed to be vigilant in monitoring compliance with the terms of the Agreement and in heeding the explicit language of the resolution, which noted that compliance with the requests and orders of the International Tribunal for the former Yugoslavia was an essential part of the Agreement's implementation. She also noted that the suspension of sanctions would not apply immediately to measures imposed on the Bosnian Serbs. Those measures would remain in effect until all Bosnian Serb military forces had withdrawn behind the zones of separation established in the Peace Agreement. The speaker further observed that the adoption of resolution 1022 (1995) reflected not a change in policy, but a change in circumstances. The Council had imposed economic sanctions for the explicit purpose of encouraging Serbia to choose the path of peace, and the sanctions appeared to have achieved their purpose. Indeed, the much-criticized sanctions tool had proved critical in bringing about the decision in Dayton, and the leverage it had brought the Council would continue to serve it well in the complicated task of implementation. The

speaker noted, however, that the terms of resolution 1022 (1995) were calibrated to the realities of the situation in the former Yugoslavia. If the Government in Belgrade or the Pale Serbs were to fail to fulfil their obligations, then the sanctions would be reimposed. With that possibility in mind, the United States believed that the infrastructure established and a cadre of personnel assigned to monitor sanctions enforcement should remain in place until sanctions were fully and finally lifted. The United States also believed that there should be an orderly and equitable distribution of the real and financial property of the former Yugoslavia between the successor States. To that end, it did not intend to release any assets itself until all assets had been examined against possible claims by the successor States and against outstanding commercial or private claims.⁷⁴⁶

The representative of Bosnia and Herzegovina argued that the arms embargo should have been lifted much earlier. He underlined that the Council should make sure that the suspension of sanctions be understood as a reprieve and not as an exoneration. Failure to honour the peace or Bosnia's sovereignty and territorial integrity would result in the immediate reversal and re-imposition of sanctions. The speaker also warned that the sanctions could not be terminated until the Peace Agreement had been implemented fully and there was genuine compliance on the part of the Federal Republic of Yugoslavia with human rights and democratic standards within its territory, as well as full compliance with the International Tribunal. He contended that without such compliance the Federal Republic of Yugoslavia could not be admitted as a Member of the United Nations or other international institutions.⁷⁴⁷

The representative of Croatia stated that his country supported the resolutions just adopted. The sanctions regime had been a just and necessary mechanism to make leaders accept responsibility for the "ills" they had brought upon the people in Croatia and Bosnia and Herzegovina. It was Croatia's understanding that paragraphs 5 and 6 of resolution 1022 (1995) would prevent the Federal Republic of Yugoslavia from transferring and using common funds until there was agreement among all successor States on the succession and distribution of such assets and approval by the Council of such an agreement. The speaker argued that

⁷⁴⁶ *Ibid.*, pp. 14-16.

⁷⁴⁷ *Ibid.*, pp. 20-21.

the Council should act immediately to endorse the existing succession and distribution agreement proposed by the European Union and the Russian Federation. He also expressed the hope that resolution 1021 (1995), lifting the arms embargo, would achieve its goal of maintaining a balance of power in the region and that it would not become a new source of instability. In that regard, Croatia called for prudent use of the resolution, within a broader framework of collective security arrangements in Europe.⁷⁴⁸

Mr. Jovanovic stated that the sanctions against the Federal Republic of Yugoslavia should cease immediately, and that the rights of the Federal Republic of Yugoslavia in the United Nations should be restored quickly. He contended that the Federal Republic of Yugoslavia had demonstrated unequivocally its commitment to peace and to ending the civil war in Bosnia and Herzegovina by its active contribution to the negotiation of the Peace Agreement, and by its acceptance of all previous peace proposals in connection with the Bosnian crisis. The international community should treat all sides equally since equality was an essential element of the Peace Agreement and a

basic precondition if the Agreement was to be fully implemented by all sides.⁷⁴⁹

Referring to resolution 1022 (1995), the representative of Slovenia argued that it was crucial that the suspension of sanctions did not apply to the frozen assets that were the common property of the States of the former Yugoslavia, and he noted that the issue was addressed in operative paragraphs 5 and 6 of the resolution. Slovenia requested that States consider all assets owned or controlled by the Government or governmental agencies of the Federal Republic of Yugoslavia to be assets on which Slovenia had a legal and legitimate claim. It urged that such assets remain frozen until a final resolution regarding the distribution of those assets and liabilities had been reached by the successor States. The speaker warned that any unilateral disposal of the relevant funds would force Slovenia to take appropriate legal steps to have such transactions declared null and void. Slovenia welcomed resolution 1021 (1995), lifting the arms embargo and expected the immediate termination of the arms embargo as far as Slovenia was concerned.⁷⁵⁰

⁷⁴⁸ Ibid., pp. 21-23.

⁷⁴⁹ Ibid., pp. 24-25.

⁷⁵⁰ Ibid., pp. 38-40.

22. Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol

Initial proceedings

Decision of 20 July 1993 (3256th meeting): statement by the President

By a letter dated 16 July 1993 addressed to the President of the Security Council,¹ the representative of Ukraine transmitted to the Council the text of a letter dated 14 July 1993 from the Minister for Foreign Affairs of Ukraine, addressed to the President of the Council, requesting an urgent meeting of the Security Council, to consider the situation which had been created as a result of the adoption, on 9 July 1993, of a decree of the Supreme Soviet of the Russian Federation concerning the Ukrainian city of Sevastopol. The decree cited "Russian federal status for the city of Sevastopol within the administrative and territorial borders of the city district as of December 1991", and entrusted the Russian

Government with the task of working out a State programme to ensure the status of Sevastopol.

In his letter, the Minister for Foreign Affairs of Ukraine stated that the Supreme Soviet's action was in flagrant disregard of universally recognized principles and norms of international law, in particular Article 2 (4) of the Charter. It also constituted an overt encroachment on the territorial inviolability of Ukraine, an interference in its internal and external affairs, and was incompatible with the aims and principles of the United Nations. The letter concluded by rejecting any territorial claims and appealed to the Security Council to use its full authority to have the "illegal decision" cancelled by the Parliament of the Russian Federation and to warn it against taking further decisions, which could jeopardize international peace and security.

¹ S/26100.

In an earlier letter dated 13 July 1993 addressed to the President of the Security Council,² the representative of Ukraine had transmitted to the Council the text of a statement issued on 9 July 1993 by the President of Ukraine on the decision of the Supreme Soviet (Parliament) of the Russian Federation, by which the Ukrainian city of Sevastopol was proclaimed as belonging to the Russian Federation. The President of Ukraine contended that the decision represented an open interference in the internal affairs of Ukraine, and an infringement of its territorial integrity and the inviolability of its borders. Moreover, it violated the international obligations resulting from the membership of the Russian Federation in the United Nations, its participation in the Conference on Security and Cooperation in Europe (CSCE), and bilateral Ukrainian-Russian agreements, particularly the treaty on friendship, good-neighbourliness and cooperation signed at Kiev, on 19 November 1990, which had been ratified by the Russian Parliament and registered with the United Nations Secretariat.

By a letter dated 19 July 1993 addressed to the President of the Security Council,³ the representative of the Russian Federation transmitted the text of a statement, issued on 11 July by its Ministry of Foreign Affairs, in connection with the resolution of the Russian Supreme Council regarding the status of the city of Sevastopol. The statement contended that the resolution departed from the policy followed by the President and the Government of the Russian Federation in upholding Russian interests as regards matters relating to the Black Sea fleet and in maintaining bases for the navy of the Russian Federation in Ukraine, in the Crimea and in Sevastopol. It also emphasized that territorial problems could be settled only through political dialogue, taking into consideration the opinions and interests of the various population groups. Any settlement should also strictly observe all treaties and agreements entered into with the Ukrainian side, as well as the principles of CSCE and the United Nations.

At its 3256th meeting, on 20 July 1993, the Security Council included in its agenda an item entitled "Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning

Sevastopol" and the letters mentioned above. After the adoption of the agenda, the Council invited the representative of Ukraine, at his request, to participate in the discussion without the right to vote. The President (United Kingdom) then drew the attention of the members of the Council to two letters dated 13 and 19 July 1993,⁴ respectively, from the representatives of Ukraine and the Russian Federation, addressed to the President of the Security Council.

The representative of Ukraine contended that the "irresponsible" decision by the Russian Parliament could only be described as a "flagrant flouting" of the fundamental principles and norms of international law, in particular Article 2 (4) of the Charter of the United Nations. It constituted a clear encroachment on Ukraine's territorial inviolability, a revision of existing boundaries, interference in its internal affairs and was, in both spirit and letter, incompatible with the purposes and principles of the United Nations. The decision was also a flagrant violation of the international commitments flowing from the Russian Federation's membership in the United Nations, its participation in CSCE, and the Kiev Treaty. The decree was, in essence, a "time bomb" which should not be understated. He warned that, if the Russian authorities attempted to implement it, Ukraine might be forced to take "appropriate actions" to defend its sovereignty, territorial integrity and inviolability, which could have unforeseeable consequences and seriously threaten the maintenance of international peace and security. Invoking Article 34 of the Charter, the speaker called on the Council to use its full authority to condemn the decree and declare it invalid, and to warn against further steps that might threaten peace and international security. The lack of such a response, he said, could undermine confidence in the Council's authority. The Council had to carry out an act of preventive diplomacy and prevent an escalation of illegal actions.⁵

The representative of the Russian Federation emphasized that the decree adopted on 9 July 1993 by the Supreme Soviet concerning the status of Sevastopol diverged from the policy of the President and the Government of the Russian Federation. He contended that his country remained dedicated to the principle of the inviolability of the borders within the Commonwealth of Independent States and would strictly abide by its obligations under international law,

² S/26075.

³ S/26109.

⁴ S/26075 and S/26109.

⁵ S/PV.3256, pp. 6-13.

the Charter and the principles of CSCE. Regarding its relations with Ukraine, the Russian Federation would continue to be guided by its bilateral treaties and agreements and in particular those concerning respect for each other's sovereignty and territorial integrity. He emphasized that the Russian Federation felt that any problem, no matter how complex, could be resolved only within the framework of political dialogue, taking into account the views and interests of the various sectors of the population and in strict compliance with treaties and agreements with the Ukrainian side and the principles of CSCE and the United Nations.⁶

The President stated that, after consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁷

The Security Council has considered the letters dated 13 and 16 July 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council, transmitting a statement by the President of Ukraine on the Decree adopted by the Supreme Soviet of the Russian Federation on 9 July 1993 concerning Sevastopol and a letter from the Minister for Foreign Affairs of Ukraine on the same matter.

The Council has also considered the letter dated 19 July 1993 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council, circulating a statement by the Ministry of Foreign Affairs of the Russian Federation concerning the aforementioned Decree.

The Council shares the deep concern, and welcomes the position, expressed by the President and the Minister for Foreign Affairs of Ukraine concerning the Decree of the Supreme Soviet of the Russian Federation. In this context, it also welcomes the position taken by the Ministry of Foreign Affairs on behalf of the Government of the Russian Federation.

The Council reaffirms in this connection its commitment to the territorial integrity of Ukraine, in accordance with the Charter of the United Nations. The Council recalls that in the Treaty between the Russian Federation and Ukraine, signed at Kiev on 19 November 1990, the High Contracting Parties committed themselves to respect each other's territorial integrity within their currently existing frontiers. The Decree of the Supreme Soviet of the Russian Federation is incompatible with this commitment as well as with the purposes and principles of the Charter, and without effect.

The Council welcomes the efforts of the Presidents and the Governments of the Russian Federation and Ukraine to settle any differences between them by peaceful means and urges that they take all steps to ensure the avoidance of tension.

The Council will remain seized of the matter.

⁶ Ibid., pp. 14-16.

⁷ S/26118.

Middle East

23. Items relating to the situation between Iraq and Kuwait

A. The situation between Iraq and Kuwait

Decision of 8 January 1993 (3161st meeting): statement by the President

At its 3161st meeting, on 8 January 1993, the Security Council resumed its consideration of the item. After the adoption of the agenda, the President (Japan) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹

The Security Council is deeply disturbed by the Government of Iraq's recent notes to the Office of the Special Commission in Baghdad and to the Headquarters of the United Nations Iraq Kuwait Observation Mission (UNIKOM) that it will not allow the United Nations to transport its personnel into Iraqi territory using its own aircraft.

The Council refers to its resolution 687 (1991) of 3 April 1991 requiring Iraq to permit the Special Commission and the International Atomic Energy Agency (IAEA) to undertake immediate on site inspection of any locations designated by the Commission. The agreement on facilities, privileges and immunities between the Government of Iraq and the United Nations and resolutions 707 (1991) of 15 August 1991 and 715 (1991) of 11 October 1991 elaborated on Iraq's obligations by demanding, inter alia, that the Special Commission and the IAEA be allowed, as they determined necessary, to use their own aircraft throughout Iraq and any airfield in Iraq without interference or hindrance of any kind. Concerning UNIKOM, Iraq is obligated by resolution 687 (1991) and committed by an exchange of letters dated 15 April 1992 and 21 June 1992 to the unrestricted freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment, spare parts and means of transport.

The implementation of the measures set out in the recent communications of the Iraqi Government would seriously impede the activities of the Special Commission, the IAEA and UNIKOM. Such restrictions constitute an unacceptable and material breach of the relevant provisions of resolution 687 (1991), which established the cease fire and provided the conditions essential to the restoration of peace and security in the region, as well as of other relevant resolutions and agreements.

The Council demands that the Government of Iraq abide by its obligations under all relevant Security Council resolutions

¹ S/25081.

and cooperate fully with the activities of the Special Commission, the IAEA and UNIKOM. In particular, it demands that the Government of Iraq not interfere with the currently envisaged United Nations flights. The Council warns the Government of Iraq, as it has done in this connection in the past, of the serious consequences which would ensue from failure to comply with its obligations.

By a letter dated 10 January 1993 addressed to the President of the Council,² the representative of Iraq transmitted a letter dated 9 January 1993 from the Minister for Foreign Affairs of Iraq, in which the latter specified that his Government's decision concerning the discontinuance of the use of foreign aircraft by the Special Commission was a temporary decision dictated by the United States threat to Iraq. His Government had already requested the Chairman of the Special Commission to use Iraqi aircraft for United Nations missions in Iraq and had discussed the matter with the Secretary-General. The Foreign Minister rejected as incorrect the allegations that Iraq had stopped or hampered the missions of the Special Commission in Iraq and noted that the dealings of the United Nations with a free and sovereign State ought to be marked by propriety.

Decision of 11 January 1993 (3162nd meeting): statement by the President

On 10 January 1993, the Secretary-General submitted to the Council a special report on the United Nations Iraq-Kuwait Observation Mission (UNIKOM),³ in which he reported a number of serious developments concerning the Mission. On 10 January 1993, some 200 Iraqis had forced entry into ammunition bunkers in a former Iraqi naval base at Umm Qasr, on Kuwaiti territory, and had taken away most of their contents, including 4 HY-2G anti-ship missiles, in contravention of the Security Council's decision of 3 November 1992,⁴ in which it was stipulated that the contents of the bunkers should be destroyed by or under the supervision of UNIKOM. He also noted that up to 500

² S/25086.

³ S/25085. See also S/25085/Add.1, dated 19 January 1993.

⁴ S/25085, annex III.

Iraqi personnel continued to dismantle prefabricated buildings also on Kuwaiti territory and to remove the parts, in violation of the procedure established by the Council for the removal of Iraqi property and assets and conveyed to the Secretary-General in a letter dated 8 January 1993.⁵ The Secretary-General further reported that, on 4 January 1993, Iraqi authorities had raised the question of the retrieval by them of the prefabricated buildings which Iraq had made available to UNIKOM in Camp Khor, although the government previously had agreed that the land and premises made available to UNIKOM should be made inviolate and subject to the exclusive control and authority of the United Nations. The Secretary-General noted that that was taking place at a time when the Council was already actively seized of other aspects of the situation, such as Iraq's ban against United Nations aircraft. While Iraq's cooperation was essential for UNIKOM to perform its tasks effectively, those developments cast doubt on Iraq's continued willingness to cooperate with UNIKOM and to abide by its commitments in that respect.

At its 3162nd meeting, on 11 January 1993, the Council included the special report of the Secretary-General⁶ in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to the letter dated 10 January 1993 from the representative of Iraq.⁷ He then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁸

The Security Council notes that there have been a number of recent actions by Iraq as part of its pattern of flouting relevant Council resolutions. One was the series of border incidents involving the United Nations Iraq Kuwait Observation Mission (UNIKOM), another was the incident concerning the Special Commission and UNIKOM flights.

The Council is deeply concerned at the incidents reported in the special report of the Secretary-General of 10 January 1993 on UNIKOM. It recalls the provisions of its resolution 687 (1991) of 3 April 1991 that established the demilitarized zone between Iraq and Kuwait and demanded that both countries respect the inviolability of the international boundary between them. It reaffirms that the boundary was at the very core of the conflict and that, in resolutions 687 (1991) and 773 (1992) of 26 August 1992, it guaranteed the inviolability of the boundary

and undertook to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations.

The Council condemns the action taken by Iraq on 10 January 1993 to remove equipment by force from the Kuwaiti side of the demilitarized zone without prior consultation with UNIKOM, and through UNIKOM with the Kuwaiti authorities, as set out in the letter dated 8 January 1993 from the President of the Council to the Secretary-General. In particular, the Council draws attention to the removal by Iraq of four HY 2G anti ship missiles and other military equipment from the six bunkers in the former Iraqi naval base at Umm Qasr in Kuwaiti territory, in spite of the objections of UNIKOM and their efforts to prevent this. This action is a direct challenge to the authority of UNIKOM and amounts to clear-cut defiance by Iraq of the Council, which stipulated in the letter dated 3 November 1992 from its President to the Secretary-General that the military equipment in the six bunkers should be destroyed by or under the supervision of UNIKOM. The Council demands that the anti ship missiles and other military equipment removed by force from the six bunkers at Umm Qasr in Kuwaiti territory be returned immediately to the custody of UNIKOM for destruction, as previously decided.

The Council also condemns further Iraqi intrusions into the Kuwaiti side of the demilitarized zone on 11 January 1993. It demands that any future retrieval mission be in accordance with the terms set out in the letter dated 8 January 1993 from the President of the Council to the Secretary-General. On the UNIKOM facilities at Camp Khor, the Council stresses that the land and premises occupied by UNIKOM shall be inviolate and subject to the exclusive control and authority of the United Nations.

The Council invites the Secretary-General, as a first step, to explore on an urgent basis the possibilities for restoring UNIKOM to its full strength and to consider in an emergency such as this the need for rapid reinforcement as set out in paragraph 18 of his report of 12 June 1991, as well as any other suggestions that he might have to enhance the effectiveness of UNIKOM, and to report back to the Council.

The Council is also alarmed by Iraq's refusal to allow the United Nations to transport its Special Commission and UNIKOM personnel into Iraqi territory using its own aircraft. In this connection the Council reiterates the demand in its statement of 8 January 1993 that Iraq permit the Special Commission and UNIKOM to use their own aircraft to transport their personnel into Iraq. It rejects the arguments contained in the letter dated 9 January 1993 from the Minister for Foreign Affairs of Iraq to the President of the Security Council.

These latest developments concerning the activities of UNIKOM and the Special Commission constitute further material breaches of resolution 687 (1991), which established the ceasefire and provided the conditions essential for the restoration of peace and security in the region, as well as other relevant resolutions and agreements. The Council demands that Iraq cooperate fully with UNIKOM, the Special Commission and other United Nations agencies in carrying out their

⁵ Ibid., annex I.

⁶ S/25085.

⁷ S/25086.

⁸ S/25091.

mandates, and again warns Iraq of the serious consequences that will flow from such continued defiance. The Council will remain actively seized of the matter.

Decision of 25 January 1993: statement by the President

Following consultations held on 25 January 1993, the President of the Security Council issued the following statement on behalf of the members of the Council:⁹

The members of the Security Council held informal consultations on 25 January 1993 pursuant to paragraph 21 of Council resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

Decision of 5 February 1993 (3171st meeting): resolution 806 (1993)

On 18 January 1993, pursuant to the presidential statement of 11 January 1993, the Secretary-General submitted to the Council a further special report on UNIKOM,¹⁰ in which he suggested ways to enhance the effectiveness of the Mission. He noted that UNIKOM, whose observers were unarmed, had neither the authority nor the means to enforce the Council's decisions and relied on the cooperation of the Governments of Iraq and Kuwait. With regard to the incidents which had taken place in the area of operation since the beginning of the month, the Secretary-General stated that UNIKOM had performed the function for which it was designed and for which its strength was sufficient. Should the Council, however, decide that the UNIKOM mandate did not permit an adequate response to such violations and that it should be able to prevent and redress them, then UNIKOM would require the capacity to take physical action to prevent or, if that failed, to redress small-scale violations in the demilitarized zone; violations of the boundary between Iraq and Kuwait, for example by civilian police; and problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the demilitarized zone on the Kuwaiti

side of the newly demarcated boundary.¹¹ To be able to perform those tasks, UNIKOM would have to be provided with infantry in sufficient numbers to be present on the ground on a permanent basis, as well as with adequate airlift capacity and, as the case may be, with naval assets. UNIKOM could not be authorized to initiate enforcement action as it could not use its weapons, except in self-defence. The Secretary-General noted that both the Governments of Iraq and Kuwait would be expected to cooperate with the Mission. Without such cooperation, it would become impossible for the restructured Mission to carry out its functions, in which case the Council would need to consider alternative measures.

At its 3171st meeting, on 5 February 1993, the Council included the special report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Morocco), drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's consultations.¹²

The draft resolution was then put to the vote and adopted unanimously as resolution 806 (1993), which reads:

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, in particular paragraphs 2 to 5 thereof, and its resolutions 689 (1991) of 9 April 1991 and 773 (1992) of 26 August 1992, and its other resolutions on this matter,

Having considered the report of the Secretary-General of 18 and 19 January 1993,

Noting with approval that work is being completed on the realignment of the demilitarized zone referred to in paragraph 5 of resolution 687 (1991) to correspond to the international boundary demarcated by the United Nations Iraq Kuwait Boundary Demarcation Commission,

Deeply concerned at recent actions by Iraq in violation of relevant Security Council resolutions, including the series of border incidents involving the United Nations Iraq Kuwait Observation Mission,

Recalling the statements made by the President on behalf of the Council on 8 and 11 January 1993,

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

1. *Underlines once again* its guarantee of the inviolability of the international boundary between the State of

⁹ S/25157.

¹⁰ S/25123 and Add.1.

¹¹ S/25123, para. 5.

¹² S/25244.

Kuwait and the Republic of Iraq and its decision to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations, as provided for in paragraph 4 of resolution 687 (1991);

2. *Approves* the report of the Secretary-General, and decides to extend the terms of reference of the United Nations Iraq-Kuwait Observation Mission to include the functions contained in paragraph 5 of the report;

3. *Requests* the Secretary-General to plan and execute a phased deployment of the strengthening of the Mission, taking into account the need for economy and other relevant factors and to report to the Council on any step he intends to take following an initial deployment;

4. *Reaffirms* that the question of termination or continuation of the Mission and the modalities of the Mission will continue to be reviewed every six months pursuant to paragraphs 2 and 3 of resolution 689 (1991), the next review to take place in April 1993;

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

Decision of 29 March 1993: statement by the President

Following consultations held on 23 and 29 March 1993, the President of the Council issued the following statement on behalf of the members of the Council:¹³

The members of the Security Council held informal consultations on 23 and 29 March 1993 pursuant to paragraphs 21 and 28 of Council resolution 687 (1991) and paragraph 6 of Council resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22 to 25 of resolution 687 (1991), as referred to in paragraph 28 of that resolution; and in paragraph 6 of resolution 700 (1991).

Decision of 13 April 1993: letter from the President to the Secretary-General

On 2 April 1993, pursuant to resolution 689 (1991), the Secretary-General submitted to the Council a report on UNIKOM covering the period from 1 October 1992 to 31 March 1993.¹⁴ The Secretary-General observed that, while the UNIKOM area of operations had, for the most part, been calm during the past six months, the events of January 1993 had

¹³ S/25480.

¹⁴ S/25514.

demonstrated the value of the United Nations presence on the border between Iraq and Kuwait as well as the need that it continue. He therefore recommended to the Council that it maintain UNIKOM for a further six-month period.¹⁵ The Secretary-General added that it had not been possible so far to identify a Member State which was in a position to provide the mechanized infantry battalion to be deployed in the first phase of the strengthening of UNIKOM in accordance with resolution 806 (1993) of 5 February 1993.¹⁶

By a letter dated 13 April 1993,¹⁷ the President of the Council (Pakistan) informed the Secretary-General of the following:

In accordance with the provisions of Security Council resolution 689 (1991) of 3 April 1991, and in the light of your report, the members of the Council have reviewed the question of termination or continuation of the United Nations Iraq Kuwait Observation Mission (UNIKOM), as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendations, in particular that contained in paragraph 32 of your report.

With reference to paragraph 33 of your report, the members of the Council urge you to continue your efforts to identify a troop contributor for the mechanized infantry battalion to be deployed in the first phase of strengthening UNIKOM in accordance with resolution 806 (1993) of 5 February 1993.

Decision of 24 May 1993: statement by the President

Following consultations held on 24 May 1993, the President of the Council (Russian Federation) issued the following statement on behalf of the members of the Council:¹⁸

The members of the Security Council held informal consultations on 24 May 1993 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

¹⁵ *Ibid.*, para. 32.

¹⁶ *Ibid.*, para. 33.

¹⁷ S/25588.

¹⁸ S/25830.

**Decision of 27 May 1993 (3224th meeting):
resolution 833 (1993)**

By a letter dated 21 May 1993 addressed to the President of the Council,¹⁹ the Secretary-General transmitted the final report on the demarcation of the international boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission, dated 20 May 1993, conveying the final results of the work of the Commission, together with the list of geographic coordinates demarcating the boundary and the map of the area.²⁰ The Secretary-General recalled that, in accordance with its mandate and terms of reference, the Commission was called to perform a technical and not a political task and had made every effort to strictly confine itself to that objective. Through the technical process of demarcation, the Commission was not reallocating territory between Iraq and Kuwait, but had performed the technical task necessary to demarcate the international boundary between the two countries set out in the “Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters” signed at Baghdad on 4 October 1963.²¹ He noted that the geographic coordinates established by the Commission were final and pointed out that, in accordance with resolution 687 (1991), both Iraq and Kuwait should respect the international boundary’s inviolability, which would be guaranteed by the Council. Noting further that the demarcation of the international boundary had direct implications for the implementation of resolution 687 (1991) relating to the establishment of a demilitarized zone along that boundary, the Secretary-General reported that he was instructing UNIKOM to finalize the realignment of that zone with the entire international boundary demarcated by the Commission. He would also make the necessary arrangements for maintenance of the physical representation of the boundary, as recommended by the Commission.²² He believed that the work of the Commission would have a beneficial effect on the restoration of international peace and security in the area concerned.

At its 3224th meeting, on 27 May 1993, the Council included the letter from the Secretary-General

¹⁹ S/25811 and Add.1.

²⁰ S/25811, annex.

²¹ United Nations, *Treaty Series*, vol. 485, No. 7063.

²² S/25811, annex, section X.C.

in its agenda. Following the adoption of the agenda, the President (Russian Federation), drew the attention of the members of the Council to a draft resolution prepared in the course of the Council’s consultations.²³

Speaking in explanation of vote, the representative of Venezuela stated that the process of demarcation of the Iraq-Kuwait boundary was being carried out in the special circumstances following Iraq’s invasion of Kuwait, which posed a threat to international peace and security and which had been condemned by the international community. In that context, Venezuela understood that the draft resolution was not intended in any way to establish any precedent affecting the general principle set forth in Article 33 of the Charter, according to which it was the parties directly involved in a dispute who must negotiate and reach necessary agreement to overcome their differences.²⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 833 (1993), which reads:

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, in particular paragraphs 2 to 4 thereof, and its resolutions 689 (1991) of 9 April 1991, 773 (1992) of 26 August 1992, and 806 (1993) of 5 February 1993,

Recalling the report of the Secretary-General of 2 May 1991 concerning the establishment of the United Nations Iraq Kuwait Boundary Demarcation Commission, the subsequent exchange of letters between the Secretary-General and the President of the Security Council dated 6 and 13 May 1991, and the acceptance of the report by Iraq and Kuwait,

Having considered the letter dated 21 May 1993 from the Secretary-General to the President of the Security Council transmitting the final report of the Commission,

Recalling in this connection that through the demarcation process the Commission was not reallocating territory between Kuwait and Iraq, but was simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the “Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters” signed by them on 4 October 1963, and that this task was carried out in the special circumstances following Iraq’s invasion of Kuwait and pursuant to resolution 687 (1991) and the report of the Secretary-General regarding implementation of paragraph 3 of that resolution,

²³ S/25852.

²⁴ S/PV.3224, pp. 3-6.

Reminding Iraq of its obligations under resolution 687 (1991), in particular paragraph 2 thereof, and under other relevant resolutions of the Council, and of its acceptance of the Council resolutions adopted pursuant to Chapter VII of the Charter of the United Nations, which acceptance forms the basis for the ceasefire,

Noting with approval the Secretary-General's instruction to the United Nations Iraq-Kuwait Observation Mission to finalize the realignment of the demilitarized zone with the entire international boundary between Iraq and Kuwait demarcated by the Commission,

Welcoming the Secretary-General's decision to make the necessary arrangements for the maintenance of the physical representation of the boundary, as recommended by the Commission in section X.C of its report, until other technical arrangements are established between Iraq and Kuwait for this purpose,

Acting under Chapter VII of the Charter,

1. *Welcomes* the letter dated 21 May 1993 from the Secretary-General to the President of the Council and the 20 May 1993 report of the United Nations Iraq-Kuwait Boundary Demarcation Commission transmitted therewith;

2. *Welcomes also* the successful conclusion of the work of the Commission;

3. *Expresses its appreciation* to the Commission for its work on the land part of the boundary as well as the Khawr 'Abd Allah or offshore section of the boundary, and welcomes its demarcation decisions;

4. *Reaffirms* that the decisions of the Commission regarding the demarcation of the boundary are final;

5. *Demands* that Iraq and Kuwait, in accordance with international law and relevant Security Council resolutions, respect the inviolability of the international boundary, as demarcated by the Commission, and the right to navigational access;

6. *Underlines and reaffirms its decision* to guarantee the inviolability of the above mentioned international boundary which has now been finally demarcated by the Commission and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations, as provided for in paragraph 4 of resolution 687 (1991) and paragraph 4 of resolution 773 (1992);

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

After the vote, the representative of Brazil recalled that his country had consistently supported action taken by the United Nations with a view to ensuring full respect for the sovereignty and territorial integrity of Kuwait. Any attempt to challenge that sovereignty and integrity was unacceptable. It was the understanding of his Government that the decisions

taken by the Council concerning the international boundary between Iraq and Kuwait in resolution 687 (1991) and subsequent resolutions could be justified only in the light of the exceptional and unique circumstances in which those decisions had been taken and did not establish a precedent for future action by the Council in other matters pertaining to the definition or demarcation of boundaries between Member States. Brazil's support for resolution 833 (1993) and other decisions in that matter was without prejudice to its reservations regarding the competence of the Council in questions related to the definition or demarcation of boundaries between Member States, which should be settled directly by the States concerned.²⁵

Similarly, the representative of China stated, with respect to the question of boundaries, that the countries concerned should, in accordance with international law and the Charter, seek a peaceful solution in agreements or treaties arrived at through negotiation and consultation. The existing demarcation of the boundary between Iraq and Kuwait was a special case arising from the specific historical circumstances involved and, as such, was not generally applicable. For that reason, the Council's invocation of Chapter VII of the Charter with respect to the demarcation of the disputed boundary between the two countries must not be viewed as setting a precedent.²⁶

Other speakers said that the delimitation of the boundary would have a beneficial impact on peace and security in the region.²⁷ Some noted that the Commission had carried out the technical task of demarcating a boundary and that it had not attributed any territory to one side or the other and had not encroached on the sovereignty of either State in any way.²⁸

Decision of 18 June 1993 (3242nd meeting): statement by the President

By a note dated 16 June 1993,²⁹ the Secretary-General transmitted to the Council a report submitted by the Executive Chairman of the Special Commission

²⁵ Ibid., pp. 8-9.

²⁶ Ibid, p. 12.

²⁷ Ibid., pp. 6-7 (United Kingdom); pp. 7-8 (France); pp. 9-11 (Hungary); pp. 11-12 (United States); p. 13 (New Zealand); pp. 13-14 (Djibouti); and pp. 14-15 (Spain).

²⁸ Ibid., pp. 7-8 (France); pp. 9-11 (Hungary); and pp. 13-14 (Djibouti).

²⁹ S/25960.

established pursuant to paragraph 9 (b) (i) of resolution 687 (1991),³⁰ in which the latter presented an account of the Government of Iraq's attitude on certain aspects of implementation of its obligations under section C of that resolution and subsequent relevant resolutions and agreements. The Executive Chairman reported on the refusal of the Government of Iraq to accept installation by the Special Commission of monitoring cameras at rocket test sites and to move chemical weapons production equipment to a designated site for destruction. He noted that Iraq's obstruction in those two instances was a further failure by Iraq to fulfil its obligations under resolution 687 (1991) and other relevant decisions of the Council resolutions and agreements with the Special Commission. Furthermore, Iraq's insistence that the Special Commission limit itself to activities under resolution 687 (1991) was a direct challenge to the authority of the Security Council and the force of its resolutions adopted under Chapter VII of the Charter. The Executive Chairman concluded by stating that such developments fitted with a general pattern of statements and behaviour on the part of Iraq concerning those aspects of resolution 687 (1991) and subsequent resolutions which dealt with the long-term monitoring of Iraq's obligations not to reacquire the weapons capabilities prohibited under the terms of the ceasefire resolution. While not explicitly rejecting the monitoring provisions, Iraq's actions in seeking to renegotiate their terms had, in effect, prevented the initiation of implementation of the plans for ongoing monitoring and verification adopted under resolution 715 (1991) and amounted to a de facto rejection of the Council's resolutions and decisions in that regard.

At its 3242nd meeting, on 18 June 1993, the Council included the note by the Secretary-General in its agenda. After the adoption of the agenda, the President (Spain) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:³¹

The Security Council is deeply concerned by the de facto refusal of the Government of Iraq to accept installation by the United Nations Special Commission of monitoring devices at rocket test sites and to transport chemical-weapons-related equipment to a designated site for destruction, as set out in a

³⁰ Ibid., annex.

³¹ S/25970.

report from the Executive Chairman of the Special Commission to the President of the Security Council.

The Council refers to its resolution 687 (1991) of 3 April 1991 requiring Iraq to permit the Special Commission and the International Atomic Energy Agency (IAEA) to undertake immediate on-site inspection of any locations designated by the Commission. The agreement on facilities, privileges and immunities between the Government of Iraq and the United Nations, and Council resolutions 707 (1991) of 15 August 1991 and 715 (1991) of 11 October 1991 clearly establish Iraq's obligation to accept the presence of monitoring equipment designated by the Special Commission and that it is for the Special Commission alone to determine which items must be destroyed under paragraph 9 of resolution 687 (1991).

Iraq must accept installation by the Special Commission of monitoring devices at the rocket test sites in question and transport the chemical-weapons-related equipment concerned to a designated site for destruction.

The Council reminds Iraq that in resolution 715 (1991) it approved plans for monitoring by the Special Commission and the IAEA which clearly require Iraq to accept the presence of such monitoring equipment at Iraqi sites, designated by the Special Commission, to ensure continuing compliance with its obligations under resolution 687 (1991).

Iraq's refusal to comply with decisions of the Special Commission, as set out in the report of the Executive Chairman, constitutes a material and unacceptable breach of the relevant provisions of resolution 687 (1991), which established the ceasefire and provided the conditions essential to the restoration of peace and security in the region, as well as violation of resolutions 707 (1991) and 715 (1991) and the plans for future ongoing monitoring and verification approved thereunder. In this context, the Council recalls its statements of 8 and 11 January 1993, and warns the Government of Iraq of the serious consequences of material breaches of resolution 687 (1991) and violations of its obligations under resolution 715 (1991) and the above-mentioned plans.

The Council reminds the Government of Iraq of its obligations under Security Council resolutions and its undertakings to provide for the safety of inspection personnel and equipment. The Council demands that the Government of Iraq immediately comply with its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991) and cease its attempts to restrict the Commission's inspection rights and operational capabilities.

**Decision of 28 June 1993 (3246th meeting):
statement by the President**

By a letter dated 7 June 1993 addressed to the Secretary-General,³² the representative of Iraq transmitted a letter dated 6 June 1993 from the

³² S/25905.

Minister for Foreign Affairs of Iraq, in which the latter conveyed his Government's initial viewpoint on resolution 833 (1993). He drew attention to a number of shortcomings in the work of the United Nations Iraq-Kuwait Boundary Demarcation Commission, with regard to its decision on the demarcation of the offshore boundary in the Khawr Abdullah and the endorsement thereof by the Council in resolution 833 (1993). He contended that the improper intervention and influence on the work of the Commission in that matter had given rise to a number of legal questions, including that the Council had no right, pursuant to its functions and powers under the Charter, to impose a boundary delimitation on a Member State because, under international law, that sphere of competence was governed by the principle of agreement between the States concerned and because it had, with the precision legally required, no relation to questions of the maintenance of international peace and security that were the sphere of competence of the Council. He further contended that the Council had thus acted *ultra vires*. Regarding the overall outcome of the work of the Commission and resolution 833 (1993), the Minister reaffirmed his Government's position according to which the decisions adopted by the Commission represented, *inter alia*, a purely political decision imposed by the Powers dominating the Security Council and the United Nations, which would constitute a dangerous precedent contrary in substance and consequences to the duties and responsibilities entrusted to the Council by the Charter.³³

By a letter dated 16 June 1993, addressed to the Secretary-General,³⁴ the representative of Kuwait transmitted the text of a statement issued by the Kuwaiti Council of Ministers whereby Kuwait affirmed, *inter alia*, that it would honour and be bound by resolution 833 (1993) and all relevant Security Council resolutions.

At its 3246th meeting, on 28 June 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the President drew the attention of the members of the Council to the above-mentioned letters from the representatives of Iraq and Kuwait. He then stated that, following consultations among the members of the Council, he

had been authorized to make the following statement on behalf of the Council:³⁵

The Security Council has noted with particular concern the letter dated 6 June 1993 from the Minister for Foreign Affairs of the Republic of Iraq to the Secretary-General concerning resolution 833 (1993) of 27 May 1993.

The Council recalls in this connection that the United Nations Iraq-Kuwait Boundary Demarcation Commission did not reallocate territory between Kuwait and Iraq, but simply carried out the technical task necessary to demarcate the precise coordinates for the first time, on the basis of the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters" signed by them on 4 October 1963, which was registered with the United Nations. The Council reminds Iraq that the Boundary Demarcation Commission acted on the basis of resolution 687 (1991) of 3 April 1991 and the Secretary-General's report on implementing paragraph 3 of that resolution, both of which were formally accepted by Iraq. In its resolution 833 (1993), the Council reaffirmed that the decisions of the Commission were final and demanded that Iraq and Kuwait respect the inviolability of the international boundary as demarcated by the Commission and the right to navigational access.

The Council also reminds Iraq of its acceptance of resolution 687 (1991), which forms the basis for the ceasefire. The Council wishes to stress to Iraq the inviolability of the international boundary between Iraq and Kuwait, demarcated by the Commission and guaranteed by the Council pursuant to resolutions 687 (1991), 773 (1992) of 26 August 1992 and 833 (1993), and the serious consequences that would ensue from any breach thereof.

Decision of 21 July 1993: statement by the President

On 21 July 1993, after consultations with the members of the Council, the President made the following statement on behalf of the members of the Council:³⁶

The members of the Security Council held informal consultations on 21 July 1993 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22 to 25 of resolution 687 (1991), as

³³ See letter dated 21 May 1992 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General (S/24044).

³⁴ S/25963.

³⁵ S/26006.

³⁶ S/26126.

referred to in paragraph 28 of that resolution; and in paragraph 6 of resolution 700 (1991).

Decision of 20 September 1993: statement by the President

On 20 September 1993, after consultations with the members of the Council, the President made the following statement on behalf of the members of the Council:³⁷

The members of the Security Council held informal consultations on 20 September 1993 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

Decision of 11 October 1993: letter from the President to the Secretary-General

On 1 October 1993, pursuant to resolution 689 (1991), the Secretary-General submitted to the Council a report on UNIKOM covering the period from 1 April to 30 September 1993.³⁸ The Secretary-General reported that the UNIKOM area of operations had been calm during the past six months and that the Mission had received the cooperation of both Iraqi and Kuwaiti authorities in discharging its responsibilities. However, the calm along the Iraq-Kuwait border should not obscure the fact that tensions persisted and peace had yet to be restored in the area. Noting that the presence of UNIKOM remained an important factor of stability along the border, he recommended that the Mission be maintained for a further six-month period.³⁹ He noted with appreciation the decision of the Government of Kuwait to defray the cost of two thirds of the UNIKOM budget.

By a letter dated 11 October 1993,⁴⁰ the President of the Council (Brazil) informed the Secretary-General of the following:

In accordance with the provisions of Security Council resolution 689 (1991) and in the light of your report, the members of the Council have reviewed the question of

³⁷ S/26474.

³⁸ S/26520.

³⁹ *Ibid.*, para. 22.

⁴⁰ S/26566.

termination or continuation of the United Nations Iraq Kuwait Observation Mission, as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendations, in particular that contained in paragraph 22 of your report.

Decision of 18 November 1993: statement by the President

On 18 November 1993, after consultations among members of the Council, the President (Cape Verde) issued the following statement on behalf of the Council:⁴¹

The members of the Security Council held informal consultations on 18 November 1993 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22 to 25 of resolution 687 (1991), as referred to in paragraph 28 of that resolution; and in paragraph 6 of resolution 700 (1991).

Decision of 23 November 1993 (3319th meeting): statement by the President

At its 3319th meeting, on 23 November 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the President drew the Council's attention to two letters dated 16 November 1993 and another letter dated 22 November 1993 addressed to the President of the Council by the representative of Kuwait,⁴² and to a letter dated 15 November 1993 addressed to the President of the Council by the representative of Iraq,⁴³ in which the representatives of Iraq and Kuwait, respectively, alleged violations of the demilitarized zone along the Iraq-Kuwait boundary. The President then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴⁴

The Security Council is seriously concerned about recent violations of the Iraq-Kuwait boundary as reported by the

⁴¹ S/26768.

⁴² S/26758, S/26786 and S/26784.

⁴³ S/26755.

⁴⁴ S/26787.

United Nations Iraq-Kuwait Observation Mission (UNIKOM), most notably those on 16 and 20 November 1993, when large numbers of Iraqi nationals crossed the boundary illegally. The Council holds the Government of Iraq responsible for these breaches of paragraph 2 of resolution 687 (1991) of 3 April 1991.

The Council reminds Iraq of its obligations under resolution 687 (1991), the acceptance of which forms the basis of the ceasefire, and under other relevant resolutions of the Council, including most recently resolution 833 (1993) of 27 May 1993.

The Council demands that Iraq, in accordance with international law and relevant Council resolutions, respect the inviolability of the international boundary and take all necessary measures to prevent any violations of that boundary.

**Decision of 3 December 1993: letter from the
President to the representative of Iraq**

By a letter dated 26 November 1993, addressed to the President of the Council,⁴⁵ the representative of Iraq transmitted a letter of the same date from the Minister for Foreign Affairs of Iraq, conveying Iraq's decision to accept its obligations under resolution 715 (1991) and to comply with the provisions of the plans for monitoring and verification as contained therein. With its acceptance of resolution 715 (1991) and following other positive developments, his Government hoped that the Council would discharge its obligations towards it under resolution 687 (1991) and trusted, above all, that paragraph 22 of that resolution would be implemented speedily and in full and without obstacles, restrictions or additional conditions.

By a letter dated 3 December 1993,⁴⁶ the President of the Council (China) informed the representative of Iraq of the following:

I have the honour to acknowledge receipt of your communication dated 26 November 1993.

You thereby sent me the letter addressed to me by the Minister for Foreign Affairs of Iraq, which conveys to me unconditional acknowledgement of Iraq's obligations under resolution 715 (1991) of 11 October 1991.

The members of the Council welcome this development. They will continue to follow closely Iraq's cooperation with the Special Commission and the International Atomic Energy Agency as they carry out the plans for ongoing monitoring and verification over a sustained period.

⁴⁵ S/26811.

⁴⁶ S/26841.

**Decision of 18 January 1994: statement by
the President**

After consultations held on 18 January 1994, the President of the Council (Czech Republic) issued the following statement on behalf of the members of the Council:⁴⁷

The members of the Security Council held informal consultations on 18 January 1994 pursuant to paragraph 21 of resolution 687 (1991) of 3 April 1991.

After hearing all the opinions expressed in the course of the consultations, the President concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

**Decision of 4 March 1994 (3343rd meeting):
resolution 899 (1994)**

By a letter dated 22 February 1994 addressed to the President of the Council,⁴⁸ the Secretary-General referred to his letter of 23 November 1992 to the President of the Council, in which he had brought to the Council's attention some issues arising from the demarcation of the Iraq-Kuwait boundary and, in particular, the matter of the Iraqi private citizens and their assets which had remained on Kuwaiti territory. The Secretary-General noted that encouraging developments had taken place for the resolution of that matter. Kuwait had agreed to pay into a trust fund an amount of compensation to those Iraqi nationals affected by the demarcation. The Secretary-General was confident that the Council would concur with his view that the compensation payments would fall within the definition of "payments exclusively for strictly ... humanitarian purposes" provided for in resolution 661 (1990) as an exception to the general prohibition against the remittal of funds to persons or bodies within Iraq.

At its 3343rd meeting, on 4 March 1994, the Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁹

⁴⁷ S/PRST/1994/3.

⁴⁸ S/1994/240.

⁴⁹ S/1994/252.

The draft resolution was then put to the vote and adopted unanimously as resolution 899 (1994), which reads:

The Security Council,

Recalling its resolution 833 (1993) of 27 May 1993,

Having considered the letter from the Secretary-General dated 22 February 1994 concerning the matter of the Iraqi private citizens and their assets which remained on Kuwaiti territory following the demarcation of the international boundary between Iraq and Kuwait, and welcoming the developments and arrangements described therein,

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

Decides that the compensation payments to be made pursuant to the arrangements described in the letter from the Secretary-General dated 22 February 1994 may be remitted to the private citizens concerned in Iraq, notwithstanding the provisions of resolution 661 (1990) of 2 August 1990.

Decision of 8 April 1994: letter from the President to the Secretary-General

On 4 April 1994, pursuant to resolution 689 (1991), the Secretary-General submitted to the Council a report on UNIKOM covering the period from 1 October 1993 to 31 March 1994.⁵⁰ The Secretary-General reported that during the last six months, the UNIKOM area of operations had, for the most part, been calm. He noted that the resolution of the issue arising from the demarcation of the Iraq-Kuwait boundary concerning the Iraqi nationals and their assets remaining in Kuwaiti territory had significantly reduced tension in the area and that the reinforced capacity of UNIKOM, together with arrangements on the ground, were factors contributing to stability. He cautioned, however, that tension still persisted and that incidents in the area indicated the value of the United Nations presence, as well as the need for it to continue. The Secretary-General therefore recommended that the Council maintain UNIKOM for a further 12 months.

By a letter dated 8 April 1994,⁵¹ the President of the Council (New Zealand) informed the Secretary-General of the following:

In accordance with the provisions of Security Council resolution 689 (1991) of 9 April 1991 and in the light of your report of 4 April 1994, the members of the Security Council have reviewed the question of termination or continuation of the

⁵⁰ S/1994/388.

⁵¹ S/1994/411.

United Nations Iraq-Kuwait Observation Mission, as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendation that the Mission be maintained. In accordance with resolution 689 (1991), they have decided to review the question once again by 8 October 1994.

Decision of 11 May 1994: letter from the President to the Secretary-General

By a letter dated 28 April 1994 addressed to the President of the Council,⁵² the Secretary-General brought to the Council's attention his concern over the financial emergency which the United Nations Compensation Commission was facing after almost three years of intensive work to fulfil its mandate. The Secretary-General suggested, in that regard, that the Council might wish to consider exploring ways in which funds might be obtained for the Compensation Fund from such sources including Iraq's petroleum and petroleum products that were in some countries after the embargo and were impounded, sold or used months after the adoption of resolution 778 (1992). He further stated that he would be prepared, at the Council's request, to seek from oil companies information which would make it possible to identify funds due to Iraq for shipments of oil prior to the imposition of sanctions by the Council and arrange their transfer to the United Nations escrow account. He concluded by urging the Council to act swiftly to facilitate the transfer to the Compensation Fund of Iraqi oil-related frozen funds or proceeds from the sale of oil.

By a letter dated 11 May 1994,⁵³ the President of the Council (Nigeria) informed the Secretary-General of the following:

The members of the Council have considered your letter of 28 April 1994 relating to the financial emergency of the United Nations Compensation Commission. The members of the Council share the concerns expressed in your letter and agree with the proposal in your letter, while requesting you to keep the States concerned duly informed of your démarches.

Decision of 21 July 1994: letter from the President to the Secretary-General

By a letter dated 11 July 1994, addressed to the President of the Council,⁵⁴ the Secretary-General transmitted to the Council the text of a letter which he

⁵² S/1994/566.

⁵³ S/1994/567.

⁵⁴ S/1994/907.

had sent to a number of Governments to seek all relevant information from petroleum companies and their subsidiaries under their respective jurisdiction regarding the whereabouts and amounts of Iraqi petroleum and petroleum products imported by those companies on or after June 1990, pursuant to the letter from the President of the Council dated 11 May 1994.⁵⁵

By a letter dated 21 July 1994,⁵⁶ the President of the Council (Pakistan) informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 11 July 1994 concerning the United Nations Compensation Commission has been brought to the attention of the members of the Security Council.

**Decision of 7 October 1994: letter from
the President to the Secretary-General**

On 29 September 1994, pursuant to resolution 689 (1991), the Secretary-General submitted to the Council a report on UNIKOM covering the period from 1 April to 29 September 1994.⁵⁷ The Secretary-General reported that during the period under review the situation in the demilitarized zone had been very calm. UNIKOM had enjoyed the effective cooperation of the Iraqi and Kuwaiti authorities in carrying out its functions and had contributed to the calm which had prevailed along the Iraq-Kuwait border. He recommended that the Mission be maintained.

By a letter dated 7 October 1994,⁵⁸ the President of the Council (United Kingdom) informed the Secretary-General of the following:

In accordance with the provisions of Security Council resolution 689 (1991) of 9 April 1991 and in the light of your report of 29 September 1994, the members of the Security Council have reviewed the question of termination or continuation of the United Nations Iraq-Kuwait Observation Mission, as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendation that the Mission be maintained. In accordance with resolution 689 (1991), they have decided to review the question once again by 8 April 1995.

⁵⁵ S.1994/567.

⁵⁶ S/1994/908.

⁵⁷ S/1994/1111

⁵⁸ S/1994/1141.

**Decision of 8 October 1994 (3435th meeting):
statement by the President**

By a letter dated 6 October 1994 addressed to the President of the Council,⁵⁹ the representative of Kuwait drew the Council's attention to a statement issued on the same day by the Revolution Command Council of Iraq.⁶⁰ According to the representative of Kuwait, the statement was a clear and unequivocal threat directed not only at Kuwait but also at the relations between Iraq and the United Nations with regard to Iraq's compliance with the Security Council resolutions concerning the Iraqi aggression against Kuwait. He warned that the Iraqi regime might be seeking to evade its legal responsibilities under resolution 687 (1991) and carry out another act of aggression against the sovereignty and independence of Kuwait. It therefore called upon the Council to exercise its authority and respond to such threat, to condemn it and ask Iraq to refrain from repeating it while fulfilling all its obligations under the relevant resolutions of the Council.

At its 3435th meeting, on 8 October 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President drew the attention of the members of the Council to the letter from the representative of Kuwait. He then stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶¹

The Security Council notes with grave concern the statement issued on 6 October 1994 by the Revolution Command Council of Iraq. It underlines the complete unacceptability of the implication therein that Iraq may withdraw cooperation from the United Nations Special Commission. The Council emphasizes the necessity of full implementation of all its relevant resolutions, including full cooperation by Iraq, without interference, with the Special Commission's vital mission.

The Council has also received with grave concern reports that substantial numbers of Iraqi troops, including units of the Iraqi Republican Guard, are being redeployed in the direction of the border with Kuwait.

The Council therefore requests the Secretary-General to ensure that the United Nations Iraq-Kuwait Observation Mission redoubles its vigilance and reports immediately any violation of

⁵⁹ S/1994/1137.

⁶⁰ Ibid., annex.

⁶¹ S/PRST/1994/58.

the demilitarized zone established under resolution 687 (1991) of 3 April 1991 or any potentially hostile action.

The Council reaffirms its commitment to the sovereignty and territorial integrity of Kuwait. It underlines Iraq's full responsibility to accept all the obligations contained in all its relevant resolutions and to comply fully therewith.

**Decision of 15 October 1994 (3438th meeting):
resolution 949 (1994)**

By a letter dated 10 October 1994 addressed to the President of the Council,⁶² the representative of Iraq transmitted the text of a statement to the press issued on the same day by the Minister for Foreign Affairs of Iraq, whereby, in view of a number of facts and at the request of a number of friends, and without questioning Iraq's sovereignty and freedom of action within its national territory, it had been decided to redeploy units of the Republican Guard in Basra to different positions in the rear in order to complete planned exercises. According to the statement, it was hoped that such diplomatic efforts would produce tangible results in the form of a lifting of the sanctions and the affirmation of Iraq's rights.

By a letter dated 14 October 1994 addressed to the President of the Council,⁶³ the representatives of Iraq and the Russian Federation transmitted the text of a joint communiqué on the outcome of the meeting held on 13 October 1994 between the President of Iraq and the Minister for Foreign Affairs of the Russian Federation. The joint communiqué provided, *inter alia*, that the Russian Federation had advocated the adoption of decisive measures to prevent an escalation of the tension and to resume the political and diplomatic efforts that would ultimately bring security and real stability to the region, the lifting of the sanctions against Iraq and the establishment of good-neighbourly relations between Iraq and Kuwait. Iraq had announced officially that, on 12 October 1994, it had completed the withdrawal of its troops to rearward positions and had affirmed its readiness to resolve in a positive manner the issue of recognizing Kuwait's sovereignty and borders, as laid down in resolution 833 (1993). The joint communiqué further provided that, following Iraq's official recognition of Kuwait's sovereignty and borders, the Russian Federation would support the official start of the long-term monitoring provided for in resolution 715 (1991) and the simultaneous initiation

of a limited test period, which should not exceed six months, to verify the effectiveness of the monitoring, after which the Council would take a decision concerning the implementation of paragraph 22 of resolution 687 (1991) in its entirety, without imposing further conditions. The Russian Federation affirmed that, subject to Iraq's implementation of the relevant resolutions, it would advocate the lifting of other sanctions.

By a letter dated 14 October 1994, addressed to the President of the Council,⁶⁴ the representative of Kuwait transmitted the text of a statement issued on the same day by the Kuwaiti Council of Ministers concerning the most recent Iraqi military threat to Kuwait and to the States of the region, as well as media reports concerning the joint communiqué issued, on 13 October 1994, by Iraq and the Russian Federation. The statement of the Council of Ministers provided, *inter alia*, that Kuwait, while appreciating the efforts of the Russian Federation, considered that the persistent mobilization of Iraqi military forces in their current positions continued to pose a serious threat to its security and sovereignty. It also considered that the talk of lifting the economic sanctions, imposed on the Iraqi regime contrived by the latter following the recent escalation, represented a reward for its action and encouragement to continue violating Security Council resolutions. Kuwait therefore requested the Council to take effective steps under Chapter VII of the Charter to guarantee its security, respect for its sovereignty and independence and the integrity of its international frontiers, and the security of the States of the region.

At its 3438th meeting, on 15 October 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Kuwait, at his request, to participate in the discussion, without the right to vote. The President drew the attention of the members of the Council to a draft resolution submitted by Argentina, France, Oman, Rwanda, the United Kingdom and the United States,⁶⁵ and read out revisions that had been made to the draft in its provisional form. He also drew their attention to the above-mentioned letters and to a letter dated 6 October 1994 addressed to the President of the Security Council by the representative of

⁶² S/1994/1149.

⁶³ S/1994/1173.

⁶⁴ S/1994/1165.

⁶⁵ S/1994/1164.

Kuwait,⁶⁶ and a letter dated 14 October 1994 addressed to the Secretary-General by the representative of Saudi Arabia,⁶⁷ transmitting the final declaration issued by the Ministerial Council of the Gulf Cooperation Council, at a special session, held on 12 October 1994, at the request of Kuwait.

Speaking in explanation of vote, the representative of Nigeria stated that his Government took note of the announcement by the Government of Iraq that it was redeploying its forces to different positions. In that light he would support the draft resolution before the Council.⁶⁸

The representative of the Russian Federation recalled that his delegation had suggested that the Security Council not take any decisions on Iraq until the Minister for Foreign Affairs of the Russian Federation had completed his visit to the region and had come to New York to participate in the Council's meeting. He noted with regret that the Council had acted hastily when it had been possible to wait a few hours. At the same time, the sponsors of the draft resolution did take into account some of the Russian Federation's concerns and, in particular, the draft did not contain any provisions that could have served as justification for the use of force. It was important that the draft resolution reflect the results of the visit of the Minister for Foreign Affairs to the region and, in particular, that it welcome diplomatic efforts to find a political solution to the crisis, as well as Iraq's willingness to resolve positively the question of the recognition of the sovereignty and borders of Kuwait.⁶⁹

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 949 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions, and reaffirming resolutions 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 689 (1991) of 9 April 1991 and 833 (1993) of 27 May 1993, and in particular paragraph 2 of resolution 678 (1990),

Recalling that Iraq's acceptance of resolution 687 (1991), adopted pursuant to Chapter VII of the Charter of the United Nations, forms the basis of the ceasefire,

Noting past Iraqi threats and instances of actual use of force against its neighbours,

Recognizing that any hostile or provocative action directed against its neighbours by the Government of Iraq constitutes a threat to peace and security in the region,

Welcoming all diplomatic and other efforts to resolve the crisis,

Determined to prevent Iraq from resorting to threats and intimidation of its neighbours and the United Nations,

Underlining the fact that it will consider Iraq fully responsible for the serious consequences of any failure to fulfil the demands in the present resolution,

Noting that Iraq has affirmed its readiness to resolve in a positive manner the issue of recognizing Kuwait's sovereignty and its borders as endorsed by resolution 833 (1993), but underlining the fact that Iraq must unequivocally commit itself by full and formal constitutional procedures to respect Kuwait's sovereignty, territorial integrity and borders, as required by resolutions 687 (1991) and 833 (1993),

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Reaffirming its presidential statement of 8 October 1994,

Taking note of the letter dated 6 October 1994 from the Permanent Representative of Kuwait to the United Nations, regarding the statement by the Revolution Command Council of Iraq of 6 October 1994,

Taking note also of the letter dated 10 October 1994 from the Permanent Representative of Iraq to the United Nations, announcing that the Government of Iraq had decided to withdraw the troops recently deployed in the direction of the border with Kuwait,

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

1. *Condemns* recent military deployments by Iraq in the direction of the border with Kuwait;
2. *Demands* that Iraq immediately complete the withdrawal of all military units recently deployed to southern Iraq to their original positions;
3. *Demands* that Iraq not again utilize its military or any other forces in a hostile or provocative manner to threaten either its neighbours or United Nations operations in Iraq;
4. *Demands* therefore that Iraq not redeploy to the south the units referred to in paragraph 2 above or take any other action to enhance its military capacity in southern Iraq;
5. *Demands* that Iraq cooperate fully with the United Nations Special Commission;
6. *Decides* to remain actively seized of the matter.

⁶⁶ S/1994/1137.

⁶⁷ S/1994/1162.

⁶⁸ S/PV.3438, pp. 2-3.

⁶⁹ *Ibid.*, pp. 3-4.

After the vote, the representative of the United States stated that the Iraqi deployment of troops to Kuwait's border was a blatant attempt by Iraq to bully the Security Council into negotiating on its terms the lifting of oil-export sanctions. Had Iraq complied with all resolutions and proven its "peaceful intentions", the easing of sanctions would have occurred in its own proper time. The speaker further stated that Iraq's statement, about its readiness to recognize Kuwaiti sovereignty and borders, was unconvincing. That statement needed to be followed by unambiguous action through a formal recognition of Kuwait's sovereignty, territorial integrity and borders in the same constitutional manner as it had purported to annex Kuwait. Iraq must withdraw all military units deployed to the south to their original positions, and must not take any actions to enhance its military capabilities in southern Iraq. It must never again use its military to threaten its neighbours or the United Nations operation and it must cooperate with the Special Commission. The speaker concluded by stating that, pursuant to the Council's resolutions and Article 51 of the Charter, her Government would take all appropriate action if Iraq failed to comply with the demands of resolution 949 (1994).⁷⁰

Similarly, the representative of France stated that Iraq must fully withdraw the forces it had deployed in recent days in the direction of the Kuwaiti border and abstain in the future from undertaking similar actions. He noted that the resolution required that Iraq refrain from adopting a hostile or provocative stance with regard to its neighbours and the United Nations. It would be the task of the Council to take up any action on the part of Iraq which could be regarded as non-compliance with resolution 949 (1994). He further noted that resolution 949 (1994) properly reminded Iraq of all its obligations. Those relating to the fate of prisoners and missing persons as well as those relating to the respect of human rights in Iraq remained of the greatest importance to the French authorities.⁷¹

According to the representative of New Zealand, Iraq's recent deployment of troops constituted a threat to regional peace and security. The situation was further compounded by the fact that Iraq defied its legal obligations under the Charter by virtue of the Council's resolutions. In the face of such an aggressive

threat, it was necessary for the Council to again exercise its responsibilities under Chapter VII of the Charter. New Zealand rejected the argument that Iraq was free to deploy its forces, however it wished, within its borders. Given its past aggressive wars, its equivocation about the sovereignty of its neighbours and its recent threatening moves, the Council had a responsibility to take certain protective measures, including requiring Iraq not to redeploy its forces to the south again.⁷²

The representative of China recalled that his Government had all along stood for a peaceful settlement of the problems left over from the Gulf war, on the basis of the full implementation of the relevant resolutions of the Council, so as to achieve lasting peace and stability in the region, as early as possible. He reaffirmed that Kuwait's sovereignty and territorial integrity should be respected by the international community and urged Iraq to continue to cooperate with the United Nations in fully and practically implementing the Council's relevant resolutions in order to create favourable conditions for the early easing and lifting of sanctions. He stressed that his delegation's support for resolution 949 (1994) did not signify any change in its reservations regarding other relevant resolutions, including resolution 678 (1990).⁷³

The President, speaking in his capacity as the representative of the United Kingdom, stated that the presidential statement of 8 October 1994 and resolution 949 (1994) represented a classic example of preventive diplomacy. With regard to Iraq's attempt to justify its behaviour by speaking of its sovereign right to deploy its troops wherever it liked within its own territory, he quoted Article 2(4) of the Charter as requiring all Member States to refrain "from the threat or use of force against the territorial integrity or political independence of any state". Iraq's recent military deployment was a threat to Kuwait and represented a breach of the provisions of the Charter. He noted that the Council also required, *inter alia*, that Iraq remedy its human rights situation and cease any involvement in State-sponsored terrorism. He further deplored the suffering of the Iraqi people, for which the President of Iraq, not the United Nations, was responsible.⁷⁴

⁷⁰ *Ibid.*, pp. 4-6.

⁷¹ *Ibid.*, p. 6.

⁷² *Ibid.*, p. 9.

⁷³ *Ibid.*, pp. 9-10.

⁷⁴ *Ibid.*, pp. 11-12.

The representative of Kuwait stated that, given the intentions of the Iraqi regime, the deployment of large units of the Iraqi army could not be considered a purely internal affairs or one that fell within the purview of inviolable sovereignty, particularly in the light of the statement issued on 6 October 1994 by the Revolution Command Council of Iraq. That statement contained a clear threat to Kuwait and the States of the region and an attack against the role and authority of the Council and the United Nations Special Commission. Because of these developments, and because of the threat they posed to the security and stability of the region, the Ministers for Foreign Affairs of the States of the Gulf Cooperation Council had held a special meeting in Kuwait and had taken practical steps to deter the aggressor. He noted that the resolution the Council had just adopted supported and reinforced these steps. He noted that resolution 949 (1994) arose from the Council's legal and political responsibilities for the maintenance of security and stability in the Gulf region, safeguarding the inviolability of the international borders between Kuwait and Iraq, preventing Iraq from using force and ensuring its acceptance of and compliance with all resolutions relating to its aggression against Kuwait. Resolution 949 (1994) was thus a proper expression of preventive diplomacy and use of the authority and means available to the Council to prevent any threat to peace and security and the need to warn against the consequences of such actions. As such, it was a practical deterrent to any repetition by Iraq of such actions.⁷⁵

**Deliberations of 17 October 1994
(3439th meeting)**

At its 3439th meeting, on 17 October 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Kuwait to take a seat at the Council table, in accordance with the decision taken at its 3438th meeting. It also invited the representative of Iraq, at his request, to participate in the discussion without the right to vote.

The representative of the Russian Federation conveyed to the Council his impressions concerning the trip which he had just completed to the region of the Persian Gulf and his talks with the leaders of a

number of States, including Iraq and Kuwait. The aim of that trip was to defuse the crisis as well as to address the question of progress towards a comprehensive settlement in the region. Referring to the joint communiqué issued by Iraq and the Russian Federation on 13 October 1994,⁷⁶ he contended that Iraq, for the first time, had officially recognized the need for a positive resolution of the question of recognizing the sovereignty and borders of Kuwait in accordance with resolution 833(1993), without any preconditions. The document included the first acknowledgement that Iraq must comply with the relevant resolutions of the Council. The control period for the long-term monitoring of Iraq, in accordance with resolution 715 (1991), could begin after Iraq's official recognition of the sovereignty and borders of Kuwait. On condition that Iraq cooperated honestly with the United Nations, it would then be possible for the Council to take a decision on lifting the oil embargo, as provided in paragraph 22 of resolution 687 (1991), and to consider lifting or mitigating the remaining sanctions as Iraq complied with all the appropriate resolutions of the Council.

The speaker also expressed some views concerning the improvement of the Council's activities in settling crisis situations and conflicts on a broader level and in particular the use of sanctions. He noted that a whole range of instrumentalities had been elaborated that had shown the Council's effectiveness in exerting an impact on the parties to conflicts. To a great extent, that experience had been innovative. Sanctions remained the most powerful non-military means, in accordance with the Charter, of exerting an impact on those who violated the international legal order. The Russian Federation believed that certain corrections must be made in the Council's practice regarding the application of sanctions, including greater attention to ensuring that, when sanctions were adopted, a procedure was, at the same time, determined for halting or lifting them; that thought should be given to the question of how sanctions might be aimed at political élites, thereby reducing to a minimum the suffering of broad strata of the population; and the laying down clear humanitarian limits in determining sanctions. In that regard, the side-effects of sanctions on third countries should be taken into account more carefully, and attention paid to ensuring that those countries' neighbours, who were often already

⁷⁵ Ibid., pp. 12-14.

⁷⁶ S/1994/1173, annex.

suffering from the conflict situation, should not find themselves, in addition, the victims of the implementation of sanctions. He cited peacekeeping as another area where there were great extremes in terms of decision-making and where the practice of the Council could be improved as by avoiding the use of double standards in carrying out peacekeeping operations. He requested the members of the Council to give thought to further exchanges of opinions on the question of improving the work of the Council, including on those questions. In that connection, he welcomed a proposal by the President of Argentina to hold a meeting of the Council at the summit or ministerial or other level in January 1995.⁷⁷

The representative of France stated that his Government demanded that Iraq pledge solemnly, explicitly and unconditionally to respect the independence, sovereignty and territorial integrity of Kuwait as well as the inviolability of the international boundary. Furthermore, the Iraqi authorities would have to make these gestures by means of the same constitutional procedure it used to annex Kuwait. He stressed that more than a legal procedure, what was demanded of Iraq was a public political gesture showing that it was entering a new stage in its relations with Kuwait. Cooperation with the United Nations Special Commission was indispensable and a condition for the Council's continued consideration of the application of the sanctions it decreed. The lifting of the other sanctions imposed on Iraq — apart from the application in due course of paragraph 22 of resolution 687 (1991) — would depend on Iraq's fulfilment of all of its other obligations, including respect for the rights of minorities and, more generally, for human rights to which France attached the highest importance. France was very aware of the suffering endured by the Iraqi population and deplored the fact that the Government of Iraq had never wished to take advantage of the possibilities offered it under resolutions 706 (1991) and 712 (1991).⁷⁸

Similarly, the representative of the United States stated that Iraq must formally respect Kuwait's sovereignty, territorial integrity and borders in the same constitutional manner as it had purported to annex Kuwait. She welcomed statements by Council members according to which the only way forward to

the lifting of sanctions was through full implementation of all relevant resolutions. The Council should categorically reject the approach promoted by some whereby Iraq should be rewarded for partial compliance with some of its obligations. Iraq must not be led to believe that it could choose in an à la carte fashion among those obligations. She added that the threshold question the Council faced was not how long must Iraq cooperate with United Nations requirements on weapons of mass destruction before the oil embargo was suspended but rather whether Iraq would continue to cooperate with United Nations inspectors after the embargo was suspended. Turning to the question of sanctions generally, she agreed with the statement by the representative of the Russian Federation on the need to rationalize the Council's approach to sanctions and noted that the members of the Council were becoming increasingly engaged in a discussion aimed at improving the sanctions tool. She agreed also that guidelines should be established to ensure consistency and rationality in decisions on peacekeeping. Although the best choice to address many regional conflicts was a United Nations peacekeeping force, sometimes that was not the possible or responsible choice. Sometimes the best that could be done was to endorse a coalition of States to act on behalf of the Council. While the Council kept flexibility and a pragmatic approach, it should make sure that there was no double standard and that all peacekeeping operations, as well as those coalition forces legitimized by Council resolutions, took place or were created according to recognized international peacekeeping rules and with international observers present.⁷⁹

According to the representative of Spain, sanctions regimes were not an end in themselves but rather an instrument designed to obtain certain objectives delimited by the Council. As those objectives were met, the Council could and must draw the appropriate conclusions, bearing in mind, first and foremost, the principles defended by the international community and the effects on the populations concerned and on neighbouring countries. In the case of Iraq, it was incumbent upon the Iraqi authorities to improve the situation of their people by taking concrete steps to convince the international community of its peaceful intentions. At the same time, the Council must

⁷⁷ S/PV.3439, pp. 2-6.

⁷⁸ *Ibid.*, pp. 6-7.

⁷⁹ *Ibid.*, pp. 7-8.

be prepared to respond appropriately to an actual change in the attitude of the Iraqi authorities.⁸⁰

The President, speaking in his capacity as the representative of the United Kingdom, noted that much remained to be done before any general easing of the sanctions against Iraq could be contemplated. In that regard, there could be no question of package deals between the Council and Iraq. He noted that the plight of the Iraqi people was real and was no matter of indifference to the Council. In exchange for a declaration of acceptance by the representative of Iraq of the provisions of resolutions 706 (1991) and 712 (1991), he offered that the Council update these resolutions and give them renewed effect within the same week. With regard to the need in due course to lift the oil embargo, as referred to by some, he queried whether that was a desirable objective in its own right and raised a number of questions which needed to be answered before such a course of action could be pursued.⁸¹

The representative of Iraq called upon the Council to base its work on a number of documented fundamental facts concerning the situation under consideration. These included elements contained in the joint communiqué issued by Iraq and the Russian Federation on 13 October 1994, as well as the fact that the Iraqi forces that had recently been deployed and pulled back to their rear position were on Iraqi soil. Other facts were that Iraq had complied with section C of resolution 687 (1991) and had cooperated and continued to do so with the Special Commission and the International Atomic Energy Agency. The sound approach to that matter, consistent with the essence of the Council's resolutions, the Charter and the unanimous objective of the international community, namely the establishment of peace, security and stability in the region, was for the Council to keep these facts in sight and to work in accordance with the correct legal and equitable interpretation of its own resolutions so that it may uphold justice and safeguard the legitimate rights of all parties.⁸²

According to the representative of Kuwait, it had become clear that the Council regarded its relevant resolutions as one indivisible political and legal whole that allowed of no permissiveness. The Council could

not accept the practice of the Iraqi regime of selecting certain paragraphs that were irrelevant to the essence of the problem. He listed a number of obligations which had not yet been discharged by Iraq, including official recognition of Kuwait's sovereignty, independence and territorial integrity; recognition of Kuwait's international borders as laid down in resolution 833 (1993); the destruction of all Iraq's weapons of mass destruction; refraining from terrorism or from supporting terrorism; and refraining from pursuing a policy of suppressing or violating human rights. He also explained Kuwait's view concerning the following points: Iraq was under an obligation to implement unconditionally all relevant Security Council resolutions; any expression of intent to implement could not be accepted as a substitute for actual implementation; any formula that could be interpreted as making Iraq's compliance with the Council's demands contingent upon its receiving a promise from the Council to implement counter-obligations must be rejected; Iraq should not be allowed to negotiate with the Council or with any other party or parties concerning resolutions adopted by the Council or the means of implementing them; the notion that blackmail and the threat or use of force could result in the securing of rights by those who engage in such activities or could be used as a reason for shrugging off responsibilities should be rejected; Iraq should not be allowed to implement its obligations selectively or to refer those remaining for bilateral solution or to frameworks outside the Council; there was a need to make sure, through agreed controls, of the good intentions of Iraq. In the light of recent events, it was imperative that the Council gauge the implementation by Iraq of its obligations and that it develop controls and procedures to prevent it from renegeing on its commitments regarding implementation. He noted further that the suffering of the Iraqi people was caused by the Iraqi regime itself because of its refusal to implement its obligations and its rejection of the authorization given to it by the Council under resolutions 706 (1991) and 712 (1991).⁸³

⁸³ *Ibid.*, pp. 15-18.

⁸⁰ *Ibid.*, p. 12.

⁸¹ *Ibid.*, pp. 13-14.

⁸² *Ibid.*, pp. 14-15.

Decision of 16 November 1994 (3459th meeting): statement by the President

By a letter dated 13 November 1994 addressed to the Secretary-General,⁸⁴ the representative of Iraq transmitted a letter dated 12 November 1994 from the Minister for Foreign Affairs of Iraq transmitting copies of the Declaration of the Iraqi National Assembly of 10 November 1994 and Decree No. 200 of the Revolution Command Council of Iraq, which affirmed Iraq's recognition of the sovereignty, territorial integrity and political independence of Kuwait and of its international boundaries, as demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission, in accordance with resolution 833 (1993). The Minister for Foreign Affairs stated that Iraq was proceeding from the premise that the Council would operate in accordance with the legal interpretation of its resolutions and consistent with the principles of justice and fairness, principally through the lifting of the comprehensive embargo and, as a first step, the implementation of paragraph 22 of resolution 687 (1991) in full and without further restrictions or conditions.

By a letter dated 13 November 1994,⁸⁵ addressed to the President of the Council, the representative of Kuwait transmitted a communiqué issued on 12 November 1994 by the Council of Ministers of Kuwait regarding the two decrees issued by the Iraqi National Assembly and the Revolution Command Council of 10 November 1994. The Council of Ministers affirmed that the aforementioned decrees were a step in the right direction towards Iraq's implementation of all relevant resolutions and a result of the insistence of the international community, as represented in the Security Council, on the necessity of such implementation and its affirmation of the political and legal unity enshrined in these resolutions. It further affirmed the importance and necessity of that step being followed by similar steps towards the implementation of all relevant resolutions, including resolution 949 (1994), in order that Iraq might prove its good intentions towards the State of Kuwait and neighbouring States.

At its 3459th meeting, on 16 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (United States) drew the attention of the members of

⁸⁴ S/1994/1288.

⁸⁵ S/1994/1291.

the Council to the above-mentioned letters from the representatives of Iraq and Kuwait. The President then stated that, following consultations among the members of the Council, she had been authorized to make the following statement on behalf of the Council:⁸⁶

The Security Council has received the letter dated 12 November 1994 addressed to the President of the Security Council by the Minister for Foreign Affairs of Iraq transmitting copies of Revolution Command Council decision No. 200 of 10 November 1994, signed by its Chairman, Mr. Saddam Hussein, and the declaration of the Iraqi National Assembly, also of 10 November 1994, which confirm Iraq's irrevocable and unqualified recognition of the sovereignty, territorial integrity and political independence of the State of Kuwait, and of the international boundary between the Republic of Iraq and the State of Kuwait as demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission, and confirm Iraq's respect for the inviolability of that boundary, in accordance with Council resolution 833 (1993) of 27 May 1993.

The Council welcomes this development and the President has written to the Permanent Representative of Iraq accordingly in a letter dated 16 November 1994. The Council notes that Iraq has taken this action in compliance with Council resolution 833 (1993) and has unequivocally committed itself by full and formal constitutional procedures to respect Kuwait's sovereignty, territorial integrity and borders, as required by Council resolutions 687 (1991) of 3 April 1991, 833 (1993) and 949 (1994) of 15 October 1994.

The Council considers this decision by Iraq to be a significant step in the direction towards implementation of the relevant Council resolutions. In the above-mentioned letter, the President informed the Government of Iraq that the members of the Council will follow closely Iraq's implementation of its decision; they will also continue to keep under review Iraq's actions to complete its compliance with all the relevant Council resolutions.

Decision of 10 April 1995: letter from the President to the Secretary-General

On 31 March 1995, pursuant to resolution 689 (1991), the Secretary-General submitted to the Council a report on UNIKOM covering the period from 1 October 1994 to 31 March 1995.⁸⁷ The Secretary-General reported that, during the period under review, calm had generally prevailed along the border and in the demilitarized zone between Iraq and Kuwait. He noted that, in the performance of its functions, UNIKOM had enjoyed the effective cooperation of the

⁸⁶ S/PRST/1994/68.

⁸⁷ S/1995/251.

Iraqi and Kuwaiti authorities. He recommended that the Mission be maintained.

By a letter dated 10 April 1995,⁸⁸ the President of the Council (Czech Republic) informed the Secretary-General of the following:

In accordance with the provisions of Security Council resolution 689 (1991) and in the light of your report, the members of the Security Council have reviewed the question of termination or continuation of the United Nations Iraq-Kuwait Observation Mission, as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendation that the Mission be maintained. In accordance with resolution 689 (1991) they have decided to review the question once again by 7 October 1995.

I should also like to convey to you the view of the members of the Council that they have taken note of the statement in your report that "in the performance of its functions, ... [the Mission] has enjoyed the effective cooperation of the Iraqi and Kuwaiti authorities". The members stressed that Iraq and Kuwait should comply with their commitments to do everything necessary to facilitate fully the freedom of movement of the Mission necessary for the performance of its tasks. The members of the Council also expressed the hope that Iraq and Kuwait will heed the regulations and suggestions of the Mission designed to reduce the risk of incidents along the border.

**Decision of 14 April 1995 (3519th meeting):
resolution 986 (1995)**

At its 3519th meeting, on 14 April 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Japan, at his request, to participate in the discussion, without the right to vote. The President drew the attention of the members of the Council to a draft resolution submitted by Argentina, Oman, Rwanda, the United Kingdom and the United States.⁸⁹

Speaking before the vote, the representative of Italy stated that his delegation's support for the draft resolution was based on the conviction that while sanctions remained one of the most effective tools provided by the Charter to enforce compliance with international law, they should not lead to the extreme consequence of inflicting misery and starvation on an entire civilian population. Furthermore, experience had shown that sanctions, if applied indiscriminately, tended to rally people around the targeted Government

rather than against it. That did not mean that sanctions should not be adopted or applied but that, to be effective, they should always be applied with caution and parsimony, and, above all, be precisely targeted in order to avoid serious negative side-effects. He noted also that the draft resolution resulted from a common effort to produce a balanced text which did not infringe on the sovereignty and territorial integrity of Iraq.⁹⁰

The representative of China stated that while Iraq should continue to cooperate in the implementation of the relevant resolutions, the Council should proceed to discuss, at an early date, the lifting of the oil embargo against Iraq, on the basis of humanitarian considerations and in the light of Iraq's implementation of the resolutions, so as to ease the humanitarian situation in Iraq. In addressing that matter, the sovereignty, territorial integrity and the political independence of all countries in the region, including Iraq, should be fully respected by the international community, as reaffirmed in the draft resolution before the Council. The main purpose of the draft resolution was the easing of the humanitarian situation in Iraq, which was merely a temporary measure. China's support for the draft resolution was based on the understanding that once the conditions were ripe, the Council should start to consider easing or removing the sanctions against Iraq. At the same time, China expressed reservations on the provisions in the draft resolution regarding the channel of shipment for Iraqi oil exports and the distribution of humanitarian funds to Iraq's three northern Governorates, both matters which were within the purview of Iraq's sovereignty and to which a proper solution should be found in consultation with Iraq to ensure the implementation of the mechanism embodied in the draft resolution.⁹¹

The representative of Honduras stated that in his delegation's view, a sanctions regime, when effectively applied, was an important tool for restoring international peace and security and was preferable to the use of force. However, when sanctions were imposed, one should consider specific measures to mitigate their impact on an innocent civilian population; the longer the sanctions took to achieve their intended effect, the more serious that impact became. While there must always be a humanitarian price to pay when sanctions were imposed, one should discuss measures to minimize

⁸⁸ S/1995/280.

⁸⁹ S/1995/292.

⁹⁰ S/PV.3519, pp. 2-3.

⁹¹ *Ibid.*, p. 3.

the harm done to vulnerable sectors of the affected society. In that connection, he noted that the decision to impose economic sanctions was taken within the framework of the international legal order. Account should therefore be taken of humanitarian law, which included norms relating to humanitarian assistance applied to different categories of protected persons.⁹²

The representative of Indonesia expressed his delegation's regret that the draft resolution before the Council fell short of its expectations. While the principles of sovereignty and territorial integrity had been incorporated into the draft resolution, he noted that its content was not consistent with those principles. In that regard, he drew attention to paragraph 6 which stipulated that "the larger share of the petroleum and petroleum products" should be shipped via the Kirkuk-Yumurtalik pipeline, stating that Iraq's sovereignty and integrity must be respected and that it should be able to decide on the use of its pipelines for transportation and production purposes. Furthermore, the application of Chapter VII of the Charter should be specifically addressed to peace and security in the region, and should not be applied so as to interfere in the internal affairs of Iraq. His delegation also expressed reservations regarding paragraph 8 (b), which described Iraq's obligation to complement the distribution of humanitarian relief and to provide an amount exceeding 10 per cent of its oil production revenue. The speaker pointed out that it would be more appropriate not to mention a specific amount to be allocated for the three northern Governorates within Iraq. That provision constituted an infringement on the principle of non-interference in the internal affairs of sovereign States, as it would provide encouragement to separatist movements in the northern part of Iraq. In his delegation's view, the humanitarian situation in Iraq should be dealt with in a comprehensive manner and humanitarian considerations should prevail. Having stated these reservations, Indonesia would support the draft resolution.⁹³

According to the representative of Nigeria, sanctions were not meant to be punitive of whole populations, but to modify the behaviour of the leadership of a country or of a party whose actions threatened international peace and security. An important aspect of the draft resolution was the need to respect explicitly the sovereignty and territorial

integrity of Iraq. Having insisted that Iraq must recognize the sovereignty and territorial integrity of its neighbours, the Council should not promote policies or take actions that could be construed as undermining the sovereignty and territorial integrity of Iraq. Care must also be taken that the draft resolution did not in any way prejudice or detract from the provisions of earlier resolutions. He noted further that, unlike resolutions 706 (1991) and 712 (1991), the present draft resolution was implementable. With reference to paragraph 6 of the draft text, his delegation would have wished further concessions, to the effect that no reference would be made to the proportion of the oil to be shipped through any particular pipeline. However, his delegation was fully aware that the situation under consideration was not a normal one: Iraq was in a unique position; it was under sanctions and therefore could not be given a veto over the Council's decisions. While the draft resolution was a humanitarian one, it was not unrelated to the larger issues concerning the situation between Iraq and Kuwait. Hence the need to recognize the basic principles of the Charter regarding the sovereignty, independence and territorial integrity of all States in the region as non-negotiable, and to reject unequivocally the use or threat of use of force to settle disputes between States.⁹⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 986 (1995), which reads:

The Security Council,

Recalling its previous relevant resolutions,

Concerned by the serious nutritional and health situation of the Iraqi population, and by the risk of a further deterioration in this situation,

Convinced of the need to provide, as a temporary measure, for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant Security Council resolutions, notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

⁹² Ibid., p. 4.

⁹³ Ibid., pp. 4-5.

⁹⁴ Ibid., pp. 6-7.

1. *Authorizes* States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars every ninety days for the purposes set out in this resolution and subject to the following conditions:

(a) Approval by the Security Council Committee established pursuant to resolution 661 (1990) in order to ensure the transparency of each transaction and its conformity with the other provisions of the present resolution, after submission of an application by the State concerned, endorsed by the Government of Iraq, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of the present resolution, and of any other directly related financial or other essential transaction;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of the present resolution;

2. *Authorizes* Turkey, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in Iraq sufficient, after the deduction of the percentage referred to in paragraph 8 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 6 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk-Yumurtalik pipeline in Turkey authorized by paragraph 1 above;

3. *Decides* that paragraphs 1 and 2 of the present resolution shall come into force at 0001 hours eastern standard time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 13 below, and shall remain in force for an initial period of one hundred and eighty days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);

4. *Also decides* to conduct a thorough review of all aspects of the implementation of the present resolution ninety days after the entry into force of paragraph 1 above and again prior to the end of the initial one hundred and eighty-day period, on receipt of the reports referred to in paragraphs 11 and 12 below, and expresses its intention, prior to the end of the one hundred and eighty-day period, to consider favourably renewal of the provisions of the present resolution, provided that the reports referred to in paragraphs 11 and 12 below indicate that those provisions are being satisfactorily implemented;

5. *Further decides* that the remaining paragraphs of the present resolution shall come into force forthwith;

6. *Directs* the Committee established by resolution 661 (1990) to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from Iraq after the date of entry into force of paragraph 1 of the present resolution and will verify that the purchase price of the petroleum and petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in the present resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk Yumurtalik pipeline and the remainder is exported from the Mina al Bakr oil terminal;

7. *Requests* the Secretary-General to establish an escrow account for the purposes of the present resolution, to appoint independent and certified public accountants to audit it and to keep the Government of Iraq fully informed;

8. *Decides* that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account:

(a) To finance the export to Iraq, in accordance with the procedures of the Committee established pursuant to resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991) provided that:

(i) Each export of goods is at the request of the Government of Iraq;

(ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;

(iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;

(b) To complement, in view of the exceptional circumstances prevailing in the three governorates mentioned below, the distribution by the Government of Iraq of goods imported under the present resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 and 150 million United States dollars every ninety days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any ninety-day period, the Secretary-General may provide a proportionately smaller amount for this purpose;

(c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705 (1991) of 15 August 1991;

(d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of the present resolution;

(e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);

(f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;

(g) To make available up to 10 million United States dollars every ninety days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992;

9. *Authorizes* States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990):

(a) The export to Iraq of the parts and equipment which are essential for the safe operation of the Kirkuk Yumurtalik pipeline system in Iraq, subject to the prior approval by the Committee established by resolution 661 (1990) of each export contract;

(b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;

10. *Decides* that, since the costs of the exports and activities authorized under paragraph 9 above are precluded by paragraph 4 of resolution 661 (1990) and by paragraph 11 of resolution 778 (1992) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of the present resolution, and following approval in each case by the Committee established pursuant to resolution 661 (1990), exceptionally be financed by letters of credit drawn against future oil sales the proceeds of which are to be deposited in the escrow account;

11. *Requests* the Secretary-General to report to the Council ninety days after the date of entry into force of paragraph 1 above, and again prior to the end of the initial one hundred and eighty-day period, on the basis of observation by United Nations personnel in Iraq and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian

needs, financed in accordance with paragraph 8 (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 above;

12. *Requests* the Committee established pursuant to resolution 661 (1990), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of the present resolution and to report to the Council ninety days after the date of entry into force of paragraph 1 above and again prior to the end of the initial one hundred and eighty-day period on the implementation of those arrangements;

13. *Requests* the Secretary-General to take the actions necessary to ensure the effective implementation of the present resolution, authorizes him to enter into any necessary arrangements or agreements, and requests him to report to the Council when he has done so;

14. *Decides* that petroleum and petroleum products subject to the present resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection and to ensure that the proceeds of the sale are not diverted from the purposes laid down in the present resolution;

15. *Affirms* that the escrow account established for the purposes of the present resolution enjoys the privileges and immunities of the United Nations;

16. *Affirms* that all persons appointed by the Secretary-General for the purpose of implementing the present resolution enjoy privileges and immunities as experts on mission for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and requires the Government of Iraq to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of the present resolution;

17. *Affirms* that nothing in the present resolution affects Iraq's duty scrupulously to adhere to all its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;

18. *Also affirms* that nothing in the present resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;

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

Speaking after the vote, the representative of Argentina stated that resolution 986 (1995), which constituted an exception to the sanctions regime imposed on Iraq, had a humanitarian objective: it was designed to alleviate the humanitarian situation of all the Iraqi people. He recalled, in that regard, that his

delegation had proposed the elaboration of a temporary, simple and flexible regime to replace the regime established under resolutions 706 (1991) and 712 (1991), which had the same purpose but which had never been implemented by the Government of Iraq.⁹⁵

The representative of the United States stated that the drafting of resolution 986 (1995) had been guided by the following principles. Firstly, the purpose of the resolution was to address humanitarian needs, not to meet political or other extraneous objectives. Secondly, the resolution was not an easing or lifting of sanctions, but an exception to the sanctions regime for a specified purpose. Thirdly, the resolution was to be greatly simplified, building on both the positive and negative lessons from resolutions 706 (1991) and 712 (1991) and other experiences. Lastly, full account had to be taken of the fact that Iraq had not proven trustworthy in implementing previous resolutions. She noted further that resolution 986 (1995) did not prejudice in any way any subsequent actions the Council might take with regard to Iraq's attitude vis-à-vis all the Council's resolutions.⁹⁶

Similarly, the representative of the United Kingdom stated that the aim of the sponsors of resolution 986 (1995) was purely humanitarian. Iraq would remain subject to a regime of sanctions imposed under Chapter VII of the Charter until it complied fully with all the Council's relevant resolutions. That was why the sponsors of the resolution had provided for independent inspections agents to ensure that Iraq did not export more oil than it is entitled to under the provisions of that resolution and did not under-price it. They had insisted that all the proceeds of the oil sales should be deposited in an escrow account. The Secretary-General had also been asked to ensure that there was equitable distribution of the humanitarian assistance to all the Iraqi people. The Council had been compelled in that resolution to allocate a certain amount to be spent in the three northern Governorates of Iraq to ensure that all Iraqis, and not some of them, benefited from the sale of the oil provided for in that resolution. He noted also that in case there were shortcomings in the resolution, a review of all aspects of the scheme had been provided three months after it started.⁹⁷

⁹⁵ Ibid., pp. 8-9.

⁹⁶ Ibid., pp. 10-11.

⁹⁷ Ibid., pp. 11-12.

The representative of France stated that resolution 986 (1995) responded to a serious humanitarian situation, it respected Iraq's sovereignty and territorial integrity, and it did not prejudice decisions the Council would take towards reducing or lifting the sanctions once the necessary conditions were met. France believed that sanctions were not a punishment but, rather, were designed to induce a State to behave in a certain way. The effects of sanctions on the peoples must therefore be attenuated, as much as possible, with regard to the resolution. He noted, in particular, that the Council had chosen to revise the general conditions for the implementation of resolution 986 (1995) three months after the start of its entry into force, on the basis of a report from the Secretary-General. He further stressed that the resolution did not affect the implementation, when the time came, of paragraph 22 of resolution 687 (1991), or of the other texts relating to the reduction or lifting of the sanctions. The regime established under resolution 986 (1995) was valid solely within the framework of the arrangements of that resolution.⁹⁸

The representative of the Russian Federation stated that his country was extremely concerned over the acute humanitarian situation in Iraq, which had reached the critical mark because of the effects of sanctions, and believed that those sanctions must be eased in response to the constructive steps already taken by Iraq. He further stated that it was important that resolution 986 (1995) affirmed the obligation of all States to respect the sovereignty and territorial integrity of Iraq and provided for the Government of Iraq to participate in agreeing specific ways of implementing that act of humanitarian relief. The resolution clearly stated that its measures were temporary and did not substitute for any future agreement to lift the oil embargo, pursuant to paragraph 22 of resolution 687 (1991). With specific reference to paragraph 6 of the resolution, which touched on issues in the bilateral relations between Iraq and Turkey, he noted that such issues should be resolved within that framework.⁹⁹

The President, speaking in his capacity as the representative of the Czech Republic, noted that the Council, by adopting resolution 986 (1995), was not prejudging further developments that, in the future,

⁹⁸ Ibid., pp. 12-13.

⁹⁹ Ibid., p. 14.

might lead to the modification of the sanctions regime. In particular, the resolution did not preclude the implementation of paragraph 22 of resolution 687 (1991) and reaffirmed the sovereignty and territorial integrity of Iraq. He further noted that doubts had sometimes been cast on the entire philosophy of sanctions, precisely because many observers felt that their burden fell unjustly and preponderantly on weaker strata of the targeted country's population. Resolution 986 (1995) might show a way of refining the generally blunt instrument of sanctions for other situations around the world.¹⁰⁰

Decision of 23 June 1995: letter from the President to the Secretary-General

By a letter dated 1 June 1995 addressed to the President of the Council,¹⁰¹ the Secretary-General reported that he had been informed, on 15 May 1995, by the Minister for Foreign Affairs of Iraq that his Government would not implement resolution 986 (1995) because it objected, inter alia, to the proportion of petroleum to be exported via the Kirkuk-Yumurtalik pipeline and to the modalities for distribution of humanitarian relief in three northern governorates. After conducting a thorough review of the steps required to implement the resolution, the Secretary-General had concluded that cooperation from the Government of Iraq was an essential prerequisite. He believed it appropriate, therefore, to postpone preparation of the report required of him pursuant to resolution 986 (1995) until further progress had been made in discussions on the subject with Iraq.

By a letter dated 23 June 1995,¹⁰² the President of the Council (Germany) informed the Secretary-General of the following:

The members of the Security Council are grateful for your letter of 1 June 1995 about the implementation of resolution 986 (1995).

The members of the Council accept your conclusions, including that cooperation from the Government of Iraq is an essential prerequisite for the implementation of the resolution and, in the absence of such cooperation, they endorse your decision to postpone preparation of the report requested in paragraph 13 of the resolution.

¹⁰⁰ Ibid., pp. 14-15.

¹⁰¹ S/1995/495.

¹⁰² S/1995/507.

The members of the Council hope that you will take the opportunity of your contacts with the Government of Iraq to obtain its agreement to the implementation of the resolution, which represents a temporary measure to provide for the humanitarian needs of the Iraqi people.

Decision of 6 October 1995: letter from the President to the Secretary-General

On 2 October 1995, the Secretary-General submitted to the Council a report on UNIKOM covering the period from 1 April to 30 September 1995.¹⁰³ The Secretary-General reported that during the period under review, the Iraq-Kuwait border and the demilitarized zone had been generally calm. He noted that in carrying out its tasks UNIKOM had enjoyed the effective cooperation of the Iraqi and Kuwaiti authorities. He recommended that the Mission be maintained.

By a letter dated 6 October 1995,¹⁰⁴ the President of the Council (Nigeria) informed the Secretary-General of the following:

In accordance with the provisions of Security Council resolution 689 (1991) and in the light of your report of 2 October 1995, the members of the Council have reviewed the question of termination or continuation of the United Nations Iraq-Kuwait Observation Mission, as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendation that the Mission be maintained. In accordance with resolution 689 (1991) they have decided to review the question once again by 6 April 1996.

I should also like to inform you that the members of the Council agree with your proposal to have Germany become a contributor to the Mission.

B. United States notification of 26 June 1993 measures against Iraq

Deliberations of 27 June 1993 (3245th meeting)

By a letter dated 26 June 1993 addressed to the President of the Council,¹⁰⁵ the representative of the United States reported, that, in accordance with Article 51 of the Charter, her country had exercised its right of self-defence by responding to the Government of Iraq's unlawful attempt to murder the former

¹⁰³ S/1995/836.

¹⁰⁴ S/1995/847.

¹⁰⁵ S/26003.

President of the United States and to its continuing threat to United States nationals. Based on clear and compelling evidence, the United States had reached the conclusion that the Government of Iraq bore direct responsibility for the failed assassination attempt. It had decided to respond, as a last resort, to the attempted attack and the threat of further attacks, by striking at an Iraqi military and intelligence target, so as to minimize risks of collateral damage to civilians. It hoped that such limited and proportionate action might frustrate future unlawful actions on the part of the Government of Iraq and discourage or preempt such activities. In light of the above, the United States Government requested an urgent meeting of the Security Council.

By a letter dated 27 June 1993 addressed to the President of the Council,¹⁰⁶ the representative of Iraq transmitted a letter of the same date from the Minister for Foreign Affairs of Iraq, in which the latter alleged that the United States had committed, on that day, an act of military aggression against Iraq, which had left a large number of dead and wounded among the Iraqi civilian population. The Minister for Foreign Affairs stated that that was a deliberate terrorist act perpetrated by the Government of the United States with the complicity of Kuwait on grounds which were spurious and unjustified. He also contended that the flight of an American U-2 spy plane over Baghdad, on the pretext of carrying out reconnaissance operations as part of the activities of the United Nations Special Commission, constituted irrefutable evidence of espionage operations in preparation for the American attack. Iraq condemned the act of aggression and called on the Council and the international community to associate themselves with such condemnation and to assume their responsibilities by halting the repeated attacks against Iraq and other countries.

At its 3245th meeting, on 27 June 1993, held in response to the request of the United States, the Council included in its agenda the item entitled "United States notification of 26 June 1993 measures against Iraq" and the letter from the representative of the United States. Following the adoption of the agenda, the Council invited the representative of Iraq, at his request, to participate in the discussion without the right to vote. The President (Spain) drew the

¹⁰⁶ S/26004.

attention of the members of the Council to the letter dated 27 June 1993 from the representative of Iraq.

The representative of the United States charged that the attempt against the life of the President of the United States, during his visit to Kuwait in April 1993, was an attack on the United States. Describing in detail the planned attack on the former President, she specified that she was not asking the Council for any action, but, in her delegation's judgment, every Member State would regard an assassination attempt against its former Head of State as an attack against itself, and would react. The United States responded directly, as it was entitled to do under Article 51 of the Charter, which provided for the exercise of self-defence in such cases. The response had been proportionate and aimed at a target directly linked to the operation against the former President of the United States. It was designed to damage the terrorist infrastructure of the Iraqi regime, reduce its ability to promote terrorism and deter further acts of aggression against the United States. She stressed that the action of the United States had not been directed against the Iraqi people and expressed regret for the loss of civilian life. However, one had to keep in mind that, had the Iraqi attempt in Kuwait succeeded, hundreds of civilians could have died. Although the United States had taken action under Article 51 of the Charter, there was the broader context of Iraq's repeated and consistent refusal to comply with the resolutions of the Council since its invasion of Kuwait in 1990. Only recently, Iraq was found again to be in material breach of resolution 687 (1990). Through a policy of firmness and consistency, including readiness to use force if necessary, the international community had to frustrate Iraq's efforts to ignore the will of the Council.¹⁰⁷

The representative of Iraq stated that, on 27 June 1993, the United States had committed another act of aggression against Iraq and had tried to justify it by linking it to the story of the alleged attempt to assassinate its former President, a story which was completely fabricated by the Kuwaiti regime. The Government of Iraq had denied, and continued to deny, any role with respect to the alleged attempt and challenged the parties concerned to produce any clear evidence acceptable to an impartial third party. Pointing out that the United States Government had accused and sentenced Iraq without providing evidence

¹⁰⁷ S/PV.3245, pp. 3-9.

against it or inviting it to clarify its position, he stated that the rules of international law gave the United States no right to overlook the principle of due process of law or the provisions of the Charter. With that act of aggression, the United States had breached its responsibility as a permanent member of the Council and had violated the norms of international law and of the Charter. Iraq believed that the Council must not allow some of its members, by taking military action, to usurp its principal role of maintaining international peace and security. That could threaten peace and security world-wide and impose on the world an unprecedented case of blackmail and terrorism. Noting that Iraq had both rights and duties under the Charter, he stressed that the resolutions of the Council could not deny it its rights. Iraq therefore appealed to the Council to safeguard its rights as a Member State and called upon it to condemn the act of aggression of the United States and take the action necessary to prevent a repetition in the future.¹⁰⁸

The representative of France stated that his Government fully understood the reasons for the unilateral action by the United States forces, in the circumstances under which it was carried out. Having always condemned all forms of terrorism, it approved policies that combat it. He specified that the Government of France sought neither the destabilization nor the dismemberment of the Iraqi State, whose territorial integrity was a factor for regional balance. It supported United Nations action to induce the Government of Iraq to moderate its behaviour and, fulfilling all the obligations imposed on it by the resolutions of the Council, to renounce all aggressive and terrorist conduct and cease to be a threat to the security of the region and the world.¹⁰⁹

Speaking on behalf of the non-aligned countries members of the Council, the representative of Cape Verde stated that the caucus was firmly opposed to, and condemned, terrorism in all its forms and manifestations, whether directed or promoted by or against individuals or States. Its members called for restraint by all States,

consistent with the principles of the Charter and, in particular, for the maintenance of international peace and security and the avoidance of the use of force inconsistent with the purposes of the United Nations. They also stood for the full and faithful implementation of all Council resolutions and believed that they should be implemented in a non-discriminatory manner in the interests of preserving the credibility and moral authority of the Council.¹¹⁰

The representative of China stated that China had always held that disputes between or among countries should be settled through peaceful means of dialogue and consultation. China was opposed to any action that could contravene the Charter and norms of international relations. It did not endorse any action that might intensify the tension in the region, including the use of force.¹¹¹

The representative of the United Kingdom said that his Government viewed the action by the United States as proper and proportionate. He also drew attention to the following points: first, pursuant to resolution 687 (1991), Iraq had given an undertaking that it would in no way support State terrorism; secondly, at the Security Council meeting of Heads of State or Government on 31 January 1992, the Council had decided that State terrorism was a threat to international peace and security.¹¹²

The representative of the Russian Federation stated that the actions by the United States were justified since they arose from the right of States to individual and collective self-defence, in accordance with Article 51 of the Charter.¹¹³

The President adjourned the meeting, noting that no proposal had been submitted on which the Council was required to take action.

¹¹⁰ Ibid., pp. 16-17.

¹¹¹ Ibid., p. 21.

¹¹² Ibid., pp. 21-22.

¹¹³ Ibid., p. 22.

¹⁰⁸ Ibid., pp. 9-13.

¹⁰⁹ Ibid., pp. 13-15.

24. The situation in the Middle East

Decisions of 28 January 1993 (3167th meeting): resolution 803 (1993) and statement by the President

By a letter dated 18 January 1993,¹ the representative of Lebanon informed the Secretary-General of his Government's request to the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL), which was to expire on 31 January 1993, for a further period of six months, on the basis of the provisions of resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982) and 509 (1982) and of all other relevant decisions of the Council. The representative of Lebanon noted that auspicious developments had taken place since the last renewal of UNIFIL, including the formation of a new government, which was welcomed by the Arab world and the international community. He also reported that perfect coordination existed between the command of UNIFIL and the Lebanese Army, whose priority was to deploy to the entire south of the country up to its internationally recognized boundaries. He stated however, that in spite of those positive developments, Israel had intensified its efforts to destabilize Lebanon by perpetuating its brutal occupation of the south, including the deportation of Palestinian civilians to Lebanon, in violation of Lebanese sovereignty and territorial integrity and the principles of the Charter. That action had been strongly condemned by the Council in its resolution 799 (1992), which Israel had refused to implement. He further reported that despite the efforts of Lebanon to secure the implementation of resolution 425 (1978), Israel had also refused to implement that resolution and all pertinent resolutions. He stated that the time had come for the Council to invoke Chapter VII of the Charter to force Israel's compliance with its resolutions as Israel could not "remain above the law", and that Lebanon implored the Council to take new and vigorous steps to bring an end to Israel's "renegade status" through the prompt implementation of its resolution 425 (1978) and the galvanization of its mechanism set out in resolution 426 (1978), which would enable the Lebanese Government to extend its authority over the entire south of the country up to its internationally recognized boundaries. He also stated that the presence of UNIFIL remained of utmost necessity to provide assistance and

international support to the civilian population. However, that could not be a substitute for the fulfilment of the original UNIFIL mandate as stipulated in resolution 425 (1978), which was to ensure the withdrawal of Israeli forces from Lebanon and to assist the Government of Lebanon, through the Lebanese army and internal security forces, in re-establishing its legitimate and effective authority in the area.

On 22 January 1993, pursuant to resolution 768 (1992), the Secretary-General submitted to the Council a report on UNIFIL for the period from 22 July 1992 to 22 January 1993.² The Secretary-General reported that southern Lebanon had witnessed periods of high tension and that the situation in the area was characterized by volatility and unpredictability. UNIFIL had continued to prevent its area from being used for hostile activities and had done what it could to protect the inhabitants from the effects of the conflict. He further noted that, in carrying out its tasks, UNIFIL had again been severely hampered by the amount of firing directed at it and reiterated his appeal to all parties concerned to respect the international and impartial status of UNIFIL. The hostilities that had taken place in the UNIFIL area of operation had again drawn attention to Israel's occupation of parts of southern Lebanon, which had continued despite the Council's repeated calls for Israel's withdrawal. As a consequence, UNIFIL had continued to be prevented from implementing its mandate. Israel's general attitude to the situation in southern Lebanon and to the UNIFIL mandate remained as described in previous reports. According to the Israeli authorities, Israel had no territorial claims in Lebanon and the "security zone" was a temporary arrangement which was needed for the purpose of ensuring the security of northern Israel so long as the Government of Lebanon was not able to exercise effective authority and prevent its territory from being used to launch attacks against Israel. The Israeli authorities also considered that all issues between Israel and Lebanon should be dealt with in bilateral talks within the framework of the peace talks, leading to a peace treaty between the two countries. The Secretary-General observed that although UNIFIL had not been able to make progress towards the implementation of its mandate, its contribution to stability and the protection it was able

¹ S/25125.

² S/25150 and Add.1.

to afford the population of the area nevertheless remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and extend the UNIFIL mandate for another period of six months, until 31 July 1993.

At its 3167th meeting, on 28 January 1993, the Council included the report of the Secretary-General in its agenda. The President (Japan) drew the attention of the members of the Council to the letter from the representative of Lebanon and to a draft resolution prepared in the course of the Council's consultations.³

The draft resolution was then put to the vote and adopted unanimously as resolution 803 (1993), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 22 January 1993 on the United Nations Interim Force in Lebanon and taking note of the observations expressed therein,

Taking note of the letter dated 18 January 1993 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 July 1993;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

³ S/25180.

Subsequent to the adoption of resolution 803 (1993), the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴

The members of the Security Council have noted with appreciation the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) submitted in conformity with resolution 768 (1992).

They reaffirm their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, they assert that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

As the Council extends the mandate of UNIFIL for a further interim period on the basis of resolution 425 (1978), the members of the Council again stress the urgent need for the implementation of that resolution in all its aspects. They reiterate their full support for the Taif Agreement and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The members of the Council commend the Lebanese Government for its successful efforts to extend its authority in the south of the country in full coordination with UNIFIL.

The members of the Council express their concern over the continuing violence in southern Lebanon, regret the loss of civilian life, and urge all parties to exercise restraint.

The members of the Council take this opportunity to express their appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commend UNIFIL's troops and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decisions of 26 May 1993 (3220th meeting):
resolution 830 (1993) and statement by
the President**

On 21 May 1993, pursuant to resolution 790 (1992), the Secretary-General submitted to the Council a report on the United Nations Disengagement Observer Force (UNDOF) for the period from 20 November 1992 to 21 May 1993.⁵ The Secretary-General noted that UNDOF had continued to perform its functions effectively, with the cooperation of the Israeli and Syrian authorities. However, despite the quiet in the

⁴ S/25185.

⁵ S/25809.

Israel-Syria sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. In the prevailing circumstances, he considered the continued presence of UNDOF in that area to be essential and recommended that the Council extend the mandate of the Force for a further six months, until 30 November 1993, as agreed to by the Governments of the Syrian Arab Republic and Israel.

At its 3220th meeting, on 26 May 1993, the Council included the report of the Secretary-General in its agenda. The President (Russian Federation) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's consultations.⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 830 (1993), which reads:

The Security Council,

Having considered the report of the Secretary-General of 21 May 1993 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1993;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

Following the adoption of resolution 830 (1993), the President stated that he had been authorized to make the following complementary statement on behalf of the Council:⁷

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 21: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

⁶ S/25838.

⁷ S/25849.

**Decisions of 28 July 1993 (3258th meeting):
resolution 852 (1993) and statement by
the President**

By a letter dated 14 July 1993,⁸ the representative of Lebanon informed the Secretary-General of his Government's request to the Council to extend the mandate of UNIFIL for a further period of six months. The representative noted that since the last renewal of UNIFIL, major positive developments had accelerated the establishment of national peace, stability and security, including the upgrading of the Lebanese army and internal security forces deployed throughout the country, except in the Israeli-occupied area, the rigorous enforcement of law and order, safe and unrestricted travel through the country, and the Government's efforts to resettle displaced persons. The command of UNIFIL and the Lebanese Army also continued to cooperate in perfect harmony with the goal of deploying the latter throughout the south of the country up to its internationally recognized borders. Despite the participation of both Lebanon and Israel in the ongoing bilateral peace negotiations, Israel was continuing to perpetuate its occupation of the south irrespective of the significant achievements made by Lebanon to consolidate national unity and central authority. He reiterated the position of the Lebanese Government, adding that the people of Lebanon would exercise their legal right of individual and collective resistance against occupation, as sanctioned by the Charter, until Israel withdrew its forces from all Lebanese territory, as stated in resolution 425 (1978). It remained incumbent upon the Council, in particular on its five permanent members, to demonstrate that its resolutions were respected and implemented.

On 20 July 1993, pursuant to resolution 803 (1993), the Secretary-General submitted to the Council a report on UNIFIL covering the period from 23 January to 20 July 1993.⁹ The Secretary-General noted that the situation in southern Lebanon, although unchanged overall, was marked by an increased level of hostilities. The attacks by armed elements against Israeli and associated military targets on Lebanese territory had been generally more effective than in the past, and the severity of Israeli retaliation had risen concomitantly. UNIFIL was again severely hampered by firing directed against its own positions and

⁸ S/26083.

⁹ S/26111.

personnel, both by the armed elements and the Israel Defense Forces and the de facto forces. The Secretary-General reiterated, in that regard, that respect by all concerned for the international and impartial status of UNIFIL was essential for it to function effectively. He observed, however, that the situation in the other parts of Lebanon had improved and that the handover of a part of the UNIFIL area of operations to the Lebanese army was a step forward. On the other hand, the hostilities in the UNIFIL area of operation and to the north of it highlighted Israel's continuing occupation of parts of southern Lebanon, despite the Council's repeated calls for Israel's withdrawal. As a consequence, UNIFIL continued to be prevented from implementing its mandate. Israel's general attitude to the situation in southern Lebanon and to the UNIFIL mandate remained as described in previous reports. For its part, the Government of Lebanon took pride in the progress it had made in restoring law and order, resettling displaced persons and moving forward towards the rehabilitation of the country. It considered that there could be no possible justification for the continuation of Israel's occupation of Lebanese territory, which it viewed as the root cause of the continuing hostilities in the southern part of the country. The Secretary-General reiterated that although UNIFIL had not been able to make visible progress towards the implementation of its mandate, its contribution to stability and the protection it was able to afford the population of the area nevertheless remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 January 1994.

At its 3258th meeting, on 28 July 1993, the Council included the report of the Secretary-General in its agenda. The President (United Kingdom) drew the attention of the members of the Council to the letter from the representative of Lebanon and to a draft resolution prepared in the course of the Council's consultations.¹⁰

The resolution was then put to the vote and adopted unanimously as resolution 852 (1993), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of

5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 July 1993 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed therein,

Taking note of the letter dated 14 July 1993 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 January 1994;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Subsequent to the adoption of resolution 852 (1993), the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹¹

The members of the Security Council have noted with appreciation the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) submitted in conformity with resolution 803 (1993) of 28 January 1993.

They reaffirm their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, they assert that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of UNIFIL for a further interim period on the basis of resolution 425 (1978) of 19 March 1978, the members of the Council again stress the urgent need for the implementation of that resolution in all its

¹⁰ S/26177.

¹¹ S/26183.

aspects. They reiterate their full support for the Taif Agreement and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The members of the Council commend the Lebanese Government for its successful efforts to extend its authority in the south of the country in full coordination with UNIFIL.

The members of the Council express their concern over the continuing violence in southern Lebanon, regret the loss of civilian life, and urge all parties to exercise restraint.

The members of the Council take this opportunity to express their appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commend UNIFIL's troops and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

Decisions of 29 November 1993 (3320th meeting): resolution 887 (1993) and statement by the President

On 22 November 1993, the Secretary-General submitted to the Council a report on UNDOF for the period from 22 May to 22 November 1993.¹² The Secretary-General noted that UNDOF had continued to perform its functions effectively, with the cooperation of the parties. Despite the quiet in the Israel-Syria sector, however, the situation continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. In the circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential and recommended that the Council extend the mandate of the Force for a further six months, until 31 May 1994, as agreed to by the Governments of the Syrian Arab Republic and Israel.

At its 3320th meeting, on 29 November 1993, the Council included the report of the Secretary-General in its agenda. The President (Cape Verde) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's consultations.¹³

The draft resolution was then put to the vote and adopted unanimously as resolution 887 (1993), which reads:

¹² S/26781.

¹³ S/25808.

The Security Council,

Having considered the report of the Secretary-General of 22 November 1993 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1994;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Council resolution 338 (1973).

Subsequent to the adoption of resolution 887 (1993), the President stated that, following consultations among members of the Council, he had been authorized to make the following complementary statement on behalf of the Council:¹⁴

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 19: "Despite the present quiet in the Israel-Syria sector, the situation continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decisions of 28 January 1994 (3331st meeting): resolution 895 (1994) and statement by the President

By a letter dated 13 January 1994,¹⁵ the representative of Lebanon informed the Secretary-General of his Government's request to the Council to extend the mandate of UNIFIL for a further period of six months. He noted that since the last renewal of UNIFIL the situation in Lebanon had continued to improve with the consolidation of national reconciliation. UNIFIL and the Lebanese army continued to coordinate in perfect harmony towards the end of deploying the latter throughout the south of the country up to the internationally recognized boundaries. He also reported that in spite of those positive developments, the Israeli occupation of southern Lebanon, while "wreaking havoc", continued to thwart and preclude Lebanon's complete recovery,

¹⁴ S/26809.

¹⁵ S/1994/30.

including through heavy bombardment of southern Lebanon, which also caused damage and injury to UNIFIL. The representative otherwise reiterated the position of the Government of Lebanon, as previously outlined,¹⁶ emphasizing that it was Lebanon's clear understanding that the Middle East peace process would provide the framework in which Israel would implement resolution 425 (1978).

On 20 January 1994, pursuant to resolution 852 (1993), the Secretary-General submitted to the Council a report on UNIFIL for the period from 21 July 1993 to 20 January 1994.¹⁷ The Secretary-General noted that the situation in southern Lebanon continued to be tense and volatile. The exceptionally heavy Israeli bombardment at the end of July had been followed by a lull, but in September hostilities had returned to earlier levels. However, from August onwards, the shelling of civilian targets had been much reduced, compared to previous mandate periods. UNIFIL was again severely hampered by firing directed at its own positions and personnel. The Secretary-General reiterated in that regard that respect by all concerned for the international and impartial status of UNIFIL was essential for it to function effectively. He further noted that Lebanon continued on the path of normalization outside the UNIFIL area of operations and that the deployment in that area of a Lebanese army unit for maintaining law and order was a step towards the restoration of government authority. On the other hand, Israel maintained its occupation of parts of southern Lebanon, despite the Council's repeated calls for its withdrawal. Hostilities had continued and UNIFIL remained unable to implement its mandate. The Secretary-General further reported that Israel's general attitude to the situation in southern Lebanon and to the UNIFIL mandate remained as described in previous reports. For its part, the Lebanese Government remained fully engaged in the process of reconstruction of the country and national reconciliation. Its position was described in the letter dated 13 January 1994. The Secretary-General reiterated that although UNIFIL had not been able to make visible progress towards the implementation of its mandate, its contribution to stability and the protection it was able to afford the population of the area nevertheless remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and

extend the mandate of UNIFIL for another period of six months, until 31 July 1994. While he did not propose to reduce the strength of the Force, he hoped that at the end of the following six months the ongoing peace talks would have made sufficient progress to justify a further reduction in the strength of UNIFIL.

At its 3331st meeting, on 28 January 1994, the Council included the report of the Secretary-General in its agenda. The President (Czech Republic) drew the attention of the members of the Council to the letter from the representative of Lebanon and to a draft resolution prepared in the course of the Council's consultations.¹⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 895 (1994), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 January 1994 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed therein,

Taking note of the letter dated 13 January 1994 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 July 1994;
2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;
3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;
4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;
5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties

¹⁶ See S/25125 and S/26083.

¹⁷ S/1994/62.

¹⁸ S/1994/92.

directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Subsequent to the adoption of resolution 895 (1994), the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁹

The members of the Security Council have noted with appreciation the report of the Secretary-General on the United Nations Interim Force in Lebanon submitted in conformity with resolution 852 (1993) of 28 July 1993.

The members of the Council reaffirm their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, they assert that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978) of 19 March 1978, the members of the Council again stress the urgent need for the implementation of that resolution in all its aspects. They reiterate their full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The members of the Council commend the Lebanese Government for its successful efforts to extend its authority in the south of the country in full coordination with the Force.

The members of the Council express their concern over the continuing violence in southern Lebanon, regret the loss of civilian life and urge all parties to exercise restraint.

The members of the Council take this opportunity to express their appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commend troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decisions of 26 May 1994 (3382nd meeting):
resolution 921 (1994) and statement by
the President**

On 22 May 1994, pursuant to resolution 887 (1993), the Secretary-General submitted to the Council a report on UNDOF for the period from 23 November 1993 to 22 May 1994.²⁰ The Secretary-General, *inter alia*, noted that UNDOF had continued to perform its

functions effectively, with the cooperation of the parties. Despite the quiet in the Israel-Syria sector, however, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. In the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential and recommended that the Council extend the mandate of the Force for a further six months, until 31 May 1994, as agreed to by the Governments of the Syrian Arab Republic and Israel.

At its 3382nd meeting, on 26 May 1994, the Council included the report of the Secretary-General in its agenda. The President (Nigeria) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's consultations.²¹

The draft resolution was then put to the vote and adopted unanimously as resolution 921 (1994), which reads:

The Security Council,

Having considered the report of the Secretary-General of 22 May 1994 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1994;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).

Subsequent to the adoption of resolution 921 (1994), the President stated that, following consultations among members of the Council, he had been authorized to make the following complementary statement on behalf of the Council:²²

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 20: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and

¹⁹ S/PRST/1994/5.

²⁰ S/1994/587 and Corr.1.

²¹ S/1994/620.

²² S/PRST/1994/27.

until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

**Decisions of 28 July 1994 (3409th meeting):
resolution 938 (1994) and statement by
the President**

By a letter dated 13 July 1994,²³ the representative of Lebanon informed the Secretary-General of his Government's request to the Council to extend the mandate of UNIFIL for a further interim period of six months. He noted that since the last renewal of the UNIFIL mandate major positive developments had accelerated the national reconstruction and rehabilitation process in Lebanon. UNIFIL and the Lebanese army continued to coordinate in perfect harmony towards the end of deploying the latter throughout the south of the country up to the internationally recognized boundaries. However, in spite of those positive developments, Israel's occupation of the south and "continued aggression against Lebanon" and its citizens remained the major obstacle to national recovery. He otherwise reiterated the position of the Government of Lebanon, as previously outlined,²⁴ emphasizing that the implementation of resolution 425 (1978) was the only way to stop the violence in southern Lebanon. To that end, the Council could play a positive role in securing peace for the region by demonstrating the inviolability of its resolutions and undertaking long overdue measures to implement resolution 425 (1978).

On 20 July 1994, pursuant to resolution 895 (1994), the Secretary-General submitted to the Council a report on UNIFIL for the period from 21 January to 20 July 1994.²⁵ The Secretary-General noted that the situation in southern Lebanon continued to be tense and volatile. Attacks by armed elements against Israeli and associated military forces on Lebanese territory continued. There were also a few incidents of rockets being fired into northern Israel. The Israel Defense Forces and de facto forces responded to attacks with heavy shelling, on a number of occasions causing casualties among the civilian population. The Israeli forces had, in recent weeks, increasingly taken the initiative in the fighting, including air raids against targets deep inside Lebanese territory. On a few

occasions, UNIFIL had been the target of violence. In that regard, the Secretary-General stressed once again the obligation of all concerned to respect the international and impartial status of UNIFIL. He, inter alia, noted that notwithstanding the Council's repeated calls for its withdrawal, Israel had maintained its occupation of parts of southern Lebanon, and its general attitude to the situation in the area and to the UNIFIL mandate remained as described in previous reports. For its part, the Government of Lebanon contrasted the progress made in reconstruction and rehabilitation elsewhere in the country with Israel's continuing occupation in the south. It considered that to be the major obstacle to national recovery and emphasized that the implementation of resolution 425 (1978) was the only way to stop the violence. The Secretary-General also noted that UNIFIL continued to be prevented from fulfilling its mandate. Nevertheless, within the limits imposed on it by the circumstances, the Force's contribution to stability and the protection it was able to afford the population in the area where it was deployed remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and extend the UNIFIL mandate for another period of six months, until 31 January 1995. Although there had been no visible progress in the ongoing peace talks, the Secretary-General felt compelled to seriously consider the possibility of a further reduction in the strength of UNIFIL, for financial reasons.

At its 3409th meeting, on 28 July 1994, the Council included the report of the Secretary-General in its agenda. The President (Pakistan) drew the attention of the members of the Council to the letter from the representative of Lebanon and to a draft resolution prepared in the course of the Council's consultations.²⁶

The draft resolution was then put to the vote and adopted by 14 votes in favour²⁷ as resolution 938 (1994), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

²³ S/1994/826.

²⁴ See S/25125, S/26083 and S/1994/30.

²⁵ S/1994/856.

²⁶ S/1994/880.

²⁷ One member of the Council, Rwanda, was not represented at the meeting. See also chapters I and IV.

Having studied the report of the Secretary-General of 20 July 1994 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed therein,

Taking note of the letter dated 13 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is until 31 January 1995;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Subsequent to the adoption of resolution 938 (1994), the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:²⁸

The members of the Council reaffirm their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, they assert that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), the members of the Council again stress the urgent need for the implementation of that resolution in all its aspects. They reiterate their full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The members of the Council commend the Lebanese Government for its successful efforts to extend its authority in the south of the country in full coordination with the Force.

²⁸ S/PRST/1994/37.

The members of the Council express their concern over the continuing violence in southern Lebanon, regret the loss of civilian life and urge all parties to exercise restraint.

The members of the Council take this opportunity to express their appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commend the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

Decisions of 29 November 1994 (3467th meeting): resolution 962 (1994) and statement by the President

On 18 November 1994, pursuant to resolution 921 (1994), the Secretary-General submitted to the Council a report on UNDOF for the period from 23 May to 18 November 1994.²⁹ The Secretary-General noted that UNDOF had continued to perform its functions effectively, with the cooperation of the parties. Despite the quiet in the Israel-Syria sector, however, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. In the prevailing circumstances, he considered the continued presence of UNDOF in the area to be essential and recommended that the Council extend the mandate of the Force for a further six months, until 31 May 1995, as agreed to by the Governments of the Syrian Arab Republic and Israel.

At its 3467th meeting, on 29 November 1994, the Council included the report of the Secretary-General in its agenda. The President (United States) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's consultations.³⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 962 (1994), which reads:

The Security Council,

Having considered the report of the Secretary-General of 18 November 1994 on the United Nations Disengagement Observer Force,

²⁹ S/1994/1311.

³⁰ S/1994/1334.

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1995;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).

Subsequent to the adoption of resolution 962 (1994), the President stated that, following consultations among members of the Council, she had been authorized to make the following complementary statement on behalf of the Council:³¹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 17: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decision of 24 January 1995: statement by the President

Following consultations, on 24 January 1995, the President (Argentina) made the following statement to the media on behalf of the members of the Council:³²

The members of the Security Council strongly condemn the terrorist attack which took place in Nordiya, Israel, on Sunday, 22 January 1995, with the clear purpose of trying to undermine the Middle East peace efforts.

The members of the Council extend their condolences to the families of those who died as a consequence of the explosions and wish a speedy recovery of the wounded.

The members of the Council call upon all parties to continue their efforts to consolidate the peace process. The members of the Council believe that common ground can be found only through the practice of dialogue, respect and tolerance.

³¹ S/PRST/1994/72.

³² S/PRST/1995/3.

Decisions of 30 January 1995 (3495th meeting): resolution 974 (1995) and statement by the President

By a letter dated 16 January 1995,³³ the representative of Lebanon informed the Secretary-General of his Government's request to the Council to extend the mandate of UNIFIL for a further interim period of six months. The representative noted that the national reconstruction and rehabilitation process in Lebanon was proceeding and that UNIFIL and the Lebanese army continued to coordinate in perfect harmony with the goal of deploying throughout the south of the country up to the internationally recognized boundaries. In spite of those positive developments, however, Israel's occupation of the south and "continued aggression against Lebanon and its citizens" remained the major obstacle to national recovery. He reiterated the position of the Government of Lebanon,³⁴ emphasizing the repeated violations of Lebanese sovereignty and territorial integrity through constant shelling of villages and towns in the south, and Israel's refusal to allow the International Committee of the Red Cross to visit Lebanese detainees held in Israeli jails and detention camps in Al-Khaim and Marjayoun in violation of the Fourth Geneva Convention of 1949.

By a letter dated 18 January 1995 addressed to the Secretary-General,³⁵ the representative of Israel referred to the above-mentioned letter from the representative of Lebanon as reiterating allegations contained in previous communications. He drew attention to a letter dated 1 August 1994 addressed to the Secretary-General,³⁶ in which the position of Israel regarding the situation in southern Lebanon was outlined. In that letter, the representative of Israel rebutted the contents of the letter dated 13 July 1994 from the representative of Lebanon by stating that the international community was fully aware that armed members of Hizbullah and other terrorist organizations functioned with impunity in Lebanon and were free to plan and carry out attacks and shellings in northern Israel and Lebanon,³⁷ which also affected UNIFIL. He further noted that all that had occurred without any serious attempt by the Government of Lebanon to act

³³ S/1995/45 and Corr.1.

³⁴ See S/25125, S/26083, S/1994/30 and S/1994/826.

³⁵ S/1995/58.

³⁶ S/1994/915.

³⁷ See S/1994/826.

effectively in order to prevent such activities. He contended that if Lebanon was indeed committed to peacefully settling its dispute with Israel through bilateral negotiation within the peace process, then it should not undermine that process by openly sanctioning terror against Israel. Lebanon's policy concerning Hizbullah and similar organizations stood in clear contradiction to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,³⁸ which forbade States to allow their territory to be used for acts directed against neighbouring States. He also noted that the security measures which Israel had taken in southern Lebanon had to be viewed in the light of Israel's right to self-defence. Being actively engaged in a peace process aimed at achieving a peaceful settlement of its dispute with Israel, Lebanon was estopped from attempting to internationalize that dispute by raising in the Security Council issues that were properly addressed in the framework of the bilateral negotiations. Israel was encouraged by the historic progress made towards peace that had occurred during the past year, both in the bilateral and multilateral tracks of the peace process and hoped to see progress as well in its negotiations with Lebanon, and called on the Government of Lebanon to take the necessary steps that would enable the negotiations to lead to the conclusion of a formal peace treaty between Israel and Lebanon.

On 23 January 1995, pursuant to resolution 938 (1994), the Secretary-General submitted to the Council a report on UNIFIL for the period from 21 July 1994 to 20 January 1995.³⁹ The Secretary-General noted that the situation in southern Lebanon, which continued to be tense and volatile, had remained essentially unchanged and that the decisions of the Council contained in resolution 425 (1978) and subsequent resolutions remained unfulfilled. Israel had maintained its occupation of parts of southern Lebanon, where the Israeli forces and their Lebanese auxiliary continued to be the targets of attacks by armed groups that had proclaimed their resistance against the occupation. While UNIFIL continued, to the best of its ability, to limit the conflict and to protect inhabitants, it also continued to be prevented from fulfilling its mandate. The Secretary-General reiterated that although there

had been no progress towards the implementation of the UNIFIL mandate, the Force's contribution to stability in the area and the protection it was able to afford the inhabitants remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and extend the UNIFIL mandate for a further period of six months, until 31 July 1995. He also drew attention to the shortfall in the funding of the Force and noted that possibilities for streamlining and achieving economies in the areas of maintenance and logistics support had been identified and that he intended to pursue them and report thereon to the Council.

At its 3495th meeting, on 30 January 1995, the Council included the report of the Secretary-General in its agenda. The President (Argentina) drew the attention of the members of the Council to the letters dated 16 and 18 January 1995, respectively, from the representatives of Lebanon and Israel. He also drew their attention to a draft resolution prepared in the course of the Council's consultations.⁴⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 974 (1995), which reads:

The Security Council,

Recalling its resolutions 425 (1978) of 19 March 1978, 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 23 January 1995 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed therein,

Taking note of the letter dated 16 January 1995 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is until 31 July 1995;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978),

³⁸ General Assembly resolution 2625 (XXV), annex.

³⁹ S/1995/66.

⁴⁰ S/1995/81.

and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Endorses* the Secretary-General's intention to pursue the possibilities for streamlining and achieving economies in the areas of maintenance and logistic support;

6. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Subsequent to the adoption of resolution 974 (1995), the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴¹

The Security Council has noted with appreciation the report of the Secretary-General of 23 January 1995 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 938 (1994) of 28 July 1994.

The Council reaffirms its commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

⁴¹ S/PRST/1995/4.

**Decisions of 30 May 1995 (3541st meeting):
resolution 996 (1995) and statement by
the President**

On 17 May 1995, pursuant to resolution 962 (1994), the Secretary-General submitted to the Council a report on UNDOF for the period from 22 November 1994 to 22 May 1995.⁴² The Secretary-General noted that UNDOF had continued to perform its functions effectively, with the cooperation of the parties. Despite the quiet in the Israel-Syria sector, however, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. In the prevailing circumstances, he considered the continued presence of UNDOF in the area to be essential and recommended that the Council extend the mandate of the Force for a further six months, that is, until 30 November 1995, as agreed to by the Governments of the Syrian Arab Republic and Israel.

At its 3541st meeting, on 30 May 1995, the Council included the report of the Secretary-General in its agenda. The President (France) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's consultations.⁴³

The draft resolution was then put to the vote and adopted unanimously as resolution 996 (1995), which reads:

The Security Council,

Having considered the report of the Secretary-General of 17 May 1995 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1995;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).

Subsequent to the adoption of resolution 996 (1995), the President stated that, following

⁴² S/1995/398.

⁴³ S/1995/430.

consultations among members of the Council, he had been authorized to make the following complementary statement on behalf of the Council:⁴⁴

As is known, the report of the Secretary-General of 17 May 1995 on the United Nations Disengagement Observer Force states, in paragraph 18: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

**Decisions of 28 July 1995 (3558th meeting):
resolution 1006 (1995) and statement by
the President**

By a letter dated 10 July 1995,⁴⁵ the representative of Lebanon informed the Secretary-General of his Government's request to the Council to extend the mandate of UNIFIL for a further interim period of six months. The representative, *inter alia*, noted that the national reconstruction and rehabilitation process in Lebanon was proceeding, and that UNIFIL and the Lebanese army continued to coordinate in perfect harmony with the goal of deploying the latter throughout the south of the country up to the internationally recognized boundaries. Despite the satisfactory economic performance and acceleration of reconstruction, Israel's continuous occupation of south Lebanon and "continued aggression against Lebanon and its citizens" remained the major obstacle to comprehensive national recovery. The Israeli Army continued to shell villages and towns in Lebanon. Aerial bombardments had taken place in 1995, killing and injuring many civilians and destroying property, in repeated violation of Lebanese sovereignty and territorial integrity. Moreover, for the previous five months, Israel had blockaded the southern coastline of Lebanon, in violation of the Charter, Security Council resolutions and international law. That blockade constituted a major economic and social problem. The representative otherwise reiterated the position of the Government of Lebanon.⁴⁶

On 19 July 1995, pursuant to resolution 974 (1995), the Secretary-General submitted to the Council a report on UNIFIL for the period from 21 January to

19 July 1995.⁴⁷ The Secretary-General noted that the situation in southern Lebanon, which continued to be tense and volatile, had remained essentially unchanged and the decisions of the Council contained in resolution 425 (1978) and subsequent resolutions remained unfulfilled. The level of hostilities in the area had increased since the Secretary-General's last report. Of particular concern was the number of civilians who had been killed or injured. UNIFIL continued to make every effort to limit the conflict and to protect inhabitants from the hostilities. The Secretary-General reiterated that although there had been no progress towards the implementation of the UNIFIL mandate, the Force's contribution to stability in the area remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and extend the UNIFIL mandate for another period of six months, until 31 January 1996. Further, he intended, with the concurrence of the Council, to carry out the streamlining of UNIFIL outlined in paragraphs 11 and 12 of his report.

At its 3558th meeting, on 28 July 1995, the Council included the report of the Secretary-General in its agenda. The President (Honduras) drew the attention of the members of the Council to the letter from the representative of Lebanon and to a draft resolution prepared in the course of the Council's consultations.⁴⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 1006 (1995), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 19 July 1995 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed therein,

Taking note of the letter dated 10 July 1995 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

⁴⁴ S/PRST/1995/29.

⁴⁵ S/1995/554.

⁴⁶ See S/25125, S/26083, S/1994/30, S/1994/826 and S/1995/45 and Corr.1.

⁴⁷ S/1995/595.

⁴⁸ S/1995/619.

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 January 1996;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Condemns* the increase in acts of violence committed in particular against the Force, and urges the parties to put an end to them;

6. *Concurs* with the streamlining of the Force, described in paragraph 11 of the report of the Secretary-General, and stresses that its implementation will not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Subsequent to the adoption of resolution 1006 (1995), the President stated that, following consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴⁹

The Security Council has noted with appreciation the report of the Secretary-General of 19 July 1995 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 974 (1995).

The Council reaffirms its commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further period on the basis of resolution 425 (1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese

⁴⁹ S/PRST/1995/35.

Government for its successful efforts to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

Decisions of 28 November 1995 (3599th meeting): resolution 1024 (1995) and statement by the President

On 17 November 1995, pursuant to resolution 996 (1995), the Secretary-General submitted to the Council a report on UNDOF for the period from 17 May to 17 November 1995.⁵⁰ The Secretary-General noted that UNDOF had continued to perform its functions effectively, with the cooperation of the parties. Despite the quiet in the Israel-Syria sector, however, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. In the circumstances, he considered the continued presence of UNDOF in the area to be essential and recommended that the Council extend the mandate of the Force for a further six months, until 31 May 1996, as agreed to by the Governments of the Syrian Arab Republic and Israel.

At its 3599th meeting, on 28 November 1995, the Council included the report of the Secretary-General in its agenda. The President (Oman) drew the attention of the members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵¹

The draft resolution was then put to the vote and adopted unanimously as resolution 1024 (1995), which reads:

The Security Council,

Having considered the report of the Secretary-General of 17 November 1995 on the United Nations Disengagement Observer Force,

⁵⁰ S/1995/952.

⁵¹ S/1995/990.

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1996;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).

Subsequent to the adoption of resolution 1024 (1995), the President stated that, following

consultations among members of the Council, he had been authorized to make the following complementary statement on behalf of the Council:⁵²

As is known, the report of the Secretary-General of 17 November 1995 on the United Nations Disengagement Observer Force states, in paragraph 14: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

⁵² S/PRST/1995/59.

25. The situation in the occupied Arab territories

Decision of 18 March 1994 (3351st meeting): resolution 904 (1994)

By a letter dated 25 February 1994,¹ the observer of Palestine² informed the Secretary-General that a group of Israeli settlers had opened fire at Palestinian worshippers in a mosque in Al-Haram Al-Ibrahimi in Al-Khalil (Hebron), which had resulted in more than 50 killed and more than 200 wounded. The massacre was followed by the killing of more than 10 Palestinians in confrontations with the Israeli army in Al-Khalil and other locations throughout the occupied Palestinian territory and by the closure of several areas by the Israeli authorities. The Palestine Liberation Organization (PLO) believed that the underlying cause of those actions remained the official Israeli policy regarding settlements in the occupied Palestinian territory and that the Government of Israel should be held responsible for the massacre. In that connection, it recalled Security Council resolutions which considered settlements to be illegal and obstacles to peace, and which called for their dismantlement. The PLO called upon the international community to bring an end to such acts committed against the Palestinian people and reiterated its request for international protection through a direct international presence in the occupied Palestinian territory. It also called upon the Council to fulfil its responsibilities and to take the necessary measures in reaction to the situation in a meeting to be held immediately.

¹ S/1994/218.

² For details concerning the use of the designation "Palestine" in lieu of Palestine Liberation Organization, see General Assembly resolution 43/177.

By a letter also dated 25 February 1994 addressed to the President of the Council,³ the representative of Egypt, in his capacity as Chairman of the Arab Group, referred to the above-mentioned letter from the observer of Palestine and requested that the Council be convened immediately to discuss the serious situation in the occupied Palestinian territories, including Jerusalem. By a letter of the same date addressed to the President of the Council,⁴ the representative of Pakistan, in his capacity as Chairman of the Organization of the Islamic Conference (OIC) Group at the United Nations, transmitted a statement adopted at a meeting of the States members of OIC at which they had, inter alia, requested that the Council be convened immediately in order to discuss the grave situation resulting from the attack in a mosque in Al-Khalil. The States members of OIC also called for an investigation of the situation which could have serious implications for peace and security in the region as well as for the ongoing peace process.

At its 3340th meeting, on 28 February 1994, the Council included the letters from the representatives of Egypt and Pakistan in its agenda. The Council considered the item at its 3340th, 3341st, 3342nd and 3351st meetings, on 28 February and 1, 2 and 18 March 1994.

The Council invited the following, at their request, to participate in the discussion without the right to vote: at the 3340th meeting, the representatives of Afghanistan, Algeria, Egypt, Greece, Indonesia, the

³ S/1994/222.

⁴ S/1994/223.

Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates; at the 3341st meeting, the representatives of Bahrain, Bangladesh, Japan, Mauritania and Ukraine; and at the 3342nd meeting, the representative of Bosnia and Herzegovina. The Council also decided to invite, at its 3340th meeting, the observer of Palestine, at his request, to participate in the proceedings without the right to vote. The Council also extended an invitation under rule 39 of its provisional rules of procedure at its 3340th meeting to the observer of OIC and at its 3341st meeting to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

At the 3340th meeting, the President (Djibouti) drew the attention of the members of the Council to several documents.⁵

The representative of Palestine welcomed the fact that the Council had unanimously agreed to allow him to participate in its work, without the right to vote. At the same time, he regretted the Council's delay in taking decisive measures with respect to the question before it and stressed the need for the Council to act quickly. He contended that what had taken place at the Ibrahimi mosque was the result of the campaign of illegitimate Israeli settlements, which climate that that had created, and not an isolated act, regardless of the numbers involved in the commission of the crime. His delegation believed that the Council should rapidly adopt a new resolution condemning the massacre perpetrated against the Palestinian people and assuming responsibility for the protection of the Palestinian people in the occupied territories, in accordance with previous resolutions, in particular, resolution 681 (1990). His delegation reaffirmed that Israel and the Government of Israel were responsible

for the events at Al-Khalil, given the fact that the Israeli army was usually present in considerable strength in the area and did nothing to prevent it, and called upon the Government of Israel to adopt a number of measures reflecting a real change in its policy regarding settlements. He stressed that the settlers had to be disarmed, all the settlements dismantled and the activities of the settlers in all the occupied territories, including Jerusalem, stopped; it was not a question of merely limiting or reducing the number of settlements. They had to be immediately offered the possibility of leaving the territories quickly, after receiving compensation from the Israeli Government. Furthermore, in the framework of the Declaration of Principles on Interim Self-Government Arrangements signed by Israel and the Palestine Liberation Organization, at Washington, on 13 September 1993,⁶ the pace of the negotiations on the settlements had to be accelerated, in accordance with certain priorities, in order to defuse the "explosive situation" which existed due to the illegal settlements.⁷

The representative of Egypt, in his capacity as Chairman of the Group of Arab States, referred to the events at the Ibrahimi mosque as an unprecedented development since the beginning of the Israeli occupation. Besides referring to a draft resolution tabled by the Group, requesting, inter alia, the deployment of an international commission to investigate that incident, the representative asked the international community to face the following issues: first, full attention should be given to providing protection for the Palestinian people until it achieved its complete independence through the peace process, and to reaffirming that the Government of Israel, as the "occupying authority", was fully responsible for providing protection for Palestinians in the occupied territories in accordance with the 1949 Fourth Geneva Convention. Secondly, attention should be paid to the security requirements of the Palestinian people. Thirdly, no party interested in the establishment of peace in the Middle East should allow a biased, extremist minority to impose its will on the overwhelming majority that aspired to put an end to the violence. The speedy achievement of an Israeli-Palestinian agreement on the implementation of the Declaration of Principles could be a first step in that regard. Fourthly, the international community should

⁵ Identical letters dated 25 February 1994 from the representative of Jordan addressed to the Secretary-General and the President of the Security Council (S/1994/214); a letter of the same date from the observer of Palestine addressed to the Secretary-General (S/1994/218); a letter of the same date from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General (S/1994/220); and a letter dated 28 February 1994 from the representative of Egypt addressed to the President of the Council, transmitting the text of a resolution adopted by the League of Arab States on 27 February 1994 (S/1994/233).

⁶ S/26560, annex.

⁷ S/PV.3340, pp. 5-9.

convey to the Palestinian people a clear message of solidarity. The representative hoped that the Council would unanimously adopt a resolution condemning the events at the Ibrahimi mosque and reaffirming the need to provide stability and security for the Palestinian people until the end of the occupation.⁸

The representative of Israel stated that Israel regretted and condemned the criminal murder of worshippers in Hebron perpetrated by a “fanatic individual”. Extremists on both sides were wrong in believing that they could derail the peace process by creating a vicious circle of violence. The fact was that the point of no return had been passed on the way to a new era of peace, security and cooperation. Following the formation of the Israeli Government on 13 July 1992, Israel had made far-reaching changes in its order of national priorities. Also, at two meetings on 25 and 27 February 1994, the Israeli Cabinet had discussed the massacre in Hebron and had authorized a number of steps in that regard, including the establishment of a commission of inquiry to fully investigate the massacre and a series of measures against radical elements among Israeli residents in the territories. The representative stressed that the Government of Israel was fully committed to doing its utmost to protect Arabs and Jews alike. Once the implementation of the Israeli-Palestinian agreement began, the Palestinian police would take its part in ensuring security. The Government believed that the only solution to the conflict was to enhance the implementation of the agreement between Israel and the PLO. In that connection, the Security Council had a responsibility to support the proponents of peace by calling for accelerated progress towards implementing the agreement.⁹

The representative of Pakistan, in his capacity as Chairman of the OIC group in New York, condemned that “cold-blooded and wanton attack directed against the people of Palestine”. He called on the Government of Israel to put an immediate end to the “repressive measures against the people of Palestine” and to take the necessary steps to ensure the safety and protection of the Palestinians in the occupied Palestinian territories, in accordance with the Fourth Geneva Convention of 12 August 1949.¹⁰

⁸ Ibid., pp. 10-16.

⁹ Ibid., pp. 16-21.

¹⁰ Ibid., pp. 21-24.

The representative of Tunisia condemned the killing as an “abominable crime” and called for an impartial inquiry. He stressed the absolute need for the disarmament of the Israeli settlers, the dismantlement of Israeli settlements and for an international presence to protect the lives of civilians in the Palestinian territories.¹¹

The representative of Jordan said that beyond condemnation, the Council should meet its responsibilities, including, as a matter of urgency, by dispatching a commission of inquiry to investigate the massacre and taking the necessary steps to ensure the commission’s ability to carry out its work successfully and report back to the Council. The representative called on the Council to examine what had occurred, considering the fact that Israel’s settlement policy was illegal and that Israel did not abide by the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. In order to remove the root causes of violence, the Council had to provide protection for Palestinian civilians. It should be guided by its resolutions concerning the illegality of the Israeli settlements, particularly resolution 465 (1980), which determined that Israel’s settlement policy constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. While the issue of the settlements fell within the purview of the Declaration of Principles and was to be discussed directly by those involved in the negotiations, the issue of disarming the settlers and safeguarding Palestinian lives, however, should in no way be linked or be subjected to any criteria: the right to life must be protected, legally and morally, at all times, including under occupation, and it was the duty of the Council to safeguard that right without delay. Furthermore, it was incumbent upon the Council to uphold the application of the Fourth Geneva Convention to the territory of Palestine, as provided in resolutions 605 (1987), 681 (1990) and 726 (1992), which were still in force. The Council was called upon to provide an appropriate mechanism for implementing the provisions of the Fourth Geneva Convention. Among the measures which the Council could take, what was urgently required was to provide effective and constant protection to the Palestinian people so long as they were suffering under occupation. The representative also expressed his discontent with the work of the Security Council and held the latter responsible for not

¹¹ Ibid., pp. 24-27.

having forced Israel to abide by the above-mentioned Geneva Convention and to implement its own resolutions on that issue. Therefore, he accused the Council of not having lived up to its responsibility to protect the Palestinian people.¹²

The representative of OIC stated that the States members of OIC extended their full support for the Palestinian people in their struggle until they achieved their inalienable national rights, including their right to return, to self-determination and to the establishment of their independent State on their national homeland, with its capital Al-Quds Al-Sharif (Jerusalem), under the leadership of the PLO as their sole legitimate representative. OIC called upon the United Nations to continue to play an active role in the peace process and for the immediate implementation of the relevant resolutions, in particular resolution 681 (1990), and recalled that the occupying Power had a responsibility to protect the Palestinian people in accordance with the Fourth Geneva Convention, which was applicable to the occupied Palestinian territory, including Jerusalem. OIC demanded an immediate end to the Israeli policies of repression against the Palestinian people and called for effective international protection to be provided to the Palestinian people in the occupied territories and the disarming of the Israeli settlers as a step towards the dismantling of the Israeli settlements in the occupied territories, which were illegal. The States members of OIC appealed to the Council to adopt a resolution of determination.¹³

At the 3341st and 3342nd meetings, held on 1 and 2 March 1994 respectively, the President (France) drew the attention of the members of the Council to several documents.¹⁴

¹² Ibid., pp. 28-32.

¹³ Ibid., pp. 33-36.

¹⁴ At the 3341st meeting: letter dated 28 February 1994 from the representative of Greece to the Secretary-General, transmitting the text of a statement by the European Union (S/1994/231); letter dated 28 February 1994 from the representative of the Sudan to the President of the Council (S/1994/236). At the 3342nd meeting: letter dated 28 February 1994 from the representative of Kuwait addressed to the President of the Security Council (S/1994/229); letter dated 28 February 1994 from the representative of Australia addressed to the Secretary-General (S/1994/237); letter dated 28 February 1994 from the representative of India addressed to the Secretary-General (S/1994/238); and letter dated 1 March 1994 from the representative of

At the 3342nd meeting, the representative of Greece, speaking on behalf of the European Union, expressed the Union's outrage over the abominable act of terrorism that had taken place in Hebron. While noting with satisfaction the strong condemnation of the acts by the Government of Israel, he recalled that it had responsibility for ensuring the protection and safety of the Palestinian population in the occupied territories in accordance with the 1949 Fourth Geneva Convention. The European Union welcomed the measures announced by the Government of Israel to end the illegal acts by Israeli settlers and appealed to the Israeli authorities to continue their efforts to establish the necessary conditions for stabilizing the situation. It would, in particular, call on the parties to conclude an agreement on a temporary international or foreign presence, as provided for in the Declaration of Principles.¹⁵

At the same meeting, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated that the Committee, while noting the measures already taken by the Government of Israel, was convinced that steps had to be taken to put an end to violent activities by settlers and to begin dismantling the settlements in accordance with international law and numerous Security Council resolutions. The Committee fully supported the Palestinian requests for an international presence in the occupied territory and for measures aimed at disarming the settlers and urged the Security Council to take the necessary measures in that regard. It believed that only rapid and consistent progress in the negotiations leading to the disengagement of Israeli forces and self-rule for Palestinians would prevent the situation from deteriorating further.¹⁶

Many other speakers who participated in the debate stressed the responsibility of Israel under the Fourth Geneva Convention to protect the Palestinian people in the occupied territories, including Jerusalem and called upon Israel to abide by its provisions. They also called for the disarmament of the settlers and the dismantlement of the Israeli settlements in the

Indonesia addressed to the President of the Council, transmitting the text of a communiqué on Palestine of the Non-Aligned Movement (S/1994/239).

¹⁵ S/PV.3342, pp. 3-4.

¹⁶ Ibid., pp. 13-14.

occupied territories.¹⁷ Some called for an international inquiry to investigate the events.¹⁸ Some were in favour of an international presence in the occupied territories.¹⁹

At the 3351st meeting, on 18 March 1994, the President drew the attention of the members of the Council to a draft resolution submitted by Djibouti, on behalf of the non-aligned members of the Council, as well as France, the Russian Federation, Spain and the United Kingdom.²⁰ He further drew their attention to several other documents,²¹ including a letter dated 14 March 1994 from the representative of Israel to the Secretary-General, transmitting the text of a decision of the Government of Israel of 13 March 1994, taking measures, including outlawing two Israeli terrorist organizations.

The representative of Djibouti welcomed the initial reaction of the Israeli Government, including the

strong public condemnation, the announced intention of disarming selected individual settlers and the outlawing of two of the most extreme settler organizations. He also called for an international presence in the occupied territories to assure Palestinians of their safety. In explanation of vote, the representative said that the delay in the Council's reaction was unfortunate and could only damage its credibility. Nevertheless, his delegation supported the draft resolution which would have a mandatory effect, like any other resolution adopted by the Council.²² That view was shared by the representative of Oman.²³

The representative of Spain welcomed the measures adopted by the Government of Israel to ensure the security and protection of all inhabitants of the occupied territories and stated that such measures must be complemented and implemented diligently. His delegation stressed that an impartial and complete investigation should be conducted and that effective measures should be taken to control all extremist elements among the Israeli settlers and noted, in that regard, the decisions of the Israeli authority to establish a commission of investigation and to declare illegal two extremist Israeli organizations. His delegation believed that the presence of international observers in the occupied territories was appropriate as an important confidence-building measure to facilitate implementation of the Declaration of Principles and encouraged the parties to reach agreement as soon as possible on the composition and modalities of that temporary presence. Spain believed that the draft resolution duly reflected the range of measures aimed at ensuring the security of the population in the occupied territories and at making it possible for the peace process to resume.²⁴

The Council then proceeded to a paragraph-by-paragraph vote on the draft resolution.²⁵ All paragraphs were adopted unanimously except the second and sixth preambular paragraphs which were each adopted by 14 votes in favour, with 1 abstention (United States). The draft resolution as a whole was then adopted without a vote as resolution 904 (1994), which reads:

¹⁷ S/PV.3340, pp. 21-24 (Pakistan); pp. 24-27 (Tunisia); S/PV.3341, pp. 3-4 (Afghanistan); pp. 5-6 (United Arab Emirates); pp. 6-7 (Libyan Arab Jamahiriya); pp. 7-9 (Lebanon); S/PV.3342, pp. 2-3 (Indonesia); pp. 4-5 (Syrian Arab Republic); pp. 5-6 (Algeria); pp. 6-7 (Malaysia); pp. 7-8 (Kuwait); pp. 8-9 (Turkey); pp. 9-10 (Sudan); pp. 11-12 (Ukraine); p. 15 (Bangladesh); p. 16 (Bahrain); and pp. 16-17 (Bosnia and Herzegovina).

¹⁸ S/PV.3340, pp. 24-27 (Tunisia); S/PV.3341, pp. 5-6 (United Arab Emirates); pp. 6-7 (Libyan Arab Jamahiriya); S/PV.3342, pp. 7-8 (Kuwait); and p. 16 (Bahrain).

¹⁹ S/PV.3340, pp. 24-27 (Tunisia); S/PV.3341, pp. 7-9 (Lebanon); S/PV.3342, pp. 5-6 (Algeria); pp. 6-7 (Malaysia); pp. 7-8 (Kuwait); pp. 11-12 (Ukraine); p. 15 (Bangladesh); and pp. 16-17 (Bosnia and Herzegovina).

²⁰ S/1994/280.

²¹ Letter dated 1 March 1994 from the representative of Senegal addressed to the Secretary-General (S/1994/242); letter dated 1 March 1994 from the representative of Tajikistan addressed to the Secretary-General (S/1994/244); letter dated 2 March 1994 from the representative of Malaysia addressed to the Secretary-General (S/1994/247); letter dated 3 March 1994 from the representative of Brunei Darussalam addressed to the Secretary-General (S/1994/256); letter dated 7 March 1994 from the representative of Jordan addressed to the President of the Council (S/1994/269); letter dated 7 March 1994 from the representative of Pakistan addressed to the President of the Council, transmitting the text of a statement adopted by the States members of OIC in New York (S/1994/275); and letter dated 14 March 1994 from the representative of Israel addressed to the Secretary-General (S/1994/295).

²² S/PV.3351, pp. 3-4.

²³ *Ibid.*, pp. 4-5.

²⁴ *Ibid.*, pp. 6-7.

²⁵ See S/PV.3351, pp. 9-11. See also chapter 1, case 6.

The Security Council,

Shocked by the appalling massacre committed against Palestinian worshippers in the Mosque of Ibrahim in Hebron, on 25 February 1994, during the holy month of Ramadan,

Gravely concerned by the consequent Palestinian casualties in the occupied Palestinian territory as a result of the massacre, which underlines the need to provide protection and security for the Palestinian people,

Determined to overcome the adverse impact of the massacre on the peace process currently under way,

Noting with satisfaction the efforts undertaken to guarantee the smooth proceeding of the peace process, and calling upon all concerned to continue their efforts to this end,

Noting the condemnation of this massacre by the entire international community,

Reaffirming its relevant resolutions, which affirmed the applicability of the fourth Geneva Convention of 12 August 1949 to the territories occupied by Israel in June 1967, including Jerusalem, and the Israeli responsibilities thereunder,

1. *Strongly condemns* the massacre in Hebron and its aftermath which took the lives of more than fifty Palestinian civilians and injured several hundred others;

2. *Calls upon* Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers;

3. *Calls* for measures to be taken to guarantee the safety and protection of the Palestinian civilians throughout the occupied territory, including, inter alia, a temporary international or foreign presence, which was provided for in the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization at Washington, D.C. on 13 September 1993, within the context of the ongoing peace process;

4. *Requests* the co-sponsors of the peace process, the United States of America and the Russian Federation, to continue their efforts to invigorate the peace process and to undertake the necessary support for the implementation of the above-mentioned measures;

5. *Reaffirms its support* for the peace process currently under way, and calls for the implementation of the Declaration of Principles without delay.

After the vote, the representative of the United States stated that her Government condemned the massacre in Hebron in the strongest possible terms. The only answer to that massacre was for Israel and the PLO to promptly conclude their negotiations and begin the implementation of the Declaration of Principles as rapidly as possible. It was precisely to serve and

protect the peace process that her Government had — with great reluctance — made the difficult decision to allow resolution 904 (1994) to pass, despite the existence of some language it found objectionable. For at the same time, the United States Government had announced steps that would serve to restart the stalled Middle East process. The United States supported the operative paragraphs of resolution 904 (1994). However, it had sought a paragraph-by-paragraph vote on the resolution because it wanted to record its objections to language introduced there. The United States did not accept the description of the territories occupied by Israel in the 1967 war as “occupied Palestinian territory”, as that language could be taken to indicate sovereignty. That was a matter which both Israel and the PLO had agreed must be decided in negotiations on the final status of the territories. Similarly, while the United States Government reaffirmed its view that the 1949 Fourth Geneva Convention applied to territories occupied by Israel since 1967, it opposed the specific reference to Jerusalem in resolution 904 (1994) and would continue to oppose such reference in the future. Instead of exercising its veto, the United States had chosen to disavow that language and express its opposition by abstaining on the second and sixth preambular paragraphs. It was up to Israel and the Palestinians — not the United Nations — to negotiate in order to achieve peace on the ground. The representative also said that the provision in resolution 904 (1994) concerning measures to be taken to guarantee the safety and protection of Palestinian civilians, possibly to include a temporary international or foreign presence, was a reference to the Declaration of Principles, which provided for the possibility of such a presence, if agreed to by the parties. She concluded by stating that without the confidence that the peace process would shortly resume, positive action on resolution 904 (1994) would not have been possible.²⁶

According to the representative of the Russian Federation, resolution 904 (1994) would play an important part in the resumption of the peace process and in the implementation of all necessary measures in the interest of the prompt normalization of the situation in the occupied territories. He deplored, however, that the Council did not act with the swiftness required by the circumstances. The Russian Federation stressed that the Council’s adoption of resolution 904 (1994)

²⁶ S/PV.3351, pp. 11-12.

was an indispensable step, failing which the resumption of the negotiating process would be impossible. There was an understanding in principle on that point between the parties to the negotiating process, and between the sponsors thereof.²⁷

The representative of the United Kingdom regretted the delay in adopting resolution 904 (1994) that was caused by the need to resolve satisfactorily a number of very difficult and sensitive issues. Disunity in the Council suited nobody but the extremists on both sides. His Government believed that the United Nations Observer Mission in South Africa could provide a good model for an international civilian presence in the occupied territories which would usefully contribute to improving the safety and protection of the Palestinian inhabitants as foreseen in the Declaration of Principles. He stressed, however, that while an international presence could help to defuse tension, it could not be a substitute for the responsibility of the Israeli authorities to provide protection for all the inhabitants of the occupied territories.²⁸

The President, speaking in his capacity as the representative of France, noted that the Council had been prompted to meet urgently to debate the situation and to examine the measures necessary to continue the peace process, at the same time as discussions were in progress on its formal reaction, whereby it would voice its condemnation and make its decisions public. His delegation had repeatedly insisted that the Council take an official stand as soon as possible. Turning to resolution 904 (1994), he said that his Government attached particular importance to provisions recommending that measures to protect Palestinians civilians be taken, in particular through a temporary foreign or international presence in the occupied territories. Such a presence could take the form of the dispatch of civilian observers of the United Nations with a monitoring and verification mission, the details of which remained to be defined. His Government also attached importance to the provisions which urged the parties to step up the peace negotiations in order to implement the Declaration of Principles. In that regard, the question of settlements and their possible regrouping must be the subject of negotiations.²⁹

²⁷ *Ibid.*, pp. 12-13.

²⁸ *Ibid.*, p. 15.

²⁹ *Ibid.*, pp. 16-17.

The representative of Israel stated that his Government shared the Council's support for the ongoing peace process and called for the implementation of the Declaration of Principles without delay. He stressed that security must be guaranteed for all residents of the territories and that the best way to achieve that was by implementing article VIII of the Declaration of Principles which provided for the establishment of a strong police force by the Palestinian Council. The Declaration of Principles also provided for the possibility of a temporary international or foreign presence. His delegation maintained that nothing in resolution 904 (1994) prejudiced that provision in the Declaration of Principles. His delegation also noted that the reference in the resolution to Jerusalem was not compatible with the Declaration of Principles, whereby both parties had agreed to address the issue not later than the beginning of the third year of the interim period. The reference to Jerusalem was also at variance with Israel's position regarding the city's status at that time and in the future, according to which Jerusalem would remain united under Israeli sovereignty as Israel's eternal capital. Finally, Israel remained fully committed to advancing towards peace on the basis of Security Council resolutions 242 (1967) and 338 (1973), and the Declaration of Principles.³⁰

The representative of Palestine noted that the lengthy delay, which had elapsed since the massacre of 25 February 1994, had undoubtedly generated a great deal of suspicion and many questions regarding the Council's desire — or, for that matter, its ability, because of the position of one permanent member — effectively to fulfil its responsibilities with the required speed when it came to the question of Palestine and the situation in the Middle East. He said that since the massacre in Al-Khalil, the Israeli army had continued to take repressive measures, including extensive curfews and indiscriminate shooting. He also referred to the problem of the illegal presence of settlers in the occupied territory, to which there could be no solutions without the adoption of new policies aimed at the reversal of the existing situation and, at a later stage, the dismantlement of the settlements. Another issue he raised was the reference in resolution 904 (1994) to Jerusalem as part of the occupied territories since 1967 and the relationship between that reference and the Declaration of Principles. Such reference had been a

³⁰ *Ibid.*, pp. 17-18.

consistent practice of the Council, as formulated in every single resolution relating to the Palestinian issue adopted by it, in preambular and in operative paragraphs alike. The Council's adoption of the same language in resolution 904 (1994) only reflected a continuation of that policy, and any attempt to change that language posed the danger of a change in its policy. His delegation was disappointed and deeply concerned at the United States abstention in the vote on resolution 904 (1994) and hoped that it did not signal a departure from its long-held consistent position on that issue. The speaker further stated that resolution 904 (1994) was undoubtedly an essential step forward and demonstrated that the Council had upheld its own responsibilities towards the situation in the occupied Palestinian territories, including Jerusalem. The main question was the provision of protection for the Palestinian civilians under occupation. The fact that the Council had not gone into the details of such protection did not absolve it from its responsibilities towards the implementation of the resolution in the direction defined by the Council in its resolutions, particularly resolution 681 (1990). He added that resolution 904 (1994) could not be viewed in isolation from the peace process and that it would have a positive impact on that process. However, the real and qualitative impact would take place with the implementation of the resolution, not only with its adoption. That could be achieved by means of the international presence mentioned in the resolution. He concluded by taking due note of the measures taken by the Government of Israel, which were steps in the right direction, but definitely fell short of meeting the requirements for rescuing the peace process.³¹

**Deliberation of 28 February 1995
(3505th meeting)**

By a letter dated 9 January 1995,³² the observer of Palestine informed the Secretary-General that Israel had continued the illegal policy and practice of building settlements in the occupied Palestinian territory and allowing more settlers to move to those settlements, in violation of the Fourth Geneva Convention of 1949 and numerous resolutions of the Council, particularly resolutions 446 (1979), 452 (1979) and 465 (1980). Such a policy and practice was also a clear attempt to create additional illegal facts

³¹ Ibid., pp. 18-20.

³² S/1995/14.

which pre-empted negotiations on a final settlement between the two sides, in violation of the spirit and letter of the Declaration of Principles. The international community and the Security Council bore a special responsibility in that regard to guarantee the integrity of international law and that of the Council's own resolutions. The two sponsors of the peace process, particularly the United States, should fulfil their duties in preserving the integrity of the agreements that had been reached in a way which would guarantee the successful outcome of the process. Referring to a letter dated 6 January 1995 addressed to the Secretary-General by the Chairman of the Group of Arab States,³³ he called upon the Council to formally and urgently deal with the issue of Israeli illegal settlements and to take steps to end that threat to the peace process. He also called upon the Secretary-General to use his good offices in that regard.

By a letter dated 31 January 1995,³⁴ the observer of Palestine informed the Secretary-General of a decision by the Government of Israel of 24 January 1995 to approve further settlement activity in the occupied Palestinian territory. That decision came at a time when the implementation of the second stage of the Declaration of Principles had been delayed for six months, including the redeployment of Israeli forces outside populated areas in the West Bank and the election of the Palestinian Council. He reiterated that the Israeli settlements were illegal under the Fourth Geneva Convention which was applicable to all the territory occupied since 1967, including Jerusalem, as repeatedly confirmed in resolutions of the Council. Moreover, the continued settlement activity violated the letter and spirit of the agreements reached between the two sides and threatened the integrity of the peace process at a critical stage. The PLO therefore believed that it was imperative for the Council to take quick and concrete action to bring an effective end to all settlement activities by Israel in the occupied Palestinian territory, including Jerusalem.

By a letter dated 22 February 1995 addressed to the President of the Council,³⁵ the representative of Djibouti, in his capacity as Chairman of the Group of Arab States, requested that a meeting of the Council be convened urgently to consider the question of the establishment of Israeli settlements in the territories

³³ S/1995/11.

³⁴ S/1995/95.

³⁵ S/1995/151.

occupied since 1967, including Jerusalem, and the dangerous consequences of these activities for the Palestinian people and the Middle East peace process.

At its 3505th meeting, held on 28 February 1995 in response to the request from the representative of Djibouti, the Council included the letter from the representative of Djibouti in its agenda. Following the adoption of the agenda, the Council invited the representatives of Algeria, Brunei Darussalam, Djibouti, Egypt, the Islamic Republic of Iran, Israel, Japan, Jordan, Malaysia, Morocco, Pakistan, the Sudan, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also decided to invite the observer of Palestine, at his request, to participate in the discussion without the right to vote. It further extended an invitation under rule 39 of its provisional rules of procedure to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to Mr. Ansay, the observer of OIC. The President (Botswana) drew the attention of the members of the Council to several documents.³⁶

The representative of Palestine stated that the Council had a fundamental responsibility regarding the question of Israeli settlements in the occupied Palestinian territory, including the preservation of the integrity of international law and international humanitarian law and of its previous resolutions. It had the responsibility to ensure that justice was achieved by bringing a final and comprehensive end to any and all settlement activity in the occupied territories. With reference to the signing of the Declaration of Principles and the subsequent agreement on the implementation thereof, he stated that no one had imagined that the Israeli Government would actually continue carrying out its settlement policy while seeking to move forward in the peace process: the two things simply could not be reconciled. The PLO believed that any settlement activity constituted a flagrant violation of the letter and spirit of the Declaration of Principles, the

Fourth Geneva Convention and relevant resolutions of the Council. What was needed was the immediate and total cessation of all settlement activity, whatever its nature or volume. The alternative could seriously undermine the peace process. The basic responsibility of the Council therefore was to guarantee the continuation and integrity of the peace process, as it had done in resolution 904 (1994). In addition to the question of settlements, the speaker referred to other Israeli practices that violated the human rights of the Palestinian people, including the repeated closures of the occupied territory, the isolation of Jerusalem and the delays in the implementation of agreements between the two sides. In that regard, he questioned the connection between the closures and Israeli security concerns and Israel's right to unilaterally and without warning close the border crossings agreed upon in the Declaration of Principles. He stated that the closure constituted an act of revenge and punishment against the Palestinian people and violated many provisions of the agreement reached by the two sides. Other outstanding issues included Israeli delays in completing implementation of all the provisions of the Gaza-Jericho Agreement and of the second phase of the Declaration of Principles. Israeli positions and practices represented a policy aimed at delaying the implementation of the agreements reached. He concluded by warning that the peace process was experiencing a real crisis. The process must be salvaged and that could be achieved only through the complete fulfilment of the parties' contractual obligations emanating from the agreements reached, including the timeframe, which was an integral part of the agreements.³⁷

Speaking in his capacity as Chairman of the Group of Arab States, the representative of Djibouti stated that the draft resolution before the Council was moderate and balanced, and was a positive reflection of the desire of the Arab Group to restart the negotiations in good faith. He noted the lack of progress in the negotiations between the Palestinians and Israeli authorities since the signing of the Declaration of Principles and stated that the Arab Group could not accept the Israeli position that, unless the Palestinian Authority demonstrated its ability to control all acts of terrorism, the terms of the agreement could not be implemented. If the issue of terrorism was to be employed to halt progress, then surely the factors

³⁶ Letter dated 6 January 1995 from the representative of Algeria addressed to the Secretary-General (S/1995/11); letters dated 9 and 31 January 1995, respectively, from the observer of Palestine to the Secretary-General (S/1995/14 and S/1995/95); and letter dated 17 January 1995 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General (S/1995/50).

³⁷ S/PV.3505, pp. 3-6.

contributing to it must be emphasized. There was a direct correlation between the violence in the occupied territories and the continued expansion of Jewish settlements in the West Bank. It was therefore necessary for the peace process to resume in a meaningful manner that the settlements in the West Bank be immediately frozen and these in Gaza dismantled. Contrary to the expectations implicit in the Declaration of Principles that Israeli settlements would cease during the interim period of negotiations, the ongoing confiscation of Palestinian territory pre-empted the negotiations and deliberately complicated the issues at stake. Israel's settlement policy and related activities were contrary to international law, United Nations resolutions and the Fourth Geneva Convention. He concluded by stating that for the Arab world, the issue of self-rule in Palestine needed to be resolved before there could be sustained peace elsewhere in the Middle East. At that stage, however, there was much to question regarding Israel's good faith in desiring genuine accord with the Palestinians and, by extension, with the rest of the Arab world.³⁸

The representative of Israel emphasized that the PLO initiative to debate the issue of settlements in the Security Council was incompatible with its signed commitments vis-à-vis Israel, whereby all outstanding permanent-status issues, such as settlements and Jerusalem, would be resolved in direct and bilateral negotiations at a specific time — namely, in the negotiations on permanent status, at the final stage of the process. He stated that immediately after it had been formed in July 1992, the Government of Israel had substantially changed Israel's settlement policy. No new settlements had been established in the territories since then, nor would they be. The Government had stopped allocating public resources to support the extension of existing settlements and no land had been confiscated to establish new settlements. Meanwhile, Israelis had the right to continue to build in Jerusalem, as did the Arabs. Pointing to the progress achieved over the past year towards comprehensive peace in the region, he noted that the Israel Defense Forces had already withdrawn from the Gaza Strip and the Jericho area, and the Palestinian Authority had been established there. Israel had signed three agreements with Jordan and established formal relations with Morocco and Tunisia. At the same time, opposition to

³⁸ Ibid., pp. 6-7.

the peace process had become more violent, and terrorism was at present the major obstacle to peace. The most important task, therefore, was to credibly address the growing sense in the Israeli public opinion that the Palestinians were unable to meet their commitments to fighting terrorism. While Israel believed that the Palestinian Authority also did not want terrorism to hold the peace process hostage, it was convinced that the Palestinian Authority could and should do more to respect its commitments in that respect. On the question of closure, the speaker noted that it was neither a policy nor an act of collective punishment, but rather an act of self-defence in the face of repeated terrorist attacks. Certain measures to ease the closure were under way in order to continue with Israel's policy of normalization. He concluded by stating that differences between the two sides must be addressed at the negotiating table, as agreed.³⁹

The representative of Egypt stated that in confronting the crisis facing the peace process, and in view of Israel's lack of commitment to ending settlement activities, recourse to the Security Council had become necessary in order to secure respect for the provisions of the Geneva Conventions. On the political side, the policy of establishing settlements constituted a rejection of the "land for peace" formula, which was the basis of resolution 242 (1967). On the legal side, the norms of the 1949 Fourth Geneva Convention were rules of *jus cogens* which could not be derogated from. No party could therefore argue that any bilateral agreement, of whatever kind, allowed it to deny the right of the international community to discharge its fundamental responsibility for guaranteeing the implementation of such basic rules. The Council must send a clear and unambiguous message that Israeli settlement activity was a grave legal violation that would abort the peace negotiations. The Government of Israel should respect its international commitments and immediately put an end to all construction and establishment of settlements.⁴⁰

The representative of France stated that continuing the expansion of the Israeli settlements in the West Bank and Jerusalem in addition to ignoring the Fourth Geneva Convention ran counter to the spirit of the Oslo Agreements and was therefore contributing to the difficulties currently being encountered in the

³⁹ Ibid., pp. 7-9.

⁴⁰ Ibid., pp. 10-12.

peace process. France encouraged the Government of Israel to find a way to halt the work on expanding the settlements, which was being carried out by private interests and with private financing. At the same time, France understood that Israeli public opinion, traumatized by the resurgence of terrorism, doubted the choice made at Oslo. For that reason, it called on the Palestinian Authority to do all it could, within the framework of the responsibilities entrusted to it, to prevent and to punish acts of terrorism.⁴¹

According to the representative of Italy, the request for a meeting of the Council was justified, procedurally and substantively. Legally, Articles 34 and 35 of the Charter and rules 2 and 3 of the Council's provisional rules of procedures provided for the President's calling a meeting at the request of any member of the Council and, moreover, any Member State might bring to the Council's attention any dispute or situation that might lead to international friction or give rise to a dispute. Politically, the Council could not ignore a request emanating from 21 Member States. The Council's debate ought not to interfere with the ongoing negotiations between Israel and the PLO, but should provide an opportunity for a constructive exchange.⁴²

The representative of the United Kingdom expressed his Government's regret that the question of settlements had had to come before the Council again. One of the major achievements of the peace process was that it had enabled the parties concerned to resolve problems by direct negotiations. The British Government's position was that the settlements were illegal, contravened the Fourth Geneva Convention and represented an obstacle to an overall peace. The Declaration of Principles defined settlements as a final status issue, which implied that the status quo would remain in the meantime. Any expansion of existing settlements thus went against the spirit of the Declaration of Principles. At the same time, his Government did not underestimate Israel's legitimate security concerns which, however, must not be allowed to hold up progress towards peace.⁴³

According to the representative of the United States, the ultimate test for activities in the Security Council must be whether the actions served the cause

of peace. His Government doubted that Council activity on the present subject at that time was likely to pass that test. It would not be productive or useful for the Council to involve itself in a question that the parties had agreed to cover when they addressed permanent status issues in their negotiations. At a time when the parties were making serious efforts to find a balance that addressed both Israel's security concerns and the Palestinians' political and economic concerns, debate in the Council could only sour the atmosphere and deflect them from working together. While the United States remained actively engaged with the parties to help them work through these concerns, his delegation must oppose any activity that would only complicate efforts to spur the negotiating process. The United States Government acknowledged and respected the interests of the United Nations and the Security Council in the peace process and supported the vital work of the United Nations agencies and the United Nations Special Coordinator to improve economic conditions. It disapproved, however, of any effort to redirect the negotiating process agreed to previously by the parties. The authority of the Security Council should, however, be invoked only wisely, sparingly, and at the proper time.⁴⁴

The representative of the Russian Federation stated that the question of the expansion of settlements, primarily those around Jerusalem, had had an adverse effect on the talks on the implementation of the Declaration of Principles, according to which it was considered desirable to avoid bringing up that sort of particularly sensitive problem. His delegation condemned the violations of human rights in the occupied territories and the terrorist methods employed by certain extremist groups. It believed that it was essential for the parties to refrain from any acts that would prejudice a Palestinian-Israeli settlement and disturb the status quo. The best way of resolving the problems that had arisen was through direct dialogue between the Israelis and the Palestinians using the machinery that had been set up in the course of the peace process.⁴⁵

Speaking on behalf of the European Union, the representative of France stated that Israel's concern over security matters was quite legitimate. The Palestinian Authority must provide itself with the

⁴¹ Ibid., p. 12.

⁴² Ibid., pp. 13-14.

⁴³ Ibid., pp. 14-15.

⁴⁴ Ibid., p. 15.

⁴⁵ S/PV.3505 (Resumption), p. 3.

necessary means and take every possible step, while respecting human rights, to monitor the activities of extremists in the regions that it administered. However, the question of security must not become an obstacle to progress in the negotiations. The Israeli settlements were in contravention of The Hague and Geneva Conventions. Although the decision of the Government of Israel to put a freeze on the settlements was in accordance with the Israeli-Palestinian agreements, the authorization for new construction on the West Bank and around Jerusalem was at variance with the Declaration of Principles. The European Union appealed to the Government of Israel to find ways to settle the matter, with respect for international law and commitments solemnly undertaken. It also issued a plea for the prompt conclusion of the main discussions currently under way between the Government of Israel and the Palestinian Authority.⁴⁶

The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated that the Committee considered that the increasing expansion and consolidation of settlements created facts on ground inconsistent with Security Council resolutions 242 (1967) and 338 (1973), which the current peace process sought to implement, and seriously compromised the agreements between the two sides. The Committee appealed to the Council, to the sponsors of the peace process and to all concerned to exert their influence on the Government of Israel to end its settlement policy, as an indispensable step towards the attainment of peace. The Committee hoped that the debate in the Council would culminate in a clear demonstration of the Council's determination to find ways and means to reinvigorate the peace process.⁴⁷

The representative of OIC stated that, instead of taking steps that would contribute to a confidence-building atmosphere, and begin reversing their expansionist settlement policies, the Israeli authorities were continuing with their policy of establishing settlements as well as expanding existing ones in the occupied territories, in flagrant violation of the relevant international resolutions. The Seventh Islamic Summit Conference in Casablanca had adopted several resolutions calling, inter alia, for the dismantling of the settlements already established and for a halt to further

settlements in occupied Palestinian and Arab territories. The States members of OIC believed that by adopting a new series of measures of determination, the Council could help all the parties involved in the peace process, but it could especially assist Israel to take the required bold measures conducive to accomplishing a lasting peace in the region.⁴⁸

The representative of Lebanon stated that there could be no doubt that the crisis in which the peace process found itself derived from Israel's insistence on a policy aimed at maintaining its hold over the territories and maintaining peace at the same time. Currently, Israel was imposing a sea blockade against several ports in Lebanon and was also engaged in continuing aggression through the use of weapons and air power. The continuation of those violations of Lebanese territorial integrity was part of an Israeli practice aimed at imposing its hegemony over its neighbours and at totally rejecting resolution 425 (1978). Noting that the Israeli settlement policy in the Palestinian territories and the explosive situation in southern Lebanon were a major threat to the peace process, he hoped to see the Council play a decisive role by taking the necessary measures to put an end to that situation.⁴⁹

The representative of Palestine expressed regret at the fact that, despite serious efforts made to ensure that the Council would adopt clear and specific measures on the matter before it, such an outcome was not achieved for reasons to do with the situation in the Council and probably with the position of one of its permanent members. The PLO understood that the sponsors of the process, particularly the United States, planned to intensify their efforts to achieve that result. The speaker hoped for an end to settlements and for the implementation of the agreements between the two sides. However, if the ongoing efforts did not yield tangible results, the PLO would have to turn once again to the Council.⁵⁰

Other speakers who participated in the debate emphasized that Israeli settlement activities in the occupied territories had an adverse effect on the peace process, violated the Fourth Geneva Convention and contravened Security Council resolutions as well as the

⁴⁶ Ibid., pp. 7-8.

⁴⁷ Ibid., pp. 14-15.

⁴⁸ Ibid., pp. 20-21.

⁴⁹ Ibid., pp. 24-25.

⁵⁰ Ibid., p. 26.

Declaration of Principles.⁵¹ While some representatives saw bilateral negotiations between the parties as the appropriate channel for solving issues such as the settlements,⁵² others stressed the role of the Security Council and its responsibilities in the peace process and called upon the Council to adopt practical measures.⁵³

**Decision of 17 May 1995 (3538th meeting):
rejection of a draft resolution**

By a letter dated 28 April 1995,⁵⁴ the observer of Palestine informed the Secretary-General that the Government of Israel had declared confiscation orders in respect of 53 hectares of Palestinian land within the area of illegally annexed East Jerusalem. The Government of Israel had also declared that the land would be appropriated to build further illegal settlements. The letter noted that such an action flagrantly violated international humanitarian law and relevant Security Council resolutions as well as the Declaration of Principles, endangered negotiations and represented a clear attempt to prejudge their outcome. The letter also referred to other illegal actions by the Israeli authorities in and around Jerusalem, including the continuing seizure and closure of the city, Israeli excavations which threatened the integrity and foundations of the Al-Aqsa mosque, and attacks and attempts by illegal settlers and religious fanatics to impose their presence on and overtake that area. The PLO called upon the Council to take urgent measures to redress that grave situation and to bring an end to the above-mentioned Israeli violations. The Council had the duty to order the Israeli authorities to desist

from taking any further illegal measures and to rescind the declared confiscation orders.

By a letter dated 8 May 1995 addressed to the President of the Council,⁵⁵ the representatives of Morocco and the United Arab Emirates requested that an urgent meeting of the Council be convened to discuss the situation in the occupied Arab territories, as well as to take the necessary measures for revocation of the recent Israeli confiscation orders in respect of Palestinian land situated in the area of East Jerusalem. By a letter of the same date addressed to the President of the Council,⁵⁶ the representative of Morocco, in his capacity as Chairman of the Islamic Group at the United Nations, conveyed the Islamic Group's position towards the confiscation orders of the Government of Israel and its announcement that such land was to be allocated for building more Israeli settlements, in contravention of international law and the relevant resolutions of the Council. He also informed the Council that, at a meeting on 4 May 1995, the Islamic Group had decided to request an urgent meeting of the Council to discuss the grave situation concerning Jerusalem.

At its 3536th meeting, held on 12 and 15 May 1995 in response to the request of the representatives of Morocco and the United Arab Emirates, the Council included the letters of 8 May 1995 in its agenda. The Council continued its consideration of the item at its 3538th meeting, on 17 May 1995.

The Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Algeria, Australia, Bangladesh, Canada, Cuba, Djibouti, Egypt, Iraq, Israel, the Islamic Republic of Iran, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates. The Council also invited the observer of Palestine, at his request, to participate in the discussion without the right to vote. It further extended an invitation under rule 39 of its provisional rules of procedure to the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The President (France) drew the

⁵¹ S/PV.3505, pp. 12-14 (Indonesia); pp. 15-16 (Honduras); S/PV.3505 (Resumption), pp. 2-3 (Germany); p. 3 (Oman); p. 4 (Nigeria); p. 5 (Czech Republic); pp. 5-6 (Argentina); pp. 8-9 (Jordan); pp. 10-11 (Algeria); pp. 11-12 (Tunisia); pp. 12-13 (United Arab Emirates); pp. 15-16 (Malaysia); pp. 16-17 (Islamic Republic of Iran); pp. 17-18 (Pakistan); pp. 18-19 (Morocco); p. 21 (Brunei Darussalam); p. 22 (Turkey); pp. 22-23 (Sudan); and pp. 23-24 (Syrian Arab Republic).

⁵² S/PV.3505 (Resumption), p. 2 (Germany); p. 5 (Czech Republic); pp. 3-4 (Nigeria); and pp. 5-6 (Argentina).

⁵³ S/PV.3505, pp. 15-16 (Honduras); S/PV.3505 (Resumption), p. 3 (Oman); pp. 8-9 (Jordan); pp. 10-11 (Algeria); pp. 11-12 (Tunisia); pp. 12-13 (United Arab Emirates); pp. 15-16 (Malaysia); pp. 16-17 (Islamic Republic of Iran); and pp. 22-23 (Sudan).

⁵⁴ S/1995/341.

⁵⁵ S/1995/366.

⁵⁶ S/1995/367.

attention of the members of the Council to several documents.⁵⁷

The representative of Palestine stated that the ordering by the Israeli authorities of the confiscation of 53 hectares of land located in the area of occupied East Jerusalem constituted a flagrant violation of the relevant resolutions of the Council and of the Fourth Geneva Convention, as well as of the Declaration of Principles. Reviewing the stages through which the central issue of Jerusalem had gone, both within the United Nations and outside, he contended that Israel's actions had all been done in spite of the clear positions taken by the international community, in defiance of the United Nations and in violation of relevant resolutions of the Council, including resolutions 250 (1968), 252 (1968), 267 (1969), 271 (1969), 298 (1971), 476 (1980), 478 (1980) and 672 (1990). He recalled that, in the Declaration of Principles, the two parties had agreed on a transitional period and to postpone negotiations on several issues, including Jerusalem, until the second phase. As such, they had also agreed to negotiate the issue of Jerusalem within a specific timeframe. The minimum level of compliance with the contractual obligations of the parties and negotiation in good faith required that the parties did not make changes on the ground that prejudged or influenced the results of the negotiations. Neither one of the parties should undertake hostile actions which caused extreme damage to the other side. He stated that Israel had to understand that the Declaration of Principles had been reached between two parties representing two equal peoples and therefore the rights and aspirations of both of them should be respected, not only those of one side at the expense of the other. The PLO believed that the sponsors of the peace process, especially the United States, had to intensify their efforts to rescue the process and to guarantee its progress. What was required was that the Council assumed its duty to guarantee the rescinding of the Israeli confiscation orders through the adoption of a clear resolution. The representative expressed the hope that the Council would succeed in assuming its responsibilities, in contrast to its failure to do so on 28 February 1995. Referring to attempts in the United

⁵⁷ Letters dated 28 April and 3 May 1995, respectively, from the observer of Palestine addressed to the Secretary-General (S/1995/341 and S/1995/376); and letter dated 8 May 1995 from the observer of Palestine addressed to the President of the Council (S/1995/352).

States Congress to move the American embassy in Israel to Jerusalem, he warned that the PLO response would in part be within the framework of the United Nations system, including the Security Council and the International Court of Justice, to which it would turn for an advisory opinion or some other form of involvement.⁵⁸

The representative of the United Arab Emirates described the measures adopted by the Government of Israel in the occupied Palestinian territories as illegitimate and expansionist, aimed at bringing about radical demographic change and forcing the international community to deal with such practices as a *fait accompli*, based on force alone. That was done without any legal basis and to gain further territory by expropriating Arab land and establishing settlements at the expense of the legitimate rights of the Arab-Palestinian people in their homeland. Referring to the position of the League of Arab States, he called upon the Council to consider the following measures: first, there should be an international condemnation of the Government of Israel's decision to confiscate additional Palestinian land in Al-Quds (Jerusalem) and outside the city; second, Israel should be obliged to rescind the decision to confiscate that land, end its settlement policies and plans, dismantle its existing settlements, stop closing off the city and end all Israeli excavations which threatened the foundations of Al-Aqsa mosque; third, none of the changes made by Israel to the legal status, demographic structure or geographical dimensions of Al-Quds should be recognized and any claims that Al-Quds is the eternal capital of Israel should be rejected; and fourth, the Arab and Palestinian presence should be supported, as should their institutions in Al-Quds, and international security measures should be taken to protect Arab and Palestinian territories. The United Arab Emirates hoped that the Council would adopt the draft resolution before it which provided for appropriate machinery to deal with decisions on settlement and confiscation in Al-Quds.⁵⁹

The representative of Israel said that the recent decision to "expropriate, not to confiscate, land for construction in Jerusalem — not for settlements" was based on Israel's long-standing policy to ensure that development in Jerusalem kept pace with the changes

⁵⁸ S/PV.3536, pp. 3-6.

⁵⁹ *Ibid.*, pp. 9-11.

that were a natural feature of any living city. Construction and development for all residents had always been regular features of Jerusalem life and would continue to be in the future. It was inconceivable that the people of Jerusalem — Jews and Arabs alike — should be deprived of sufficient schools, roads, housing, workplaces, etc. He contended that there was no contradiction between Israel's policy and bilateral agreements it had signed, including the Declaration of Principles. Israel remained committed to the Declaration, which contained no reference to any prohibition of development activity in Jerusalem and in which it was agreed that permanent status issues would be negotiated by the parties themselves at a later stage. Neither was there any contradiction between the peace process and continued development in Jerusalem for the benefit of all its residents. Any difference on the matter should be appropriately addressed in the framework of the bilateral negotiations. He also recalled that Israel and the PLO had agreed that differences and disputes arising out of the application or the interpretation of the agreements should be settled between the parties themselves according to an agreed process. Accordingly, Israel believed that any attempts to address the issue outside the agreed-upon framework contradicted the letter and spirit of the agreements signed by Israel and the PLO and the principles of the peace process. It therefore called upon Council members not to take any action on the matter.⁶⁰

The representative of the Russian Federation noted that his delegation was among those that supported the request for a meeting of the Council on that matter. According to the Declaration of Principles, the future of Jerusalem was to be the subject of future negotiations on the final status of the Palestinian territories. Until then, any action to alter the status quo in Jerusalem could be viewed only as contravening the spirit of the Palestinian-Israeli agreements and of the peace process as a whole. His delegation understood that the necessary legal machinery for Israel's reconsideration of the confiscation order did exist and hoped that the Government of Israel would reconsider its view on the issue of confiscating Palestinian lands in Jerusalem.⁶¹

⁶⁰ Ibid., pp. 11-13.

⁶¹ Ibid., p. 15.

The representative of the United States said that, in regard to the Israeli notice to expropriate land in the Jerusalem area, his Government had publicly stated that such actions were not particularly helpful and that it was difficult to see how they promoted the peace process. However, the United States did not believe that the Security Council was the appropriate forum for dealing with the issue, which was for the parties to address. Israel and the Palestinians were engaged in important negotiations to implement the next stage of the Declaration of Principles. Debate in the Council on issues which were for the parties to address would only distract attention from their efforts and have a negative impact on the process. It was therefore incumbent on Council members that they not undercut the peace process with a divisive debate or hasty action. On the question of the American embassy in Israel, he stated that although the Palestinian Observer had correctly noted the position of the United States Government with regard to legislation before Congress, it was regrettable that an issue internal to United States decision-making was brought into the debate in a threatening and distorted manner.⁶²

Speaking on behalf of the European Union and Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia, the President stated that the expropriation decision of the Israeli authorities was contrary to the spirit of the Declaration of Principles and was likely to jeopardize the peace process. That decision was an act whereby the public authority demonstrated the sovereignty that it claimed. The Israeli authorities thereby seemed to reaffirm their de facto hold on Jerusalem and blatantly to modify the status quo in that city, whereas the spirit of the Declaration of Principles was to maintain the situation as it stood so long as negotiations on the final settlement had not been concluded. The European Union had also repeatedly held that the settlements were illegal under international law, particularly under the Fourth Geneva Convention, and jeopardized the peace process. It was regrettable that the expropriations that were announced were designed to develop such settlements. The European Union therefore called upon the Government of Israel to reverse its decision and to refrain in the future from taking any such measures. The speaker further noted that it was unfortunate that the question could not be resolved directly by the parties and had to be brought before the Council.

⁶² Ibid., pp. 16-17.

However, the fact that the parties had agreed that certain items should be dealt with during the discussions on the final settlement did not mean that international law no longer applied to those issues nor that the serious developments that affected them should not be brought up by the international community.⁶³

The representative of Egypt stated that the international community, through the Security Council, must reaffirm the position it had always held, that the Israeli measures intended to alter the status of Arab Jerusalem were inadmissible. He pointed out that Israel had no right under resolution 478 (1980) to annex Jerusalem and urged all States not to send diplomatic delegations to Jerusalem. He recalled that the Ministerial Conference of the League of Arab States, which had met on 6 May 1995, had decided to demand, based on international law and on the relevant Security Council resolutions, that the Security Council declare the Israeli confiscation order illegal and that Israel must rescind its decision to expropriate Arab territories in Jerusalem and in other areas so as to put an end to Israel's annexationist programmes and plans, the encirclement of the city and the diggings that were endangering the foundations of Al-Aqsa mosque. The Conference also urged the Council to reaffirm the need for security measures to be taken to protect the Palestinian Arab territories, while still granting Jerusalem its special status.⁶⁴

The Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People said that the Committee considered that the confiscation of land in East Jerusalem and the increasing expansion and consolidation of settlements created a de facto situation inconsistent with Security Council resolutions 242 (1967) and 338 (1973) and seriously compromised the agreements between Israel and the PLO. The Committee appealed to the Council, to the sponsors of the peace process and to all concerned to exert their influence on the Government of Israel to desist from taking any further measures that undermined the peace process and to rescind its decision to confiscate Palestinian land in East Jerusalem and end its settlement policy. It also hoped that the debate would culminate in a clear

⁶³ Ibid., pp. 20-21.

⁶⁴ Ibid., pp. 21-23.

demonstration of the Council's determination to find ways and means to reinvigorate the peace process.⁶⁵

Other speakers who participated in the debate stressed that the Israeli Government's expropriation order violated international law, the Fourth Geneva Convention, the Charter and relevant resolutions of the Council, and ran contrary to the spirit of the peace process, including the Declaration of Principles. They called upon Israel to reconsider its decision.⁶⁶ Some representatives stressed the Council's responsibility to consider the matter and take action on it.⁶⁷

At the 3538th meeting, on 17 May 1995, the President drew the attention of the members of the Council to a draft resolution submitted by Botswana, Honduras, Indonesia, Nigeria, Oman and Rwanda.⁶⁸ Under the draft resolution, in its preambular part, the Council, inter alia, would have reaffirmed its previous resolutions on the status of Jerusalem; expressed concern over the recent declaration of Israeli expropriation orders of 53 hectares of land in East Jerusalem; reaffirmed the applicability of the Fourth Geneva Convention to all territories occupied by Israel since 1967, including Jerusalem; and expressed its awareness of the negative impact of the expropriation on the Middle East peace process and that Israel and the PLO agreed in the Declaration of Principles to postpone negotiations on final status issues, including Jerusalem, until the second stage of the peace process. In the operative part of the draft resolution, the Council would have (i) confirmed that the expropriation of land

⁶⁵ Ibid., pp. 23-24.

⁶⁶ S/PV.3536, pp. 6-9 (Morocco); pp. 13-14 (Oman); p. 14 (China); pp. 14-15 (United Kingdom); p. 16 (Indonesia); pp. 17-18 (Nigeria); pp. 18-19 (Argentina); pp. 19-20 (Botswana); p. 20 (Honduras); pp. 24-25 (Algeria); pp. 25-26 (Lebanon); S/PV.3536 (Resumption 1), pp. 28-29 (Qatar); pp. 30-32 (Tunisia); pp. 32-33 (Malaysia); pp. 33-36 (Jordan); p. 36 (Turkey); pp. 36-37 (Canada); pp. 37-38 (Australia); pp. 38-39 (Syrian Arab Republic); p. 39 (Bangladesh); pp. 39-40 (Pakistan); pp. 40-41 (Cuba); pp. 41-42 (Kuwait); and pp. 42-43 (Iraq).

⁶⁷ S/PV.3536, pp. 6-9 (Morocco); pp. 13-14 (Oman); p. 16 (Indonesia); pp. 17-18 (Nigeria); pp. 19-20 (Botswana); pp. 24-25 (Algeria); pp. 25-26 (Lebanon); S/PV.3536 (Resumption 1), pp. 28-29 (Qatar); pp. 30-32 (Tunisia); pp. 32-33 (Malaysia); pp. 33-36 (Jordan); pp. 38-39 (Syrian Arab Republic); p. 39 (Bangladesh); pp. 39-40 (Pakistan); pp. 40-41 (Cuba); pp. 41-42 (Kuwait); and pp. 42-43 (Iraq).

⁶⁸ S/1995/394.

by Israel, the occupying Power, in East Jerusalem, was invalid and in violation of its relevant resolutions and the provisions of the Fourth Geneva Convention; (ii) called upon the Government of Israel to rescind the expropriation orders and to refrain from such action in the future; (iii) expressed its full support for the Middle East peace process and its achievements, including the Declaration of Principles as well as the following implementation agreements; and (iv) urged the parties to adhere to the provisions of the agreements reached and to follow up with the full implementation of these agreements.

Speaking before the vote, the representative of Oman said that the draft resolution before the Council was the fruit of the efforts made and extensive consultations conducted by the Non-Aligned Movement caucus. He believed that the Council's adoption of the draft resolution accorded with the Council's responsibility, with the Charter and with the relevant Security Council resolutions. Furthermore, it would give a positive impetus to the ongoing peace process. On the other hand, the Council's inability to take action in that respect, despite the calls of the more than 40 nations that participated in the general debate, would raise doubts about the credibility and the international legitimacy of the relevant resolutions and cast a shadow over future negotiations in the peace process in the region.⁶⁹

The representative of the Russian Federation stated that the question of Jerusalem had to be the subject of future negotiations on the final status of the Palestinian territories, as provided for in the Declaration of Principles. Until then, any action to alter the status quo in Jerusalem could not be considered otherwise than as contravening the spirit of the Palestinian-Israeli agreements and the peace process as a whole. Although the best possible course would have been to achieve a consensus reaction to Israel's actions in the form of a statement by the President, the Russian Federation would support the draft resolution, with which it fully concurred.⁷⁰

The representative of the Czech Republic said that his delegation took note of the decision by the Government of Israel of 14 May 1995 according to which it had no intention of carrying out additional expropriations of land in East Jerusalem. It would have

preferred that decision to be reflected in the draft resolution. While the Declaration of Principles envisaged resolving issues such as that one between the parties themselves, it did not prevent the Council from dealing with a matter that violated the Declaration. It was therefore proper to debate the issue in the Council and to vote on the draft resolution.⁷¹

The draft resolution was then put to the vote and received 14 votes in favour and 1 against (United States), and was not adopted, owing to the negative vote of a permanent member of the Council.

After the vote, the representative of the United States stated that she had cast a veto on an issue of principle for the United States. The only path to achieve a just, lasting and comprehensive peace in the Middle East was direct talks between the parties. Her Government was compelled to oppose the draft resolution because the Council sought to declare itself on the permanent-status issue of Jerusalem and thus violated that principle. Those issues had to be resolved by the parties, with the support of the international community, but without its interference. The Council was not able — and should not seek — to try to resolve sensitive issues in the Middle East peace process. She stressed that at that point, progress towards peace in the Middle East did not depend on what the United Nations did, but on what the parties agreed to. While it was necessary and appropriate that the Council, the General Assembly and Member States continue to express support for the Middle East peace process and for the Declaration of Principles, passage of the draft resolution would have had the Council intrude upon the agreed political process set out in the Declaration of Principles, which would have yielded no positive result. The United States had expressed the view that the Israeli expropriation notice was unhelpful and clearly did not move the peace process in the right direction. The international community had an important role to play in supporting the efforts of the parties to the Middle East process. But to be effective, the support of the international community must also be discreet, maintaining a certain distance from the details of the negotiations. She stressed that the United States did not vote against the draft resolution because it supported the Israeli decision on land expropriation, for it did not. Its vote was a result of its consistent position regarding what it could and could not support

⁶⁹ S/PV.3538, pp. 2-3.

⁷⁰ *Ibid.*, p. 3.

⁷¹ *Ibid.*, pp. 5-6.

in the Council. She reiterated that her Government would not agree to a resolution that prejudged or prejudiced the outcome of negotiations over such a sensitive issue as Jerusalem. Nor would it agree to any Council action that overstepped the Council's appropriate role as supporter of the negotiations aimed at achieving a lasting settlement to the conflict.⁷²

The representative of the United Kingdom expressed the view that the draft resolution represented a calm but clear statement of the legal position. Moreover, the text avoided any reference to wider issues, apart from a clear declaration of support for the peace process. While he understood the attachment to Jerusalem of the Israeli people, he believed that the Government of Israel should recognize that others felt equally strongly about the city, and should refrain from taking actions which sought to change the status quo on that most sensitive of all issues before the conclusion of the final-status negotiations. His delegation regretted that that issue had caused divisions in the Council and did not believe that would be helpful to the peace process. The fact that all members of the Council had expressed concern about the Israeli expropriation orders, however, was an important message for the Government of Israel and his delegation hoped that it would consider its future actions carefully in the light of it.⁷³

The representative of China noted that, although the draft resolution had not been adopted, the Government of Israel should understand that the fact that there were 14 votes in favour of the draft text forcefully demonstrated that its decision to confiscate land in East Jerusalem was wrong and could not be accepted by the international community or the Security Council.⁷⁴

The representative of Israel reaffirmed that the issue before the Council was for the parties to deal with, based on the Declaration of Principles. From the outset, Israel maintained that the Council was not the appropriate forum in which to address that issue and that, accordingly, it should take no action in that regard. Israel therefore considered that the outcome of the Council's deliberations was appropriate.⁷⁵

The representative of Palestine noted that the overwhelming support for the draft resolution by 14 Council members was a genuine demonstration of the clear and decisive position of the international community against the illegal Israeli action to confiscate land in occupied East Jerusalem. Nevertheless, the Council was intentionally and by coercion prevented from expressing itself and from assuming its duties and implementing its responsibilities — responsibilities which remained in place either within or without the peace process. The PLO did not accept the position of the United States, which seemed to consider that the existence of the peace process would marginalize the Council's role and responsibilities regarding the situation in the Middle East. The use by the United States of its right of veto represented a clear backing of the illegal Israeli action and an attempt to legalize it, and would only complicate the peace process in so far as it ran counter to the foundations of the process and to the Palestinian participation therein. He called upon the President to follow up the matter and to continue to fulfil his obligations as President in order to ensure that the Israeli confiscation orders were rescinded.⁷⁶

⁷² Ibid., pp. 6-7.

⁷³ Ibid., pp. 7-8.

⁷⁴ Ibid., p. 8.

⁷⁵ Ibid., p. 10.

⁷⁶ Ibid., pp. 10-11.

26. The situation in the Republic of Yemen

Initial proceedings

Decision of 1 June 1994 (3386th meeting): resolution 924 (1994)

By a letter dated 27 May 1994 addressed to the President of the Security Council,¹ the representatives of Bahrain, Egypt, Kuwait, Oman, Saudi Arabia and the United Arab Emirates requested that the Council be convened to discuss the situation in Yemen and the resulting loss of civilian lives. By a letter dated 29 May 1994 addressed to the President of the Security Council,² the representative of Qatar made the same request.

By a letter dated 31 May 1994 addressed to the President of the Security Council,³ the representative of Yemen stated that his Government considered the request to convene a meeting of the Security Council to discuss the situation in Yemen to be interference in its internal affairs, contrary to Article 2 (7) of the Charter of the United Nations.

At its 3386th meeting, on 1 June 1994, the Council included in its agenda the item entitled "The situation in the Republic of Yemen". Following the adoption of the agenda, the Council invited the representatives of Bahrain, Egypt, Kuwait, Qatar, Saudi Arabia, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations,⁴ and to several other documents.⁵

Speaking before the vote, the representative of China expressed anxiety over the developments taking place in Yemen. He urged those concerned to cease fighting and to resume negotiations as soon as possible.

China had always maintained that all conflicts should be settled peacefully through negotiation. He stated that, based on that consistent position, the Chinese delegation would vote in favour of the draft resolution. Welcoming the efforts made by the countries concerned in the region, the Gulf Cooperation Council and the League of Arab States, the speaker hoped that they would continue to play an active role of mediation. He also emphasized that, in its consideration of any issue of concern, the Security Council should respect the relevant views of the countries or parties concerned. It was the view of his delegation that the consideration of the situation of the Republic of Yemen by the Council under the current special circumstances should not constitute a precedent for the handling of other similar issues.⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 924 (1994), which reads:

The Security Council,

Having considered the situation in the Republic of Yemen,

Having regard to the purposes and principles of the Charter of the United Nations,

Deeply concerned at the tragic death of innocent civilians,

Appreciating the efforts of the League of Arab States, the Gulf Cooperation Council, the Organization of the Islamic Conference, the neighbouring States and other concerned States to contribute to a peaceful resolution of the conflict and to ensure peace and stability in the Republic of Yemen,

Considering that the continuance of the situation could endanger peace and security in the region,

1. *Calls for* an immediate ceasefire;

2. *Urges* an immediate cessation of the supply of arms and other materiel which might contribute to the continuation of the conflict;

3. *Reminds* all concerned that their political differences cannot be resolved through the use of force, and urges them to return immediately to negotiations which will permit a peaceful resolution of their differences and a restoration of peace and stability;

4. *Requests* the Secretary-General to send a fact-finding mission to the area as soon as practicable to assess

¹ S/1994/630.

² S/1994/639.

³ S/1994/644.

⁴ S/1994/646.

⁵ Letters addressed to the President of the Security Council by the representatives of Bahrain, Egypt, Kuwait, Oman, Saudi Arabia and the United Arab Emirates (S/1994/630); Qatar (S/1994/639); and Yemen (S/1994/641 and S/1994/644); and letter addressed to the Secretary-General by the representative of Yemen (S/1994/642).

⁶ S/PV.3386, pp. 2-3.

prospects for a renewed dialogue among all those concerned and for further efforts by them to resolve their differences;

5. *Also requests* the Secretary-General to report to it on the situation at an appropriate time, but not later than one week after the completion of the fact-finding mission;

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

**Decision of 29 June 1994 (3394th meeting):
resolution 931 (1994)**

On 27 June 1994, pursuant to resolution 924 (1993), the Secretary-General submitted to the Council a report on the situation in Yemen,⁷ in which he informed the Council that a fact-finding mission, led by his Special Envoy,⁸ had visited Yemen from 8 to 19 June 1994. The mission had also travelled to Saudi Arabia, Oman, the United Arab Emirates, Qatar, Jordan and Egypt. The Secretary-General noted that his Special Envoy had been well received by both parties, which had repeatedly expressed support for his mission. The Acting Prime Minister of Yemen had indicated that, despite his country's reservation that the Security Council had discussed the internal situation of his country, which might set a grave precedent, he nevertheless welcomed the adoption by the Council of resolution 924 (1994). He believed that the resolution had affirmed legitimacy within the framework of the Republic of Yemen and linked the ceasefire with a number of steps that his country regarded as an integral part of the resolution. There was a general consensus among the parties that (a) a ceasefire was necessary and urgent; (b) a mechanism to supervise the ceasefire should be organized and; (c) once the ceasefire was effective, dialogue should resume, with the help of the Secretary-General and his Special Envoy. With respect to the mechanism for supervising the ceasefire, both sides had already agreed that it should be a joint commission, that it should include a number of officers from both sides, and that it would involve the participation of representatives from Jordan and Oman as well as the military attachés of France and the

United States in Sana'a. However, there were still differences between the two sides concerning representation from other countries. The Secretary-General further noted that it was a matter of serious concern that, almost four weeks after the adoption of resolution 924 (1994), fighting had not stopped in Yemen and repeated commitments to the ceasefire had not been honoured. Indeed, fighting had intensified in Aden with increased casualties. A major humanitarian crisis was imminent unless a political solution was found or a ceasefire was put into force as soon as possible. Neighbouring countries were following developments in Yemen with growing concern. While they had no intention of interfering in the internal affairs of their neighbours, they considered the situation to be a serious threat to peace and security in the region and the continuation of the fighting to be unacceptable.

The Secretary-General, stressing the importance of the call made in resolution 924 (1994) concerning the delivery of arms to the warring parties, stated that the most urgent task ahead was to put an end to the fighting and to start providing urgent aid to the people who needed it. He suggested that the Security Council might wish to make it clear that the existing state of affairs could not be tolerated, that the ceasefire needed to enter into force without delay and that the two parties needed to be urgently requested to cooperate with his Special Envoy in the establishment, within the following few days, of the mechanism to supervise the ceasefire.

The Secretary-General also stated that, should the parties so desire, he would be prepared to recommend to the Council the deployment of United Nations military observers, once a ceasefire was in place. The observers could supplement whatever supervisory mechanism might be agreed upon between the two parties. He also suggested that the Council might request the parties to start immediately after a dialogue, which his Special Envoy could organize in consultation with them, at a mutually agreed venue such as Geneva.

At its 3394th meeting, on 29 June 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Yemen, at his request, to participate in the discussion without the right to vote. The President (Oman) drew the attention of the Council members to the report of the Secretary-

⁷ S/1994/764.

⁸ The Secretary-General had informed the President of the Security Council in a letter dated 3 June 1994 of his decision to appoint Mr. Lakhdar Brahimi as his Special Envoy and head of the fact-finding mission to Yemen, pursuant to paragraph 4 of Security Council resolution 924 (1994). The President of the Security Council had informed him by a letter dated 3 June 1994 that the members of the Council welcomed his decision (see also chapter V).

General, to the text of a draft resolution prepared in the course of the Council's prior consultations,⁹ and to several other documents.¹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 931 (1994), which reads:

The Security Council,

Reaffirming its resolution 924 (1994) of 1 June 1994 on the situation in the Republic of Yemen,

Having considered the report of the Secretary-General of 27 June 1994 on the fact-finding mission to Yemen,

Welcoming the efforts of the Secretary-General, his Special Envoy and the League of Arab States,

Strongly supporting the call of the Secretary-General for an immediate and complete halt to the shelling of the city of Aden, and condemning the failure to heed this call,

Deeply disturbed that no ceasefire has been implemented or sustained despite several ceasefire declarations by both sides,

Deeply concerned at the situation in Yemen and, in particular, the deteriorating humanitarian situation in many parts of the country,

Alarmed by reports of the continuing provision of arms and other materiel,

1. *Reiterates* its call for an immediate ceasefire;

2. *Stresses* the importance of the existence and effective implementation of a ceasefire covering all ground, naval and air operations, including provisions on the positioning of heavy weapons out of range of Aden;

3. *Strongly deplores* the infliction of civilian casualties and destruction resulting from the continuing military assault on Aden;

4. *Requests* the Secretary-General and his Special Envoy to continue talks under their auspices with all concerned, with a view to implementing a durable ceasefire and to the possible establishment of a mechanism acceptable to both sides, preferably involving countries of the region, to monitor, encourage respect for, help to prevent violations of the ceasefire and report to the Secretary-General;

5. *Reiterates its call* for an immediate cessation of the supply of arms and other materiel;

6. *Reiterates* that political differences cannot be resolved through the use of force, deeply regrets the failure of all concerned to resume their political dialogue and urges them

to do so immediately and without preconditions, thus permitting a peaceful resolution of their differences and the restoration of peace and stability, and requests the Secretary-General and his Special Envoy to examine appropriate ways of facilitating these aims;

7. *Expresses its deep concern* at the humanitarian situation resulting from the conflict, requests the Secretary-General to use the resources at his disposal, including those of the relevant United Nations agencies, to address urgently the needs of those affected by the conflict, in particular the inhabitants of Aden and those displaced by the conflict, and urges all concerned to provide humanitarian access and facilitate the distribution of relief supplies to those in need wherever they may be located;

8. *Requests* the Secretary-General to provide a progress report to the Council on the implementation of the present resolution as soon as possible and in any event within fifteen days of the adoption of the present resolution;

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

Speaking after the vote, the representative of France stated that, in adopting a new resolution, the Security Council had affirmed its determination to contribute to the peaceful settlement of a dispute that was "unleashing a humanitarian disaster and shaking the foundations of regional security". That was why the Council was stressing the immediate cessation of military operations, in particular the shelling of Aden, and the distribution of urgently needed aid. It had also sought to respect the freedom of action of the Secretary-General and of the parties by remaining as open as possible in defining the ceasefire monitoring mechanism. On that point, it had limited itself to extending the mandate of the Secretary-General and his Special Envoy and to requesting them to define, in agreement with the parties, a credible mechanism. Accordingly, the mechanism would be under United Nations auspices, but it would be up to the Secretary-General, in agreement with the interested parties, to choose the concrete manifestations of that general principle. Noting that the Secretary-General and his Special Envoy were also requested to facilitate the resumption of political dialogue in Yemen, the speaker stated that there was no military solution to the crisis. It was for the people of Yemen to redefine the conditions of their coexistence. His delegation also stressed the importance of the provision of the resolution by which the Council requested an immediate cessation of the supply of arms and other materiel. The United Nations would continue to lend

⁹ S/1994/772.

¹⁰ Letters addressed to the Secretary-General by the representatives of Yemen (S/1994/761 and S/1994/762); and Saudi Arabia (S/1994/763).

the Yemenis its support, but they needed to refrain from fighting and to resume dialogue.¹¹

The representative of the United Kingdom also believed that the United Nations should take urgent steps to address the deteriorating humanitarian situation in Yemen, and in particular in Aden. He hoped that the adoption of the resolution by the Council would demonstrate to the parties the seriousness with which the international community viewed the situation and that they would draw the appropriate conclusions. The best outcome of all would be if those concerned could reach immediate agreement on three vital points — a ceasefire, the mechanism to sustain it and a resumed political dialogue — and could then set about implementing those agreements.¹²

The representative of the United States stated that those responsible for the conflict needed to seek a resolution of their differences through political dialogue and negotiation. The United States called for a ceasefire and supported the concept of a mutually agreed mechanism of supervision reporting to the Secretary-General. The speaker also underscored that the United Nations was facing a pressing financial situation, at a time of greatly increased peacekeeping efforts throughout the world. The United States looked to the nations closest to the conflict in Yemen, which had the greatest stake in resolving the conflict, as well as to others who might be interested, to offer on a voluntary basis the resources needed to implement such a mechanism.¹³

The representative of the Russian Federation stated that his country strongly supported the efforts undertaken by the world community, primarily in the Security Council, with a view to normalizing the situation in Yemen, restoring a peaceful dialogue and establishing an appropriate mechanism for monitoring the ceasefire. He reported that on that same day, in Moscow, a tripartite meeting had been held between the Ministers for Foreign Affairs of the Russian Federation and the Republic of Yemen, and a member of the Southern Yemen leadership, on the initiative of the Russian Government and on the request of the two parties. Attention had focused on the question of a ceasefire. All participants had agreed that the conflict could not be solved militarily and that it was essential

to reach a political settlement on the basis of resolution 924 (1994). It had also been agreed that contacts would continue, with Russian mediation and facilitation.¹⁴

The President, speaking in his capacity as the representative of Oman, stated that his country hoped that the two parties could resolve their differences through dialogue and peaceful negotiations. Oman deeply regretted the continuation of the war, which had brought dangerous and negative consequences, not only for Yemen, but for the region as a whole. The speaker recalled that his country had joined five other countries of the region in calling for the convening of a meeting of the Security Council to address the situation in Yemen. That meeting had culminated in the adoption of resolution 924 (1994), calling for an immediate ceasefire and requesting the parties to go back to the negotiating table, as the most appropriate means of resolving their differences. Oman believed that the resolution was very balanced in its demands and that, if it had been implemented fully by the parties, it could have helped the parties to settle their differences. In the resolution just adopted, the Council reiterated the same calls as those contained in resolution 924 (1994), and, given the worsening of the situation and the intensification of the war, especially the random shelling of Aden, it also expressed its condemnation and called for the withdrawal of the forces surrounding Aden. It also requested the Secretary-General and his Special Envoy to continue their mediation between the parties, with a view to implementing a durable ceasefire and establishing a mechanism for its supervision. He called upon all leaders of Yemen to cooperate with the Secretary-General and his special envoy in the implementation of that resolution.¹⁵

**Decision of 30 June 1994 (3396th meeting):
statement by the President**

At its 3396th meeting, on 30 June 1994, the Council resumed its consideration of the situation in the Republic of Yemen. Following the adoption of the agenda, the Council invited the representative of Yemen, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to a letter dated 30 June 1994 from the representative of the Russian Federation addressed to the Secretary-

¹¹ S/PV.3394, pp. 2-3.

¹² *Ibid.*, p. 3.

¹³ *Ibid.*, p. 4.

¹⁴ *Ibid.*, pp. 4-5.

¹⁵ *Ibid.*, pp. 5-6.

General,¹⁶ transmitting the text of the agreement on a ceasefire in the Republic of Yemen, signed in Moscow on 30 June 1994, as well as to a letter dated 30 June 1994 from the representative of Yemen addressed to the President of the Security Council.¹⁷

He then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁸

The Security Council reaffirms its resolutions 924 (1994) of 1 June 1994 and 931 (1994) of 29 June 1994 on the situation in the Republic of Yemen.

The Council welcomes the agreement on the ceasefire signed by both sides in Moscow on 30 June 1994, which was achieved through the mediation of the Minister for Foreign Affairs of the Russian Federation. The Council demands that all concerned fully implement that agreement.

The Council welcomes the efforts of the international community, including those of the Secretary-General and his Special Envoy, the neighbouring countries and the League of Arab States, as well as those of States Members of the United Nations, aimed at helping the parties to achieve and implement a durable ceasefire and to prevent violations of the ceasefire.

The Council further demands that both sides fully implement the provisions of Council resolutions 924 (1994) and 931 (1994), and urges all concerned to cooperate fully with the Secretary-General and his Special Envoy, in particular for the possible establishment of a mechanism to sustain the ceasefire.

The Council remains deeply concerned at the situation in the Republic of Yemen and in particular the deteriorating humanitarian situation in Aden.

The Council will remain actively seized of the matter.

Decision of 18 July 1994: letter from the President to the Secretary-General

On 12 July 1994, pursuant to resolution 931 (1993), the Secretary-General submitted to the Council a report on the situation in Yemen.¹⁹ The report described the progress achieved in the resolution of the conflict in Yemen.

The Secretary-General reported that on 7 July 1994 he had been handed a letter from the Acting Prime Minister of the Republic of Yemen in which the authorities in Sana'a had committed themselves to an

immediate cessation of all military activities and a comprehensive amnesty, compensation for lost property and war victims, continuation of respect for democracy and human rights and continuation of national dialogue and promotion of close cooperation with the States in the region. On 8 July 1994, the other side had delivered a letter stating that hostile actions were still being conducted by Sana'a and stressing the necessity, *inter alia*, to implement Security Council resolutions 924 (1994) and 931 (1994) and effectively cease all military activities and to start negotiations between the two sides under the auspices of the Special Envoy of the Secretary-General. On 9 July 1994, both parties had met in the presence of his Special Envoy and had agreed to keep in contact through him.

The Secretary-General further reported that while the phase of an all-out war seemed to have ended, there had, however, been disturbing reports of looting and lawlessness. The war had resulted in loss of life and property, and severe damage upon the infrastructure of the country. Firm action was urgently needed to put an end to such acts. The Secretary-General noted that the people of Yemen expected the international community, through international and regional organizations, as well as through bilateral cooperation, to extend a helping hand to them as they embarked on reconstruction. The international community, for its part, expected the Yemeni leaders to address seriously and urgently the problems that lay at the root of the crisis, and to ensure a lasting solution and credible stability. Such a solution would be achieved only through political dialogue, as had been urgently requested by resolutions 924 (1994) and 931 (1994). In conclusion, the Secretary-General stated that, in the positions publicly proclaimed by the two parties and communicated to the United Nations, there was enough common ground to permit such a dialogue to be initiated. He remained ready to use his good offices and to extend all possible help and cooperation as soon as the two parties agreed to his playing that role.

By a letter dated 18 July 1994,²⁰ the President of the Security Council informed the Secretary-General of the following:

²⁰ S/1994/838.

¹⁶ *Ibid.*, S/1994/778.

¹⁷ S/1994/779.

¹⁸ S/PRST/1994/30.

¹⁹ S/1994/817.

I have the honour to refer to your report of 12 July 1994 on the situation in Yemen. The members of the Security Council welcome this report and are grateful to you and your Special Envoy for your efforts pursuant to Council resolutions 924 (1994) of 1 June 1994 and 931 (1994) of 29 June 1994.

The members of the Council agree that the cessation of fighting in the Republic of Yemen, in itself, will not bring a lasting solution to the crisis in that country and that it is essential to start a process of political dialogue between the parties.

The members of the Council expect the Government of the Republic of Yemen to fulfil the commitments and decisions contained in the letter from the Acting Prime Minister, referred to in paragraph 15 of your report, in accordance with resolutions 924 (1994) and 931 (1994), which have been accepted by the Government of the Republic of Yemen, and international

humanitarian law. Refugees and displaced persons must be allowed to return in safety to their homes.

The members of the Council are concerned at reports of continuing looting in Aden. They agree that firm action is urgently needed to put an end to such acts. They also remain concerned at the humanitarian situation in the Republic of Yemen and look forward to the United Nations inter-agency assessment of the humanitarian needs of the country.

The members of the Council welcome your readiness to continue to use your good offices, including through your Special Envoy, to bring about reconciliation in Yemen and to extend all possible help and cooperation, and urge the parties to cooperate fully with you to this end.

Thematic issues

27. Items relating to an Agenda for Peace

A. An agenda for peace: preventive diplomacy, peacemaking and peacekeeping

Decision of 28 January 1993 (3166th meeting): statement by the President

At its 3166th meeting, on 28 January 1993, the Security Council included in its agenda the report of the Secretary-General of 17 June 1992 entitled "An agenda for peace: preventive diplomacy, peacemaking and peacekeeping",¹ which was submitted pursuant to the statement adopted at the summit meeting of the Security Council on 31 January 1992.² Following the adoption of the agenda, the President (Japan) stated that, following consultations with the members of the Council, he had been authorized to make the following statement on behalf of the Council:³

The Security Council has continued its examination of the Secretary-General's report entitled "An Agenda for Peace".

The Council notes with appreciation the views of the Secretary-General, as presented in paragraphs 63, 64 and 65 of his report, concerning cooperation with regional arrangements and organizations.

Bearing in mind the relevant provisions of the Charter of the United Nations, the pertinent activities of the General Assembly and the challenges to international peace and security in the new phase of international relations, the Council attaches great importance to the role of regional arrangements and organizations and recognizes the need to coordinate their efforts with those of the United Nations in the maintenance of international peace and security.

While reaffirming its primary responsibility for the maintenance of international peace and security and being aware of the variety of mandate, scope and composition of regional arrangements and organizations, the Council encourages and, where appropriate, supports such regional efforts as undertaken by regional arrangements and organizations within their respective areas of competence in accordance with the purposes and principles of the Charter of the United Nations.

The Council therefore invites, within the framework of Chapter VIII of the Charter, regional arrangements and organizations to study, on a priority basis, the following:

- ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions. Taking into account the matters of which the Council has been seized and in accordance with the Charter, they might consider, in particular, preventive diplomacy including fact-finding, confidence-building, good offices and peacebuilding and, where appropriate, peacekeeping;
- ways and means further to improve coordination of their efforts with those of the United Nations. Being aware of the variety of mandate, scope and composition of regional

¹ S/24111.

² S/23500. See Supplement 1989-1992 to the *Repertoire*, chap. VIII, sect. 28.

³ S/25184.

arrangements and organizations, the Council stresses that the forms of interaction of these arrangements and organizations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, the exchange of information and consultations with the Secretary-General or, where appropriate, his special representative, with a view to enhancing the United Nations capability including monitoring and early-warning; participating as observers in the sessions and the work of the General Assembly; secondment of officials to the United Nations Secretariat; making timely and specific requests for United Nations involvement; and a readiness to provide necessary resources.

The Council requests the Secretary-General:

- to transmit this statement to those regional arrangements and organizations which have received a standing invitation to participate in the work of the General Assembly as observers, and to other regional arrangements and organizations, with a view to promoting the aforementioned studies and encouraging the replies to the United Nations;
- to submit to the Council as soon as possible and preferably by the end of April 1993 a report concerning the replies from the regional arrangements and organizations.

The Council invites the States which are members of regional arrangements and organizations to play a constructive role in the consideration by their respective arrangements and organizations of ways and means to improve coordination with the United Nations.

In discharging its responsibilities, the Council will take into account the replies as well as the specific nature of the issue and the characteristics of the region concerned. The Council considers it important to establish such forms of cooperation between the United Nations and the regional arrangements and organizations, in the area of maintaining peace and security, that are appropriate to each specific situation.

The Council, noting the constructive relationship it has maintained with the League of Arab States, the European Community, the Organization of the Islamic Conference, the Organization of American States and the Organization of African Unity, supports the intention of the Secretary-General as described in paragraph 27 of his report to ask regional arrangements and organizations that have not yet sought observer status at the United Nations to do so.

The Council notes the importance of the understanding reached at the Conference on Security and Cooperation in Europe to consider the CSCE a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and of the further examination within the framework of the CSCE of the practical implications of this understanding. The Council welcomes the role of the CSCE, together with the European

Community, in the implementation of action required to carry out the pertinent resolutions of the Council.

The Council intends to continue its consideration of the report of the Secretary-General, as indicated in the President's statement of 29 October 1992.

**Decision of 26 February 1993 (3178th meeting):
statement by the President**

At its 3178th meeting, on 26 February 1993, the Council included in its agenda the report of the Secretary-General of 17 June 1992.⁴ Following the adoption of the agenda, the President (Morocco) stated that, following consultations with the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁵

The Security Council has continued its examination of the report of the Secretary-General entitled "An Agenda for Peace".

The Council welcomes the observations contained in "An Agenda for Peace" concerning the question of humanitarian assistance and its relationship to peacemaking, peacekeeping and peacebuilding, in particular those contained in paragraphs 29, 40 and 56 to 59. It notes that in some particular circumstances there may be a close relationship between acute needs for humanitarian assistance and threats to international peace and security.

In this respect, the Council notes the Secretary-General's assessment that the impartial provision of humanitarian assistance could be of critical importance in preventive diplomacy.

Recalling its statement on fact-finding in connection with "An Agenda for Peace", the Council recognizes the importance of humanitarian concerns in conflict situations and thus recommends that the humanitarian dimension should be incorporated in the planning and dispatching of fact-finding missions. It also recognizes the need to include this aspect in connection with information-gathering and analysis, and encourages Member States concerned to provide the Secretary-General and the Governments concerned with relevant humanitarian information.

The Council notes with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security. In this connection, it is important to include humanitarian considerations and indicators within the context of early-warning information capacities as referred to in paragraphs 26 and 27 of "An Agenda for Peace". The Council emphasizes the role of the Department of Humanitarian Affairs in coordinating the activities of the various agencies and functional offices of the United Nations. It believes that this capacity

⁴ S/24111.

⁵ S/25344.

should be utilized systematically at a pre-emergency phase to facilitate planning for action to assist Governments in averting crises that could affect international peace and security.

The Council notes the ongoing and constructive collaboration between the United Nations and various regional arrangements and organizations, within their respective areas of competence, in identifying and addressing humanitarian emergencies, in order to solve crises in a manner appropriate to each specific situation. The Council also notes the important role which is being played by non-governmental organizations, in close cooperation with the United Nations, in the provision of humanitarian assistance in emergency situations around the world. The Council commends this cooperation and invites the Secretary-General to further explore ways in which this cooperation can be advanced in order to enhance the capacity of the United Nations to prevent and respond to emergency situations.

The Council expresses concern about the increased incidence of deliberate obstruction of delivery of humanitarian relief and violence against humanitarian personnel, as well as misappropriation of humanitarian assistance, in many parts of the world, in particular in the former Yugoslavia, Iraq and Somalia, where the Council has called for secure access to affected populations for the purpose of providing humanitarian assistance. The Council stresses the need for adequate protection of personnel involved in humanitarian operations, in accordance with relevant norms and principles of international law. The Council believes that this matter requires urgent attention.

The Council believes that humanitarian assistance should help establish the basis for enhanced stability through rehabilitation and development. The Council thus notes the importance of adequate planning in the provision of humanitarian assistance in order to improve prospects for rapid improvement of the humanitarian situation. It also notes, however, that humanitarian considerations may become or continue to be relevant during periods in which the results of peacemaking and peacekeeping efforts are beginning to be consolidated. The Council thus recognizes the importance of ensuring a smooth transition from relief to development, and notes that the provision of coordinated humanitarian assistance is among the basic peacebuilding tools available to the Secretary-General. In particular, it fully endorses the Secretary-General's observations in paragraph 58 of "An Agenda for Peace" regarding the problem of land mines and invites him to address this as a matter of special concern.

The Council intends to continue its consideration of the report of the Secretary-General, as indicated in the President's statement of 29 October 1992.

**Decision of 31 March 1993 (3190th meeting):
statement by the President**

At its 3190th meeting, on 31 March 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the President

(New Zealand) stated that, following consultations with the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶

The Security Council has continued its examination of the report of the Secretary-General entitled "An Agenda for Peace", including the problem identified in paragraphs 66 to 68 — the safety of United Nations forces and personnel deployed in conditions of strife. The Council has considered this question with regard to persons deployed in connection with a Council mandate.

The Council commends the Secretary-General for drawing attention to this problem, including the unconscionable increase in the number of fatalities and incidents of violence involving United Nations forces and personnel. The Council shares fully the Secretary-General's concerns.

The Council recognizes that increasingly it has found it necessary, in discharging its responsibility for the maintenance for international peace and security, to deploy United Nations forces and personnel in situations of real danger. The Council greatly appreciates the courage and commitment of these dedicated people who accept considerable personal risk in order to implement the mandates of this Organization.

The Council recalls that it has been necessary on a number of occasions to condemn incidents directed against United Nations forces and personnel. It deplores the fact that, despite its repeated calls, incidents of violence continue.

The Council considers that attacks and other acts of violence, whether actual or threatened, including obstruction or detention of persons, against United Nations forces and personnel are wholly unacceptable and may require the Council to take further measures to ensure the safety and security of such forces and personnel.

The Council reiterates its demand that States and other parties to various conflicts take all possible steps to ensure the safety and security of United Nations forces and personnel. It further demands that States act promptly and effectively to deter, prosecute and punish all those responsible for attacks and other acts of violence against such forces and personnel.

The Council notes the particular difficulties and dangers that can arise where United Nations forces and personnel are deployed in situations where the State or States concerned are unable to exercise jurisdiction in order to ensure the safety and security of such forces and personnel, or where a State is unwilling to discharge its responsibilities in this regard. In such an eventuality, the Council may consider measures appropriate to the particular circumstances to ensure that persons responsible for attacks and other acts of violence against United Nations forces and personnel are held to account for their actions.

⁶ S/25493.

The Council requests the Secretary-General to report as soon as possible on the existing arrangements for the protection of United Nations forces and personnel, and the adequacy thereof, taking into account, *inter alia*, relevant multilateral instruments and status of forces agreements concluded between the United Nations and host countries, as well as comments he may receive from Member States, and to make such recommendations as he considers appropriate for enhancing the safety and security of United Nations forces and personnel.

The Council will consider the matter further in the light of the Secretary-General's report and of work done in the General Assembly and its subsidiary bodies, including, in particular, the Special Committee on Peacekeeping Operations established pursuant to General Assembly resolution 2006 (XIX). In that regard, the Council recognizes the need for all relevant bodies of the Organization to take concerted action to enhance the safety and security of United Nations forces and personnel.

The Council intends to continue its consideration of the report of the Secretary-General entitled "An Agenda for Peace", as indicated in the President's statement of 29 October 1992.

**Decision of 30 April 1993 (3207th meeting):
statement by the President**

At its 3207th meeting, on 30 April 1993, the Council resumed its consideration of the item. Subsequent to the adoption of the agenda, the President (Pakistan) stated that, following consultations with the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁷

Continuing its examination of the Secretary-General's report entitled "An Agenda for Peace", the Security Council during the month of April 1993, emphasizing the importance of building strong foundations for peace in all countries and regions of the world, considered the subject of post-conflict peacebuilding.

The Council supports the view that the United Nations, in order to meet its responsibilities in the context of international peace and security, should view its objectives in respect of economic and social cooperation and development with the same sense of responsibility and urgency as its commitments in the political and security areas.

The Council stresses that, in examining the question of post-conflict peacebuilding, it wishes to highlight the importance and the urgency of the work of the United Nations in the field of development cooperation, without prejudice to the recognized priorities for the activities of the United Nations in that field as defined by the competent bodies.

The Council took note of the Secretary-General's observation that, to be truly successful, peacemaking and

peacekeeping operations "must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people". It agreed that in addition to the specific measures mentioned by the Secretary-General in paragraph 55 of his report, "An Agenda for Peace", activities such as disarming and demobilization of belligerent forces and their reintegration into society, electoral assistance, the restoration of national security through formation of national defence and police forces and mine-clearing, where appropriate and within the framework of comprehensive settlements of conflict situations, strengthen national political structures and enhance institutional and administrative capabilities and are important in restoring a sound basis for sustainable peace.

The Council further agrees that in the aftermath of an international conflict, peacebuilding may, *inter alia*, include measures and cooperative projects linking two or more countries in mutually beneficial undertakings which contribute not only to economic, social and cultural development but also enhance mutual understanding and confidence that are so fundamental to peace.

In discharging its responsibilities in the prevention of breaches of peace and in the resolution of conflicts, the Council encourages coordinated action by other components of the United Nations system to remedy the underlying causes of threats to peace and security. The Council is convinced that the organizations and agencies of the United Nations system, in the development and implementation of their programmes, need to be constantly sensitive to the goal of strengthening international peace and security as envisaged in Article 1 of the Charter.

The Council recognizes that post-conflict peacebuilding, in the context of overall efforts to build the foundations of peace, in order to be effective, also needs adequate financial resources. The Council, therefore, recognizes that it is important for Member States and financial and other United Nations bodies and agencies, as well as other organizations outside the United Nations system, to make all possible efforts to have adequate funding available for specific projects, such as the earliest possible return of refugees and displaced persons to their homes of origin, in post-conflict situations.

The Security Council, as the organ having primary responsibility for the maintenance of international peace and security, fully recognizes, as stated in paragraph 59 of "An Agenda for Peace", that social peace is as important as strategic or political peace and supports the Secretary-General's view that there is a new requirement for technical assistance for the purposes described in that paragraph.

The Council intends to continue its consideration of the Secretary-General's report entitled "An Agenda for Peace", as indicated in the President's statement of 29 October 1992.

⁷ S/25696.

**Decision of 28 May 1993 (3225th meeting):
statement by the President**

At its 3225th meeting, on 28 May 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Russian Federation) stated that, following consultations with the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁸

In accordance with its statement of 29 October 1992, the Security Council held a special meeting devoted to the Secretary-General's report entitled "An Agenda for Peace". This meeting concluded the present stage of the examination of this report by the Council. On this occasion, the Council wishes to express once again its gratitude to the Secretary-General for this report.

The Security Council recommends that all States make participation in and support for international peacekeeping a part of their foreign and national security policy. It considers that United Nations peacekeeping operations should be conducted in accordance with the following operational principles consistent with the provisions of the Charter of the United Nations: a clear political goal with a precise mandate subject to periodic review and to change in its character or duration only by the Council itself; the consent of the government and, where appropriate, the parties concerned, save in exceptional cases; support for a political process or for the peaceful settlement of the dispute; impartiality in implementing Security Council decisions; readiness of the Security Council to take appropriate measures against parties which do not observe its decisions; the right of the Security Council to authorize all means necessary for United Nations forces to carry out their mandate and the inherent right of United Nations forces to take appropriate measures for self-defence. In this context, the Security Council emphasizes the need for the full cooperation of the parties concerned in implementing the mandates of peacekeeping operations as well as relevant decisions of the Council and stresses that peacekeeping operations should not be a substitute for a political settlement nor should they be expected to continue in perpetuity.

The Council has studied thoroughly the recommendations of the Secretary-General contained in "An Agenda for Peace". It pays tribute to the valuable contributions made by the Special Committee on Peacekeeping Operations and other relevant bodies of the General Assembly. These discussions and consultations make it possible to formulate more clearly the common priorities of the Member States.

In the context of the rapid growth in and new approaches to peacekeeping operations, the Council commends the initial measures taken by the Secretary-General to improve the capacity of the United Nations in this field. It believes that bold new steps are required and invites all Member States to make

their views known to the Secretary-General. It also invites the Secretary-General to submit by September 1993 a further report addressed to all the Members of the United Nations containing specific new proposals for further enhancing these capabilities including:

- the strengthening and consolidation of the peacekeeping and military structure of the Secretariat, including creation of a plans and current operations directorate reporting to the Under-Secretary-General for Peacekeeping Operations to facilitate planning and to enhance coordination;
- notification by Member States of specific forces or capabilities which, with the approval of their national authorities, they could make available on a case-by-case basis to the United Nations for the full spectrum of peacekeeping or humanitarian operations; in this context the Council welcomes the Secretary-General's effort to ascertain the readiness and availability of Member States' forces or capabilities for peacekeeping operations and encourages Member states to cooperate in this effort;
- the feasibility of maintaining a limited revolving reserve of equipment commonly used in peacekeeping or humanitarian operations;
- elements for inclusion in national military or police training programmes for peacekeeping operations to prepare personnel for a United Nations peacekeeping role, including suggestions concerning the feasibility of conducting multinational peacekeeping exercises;
- refinement of standardized procedures to enable forces to work together more effectively;
- developing the non-military elements of peacekeeping operations.

In view of the mounting cost and complexity of peacekeeping operations, the Security Council also requests the Secretary-General in his report to address measures designed to place them on a more solid and durable financial basis, taking into account where appropriate the Volcker-Ogata report and addressing the necessary financial and managerial reforms, diversification of funding, and the need to ensure adequate resources for peacekeeping operations and maximum transparency and accountability in the use of resources. In this context the Council recalls that, in accordance with the Charter and the relevant resolutions of the General Assembly, financing of peacekeeping operations is the collective responsibility of all Member States. It calls upon all Member States to pay their assessed contributions in full and on time and encourages those States which can do so to make voluntary contributions.

The Council expresses gratitude to the soldiers and civilians who have served or are serving in United Nations peacekeeping operations. It pays tribute to the courageous nationals of dozens of States who have been killed or wounded while fulfilling their duty to the United Nations. It also strongly condemns attacks on United Nations peacekeepers and declares its determination to undertake more decisive efforts to ensure

⁸ S/25859.

the security of United Nations personnel in the course of fulfilling their duties.

In accordance with Chapter VI of the Charter, the Security Council notes the necessity to strengthen the United Nations potential for preventive diplomacy. It welcomes General Assembly resolution 47/120 of 24 November 1992. It notes with satisfaction the increased use of fact-finding missions. It invites Member States to provide the Secretary-General with relevant detailed information on situations of tension and potential crisis. It invites the Secretary-General to consider appropriate measures for strengthening the Secretariat capacity to collect and analyse information. The Council recognizes the importance of new approaches to prevention of conflicts, and supports preventive deployment, on a case-by-case basis, in zones of instability and potential crisis the continuance of which is likely to endanger the maintenance of international peace and security.

The Council underlines the close link which may exist, in many cases, between humanitarian assistance and peacekeeping operations and highly appreciates recent efforts by the Secretary-General aimed at further improvement of coordination among Member States and relevant agencies and organizations, including non-governmental organizations. It reiterates, in this context, its concern that humanitarian personnel should have unimpeded access to those in need.

The Council reaffirms the importance it attaches to the role of regional arrangements and organizations and to coordination between their efforts and those of the United Nations in the maintenance of international peace and security. The Council welcomes the readiness of Member States, acting nationally or through regional organizations or arrangements, to cooperate with the United Nations and other Member States by providing their particular resources and capabilities for peacekeeping purposes. The Council, acting within the framework of Chapter VIII of the Charter of the United Nations, calls upon regional organizations and arrangements to consider ways and means of enhancing their contributions to the maintenance of peace and security. For its part the Council expresses its readiness to support and facilitate, taking into account specific circumstances, peacekeeping efforts undertaken in the framework of regional organizations and arrangements in accordance with Chapter VIII of the Charter. The Council looks forward to the report of the Secretary-General on cooperation between the United Nations and regional organizations.

The Council draws attention to the increasing significance of post-conflict peacebuilding. The Council is convinced that in present circumstances peacebuilding is inseparably linked with the maintenance of peace.

The Council stresses the value of high-level meetings of the Security Council and expresses its intention to convene such a meeting on the subject of peacekeeping in the near future.

Decision of 20 January 1994: letter from the President to the Secretary-General

By a letter dated 20 January 1994,⁹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have reviewed your report concerning the cooperation between the United Nations and regional arrangements and organizations with regard to international peace and security.¹⁰ This is a subject the members of the Council consider very important.

On behalf of the members of the Council, I wish to thank you for your report and for the efforts that went into soliciting and collating the documents it contains. The members of the Council request you to convey to regional arrangements and organizations concerned their gratitude for their contributions, and to send them copies of the report in question.

The members of the Council recall that the United Nations is at this very moment in a number of instances engaged in such cooperation, in efforts to resolve difficult problems in various parts of the world.

The members of the Council would welcome any further responses from regional arrangements and organizations. They would also welcome an addendum to the report in which you would elaborate on your views on this subject and present your analysis and assessment of the actual experiences of cooperation that have taken place and on the prospect for such cooperation in the future.

During the consideration of the report, it was suggested that it might be useful to hold a seminar on these issues, with the participation of interested delegations, of the Secretariat and of representatives of interested regional arrangements and organizations.

Decision of 3 May 1994 (3372nd meeting): statement by the President

On 14 March 1994, pursuant to the presidential statement of 28 May 1993,¹¹ the Secretary-General submitted to the Council a report on improving the capacity of the United Nations for peacekeeping.¹² The report contained a number of proposals in the area of budget and finance and several suggestions as to how each Member State could enhance its capacity to

⁹ S/1994/61.

¹⁰ S/25996 and Corr.1 and Add.1-6. The report, by which the Secretary-General transmitted to the Council replies from regional arrangements and organizations, was submitted pursuant to the presidential statement of 28 January 1993 (S/25184).

¹¹ S/25859.

¹² S/26450.

contribute to effective peacekeeping. Outlining the vital role played by Member States in peacekeeping, the Secretary-General urged those States to establish appropriate legal and administrative mechanisms so that they could act promptly once the decision to contribute to an operation had been taken. Noting the inevitable delays in the initial establishment of peacekeeping operations, he suggested that the difficulty could be reduced by having a more precise understanding between the United Nations and each Member State regarding the capabilities the latter would be prepared to make available, should it agree to contribute to an operation. It was with that in mind that he had established a special team to devise a system of “national standby forces and other capabilities”, which Member States could maintain at an agreed state of readiness as a possible contribution to a United Nations peacekeeping operation.

He also referred to the issue of personnel, noting that recent multidimensional operations required additional sources of qualified and readily available civilian personnel. While rosters of experts were being developed by the Secretariat it was hoped that the Member States which had begun to help fill the gap would continue to do so. It had also proved difficult to obtain police in the numbers required and trained to serve in peacekeeping operations. As a first step towards the establishment of standard procedures, a handbook was under preparation that would serve as a standard manual for preparing police for United Nations service and would also be used for the guidance of civilian police in the field. He stressed however that training of personnel provided by Member States would remain primarily the responsibility of Governments and encouraged the practice of cooperation among Member States in training their personnel in peacekeeping, including multilateral training arrangements. The Secretary-General further noted that members of peacekeeping operations had to be under the exclusive operational command of the United Nations during the period of their assignment. Any views and concerns of troop-contributing countries concerning a particular operation should be raised at the United Nations Headquarters, and, if necessary, could be brought by the Secretary-General to the attention of the Security Council for decision. The recent practice of members of the Council attending meetings of troop-contributing countries was a step towards the development of improved mechanisms for effective consultation.

Addressing the budgetary and financial aspects of peacekeeping operations, he noted that under Article 17 of the Charter the payment of all assessed contributions, as decided upon and apportioned by the General Assembly, was an unconditional international legal obligation for all Member States and not simply a commitment of a political or voluntary nature. However, a large amount of revenues for peacekeeping remained outstanding. The main reason advanced as to why Member States were in arrears of their payments was that United Nations assessments for peacekeeping operations came at irregular times of the year and were not in step with national budget cycles. That difficulty could be ameliorated by (a) increasing the Peacekeeping Reserve Fund to accommodate better the needs of peacekeeping operations; and (b) the establishment by individual Member States of their own respective reserves for unforeseen peacekeeping assessments. In order to provide a sufficient level of funding to meet the immediate start-up costs of new peacekeeping operations, the Secretary-General proposed for approval by the General Assembly that Member States be assessed for one third of the total amount included in the estimate of financial implications provided to the Security Council. With regard to ongoing peacekeeping operations, the Secretary-General proposed that the budget period of operations be “de-linked” from the mandate period so as to allow all ongoing missions that have reached stability in their operation to be normally budgeted for at maintenance level and on an annual basis.

In his observations, the Secretary-General noted that while Member States increasingly supported and participated in peacekeeping activities, the same level of support had not been extended to the payment of the financial contributions assessed on Member States in order to meet the peacekeeping expenses of the Organization. Noting also that a number of Member States had had difficulty providing their troops with the equipment they required in order to function, he did not believe that the United Nations should take upon itself the task of providing the troops made available to it with essential equipment, but stated that it had to remain the responsibility of each Member State. At the same time, Governments contributing troops or other personnel for United Nations service had the right to expect timely reimbursement from the organization. That had not always been possible, however, because of the shortfall in assessed contributions. Acknowledging the concern of Member States about

the level of guidance and support peacekeeping operations in the field received from United Nations Headquarters, the Secretary-General shared the view that the Secretariat units directly involved in peacekeeping needed to be significantly strengthened.

At its 3372nd meeting, on 3 May 1994, the Council included in its agenda the report of the Secretary-General of 14 March 1994 and the addenda thereto.¹³ Subsequent to the adoption of the agenda, the President (Nigeria) stated that, following consultations with the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁴

Aware of its primary responsibility for the maintenance of international peace and security, the Security Council has begun its consideration of the report of the Secretary-General entitled "Improving the capacity of the United Nations for peacekeeping" of 14 March 1994. The Council welcomes the useful account the report provides of the measures the Secretary-General has taken to strengthen the capacity of the United Nations to undertake peacekeeping operations. The Council notes that this report follows the report of the Secretary-General entitled "An Agenda for Peace" and that it responds to the statements made by successive Presidents of the Security Council on "An Agenda for Peace", including in particular the statement made by the President of the Security Council on 28 May 1993.

The Council notes that the report entitled "Improving the capacity of the United Nations for peacekeeping" has been transmitted to the General Assembly and also notes that the Special Committee on Peacekeeping Operations has made recommendations on the report.

Establishment of peacekeeping operations

The Security Council recalls that in the statement made by its President on 28 May 1993 it was stated, inter alia, that United Nations peacekeeping operations should be conducted in accordance with a number of operational principles, consistent with the provisions of the Charter of the United Nations. In that context, the Council is conscious of the need for the political goals, mandate, costs, and, where possible, the estimated time frame of United Nations peacekeeping operations to be clear and precise, and of the requirement for the mandates of peacekeeping operations to be subject to periodic review. The Council will respond to situations on a case-by-case basis. Without prejudice to its ability to do so and to respond rapidly and flexibly as circumstances require, the Council considers that the following factors, among others, should be taken into account when the establishment of new peacekeeping operations is under consideration:

(a) Whether a situation exists, the continuation of which is likely to endanger or constitute a threat to international peace and security;

(b) Whether regional or subregional organizations and arrangements exist and are ready and able to assist in resolving the situation;

(c) Whether a ceasefire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;

(d) Whether a clear political goal exists and whether it can be reflected in the mandate;

(e) Whether a precise mandate for a United Nations operation can be formulated;

(f) Whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel; in this regard it reaffirms the statement by the President of the Security Council of 31 March 1993 and its resolution 868 (1993) of 29 September 1993.

The Council should also be provided with an estimate of projected costs for the start-up phase (initial ninety days) of the operation and the first six months, as well as for the resulting increase in total projected annualized United Nations peacekeeping expenditures, and should be informed of the likely availability of resources for the new operation.

The Council emphasizes the need for the full cooperation of the parties concerned in implementing the mandates of peacekeeping operations as well as relevant decisions of the Council.

Ongoing review of operations

The Security Council notes that the increasing number and complexity of peacekeeping operations, and of situations likely to give rise to proposals for peacekeeping operations, may require measures to improve the quality and speed of the flow of information available to support Council decision-making. The Council will keep this question under consideration.

The Council welcomes the enhanced efforts made by the Secretariat to provide information to the Council and underlines the importance of further improving the briefing for Council members on matters of special concern.

Communication with non-members of the Security Council (including troop contributors)

The Security Council recognizes the implications which its decisions on peacekeeping operations have for the States Members of the United Nations and in particular for troop-contributing countries.

The Council welcomes the increased communication between members and non-members of the Council and believes

¹³ S/26450 and Add.1 and Corr.1 and Add.2.

¹⁴ S/PRST/1994/22.

that the practice of monthly consultations between the President of the Security Council and competent groups of Member States on the Council's programme of work (which includes matters relating to peacekeeping operations) should be continued.

The Council is conscious of the need for enhanced consultations and exchange of information with troop-contributing countries regarding peacekeeping operations, including their planning, management and coordination, particularly when significant extensions in an operation's mandate are in prospect. Such consultations can take a variety of forms involving Member States, troop-contributing countries, members of the Council and the Secretariat.

The Council believes that when major events occur regarding peacekeeping operations, including decisions to change or extend a mandate, there is a particular need for members of the Council to seek to exchange views with troop contributors, including by way of informal communications between the Council's President or its members and troop contributors.

The recent practice of the Secretariat of convening meetings of troop contributors in the presence, as appropriate, of Council members, is welcome and should be developed. The Council also encourages the Secretariat to convene regular meetings for troop contributors and Council members to hear reports from special representatives of the Secretary-General or force commanders and, as appropriate, to make situation reports on peacekeeping operations available at frequent and regular intervals.

The Council will keep under review arrangements for communication with non-members of the Council.

Standby arrangements

The Security Council attaches great importance to improving the capacity of the United Nations to meet the need for rapid deployment and reinforcement of peacekeeping operations.

In this context the Council welcomes the recommendations in the Secretary-General's report of 14 March 1994 concerning standby arrangements and capabilities. The Council notes the intention of the Secretary-General to devise standby arrangements or capabilities which Member States could maintain at an agreed state of readiness as a possible contribution to a United Nations peacekeeping operation and welcomes the commitments undertaken by a number of Member States.

The Council welcomes the request by the Secretary-General to Member States to respond positively to this initiative and encourages Member States to do so insofar as possible.

The Council encourages the Secretary-General to continue his efforts to include civilian personnel, such as police, in the present standby arrangements planning initiative.

The Council also encourages the Secretary-General to ensure that the Standby Arrangements Management Unit carries on its work, including the periodic updating of the list of units and resources.

The Council requests the Secretary-General to report by 30 June 1994, and thereafter at least once a year, on progress with this initiative.

The Council will keep this matter under review in order to make recommendations or take decisions required in this regard.

Civilian personnel

The Security Council welcomes the observations made by the Secretary-General in his report in respect of civilian personnel, including civilian police, and invites Member States to respond positively to requests to contribute such personnel to United Nations peacekeeping operations.

The Council attaches importance to full coordination between the different components, military and civilian, of a peacekeeping operation, particularly a multifaceted one. This coordination should extend throughout the planning and implementation of the operation, both at United Nations Headquarters and in the field.

Training

The Security Council recognizes that the training of personnel for peacekeeping operations is essentially the responsibility of Member States, but encourages the Secretariat to continue the development of basic guidelines and performance standards and to provide descriptive materials.

The Council notes the recommendations of the Special Committee on Peacekeeping Operations on training of peacekeeping personnel. It invites Member States to cooperate with each other in the provision of facilities for this purpose.

Command and control

The Security Council stresses that as a leading principle United Nations peacekeeping operations should be under the operational control of the United Nations.

The Council welcomes the call by the General Assembly that the Secretary-General, in cooperation with the members of the Council, troop-contributing States and other interested Member States, take urgent action on the question of command and control, notes the comments of the Secretary-General in his report of 14 March 1994 and looks forward to his further report on the matter.

Financial and administrative issues

Bearing in mind the responsibilities of the General Assembly under Article 17 of the Charter of the United Nations, the Security Council notes the Secretary-General's observations and recommendations on budgetary matters relating to peacekeeping operations in his report of 14 March 1994 and

notes also that his report has been referred to the General Assembly for its consideration.

The Council confirms that estimates of the financial implications of peacekeeping operations are required from the Secretariat before decisions on mandates or extensions are taken so that the Council is able to act in a financially responsible way.

Conclusion

The Security Council will give further consideration to the recommendations contained in the report of the Secretary-General.

**Decision of 27 July 1994 (3408th meeting):
statement by the President**

At its 3408th meeting, on 27 July 1994, the Council included in its agenda the report of the Secretary-General of 30 June 1994 on progress made on standby arrangements with Member States concerning their possible contribution to United Nations peacekeeping operations,¹⁵ which was submitted pursuant to the presidential statement of 3 May 1994.¹⁶

In the report, the Secretary-General recalled that the purpose of standby arrangements was to have a precise understanding of the forces and other capabilities a Member State would have available at an agreed state of readiness, should it agree to contribute to a peacekeeping operation. For planning purposes, the Secretariat would maintain a comprehensive database of detailed information regarding the numbers, volume and size of the units and other capabilities involved in the standby arrangement system, especially with regard to transport and possible procurement requirements. The Secretary-General informed the Council that 21 Member States so far had confirmed their willingness to provide standby resources totalling some 30,000 personnel and 27 other Member States were expected to do so. He noted, however, that these commitments did not yet cover adequately the spectrum of resources required to mount and execute future peacekeeping operations. He therefore urged those Member States which were not already doing so to participate in the system.

After the adoption of the agenda, the President (Pakistan) stated that, following consultations with the

¹⁵ S/1994/777.

¹⁶ S/PRST/1994/22.

members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁷

The Security Council has considered the report of the Secretary-General of 30 June 1994 concerning standby arrangements for peacekeeping, submitted pursuant to the statement by the President of the Council of 3 May 1994.

The Council reiterates the importance it attaches to improving the capacity of the United Nations for rapid deployment and reinforcement of peacekeeping operations. The recent history of United Nations peacekeeping operations demonstrates that such an effort is essential.

In this context, the Council is grateful for the efforts undertaken by the Secretary-General in respect of standby arrangements and welcomes the responses so far received from Member States. It also welcomes the intention of the Secretary-General to maintain a comprehensive database of the offers made, including the technical details of these offers.

The Council notes that one of the major limiting factors in the timely deployment of troops for United Nations peacekeeping is the lack of readily available equipment. It stresses the importance of urgently addressing the issue of availability of equipment both in the context of standby arrangements and more broadly.

The Council notes the Secretary-General's view that the commitments made so far do not yet cover adequately the spectrum of resources required to mount and execute future peacekeeping operations. It also notes that additional commitments are expected from other Member States. In this context, it welcomes the Secretary-General's call to those Member States which are not already doing so to participate in the arrangements.

The Council looks forward to a further and more comprehensive report on the progress of the standby arrangements initiative.

**Decision of 19 December 1995 (3609th meeting):
statement by the President**

At its 3609th meeting, on 19 December 1995, the Council included in its agenda a further report of the Secretary-General on standby arrangements for peacekeeping,¹⁸ which was submitted pursuant to the presidential statement of 3 May 1994.¹⁹ The Secretary-General described the progress made on standby arrangements with Member States concerning their possible contribution to United Nations peacekeeping operations. He stated that significant progress had been

¹⁷ S/PRST/1994/36.

¹⁸ S/1995/943.

¹⁹ S/PRST/1994/22.

achieved since his report of 30 June 1994.²⁰ As at 31 October 1995, 47 Member States had confirmed their willingness to provide standby resources involving a total of 55,000 personnel.²¹ Two of them, Denmark and Jordan, had formalized their standby arrangements through a memorandum of understanding. The Secretary-General indicated that the Secretariat would continue its discussion to seek the broadest possible participation by Member States as well as to arrive at a proper mix of troops and supporting units. He further informed the Council that the Secretariat was currently aiming to improve and expand its database with detailed information to be provided by participating Governments. The Secretary-General underlined the importance of providing information on the level and status of equipment at the time a standby arrangement was agreed upon. He reiterated his suggestion that partnerships be established between Governments that needed equipment and those ready to provide it. Referring to the problem of the delays between the decision to establish an operation and the arrival of troops and equipment in the mission area, he indicated that the Secretariat had begun to register response times, according to the declared individual capacities of Member States. That information would enable the Secretariat to call on all potential troop contributors, since units with longer response times may be planned for employment in the later stages of a peacekeeping operation. Another important factor in rapid deployment was the time needed to deploy resources in the field once they were ready. Deployment could be shortened dramatically if sea/airlift resources were to be made available by Member States having that capacity.

After the adoption of the agenda, the President (Russian Federation) stated that, following consultations with the members of the Council, he had

²⁰ S/1994/777.

²¹ Argentina, Australia, Bangladesh, Belarus, Belgium, Bulgaria, Canada, Chad, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kenya, Malaysia, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Republic of Korea, Romania, Senegal, Slovenia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay, Zambia and Zimbabwe.

been authorized to make the following statement on behalf of the Council:²²

The Security Council has noted with interest and appreciation the report of the Secretary-General of 10 November 1995 on standby arrangements for peacekeeping operations. It recalls earlier statements by its President on this subject and strongly supports the efforts of the Secretary-General to enhance the capacity of the United Nations for the planning, rapid deployment and reinforcement and logistical support of peacekeeping operations.

The Council encourages Member States not yet doing so to participate in the standby arrangements. It invites them, and those States already participating in the arrangements, to provide information in as detailed a manner as possible on those elements which they are ready to make available to the United Nations. It also invites them to identify components, such as logistic support elements and sea/airlift resources, presently underrepresented in the arrangement. In this context the Council welcomes the initiative undertaken by the Secretariat for the creation of a standby headquarters component within the Mission Planning Service of the Department of Peacekeeping Operations.²³ The Council also joins with the Secretary-General in suggesting the establishment of partnerships between those troop-contributing countries that need equipment for units that may be provided to the United Nations and those Governments ready to provide such equipment and other support.

The Council looks forward to further reports from the Secretary-General on the progress of the standby arrangements initiative and undertakes to keep the matter under review.

B. An agenda for peace: peacekeeping

Decision of 4 November 1994 (3448th meeting): statement by the President

By a letter dated 15 September 1994, addressed to the President of the Security Council,²⁴ the representatives of Argentina and New Zealand requested, in accordance with rule 2 of the Council's provisional rules of procedure, that the Council be convened to consider various procedural questions that concerned the operation of the Council. Specifically, the letter referred to the presidential statement of 3 May 1994 in which the Council stated that it would keep under review its consideration of a number of proposals designed to improve the procedures that it employed in its consideration of peacekeeping

²² S/PRST/1995/61.

²³ See the report of the Secretary-General of 14 March 1994 (S/26450), para. 36.

²⁴ S/1994/1063.

matters.²⁵ In particular, the Council had considered the need for consultations with interested States, especially with troop-contributing countries, and the need to further improve the briefing methods for Council members. On that basis, the representatives of Argentina and New Zealand proposed that the Council decide to structure certain procedures as follows: (a) to improve its internal procedure the President or a member of his delegation would convene on a weekly basis an informal working group of the members of the Council to review the "Weekly digest of peacekeeping missions"; the group would be convened on a more regular basis as necessary if and when daily situation reports from the Department of Peacekeeping Operations suggested this was desirable; staff of the Department would be invited to participate in the meeting; (b) to provide for appropriate consultation with countries outside the Council: (i) the President (or a member of his delegation) would convene, normally in the second week of every month, informal discussions involving the members of the Council and all troop-contributing countries to review the digest of peacekeeping missions and the monthly forecast of the Council's programme of work; an agenda for the meeting would be circulated a week in advance; (ii) in the event that this regular meeting revealed areas of substantial concern which warranted further discussion, the Presidency would convene specific ad hoc meetings of the troop-contributing countries involved in the operation in question; (iii) the President would consider also inviting to participate in such specific ad hoc meetings neighbouring or regional States whose interests were or might be specially affected; and (iv) representatives of the Secretary-General would be requested to participate in the regular and specific meetings and invited to brief delegations and respond to questions as appropriate.

At its 3448th meeting, on 4 November 1994, the Council included in its agenda the letter dated 15 September 1994 from the representatives of Argentina and New Zealand.²⁶ Following the adoption of the agenda, the President (United States) drew the attention of the members of the Council to several other documents.²⁷ The President then stated that,

²⁵ S/PRST/1994/22.

²⁶ S/1994/1063.

²⁷ Letter dated 6 October 1994 from the representatives of Denmark, Finland, Norway and Sweden addressed to the President of the Security Council (S/1994/1136); letter

following consultations with the members of the Council, she had been authorized to make the following statement on behalf of the Council:²⁸

The Security Council has given further consideration to the question of communication between members and non-members of the Council, in particular troop-contributing countries, which was addressed in the statement by the President of the Council of 3 May 1994. The Council remains conscious of the implications that its decisions on peacekeeping operations have for troop-contributing countries. Having regard to the increase in the number and complexity of such operations, it believes that there is a need for further enhancement, in a pragmatic and flexible manner, of the arrangements for consultation and exchange of information with troop-contributing countries.

To this end, the Council has decided in future to follow the procedures set out in the present statement:

(a) Meetings should be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat to facilitate the exchange of information and views in good time before the Council takes decisions on the extension or termination of, or significant changes in, the mandate of a particular peacekeeping operation;

(b) Such meetings would be chaired jointly by the presidency of the Council and a representative of the Secretariat nominated by the Secretary-General;

(c) The monthly tentative forecast of work of the Council made available to Member States will in future include an indication of the expected schedule of such meetings for the month;

(d) In the context of their review of the tentative forecast, the members of the Council will examine this schedule

dated 20 October 1994 from the representatives of Belgium, Luxembourg and the Netherlands addressed to the President of the Security Council (S/1994/1193); letter dated 17 October 1994 from the representative of Uruguay addressed to the President of the Security Council (S/1994/1201); letter dated 26 October 1994 from the representative of Austria addressed to the President of the Security Council (S/1994/1219); letter dated 26 October 1994 from the representative of Ireland addressed to the President of the Security Council (S/1994/1221); letter dated 27 October 1994 from the representative of Egypt addressed to the President of the Security Council (S/1994/1231); letter dated 1 November 1994 from the representative of Turkey addressed to the President of the Security Council (S/1994/1237); and letter dated 1 November 1994 from the representative of Portugal addressed to the President of the Security Council (S/1994/1238).

²⁸ S/PRST/1994/62.

and communicate any suggested changes or proposals as to the timing of meetings to the Secretariat;

(e) Ad hoc meetings chaired jointly by the presidency of the Security Council and a representative of the Secretariat nominated by the Secretary-General may be convened in the event of unforeseen developments in a particular peacekeeping operation which could require action by the Council;

(f) Such meetings will be in addition to those convened and chaired solely by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders or to discuss operational matters concerning particular peacekeeping operations, to which members of the Council will also be invited;

(g) An informal paper, which includes topics to be covered and draws attention to relevant background documentation, will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above;

(h) The time and venue of each meeting with members of the Council and troop contributors to a peacekeeping operation should, where possible, appear in advance in the *Journal of the United Nations*;

(i) The President will, in the course of informal consultations of members of the Council, summarize the views expressed by participants at each meeting with troop contributors.

The Security Council recalls that the arrangements described herein are not exhaustive. Consultations may take a variety of forms, including informal communication between the President or the members of the Council and troop-contributing countries and, as appropriate, with other countries especially affected, for example countries from the region concerned.

The Council will keep arrangements for the exchange of information and views with troop contributors under review and stands ready to consider further measures to enhance arrangements in the light of experience.

The Council will also keep under review arrangements to improve the quality and speed of the flow of information available to support Council decision-making, bearing in mind the conclusions contained in the statement by the President of the Security Council of 3 May 1994.

At its 3449th meeting, also on 4 November 1994, the Council resumed its consideration of the letter dated 15 September 1994 from the representatives of Argentina and New Zealand. Following the adoption of the agenda, the Council invited the representatives of Australia, Austria, Belgium, Canada, Egypt, Germany, Greece, Ireland, Italy, Japan, Malaysia, the Netherlands, Sweden, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote.

Referring to the presidential statement adopted on the same day, the representative of France stated that the formula that had been worked out demonstrated progress in the way in which briefing sessions had been held so far with troop contributors and was entirely supported by his delegation. When consultations dealt with establishment, extension or substantial modification of the mandate of an operation, a co-chairmanship formula would be used whereas in all other cases the current formula would be used. It was the view of his delegation that there should be no question of removing the operational conduct of operations away from the Secretariat. On questions of deployment or withdrawal of forces, it would merely be a question of the Secretariat providing information. On questions of briefings, the presence in the room of members of the Security Council and at the rostrum of the President of that body would help to avoid the impression that certain troop contributors had of being insufficiently heeded by the Security Council. That would not prejudice the principles governing the Council's procedures according to which that body remained the sole master of its decisions, for there would be no setting up of a subsidiary body of the Council, no creating of a category of members with special prerogatives, and no encroachment on missions entrusted only to the Secretary-General. The speaker, however, underlined that the briefing was still a partial, insufficient solution to the general problem of transparency in the activities of the Council. His delegation believed that the Council should return to the principle of the rules of procedure whereby the Council meets in public unless it decides otherwise. The non-public work should eventually be limited to what was necessary in order to reach a broadly acceptable decision as speedily as possible.²⁹

The representative of Argentina stated that the procedure adopted by the Security Council opened a new era in the history of the Council's procedures because it created a foreseeable procedure for communication between the Council, troop-contributing countries and the Secretariat. That mechanism did not in his view prejudice either the

²⁹ S/PV.3449, pp. 2-3. For similar views, see S/PV.3449, statements of the representatives of China, the Russian Federation and the United Kingdom, and the President speaking in her capacity as the representative of the United States.

direct decision-making process of the Council or the fundamental role played by the Secretariat with respect to the management of peacekeeping operations. In enabling troop-contributing countries to have the opportunity for dialogue, the Council was acting in accordance with the spirit implied in Article 44 of the Charter itself, although in a somewhat different context. The procedures contained in the presidential statement responded to requests which, above all, were concerned with the principle of representativeness of the Security Council vis-à-vis the Members of the Organization, as implied in Article 24(1) of the Charter. They also responded to the need to make the work of the Council more efficient and all of its procedures more transparent, thereby strengthening its legitimacy and efficiency.³⁰

The representative of New Zealand recalled that his delegation's original proposal was for the establishment of a Council committee in accordance with Article 29 of the Charter. The proposal was based on the precedent established by subsidiary organs of the Security Council, such as the sanctions committees, which conducted consultations with Member States that were not on the Security Council, even allowing them to participate in the meetings. However, in the face of firm opposition to the establishment of a specific institution for that purpose, New Zealand had agreed to look at alternative options provided that there was a clear decision that consultation would become the norm, that it would be systematized and institutionalized even if it could not be within the framework of a new institution. Furthermore, the question had to be viewed as a procedural matter regulated solely by Article 27(2) of the Charter, as a decision on which only the affirmative vote of nine members were required. Addressing the argument according to which the initial proposal would have resulted in a shift of power within the Organization away from the Secretariat and the Security Council and in favour of the wider membership of the United Nations, he stated that the intention had never been to change the power relationships prescribed in the Charter. On the contrary, the intention was rather to give proper effect to the provisions of the Charter and the power relationships envisaged in it. Notwithstanding technical arguments, which were unsound and quite wrong in law, against the relevance or applicability of Article 44 of the Charter, that

³⁰ S/PV.3449, pp. 3-4.

provision was very important in as much as it reflected the intention of the Charter founders that troop-contributing countries would participate in decisions taken by the Council. That was quite different from the formulation used in Article 31, which provides only that States whose interests are specially affected may participate in the discussion, without the right to vote, or in Article 32, which provides only that States that are parties to disputes may participate. Therefore, it was clear that the Charter envisaged a much higher level of participation by troop-contributing countries in Council decisions. Compliance with the Charter actually did involve a shift in the balance of power which had prevailed, and the diminution of assumed prerogatives. He concluded by reiterating that his country's original proposal for an institutionalised approach to the oversight of peacekeeping operations would, because of the information flows that would occur, significantly enhance the quality of Security Council policy decisions.³¹

The representative of the United Kingdom stated that the rapid growth in the scale, complexity and danger of peacekeeping operations had made evident the need for a more regular and predictable pattern of consultations between troop contributors, the Secretariat and Council members. However, any steps taken to develop, regularize and make more predictable the pattern of consultations should respect the different roles and responsibilities of the Security Council, the Secretary-General and the troop-contributing countries. It should also avoid the creation of procedures which might lead to micromanagement of peacekeeping operations by the Security Council or to disruption of the chain of command running through the force commander and the Secretary-General's special representative to the Secretary-General. It was on this basis that his delegation had circulated an informal paper combining the ideas contained in the Argentina and New Zealand proposal and those of other delegations.³²

The representative of the Russian Federation stated that his delegation was prepared to expand the existing practice of consultations. He supported the idea that the exchange of views with troop contributors should focus on questions that require special attention, especially with regard to any extension or change in

³¹ *Ibid.*, pp. 4-6.

³² *Ibid.*, p. 6.

existing mandates and the deployment of new peacekeeping operations, so that operational questions could be discussed with the special representatives of the Secretary-General or troop commanders. The mechanism for consultations with troop-contributing countries should, however, be applied in a flexible and pragmatic way and take into account the authority of the Security Council and the Charter.³³

The representative of China stated that the primary responsibility for the maintenance of international peace and security entrusted to the Council under the Charter demonstrated that the Council should be responsible to the Member States in carrying out its duties. Before making such major decisions as one authorizing a peacekeeping operation, the Security Council should engage in a timely exchange of information with Member States and with the Secretariat and should listen to the views of all — in particular, the parties directly involved, as well as the neighbouring countries and the regional organizations concerned. He contended that that would not only increase transparency and democratization in the Council's work and improve its efficiency and efficacy, but more important — further enhance the authenticity of its decision. However, links between the Council and the States Members of the Organization — especially the troop-contributing countries, should continue to be strengthened in a flexible and practical manner.³⁴

The President, speaking in her capacity as the representative of the United States, stated that fuller and more regular exchanges between Security Council members, troop contributors and the Secretariat were a necessary step in ensuring that Council decisions to extend, terminate or significantly change peacekeeping mandates were taken with the benefit of the views of those Member States whose personnel were most directly involved. The action taken by the Security Council in its presidential statement would significantly enhance the working relationship between the Council and troop contributors. First, it created predictability since meetings between the Council, troop contributors and the Secretariat would be held on a regular basis and, whenever possible, announced in advance in the *United Nations Journal* whenever mandate extensions, terminations or significant

changes were in view. Secondly, it initiated a monthly review by the Council of the expected schedule of meetings involving the Secretariat, troop contributors and Council members. Thirdly, it provided for enhanced opportunities for timely and urgent exchanges of information and views in the event of unforeseen developments profoundly affecting peacekeeping operations. Fourthly, it provided for a discussion that was well informed and well focused by providing an agenda in advance to all participants. And finally, it provided the basis for more direct exchanges between the troop contributors and Council members by means of meetings jointly chaired by the President of the Security Council and a representative of the Secretariat. The speaker emphasized, however, that the procedural changes introduced by the presidential statement did not and could not in any way alter the fundamental division of competence and responsibility between the Secretariat and the Security Council. The meetings with troop-contributing countries would not supplant, but be an addition to, the normal troop-contributor consultations concerning operational and similar matters. Furthermore, the new procedures were to be pursued in a pragmatic and flexible manner, in order not to overburden the Council or to encroach on its primary security tasks. Finally, it would remain the Council's unique responsibility to mandate peacekeeping operations, as it would remain the Secretariat's task to implement and manage them.³⁵

The representative of Sweden, speaking on behalf of the four Nordic troop-contributing countries, Denmark, Finland, Norway and Sweden, expressed the view that consultations with troop-contributors should be structured, focused on areas of particular concern and take place on a regular basis, as well as when extensions and/or modifications of existing mandates are being considered. Efforts should also be considered to engage in consultation those countries that realistically may be in a position to contribute troops to a new peacekeeping operation before a decision is taken by the Council to launch the new operation in question.³⁶

The representative of Italy expressed the view that the presidential statement was an important step forward but did not represent the achievement of the final goal. The focus of the discussion should be on

³³ Ibid., pp. 6-7.

³⁴ Ibid., pp. 9-10.

³⁵ Ibid., p. 12.

³⁶ Ibid., p. 14.

three needs: consultation with troop-contributing countries before the Council made any decision, dual representation by the Secretary-General and the Council at the highest level, and a steady flow of information and regular announcements of meetings before they take place. Moreover, it was necessary to define consultation procedures in a precise and binding fashion. Without underestimating the importance of the presidential statement, he felt that a resolution would have been more appropriate. He also contended that some parts of the text led to misinterpretation.³⁷

Welcoming the procedures set forth in the presidential statement, the representative of Turkey referred to Article 25 of the Charter, under which Member States agreed to accept and carry out the decisions of the Security Council, and stated that the authority of the Council emanated from the fact that it acted on behalf of all Members of the United Nations, in accordance with Article 24. The fact that Council decisions must have an adequate consensual base was also inherent in the letter and spirit of Article 1(4) of the Charter, which described “harmonizing the actions of nations” as one of the purposes of the United Nations. It was in that context that the lack of a sufficient consultation mechanism undermined the legitimacy of Council decisions on peacekeeping operations.³⁸

According to the representative of Ukraine, the proposal to convene informal discussions involving the members of the Council and all troop-contributing countries every second week of the month, contained in the joint proposal by Argentina and New Zealand, should be supported. Also deserving consideration were the issues of participation by regional organizations engaged in peacekeeping operations in the specific and ad hoc meetings provided for in the presidential statement as well as the procedures for the formation of a United Nations force.³⁹

Other speakers emphasized the importance that they attached to improving procedures for the exchange of information and consultations between the Council, the Secretariat and troop-contributing countries. Many contended that that would enhance the effectiveness and transparency of the work of the Security Council as well as its credibility and

authority.⁴⁰ Some speakers further contended that the new procedures did not prejudice in any way the respective competences of the Security Council and the Secretariat with regard to peacekeeping operations.⁴¹ Some argued that the arrangements fell within the ambit of Article 44 of the Charter.⁴² Several speakers called for inclusion of countries or groups of countries other than troop-contributors in the consultation procedures.⁴³ A number of speakers supported the proposal of New Zealand and Argentina on the establishment of a subsidiary organ of the Security Council, in accordance with Article 29 of the Charter.⁴⁴

Decision of 25 November 1994: letter from the President to the Secretary-General

By a letter dated 25 November 1994,⁴⁵ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council express their appreciation for your letter dated 14 November 1994 (S/1994/1349) regarding meetings of members of the Council, troop contributors and the Secretariat pursuant to the statement I made as President of the Security Council on 4 November 1994.

The members of the Council welcome your designation of Mr. Chinmaya Gharekhan to co-chair these meetings on the Secretariat side.

The members of the Council believe that in order fully to serve the purpose of these meetings it is important that the co-chairmen, members of the Council and troop contributors for the operation be able to draw upon the expertise and information provided by senior members of the Secretariat dealing directly with peacekeeping operations. In that regard, they also welcome your intention to assign senior officials from the Department of Peacekeeping Operations and the Department of Political Affairs to attend the meetings as well. They attach particular importance

⁴⁰ *Ibid.*, pp. 7-8 (Brazil); pp. 8-9 (Spain); p. 9 (Pakistan); p. 10 (Czech Republic); pp. 10-11 (Nigeria); p. 11 (Oman); pp. 12-13 (Japan); pp. 13-14 (Austria); p. 15 (Germany); pp. 15-16 (Canada); pp. 16-17 (Netherlands); pp. 17-18 (Malaysia); pp. 18-19 (Ireland); p. 19 (Belgium); p. 21 (Australia); p. 22 (Egypt); pp. 22-23 (Greece); and p. 24 (Ukraine).

⁴¹ *Ibid.*, pp. 3-4 (Argentina); p. 9 (Pakistan); and pp. 10-11 (Nigeria).

⁴² *Ibid.*, p. 9 (Pakistan); p. 11 (Nigeria); pp. 17-18 (Malaysia); p. 21 (Australia); and p. 22 (Egypt).

⁴³ *Ibid.*, pp. 7-8 (Brazil); pp. 8-9 (Spain); pp. 12-13 (Japan); and pp. 22-23 (Greece).

⁴⁴ *Ibid.*, pp. 13-14 (Austria); pp. 17-18 (Malaysia); p. 21 (Australia); and p. 22 (Egypt).

⁴⁵ S/1994/1350.

³⁷ *Ibid.*, pp. 19-20.

³⁸ *Ibid.*, pp. 20-21.

³⁹ *Ibid.*, pp. 23-24.

to attendance at the meetings of the Under-Secretary-General or one of the Assistant Secretaries-General for Peacekeeping Operations.

**Deliberations of 20 December 1995
(3611th meeting)**

By a letter dated 8 December 1995, addressed to the President of the Council,⁴⁶ the representatives of Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Honduras, Ireland, Italy, Japan, Malaysia, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Romania, Spain, Sweden, Turkey, Ukraine, the United Kingdom and the United States requested that the Council be convened to examine specifically the issue of consultations between the Security Council and troop-contributing countries in order to consider further measures to enhance the mechanism introduced under the presidential statement of 4 November 1994.⁴⁷ The letter also referred to the current General Assembly debate on the issue as reflecting, on the one hand, the usefulness of the mechanism and, on the other hand, the need both to review the implementation of the presidential statement and to improve the efficiency, effectiveness and representativity of the consultations, in the interest of creating the broadest possible support among Member States for peacekeeping operations mandated by the Council.

At its 3611th meeting, on 20 December 1995, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Algeria, Australia, Austria, Brazil, Canada, Colombia, Cuba, Egypt, Greece, India, Ireland, Japan, Luxembourg, Malaysia, New Zealand, Norway, Pakistan, the Republic of Korea, Spain, Tunisia, Turkey, Ukraine and Zimbabwe, at their request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the members of the Council to a letter dated 18 December 1995 from the representative of Djibouti addressed to the President of the Council⁴⁸ requesting that Djibouti be added to the signatories of the letter dated 8 December 1995.

⁴⁶ S/1995/1025.

⁴⁷ S/PRST/1994/62.

⁴⁸ S/1995/1043.

The representative of Argentina stated that, while the consultations mechanism between troop contributors and the Security Council introduced pursuant to the presidential statement of 4 November 1994 was recognized as useful, there was a feeling that it should be reviewed, in order to improve the efficiency, effectiveness and representativity of these consultations. A number of Member States had been meeting informally to address the issue.⁴⁹ Those States were of the opinion that there should be a more formal and institutionalized mechanism of consultations, through the establishment of a subsidiary organ of the Council, as foreseen in Article 29 of the Charter. The mechanism should include the following features: (a) each consultations meeting should be held between Council members and the contributors of troops to the peacekeeping operation in question, assisted by the Secretariat; (b) when the Council considers establishing a new operation, it should consult potential troop contributors already approached by the Secretariat; (c) the existing practice of inviting to these meetings Member States which make special contributions to peacekeeping operations other than troops should be continued; (d) the mechanism of consultations should be chaired by a member of the Council specially appointed every year and the chairman could be assisted by one or more additional members of the Council, as appropriate; (e) the meeting should be held in good time before the Council takes decisions on the extension, modification or termination of the mandate of a particular peacekeeping operation; such meetings should also be convened in the event of unforeseen developments in a particular operation which could require action by the Council; (f) in those operations where the mandate is routinely renewed, the chairman of the mechanism could decide, after consulting with the troop contributors, whether or not to hold a meeting; (g) meetings should be included in the monthly tentative forecast of work of the Council and should be announced in the *Journal of the United Nations*; (h) those meetings would be in addition to those convened and chaired solely by the Secretariat for

⁴⁹ Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Honduras, Hungary, Indonesia, Ireland, Italy, Japan, Luxembourg, Malaysia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, Turkey, Ukraine and Uruguay.

troop contributors to meet with Special Representatives of the Secretary-General or Force Commanders, or to discuss operational matters concerning particular peacekeeping operations; (i) members of the Council would also be invited to those meetings; (j) background information and a clear agenda should be provided by the Secretariat and/or the Presidency or the chairman of such meetings to all participants well in advance; (k) the chairman of the mechanism should report to the Council the views expressed by participants at each meeting with troop contributors; and, (l) the Security Council should periodically report to the General Assembly on the work of the mechanism.⁵⁰

The representative of the United States stated that the positive effects of the changes introduced in November 1994 included a higher degree of predictability and a more meaningful opportunity for a timely exchange of views between the Council, troop contributors and the Secretariat. He noted, however, that the mechanism intended to promote a more dynamic and substantive discussion than was the case, as well as greater participation by the Security Council President. With a view to strengthening the mechanism, he suggested the following: First, Council Presidents should be encouraged to take a greater part in the discussion. Secondly, the President should brief orally the Council members on the views of troop contributors in order to ensure that the information got to all Council members in a timely manner. Thirdly, the distribution of relevant papers, the timing of meetings with troop contributors and of Council “informals” should be scheduled so as to give the fullest opportunity for an informed discussion. Finally, troop contributors would benefit from somewhat greater consultations among themselves ahead of meetings on the major peacekeeping missions. He concluded by stating that efforts should be directed towards the strengthening of the existing basic format rather than setting it aside in favour of new arrangements.⁵¹

The representative of the United Kingdom stated that, while the arrangements established by the presidential statement of 4 November 1994 represented a considerable step forward, they were not working as well as they should. He stressed that the meetings with troop contributors should not only be an opportunity

for the Secretariat to brief on developments in operations but should also be the occasion for serious discussion between troop contributors and members of the Council on the mandates of those peacekeeping operations. Moreover, the meetings should be held in good time and be provided with adequate documentation. Troop contributors had to make their voices heard and most important their views needed to inform the work of the Council. For those reasons, the President of the Council should report back to its members during their informal consultations, on the views expressed by troop contributors. It was unfortunate that that provision had not been as fully respected over recent months as the system permitted. He noted that while there was little disagreement on the need to make the existing system of consultations more dependable and effective, differences existed, however, on the means by which that should be done. For example, the proposal to establish a subsidiary organ under Article 29 of the Charter was a matter which his delegation viewed differently from Argentina. Furthermore, the operational responsibilities of the Secretary-General, as well as the decision-making ability of the Security Council itself, had to be protected and preserved.⁵²

The representative of France stressed the importance to find improved consultation procedures that were consistent with the balances established by the Charter and to make it possible for those States which undertook the effort of making personnel available for United Nations peacekeeping operations to be appropriately heard as to the use that might be made of their contingents. He stated that the Security Council could, in that regard, either consider, through its working group on procedures, what action should be taken with regard to the existing format of meetings of troop contributors (which would not automatically require institutional reform); or it could consider adopting a presidential statement, which was the way the Council customarily took a stand on its own procedural practices. He recalled certain principles to which his delegation was dedicated in respect of the issue. In that connection, it was important that the Secretariat preserve its prerogatives in any exercise relating to the conduct of peacekeeping operations. It had never been the practice of the Council to assume responsibility for the conduct of operations. The Secretary-General should therefore be associated under

⁵⁰ S/PV.3611, pp. 2-3.

⁵¹ *Ibid.*, pp. 3-4.

⁵² *Ibid.*, pp. 4-5.

all circumstances with the chairmanship of meetings that were of concern to him. It was also untimely to make of troop contributors an abstract category of Member States which, for all operations, would have the right to participate in the decisions of the Security Council, whereas other Member States would not have that right. The consequence of that concern to comply with the Charter was that the consultation procedures had to be established operation by operation. His delegation was also reluctant to accept the idea of "potential contributors" to an operation, since any Member State was, in principle, a potential contributor. Consequently, the idea of consultations held prior to the adoption of the mandate of a force did not seem realistic. Furthermore, it had doubts about the advantages to be derived from turning consultation and information sessions into a form of Security Council meetings, and expressed reservations about resorting to Article 29 of the Charter for that purpose. He recommended maintaining a clear distinction between, on the one hand, debates with a political flavour, in which all Members of the Organization should be able to express their views and which, accordingly, had to be held as public meetings under Articles 31 and 32 of the Charter and, on the other hand, dialogue of a more practical and technical nature between the Secretariat, the troop contributors and the members of the Security Council. While it was possible to make better use of the existing framework, his delegation was not convinced that it was inadequate or must be changed in order to improve matters.⁵³

Referring to the Security Council's primary responsibility for the maintenance of international peace and security under the Charter, the representative of China stated that the decisions and the decision-making process of the Council should reflect the will and wishes of the general membership. He took note of the proposals made by troop contributors and hoped that the Council could enhance its efficiency, improve its working methods and increase its transparency to better fulfil its functions.⁵⁴

The representative of Germany stated that troop-contributing countries were really interested in having more of a political impact on decisions taken by the Security Council. His delegation supported the suggestions made by Argentina and particularly the

idea of appointing a chairman from among the members of the Council for the period of one year in order to give more continuity to the relationship with the troop contributors. The idea of nominating a chairman for each operation or group of operations could also be looked at. In his view, none of the proposals submitted unduly infringed on the prerogatives of the Security Council.⁵⁵

The representative of Italy pointed out that the establishment of a structured mechanism would assure not only a constant flow of information between Council members and troop-contributing countries but also consultation on matters of substance. That corresponded to the expectations that full use be made of the possibilities offered by the Charter. Furthermore, the consultation mechanism should not only invest the political sphere, but should be extended to the military sphere as well. He suggested, in that regard, consideration of the idea of revitalizing the Military Staff Committee, providing for inclusion in it of the countries that contributed troops to each operation.⁵⁶

The President, speaking in his capacity as the representative of the Russian Federation, stated that innovations in the working methods and procedures of the Security Council, which were necessary, should not work against the Council's functions under the Charter or its prerogatives in the maintenance of international peace and security. The most important thing was not the formalization of meetings as a goal in itself, but rather making it possible for the view of all potential participants in a given operation to be effectively taken into account. He favoured timely involvement, prior to the adoption by the Council of decisions on a given operation, in particular on the deployment of a new operation, by countries contributing not only troops but also equipment and other services. The Special Representatives of the Secretary-General and force commanders should also be invited to certain meetings. Overall, the consultative mechanism should help the Council in carrying out its Charter functions.⁵⁷

The representative of Japan pointed out that the Security Council, in the final analysis, was the master of its own procedures. While his country did not insist on the creation of a subsidiary organ under Article 29 of the Charter, it believed that a further

⁵³ Ibid., pp. 5-7.

⁵⁴ Ibid., p. 7.

⁵⁵ Ibid., pp. 7-8.

⁵⁶ Ibid., pp. 10-11.

⁵⁷ Ibid., pp. 12-13.

institutionalization of the consultation mechanism, along the lines described in the statement made by the representative of Argentina, would be highly desirable. That could include measures relating to adequate prior notice and information, periodicity, and reports to the Council on the views expressed by the contributing countries in the course of such consultations. Japan also attached great importance to the current practice whereby the concept of “troop-contributing countries” included countries making various contributions of a substantive nature, including but not limited to the contribution of troops. His delegation suggested that the countries contributing to peacekeeping operations could exchange ideas among themselves beforehand, with a view to preparing themselves for the consultations. That, however, would be possible only if ample advance notice were given of the forthcoming consultative meetings.⁵⁸

While endorsing the Argentinean proposal, the representative of New Zealand suggested, as a next step, that an informal joint working group be established, involving Council members and troop contributors, to discuss how best to ensure progress on the issue under consideration. He emphasized that it was a procedural issue rather than a matter of substance. In reaction to the concern expressed by France about establishing new separate groups of Member States, he noted that Article 44 of the Charter already recognized the existence of a particular group of Member States that could and did make special contributions to international peace and security. Addressing another concern of France about the prerogatives of the Secretary-General, he noted that there was a distinction between peacekeeping forces operating in a benign environment and those inserted into a situation of active hostilities. It was in the latter case that troop-contributors needed to be involved in the decision-making process concerning a given operation. Those decisions could either be taken “behind the scenes” through informal, non-existent, non-institutional processes, or in a clearly open and transparent process involving all those with serious interests engaged. While the Security Council had the final responsibility to decide, troop-contributing countries were responsible to contribute input to that decision. He also reiterated his country’s support for an earlier proposal by France for further orientation meetings. That practice, which should be reinvigorated,

⁵⁸ Ibid., pp. 13-14.

was precisely one which provided an opportunity for participation by those Members of the United Nations that had no other opportunity to make a contribution.⁵⁹

The representative of Canada expressed his delegation’s belief that a distinction needed to be drawn between the discussion of political and mandate issues, on the one hand, and of operational issues, on the other. While the former were the concern of the Council and should be discussed directly with it, the latter were the responsibility of the Secretariat and needed to be addressed between it and troop contributors. The current process of joint Secretariat and Council chairmanship of meetings with troop contributors tended to confuse political and operational issues. Consultations with the Security Council on mandate issues should therefore be chaired by the Council with the Secretariat present as a matter of course. In the context of enhancing the United Nations rapid-reaction capability, he also stressed the need for the Council to consult potential troop contributors, identified by the Secretariat, before launching an operation.⁶⁰

The representative of Luxembourg, speaking on behalf of the Benelux countries, proposed the following measures in order to make the meetings with the troop contributors more effective: First, meetings should be announced in the *Journal* early enough to allow delegations to prepare themselves adequately; secondly, the necessary documentation should also be made available to delegations before meetings; thirdly, the Secretary-General’s reports on an operation under consideration should be distributed to the delegations concerned to enable them to study the options suggested by the Secretary-General; fourthly, consultations with troop-contributors should take place on a systematic basis, and early enough to be useful, every time a peacekeeping operation was created, modified, expanded or terminated; fifthly, records of the meetings with troop contributors should be circulated among all the members of the Council. In conclusion, the speaker noted that in order to formalize those modalities for consultation and cooperation, it would be appropriate to adopt a resolution.⁶¹

The representative of Colombia stated that any solution to the issue under consideration should emerge

⁵⁹ Ibid., pp. 18-20.

⁶⁰ Ibid., pp. 23-24.

⁶¹ Ibid., pp. 31-32.

from the Working Group on the reform of the Security Council or from the Working Group on the Strengthening of the United Nations System. He observed that the proposed consultation mechanism, although aimed at broadening the participation of Member States in the discussion on peacekeeping operations, reinforced the tendency to make discussions on peacekeeping operations exclusive instruments of the Security Council, thereby marginalizing other main organs of the United Nations. It was his delegation view that any effort to enhance the transparency of the Council should proceed from the premise that it was necessary to strengthen the role of the General Assembly on issues of international peace and security. It was inadvisable to deny an organ authorized to order the deployment of peacekeeping operations the ability to contribute to their success. As for the Secretariat, it was advisable for it to retain the role of Co-Chairman which it enjoyed. His delegation saw no advantage in diminishing the role of the Secretariat as the organ responsible for implementing operations, nor did it favour establishing a subsidiary organ of the Security Council under Article 29 of the Charter, contending that the proposed mechanism required flexibility and that nothing would be gained simply by making the mechanism more formal.⁶²

The representative of India stated that his delegation had found the existing mechanism quite satisfactory although it could be improved and streamlined. Emphasizing that the Security Council and the Secretary-General were two important agents responsible for the implementation of the Council's decisions, he contended that without the presence of the Secretary-General's representative as Co-Chairman, the existing balance between political responsibility and operational control would be missing. He did not believe that granting this task to a subsidiary body of the Council or keeping the Secretary-General's representative on the sidelines would enhance the effectiveness of such consultations.⁶³

Other speakers stressed the need to further develop the existing consultation system into a more formal and institutionalized mechanism and supported the proposals put forward by Argentina, including the establishment of a subsidiary organ under Article 29 of

the Charter. They contended that such a mechanism would not infringe upon the Council's prerogatives and would improve the representative character of the decision-making process in the Council which acted on behalf of the membership in accordance with Article 24 of the Charter. Moreover, such a mechanism would give full effect to Article 44 of the Charter.⁶⁴ Several speakers emphasized that consultations with troop contributors should be held before decisions are taken to launch new operations.⁶⁵

C. An Agenda for Peace

Decision of 22 February 1995 (3503rd meeting): statement by the President

At its 3492nd meeting, on 18 and 19 January 1995, the Council included in its agenda the document entitled "Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations".⁶⁶ The Secretary-General noted that the purpose of his position paper was not to revise "An Agenda for Peace" but rather to highlight selectively certain areas where unforeseen, or only partly unforeseen, difficulties had arose and where there was a need for the Member States to take "hard decisions". Those areas included preventive diplomacy and peacemaking, peacekeeping, peacebuilding, disarmament, sanctions and peace enforcement. Recalling the Security Council's statement of 31 January 1992,⁶⁷ he pointed out that while collectively Member States encouraged him to play an active role in preventive diplomacy, individually they were often reluctant that he should do so when they were a party to the conflict. That was as true of inter-State conflicts as it was of internal ones, even though United Nations action on the former was

⁶² Ibid., pp. 32-33.

⁶³ Ibid., pp. 33-34.

⁶⁴ Ibid., pp. 8-9 (Czech Republic); pp. 9-10 (Botswana); pp. 11-12 (Indonesia); pp. 14-15 (Ukraine); pp. 15-16 (Algeria); pp. 17-18 (Egypt); pp. 20-21 (Spain); pp. 21-22 (Australia); pp. 24-25 (Malaysia); pp. 25-26 (Tunisia); pp. 26-27 (Norway on behalf of the Nordic countries); pp. 27-29 (Ireland); p. 29 (Austria); pp. 29-30 (Pakistan); pp. 30-31 (Brazil); p. 34 (Greece); pp. 34-35 (Turkey); pp. 35-36 (Zimbabwe); pp. 36-37 (Republic of Korea); and pp. 37-38 (Cuba).

⁶⁵ Ibid., pp. 11-12 (Indonesia); pp. 17-18 (Egypt); pp. 26-27 (Norway on behalf of the Nordic countries); and pp. 29-30 (Pakistan).

⁶⁶ S/1995/1.

⁶⁷ S/23500. See footnote 2.

fully within the Charter, whereas in the latter case it had to be reconciled with Article 2(7) of the Charter. Clearly, the United Nations could not impose its preventive and peacemaking services on Member States who did not want them. In that regard, he called for the development of an ethos within the international community in which the norm would be for Member States to accept an offer of United Nations good offices. More specifically, he noted two practical problems that had emerged in that field. The first was the difficulty of finding qualified senior persons willing to serve as special representative or special envoy of the Secretary-General. The second related to the establishment and financing of small field missions to support the work of special envoys in the field. There was no clear view among Member States, however, about whether legislative authority for such matters rested with the Security Council or the General Assembly, nor were existing budgetary procedures well geared to that need. Possible solutions included the inclusion in the regular budget of a contingency provision for such activities or the enlargement of the existing provision for unforeseen and extraordinary activities made available for all preventive and peacemaking activities.

In relation to peacekeeping, the Secretary-General recalled three principles essential to the success of any operation: the consent of the parties; impartiality; and the non-use of force, except in self-defence. Recently, however, peacekeeping operations had been led to forfeit those principles because of additional mandates given to them requiring the use of force. In that regard, the Secretary-General stated that peacekeeping and the use of force (other than in self-defence) should be seen as alternative techniques and not as adjacent points on a continuum, permitting easy transition from one to another. He also noted that a number of practical problems had arisen during the last three years, especially relating to command and control, to the availability of troops and equipment and to the information capacity of peacekeeping operations. Concerning command and control, he noted that there had been an increasing tendency in recent years for the Security Council to micromanage peacekeeping operations. At the same time, it was right and proper that the Council be closely consulted and informed. That should not, however, lead to any blurring of the three distinct levels of authority: overall political direction, which belonged to the Security Council, executive direction and command, for which he was

responsible; and command in the field, which was entrusted by him to the chief of mission. Unity of command was also necessary for a peacekeeping operation to function as an integrated whole. On the question of the availability of troops and equipment, the Secretary-General had come to the conclusion that the United Nations needed to give serious thought to the idea of a rapid reaction force. Such a force would be the Security Council's strategic reserve for deployment when there was an emergency need for peacekeeping troops. Equipment and adequate training was another area of growing concern. The principle was that contributing Governments were to ensure that their troops be fully operational. Increasingly, however, Member States provided troops without the necessary equipment and training. The Secretary-General offered, in that regard, to establish within the United Nations a reserve stock of standard peacekeeping equipment and partnerships between Governments needing equipment and those ready to provide it. In connection with the information capacity of peacekeeping operations, he had instructed that, in the planning of future operations, the possible need for an effective information capacity be examined at an early stage and the necessary resources included in the proposed budget.

With regard to post-conflict peacebuilding, the Secretary-General noted that the timing and modalities of the departure of a peacekeeping operation and the transfer of its peacebuilding functions to others should be carefully managed in consultation with the Government concerned. While the resumption of activities in the economic, social, humanitarian, and human rights fields might initially be entrusted to a multifunctional peacekeeping operation, the relevant programmes, funds, offices and agencies of the United Nations system should re-establish themselves and gradually take over responsibility, as the peacekeepers succeeded in restoring normal conditions. In such a case, it might be necessary to arrange the transfer of decision-making responsibility from the Security Council to the General Assembly or other intergovernmental bodies with responsibility for civilian peacebuilding activities. In cases where a peacekeeping deployment did not take place, the Secretary-General pointed out that the early warning had to lie with the United Nations Headquarters, using all the information available to it. The Secretary-General, acting on the basis of his general mandate for preventive diplomacy, peacemaking and peacebuilding,

could then take the initiative of sending a mission, with the Government's agreement, to discuss with it measures it could usefully take.

Concerning disarmament, the Secretary-General stated that progress made since 1992 in the area of weapons of mass destruction and major weapons systems had to be followed by parallel progress in conventional arms, particularly with respect to light weapons responsible for most of the deaths in current conflicts. The practical disarmament in the context of the conflicts the United Nations was actually dealing with, otherwise called "micro-disarmament", required that the problem be urgently addressed as effective solutions would take a long time. He intended to play his full part in that regard.

In relation to sanctions, the Secretary-General recalled Article 41 of the Charter as the legal basis for the application of sanctions by the Security Council in order to underline that the purpose of sanctions was to modify the behaviour of a party that is threatening international peace and security and not to punish or otherwise exact retribution. The Council's greatly increased use of this instrument had brought to light a number of difficulties, relating especially to the objectives of sanctions, the monitoring of their application and impact, and their unintended effects. While recognizing that the Council was a political body rather than a judicial organ, he stated that it was of great importance that when it decided to impose sanctions it should at the same time define objective criteria for determining that their purpose had been achieved. With a view to alleviating some of the negative effects of sanctions, he proposed two possibilities for the Member States' consideration: firstly, that whenever sanctions were imposed, provision be made to facilitate the work of humanitarian agencies; secondly, to respond to the expectations raised by Article 50 of the Charter. On the latter point, since sanctions were a measure taken collectively by the United Nations to maintain or restore international peace and security, the cost involved in their application should be borne equitably by all Member States and not exclusively by the few who had the misfortune to be neighbours or major economic partners of the targeted country. In order to address these and other problems, the Secretary-General suggested the establishment of a mechanism which would assist the Security Council by carrying out the following five functions: (a) to assess at the

request of the Council, and before sanctions are imposed, their potential impact on the target country and on third countries; (b) to monitor the application of the sanctions; (c) to measure their effects in order to enable the Council to fine tune them; (d) to ensure the delivery of humanitarian aid to vulnerable groups; and (e) to explore ways of assisting Member States that suffered collateral damage and to evaluate claims submitted by them under Article 50.

Regarding enforcement action, the Secretary-General noted that neither the Security Council nor he himself currently had the capacity to deploy, direct, command and control operations for the purpose of taking enforcement action under the Charter against those responsible for threats to the peace, breaches of the peace or acts of aggression. While he believed it would be desirable in the long term for the United Nations to develop such a capacity, it would however be folly to attempt to do so at the present time when the Organization lacked resources and was hard pressed to handle the less demanding peacemaking and peacekeeping responsibilities entrusted to it. Recent experience had demonstrated both the value and the difficulties of the Security Council entrusting enforcement tasks to groups of Member States. On the positive side, that arrangement provided the Organization with an enforcement capacity it would not otherwise have and was greatly preferable to the unilateral use of force by Member States without reference to the United Nations. On the other hand, the arrangement could have a negative impact on the Organization's stature and credibility. There was also the danger that the States concerned might claim international legitimacy and approval for forceful actions that had not in fact been envisaged by the Council when it had given its authorization to them.

Addressing issues of coordination, and in particular the cooperation between the United Nations and regional organizations under Chapter VIII of the Charter, the Secretary-General identified the following principles on which such a relationship should be based: (a) agreed mechanisms for consultations should be established; (b) the primacy of the United Nations, as set out in the Charter, should be respected; (c) the division of labour had to be clearly defined and agreed; and (d) there had to be consistency by members of regional organizations that are also Members of the United Nations in dealing with a common problem.

Finally, the Secretary-General stressed that none of the various instruments for peace and security could be used unless Governments provided the necessary financial resources. He referred to a package of proposals, ideas and questions on finance and budgetary procedures which he had put to the Member States in October 1994.⁶⁸

Following the adoption of the agenda, the Council invited the representatives of Australia, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Colombia, Egypt, Hungary, India, Ireland, Japan, Latvia, the Libyan Arab Jamahiriya, Malaysia, the Netherlands, New Zealand, Norway, Pakistan, Poland, Romania, Sierra Leone, Slovenia, Sri Lanka, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote.

The representative of the United Kingdom recalled that his country had long championed greater recourse by the United Nations to preventive action. While recognizing that more such action had been taken presently than a few years ago, he believed the United Nations could still be more imaginative and more proactive in that regard. Greater coordination between the different parts of the United Nations was needed to identify potential crises as well as a greater willingness to address such crises, before they escalated into armed conflicts. Noting that preventing conflicts, although not cost-free, might be cheaper than resolving them after they broke out, he expressed doubts about the idea of a fixed contingency provision for preventive action in the regular budget, but was willing to consider enlarging the existing provision for unforeseen and extraordinary activities. Greater use of voluntary contributions to finance longer term preventive missions could also be considered. Small United Nations support missions could be a useful model to follow. Turning to peacekeeping matters, he said that peacekeeping was most likely to be successful when it was strictly impartial and based upon the consent of the parties. Unity of command was also vital, as complemented by the fullest possible information to troop contributors as well as the development of an effective information capacity. Referring to the proposal of the Secretary-General for a rapid reaction force, he stated that it was not necessarily the most cost-effective or realistic way of approaching the issue of rapid deployment. More

needed to be done on the “embryo system” of standby arrangements, including the provision of equipment to those troops in need thereof, through the development of a planning database. Also, better-equipped contributors with high-readiness forces could be deployed quickly at the outset of a United Nations operation, to be replaced by other troop contributors that might need more time to prepare for deployment. In relation to post-conflict peacebuilding, he supported the Secretary-General’s integrated approach of making best use of the United Nations system as a whole. With regard to disarmament, he noted that the Secretary-General in his report had focused attention primarily on “micro-disarmament”. While supporting efforts to address the problem of proliferation of small arms and anti-personnel landmines, he said that the question of the proliferation of weapons of mass destruction should not be neglected, pointing out the fundamental role of the Council in this area. Stressing that the cooperation between the United Nations and regional organizations was crucial in many of the areas relating to the maintenance of international peace and security, he welcomed the Secretary-General’s offer to assist regional organizations, particularly in the field of peacemaking and peacekeeping.

With reference to Chapter VII of the Charter, he stated that armed force should be used only as a last resort, in cases of aggression or support for terrorism. Short of that, sanctions remained a valid and sometimes necessary option. While it was important to devise sanctions regimes that had the greatest effect on the target Government and its supporters and the least effect on innocent civilians, one should not be seduced by partially and narrowly targeted “smart sanctions”. These were, in general, difficult to enforce and were therefore unlikely to have the desired effect of bringing about a change of policy. Addressing the issue of conflict between sanctions and development raised by the Secretary-General, he noted that a decision to impose sanctions under Chapter VII presupposed that there was a threat to international peace and security, which, in itself, was inimical to the parties’ development goals. In his view, the Council had to be able to impose sanctions at short notice and without undue delay. While he did not concur with all the points made on sanctions by the Secretary-General, he did agree that there was a need to strengthen the Secretariat to address the issues of monitoring the application and effects of sanctions and the delivery of

⁶⁸ See A/49/PV.28.

humanitarian assistance in a more coherent and effective manner.⁶⁹

The representative of France stated that in order to improve the United Nations capacity to maintain international peace and security, special attention should be given to preventive diplomacy and peacemaking, rapid deployment of peacekeeping operations and imposition of sanctions. Preventive diplomacy should be used to forestall the outbreak or aggravation of conflicts and to settle their underlying disputes. At the same time, stable funding should be provided for the initiation and conduct of preventive diplomacy missions and peacemaking, including long-term missions. The preventive deployment of peacekeeping troops was also one way to help stabilize tense situations, including deployment on one side of the border when there was a lack of consent by all the Governments concerned. Pointing out that peacebuilding activities were a necessary corollary to preventive action and peacemaking, he noted that they could occur during, or as a continuation of, a peacekeeping operation and could be initiated independently from such an operation. Regarding the rapid deployment of peacekeeping operations, he contended that the concept of standby forces put forward by his Government was an excellent way of reducing the time required for deployment, on condition that a sufficient number of Member States committed themselves to it. Arrangements for standby forces should be maintained and the inter-operational nature of the forces should be developed. He took note with great interest of the Secretary-General's proposal regarding the creation of United Nations rapid reaction force, although questions concerning agreements between the Governments concerned and the United Nations, the command of the force and its financing had not yet been spelled out. With reference to Article 41 of the Charter, he stated that sanctions were the only enforcement instruments available to the Security Council short of recourse to military force. That explained why their use was not subject to any restriction. The Charter only referred to the ability of third States to consult the Council over specific economic difficulties they may encounter. While the imposition of sanctions had to have a specific aim and criteria for lifting sanctions should be stipulated from the outset, it was necessary to preserve the Security Council's autonomy in decision-making. In that

⁶⁹ S/PV.3492, pp. 2-5.

respect, he stated that his Government was not able to endorse the proposal of the Secretary-General to establish a mechanism whose primary function would be to evaluate, prior to any decision of the Council, the potential impact of planned sanctions and to measure their effects as implemented, arguing that it would lead to all sorts of pressure being exerted on the Council.⁷⁰

The representative of Indonesia, speaking on behalf of the Movement of Non-Aligned Countries, noted that the "Supplement to an Agenda for Peace" was relatively silent on the role of the General Assembly in contributing to the maintenance of international peace and security, as specified in the Charter and reaffirmed in General Assembly resolutions 47/120 A and 47/120 B. It was important, in that regard, that respect for State sovereignty be recognized as one of the basic principles in the conduct of international relations. He concurred with the Secretary-General that commitment to development was the best means to uproot the fundamental causes of conflicts that posed threats to international peace and security. In relation to peacekeeping, he called for the strengthening of the following traditional principles of peacekeeping operations: support of the general membership of the Organization; consent of the States involved; non-intervention in the internal affairs of States; impartiality; non-use of force; equitable opportunity for all States to participate; and, above all, a clearly-defined mandate, time-frame and secure financing. He also emphasized that coercive measures and military means had to remain the last resort, and agreed that unity of command and control was a *sine qua non* for peacekeeping operations to proceed effectively and safely. As a matter of principle, peacekeeping operations should be under the operational control of the United Nations. The concept of multifunctional peacekeeping operations required further clarification. Similarly, in order to avoid any challenges to the sovereignty and independence of States, the idea of a rapid reaction force required greater clarity regarding the scope and circumstances under which it could be deployed, as well as cost implications, modality of establishment and use, the need for consent before deployment as well as command and control structure. It was not clear, for instance, what types of emergency were referred to and who would determine the existence of such crises. In addition, the concept of enforcement action needed to

⁷⁰ *Ibid.*, pp. 5-7.

be further evaluated, *inter alia*, on the basis of the Secretary-General's report. Equally important were the consultations with troop-contributing countries which should focus on political and military objectives, the responsibilities and expectations of their troops and the conduct of the operations in general. Further specific improvements, including the possible expansion of the consultative mechanism to any other interested countries, would depend on how effective the new set-up would prove to be.

Turning to the funding of peacekeeping operations, the speaker stated that the costs of peacekeeping operations should continue to be calculated, in accordance with the existing scale of assessments established by General Assembly resolution 3101 (XXVIII), which took into account the special responsibility of some Member States and economic considerations. Those arrangements should be institutionalized and in conformity with Article 17(2) of the Charter. In addition, the Secretariat should continue to facilitate prompt reimbursement to troop-contributing countries. He also noted the Secretary-General's proposals with regard to preventive diplomacy and peacemaking. Concerning the Secretary-General's reference in his report to a norm for Member States to accept offers of United Nations good offices, he felt such a rule could only be created by the free will and consent of the States concerned. In relation to disarmament, he reaffirmed the importance of the non-proliferation of weapons of mass destruction. With regard to sanctions, he noted that Member States were obligated to comply with Security Council decisions concerning sanctions, in conformity with Article 41 of the Charter. Several issues, however, needed clarification prior to the imposition of sanctions, including their potential impact, timeframe, clearly defined objectives, humanitarian aspects and special provisions to minimize collateral damage. With respect to the latter, he stressed that more extensive use of Article 50 of the Charter had become essential as a means to limit the impact of sanctions, including through compensation. It was the Security Council, rather than the Bretton Woods institutions, which had the responsibility of providing relief. In conclusion, he welcomed close cooperation between the United Nations and regional organizations in the resolution of conflicts in their region, on the basis of Chapter VIII of the Charter and

within their respective mandates and spheres of competence.⁷¹

The representative of China contended that, in fulfilling their responsibilities for the maintenance of international peace and security, the United Nations and the Security Council, in particular, had to strictly abide by the following purposes and principles of the Charter: respect for State sovereignty and non-interference in the internal affairs of States; peaceful settlement of disputes; cooperation and coordination among United Nations agencies in accordance with the Charter; a more effective role for the General Assembly in the maintenance of international peace and security; and the Security Council's fulfilment of its responsibility for the maintenance of international peace and security on behalf of all Member States. Noting the recent "conditional involvement" of the United Nations in the settlement of internal disputes, he observed that such involvement risked making the United Nations a party to such conflicts. He deemed it imperative to establish certain principles which should include the following: conflicts or disputes should pose a real threat to international or regional peace; a United Nations operation had to be at the request and obtain the consent of the parties concerned; the United Nations role should be confined to assisting in the settlement of disputes or conflicts by peaceful means; and full play should be given to the role of neighbouring countries and relevant regional organizations. Regarding peacekeeping operations, which he clearly distinguished from peace enforcement actions, he agreed that the consent of the parties concerned, impartiality and the non-use of force, except in self-defence, were essential principles to ensuring successful operations. He noted an increasing number of cases in which the Security Council, invoking Chapter VII of the Charter on "flimsy grounds", resorted to, or authorized a few countries to take, enforcement actions. Stressing that his Government had never endorsed such peace enforcement actions, he maintained that they should only be used against acts of aggression that endanger or undermine peace, in accordance with Chapter VII, and that they should have a clear-cut mandate and the political guidance of the Council, as well as be placed under the unified command of the United Nations. His Government was not in favour of using sanctions to exert pressure.

⁷¹ *Ibid.*, pp. 7-10.

Sanctions should not be used as a punitive means and their objectives, scope and time limit should be clearly defined. At the same time, appropriate mechanisms should be established to reduce the impact of sanctions on the population of the countries concerned and to resolve, in accordance with Article 50 of the Charter, the problems faced by third countries. As far as preventive diplomacy and post-conflict peacebuilding were concerned, he stressed the need to respect State sovereignty and obtain the consent of the States concerned. Moreover, the Security Council should not take over the responsibilities of United Nations agencies in post-conflict rehabilitation, reconstruction and other follow-up activities or get involved in what was beyond its terms of reference. He also expressed the need to distinguish and define, within the framework of the Charter, the concept, scope and mutual relationship of economic, social, development, humanitarian and other activities in relation to activities for the maintenance of peace and security, "so as to provide them with a solid legal basis".⁷²

The representative of the Russian Federation concurred with the Secretary-General's conclusion that there should be greater use of preventive diplomacy. In that regard, he saw some rationality in the idea of creating small field missions, provided that the consent of the country concerned had been obtained. The Secretary-General should define the general criteria for establishing and making use of such missions. Stressing the importance of determining primary conditions for conducting peacekeeping operations he expressed concern that, despite decisions taken by the Security Council, it had so far been impossible to adopt standard criteria and conditions for involving the United Nations "in extinguishing various hotbeds of tension". He agreed with the views expressed by the Secretary-General on the need to observe the principle of unity of command and to determine three levels of authority. On the latter, he assumed that the Secretary-General would be guided by the political instructions of the Security Council as well as keep the Council informed and consult it on any steps of a political nature. At the same time, troop-contributing countries should be kept informed about all aspects of the operation at all times. Overall, he emphasized the Council's exclusive authority under the Charter over the mandate of peacekeeping operations. He also called for perfecting the system of standby arrangements and

⁷² Ibid., pp. 12-15.

expressed his Government's readiness to consider the proposal to create rapid reaction forces. Such a proposal would require taking into account the provisions of Article 43 of the Charter and would entail a greater role for the Military Staff Committee. On the issue of sanctions, the speaker stated that one should be clear about the goals of the sanctions imposed, the need for a timely agreement on precise conditions and machinery for lifting them once they had fulfilled their purpose, the inadmissibility of tightening sanctions if that would hinder the process of a political settlement, and the vital need to consider humanitarian factors. In connection with Article 50, and taking into account the possibilities afforded by Article 65 of the Charter, his delegation was prepared to consider the creation of a special mechanism within the Secretariat to address sanctions issues. His delegation supported the further strengthening of cooperation with regional organizations in accordance with Chapter VIII of the Charter, while maintaining the statutory role and responsibility of the Security Council. He specified that in all instances of regional peacekeeping carried out in accordance with Article 52 of the Charter, United Nations involvement should be on the basis of voluntary, equitable cooperation without any monitoring or attempt to interfere in the settlement process, without having responsibility, political or financial, for the outcome of that process. Referring to post-conflict peacebuilding, he pointed out the need to study the whole range of possibilities open to the United Nations, to carry out both preventive and post-conflict peacebuilding, based on major improvements in coordination and on the division of labour between all relevant organs and institutions, taking into account the sphere of competence of each.⁷³

The representative of the United States stated that peacekeeping operations established since 1988 had provided a number of lessons, among which the most important was that peacekeeping operations inside a country made different and greater demands on peacekeepers than did missions that separated two hostile States. Another important lesson was the need for rigorous decision-making in deciding whether, and how, to initiate a peace operation. In that context, she rejected the Secretary-General's contention that the Security Council was engaged in micromanagement because it sought information about a peace operation. She stressed that it was the Council's responsibility to

⁷³ Ibid., pp. 17-19.

create, extend, alter or terminate peace operations. Those decisions could be made only on the basis of complete, accurate and timely information provided by the Secretariat. Therefore, there should be no question about providing such information. A third important area of United Nations experience related to the appropriate use of force by United Nations peacekeepers. She fully agreed with the Secretary-General that peacekeeping and peace enforcement were not adjacent points on a continuum and emphasized that it was essential that when the Council turned to individual Member States or coalitions, it should retain the capacity to monitor such operations to ensure that they were conducted in accordance with international standards. Regarding peacebuilding, the speaker recalled that she had proposed the exploration of a mechanism whereby the Economic and Social Council would work in partnership with the Security Council to better identify and address economic and social tensions before the outbreak of conflict or after its conclusion. In relation to sanctions, she cautioned that procedures designed to mitigate the unintended effects of sanctions should not render them useless as a means for influencing the behaviour of a given Government. Finally, she pointed out that further major progress was required to improve the overall capacity of the United Nations to conduct and manage peace operations. In that regard, she questioned whether a rapid reaction force was the right course of action at that time to enhance the United Nations readiness for peacekeeping operations.⁷⁴

Speaking on behalf of the European Union, the representative of France stated that the European Union attached particular importance to preventive diplomacy and supported the intensification of efforts between the United Nations system and regional organizations in order to better identify situations that might give rise to conflicts. He also recalled the European Union's support for the preventive deployment of troops, including stationing them on only one side of a border, in order to help stabilize a tense situation, where the consent of all the Governments concerned was lacking. With regard to peacekeeping, he noted the importance of maintaining a presence on the ground after the end of a given operation. Moreover, the transfer to the competent bodies of the peacebuilding functions assumed within the framework of a peacekeeping operation should be

planned and organized, so as to allow a transitional phase between an operation under the auspices of the Security Council and actions that were the responsibility of other parts of the United Nations system. On the issue of rapid deployment of peacekeeping operations, the European Union favoured the idea of studying the stockpiling of reserves of the United Nations to use material left over from already completed operations as well as calling upon Member States to equip and train troops provided by other States. Although standby forces did not guarantee that contingents would be provided for a given operation, since States which agreed to participate were under no obligation to respond automatically, the European Union saw it as an appropriate response to rapid deployment. Other measures to improve the capacity of rapid deployment could be considered within a regional framework. The Secretary-General's proposal to create a United Nations rapid reaction force needed to be examined more carefully. On the issue of sanctions, the European Union agreed on the need to develop precise goals and criteria for their termination, to evaluate them regularly, as well as to study their humanitarian impact and effect on third States. On the latter point, the European Union noted the possibility to resort to the expertise of the Bretton Woods institutions. With regard to enforcement action, he stated that the international community should never exclude the possibility — in the absence of the consent of the parties, and even against their will, if the situation so required — of the United Nations deciding to have recourse to the enforcement measures provided for in Chapter VII of the Charter. Finally, the European Union supported the development of the coordination and cooperation with regional organizations consistent with the following principles: primacy of the United Nations in accordance with the Charter; clear-cut division of labour; and consistency, especially with regard to the norms for peacekeeping. Furthermore, the European Union considered that the United Nations could, on a case-by-case basis, benefit from the delegation by the Security Council of certain operational tasks to regional organizations and arrangements. The Security Council, to which any Member State could bring any dispute which posed a threat to international peace and security, should be kept informed of action taken or contemplated in this area by regional organizations. The speaker recalled, in that regard, that only the Security Council could

⁷⁴ Ibid., pp. 22-26.

mandate enforcement action in the case of a threat to the peace, breach of the peace or act of aggression.⁷⁵

Other speakers expressed interest in the Secretary-General's call for the development of a norm according to which Member States would accept an offer of United Nations good offices.⁷⁶ Some pointed out that such a norm was already enshrined in the Charter, citing Article 37.⁷⁷ Some, however, observed that good offices were efforts under Chapter VI of the Charter and, hence, were predicated on the principle of consent of the parties concerned. They warned that the creation of norms, automatically applicable, would lead to the dilution of that principle.⁷⁸

Several speakers supported or expressed interest in the Secretary-General's proposal to establish a mechanism to assess, monitor and measure the effects of sanctions imposed under Article 41,⁷⁹ and to explore ways of assisting Member States that were suffering collateral damage and to evaluate claims of such States under Article 50. Some suggested the establishment of a compensation fund in that regard.⁸⁰ Some expressed doubts about the practicability of conducting an in-depth assessment before sanctions were imposed, in the light of the urgency imposed by events giving rise to sanctions. They also warned that such a mechanism would unduly delay the imposition of sanctions.⁸¹

A number of speakers endorsed or expressed interest in the Secretary-General's concept of the role that regional organizations should play and of the

principles that should guide relations between the United Nations and the latter in the maintenance of international peace and security.⁸² Some, however, stressed that most regional organizations lacked the structures for establishing, financing and directing peacekeeping operations and called for adequate assistance from the United Nations, in order to fully implement Chapter VIII of the Charter.⁸³ A few also called for closer cooperation between the Economic and Social Council and the United Nations, in particular the Security Council.⁸⁴

At its 3503rd meeting, on 22 February 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Botswana) stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:⁸⁵

The Security Council welcomes the position paper of the Secretary-General entitled "Supplement to an Agenda for Peace" as an important contribution to the debate on the development of the United Nations activities related to international peace and security in all its aspects at the beginning of the year in which the Organization celebrates its fiftieth anniversary. The Council notes that the paper contains a wide range of conclusions and recommendations with regard to instruments for resolving conflict. The Council is of the view that in the light of recent developments and experience gained, efforts should be made to further enhance the Organization's ability to perform the tasks laid down for it under the Charter. The Council reiterates that, in performing the above-mentioned tasks, the purposes and principles of the Charter should always be strictly observed.

The Council welcomes and shares the priority given by the Secretary-General to action to prevent conflict. It encourages all Member States to make the fullest possible use of instruments of preventive action, including the Secretary-General's good offices, the dispatch of special envoys of the Secretary-General and the deployment, with the consent as appropriate of the host country or countries, of small field missions for preventive diplomacy and peacemaking. The Council believes that adequate resources must be made available within the United Nations system for these actions. It notes the problem identified by the Secretary-General in finding senior

⁷⁵ S/PV.3492 (Resumption 1), pp. 15-18.

⁷⁶ S/PV.3492, pp. 10-12 (Botswana); S/PV.3492 (Resumption 1), pp. 7-10 (Czech Republic); pp. 18-20 (India); pp. 24-26 (Pakistan); pp. 27-29 (Netherlands); S/PV.3492 (Resumption 2), pp. 4-7 (New Zealand); pp. 7-10 (Slovenia); pp. 21-22 (Latvia); pp. 27-28 (Sierra Leone); and pp. 28-31 (Norway).

⁷⁷ S/PV.3492 (Resumption 2), pp. 4-7 (New Zealand).

⁷⁸ S/PV.3492 (Resumption 1), pp. 18-20 (India).

⁷⁹ S/PV.3492 (Resumption 1), pp. 7-10 (Czech Republic); pp. 18-20 (India); pp. 20-22 (Malaysia); pp. 20-22 (Ukraine); pp. 24-26 (Pakistan); pp. 29-31 (Turkey); S/PV.3492 (Resumption 2), pp. 2-4 (Brazil); pp. 4-7 (New Zealand); pp. 7-9 (Slovenia); pp. 9-11 (Sri Lanka); pp. 14-15 (Colombia); pp. 16-19 (Ireland); pp. 19-21 (Romania); pp. 22-23 (Bulgaria); pp. 27-28 (Sierra Leone); and pp. 31-33 (Egypt).

⁸⁰ S/PV.3492 (Resumption 1), pp. 18-20 (India); and pp. 22-24 (Ukraine).

⁸¹ S/PV.3492, pp. 15-17 (Germany); and S/PV.3492 (Resumption 1), pp. 31-33 (Canada).

⁸² S/PV.3492, pp. 10-12 (Botswana); pp. 19-22 (Honduras); S/PV.3492 (Resumption 1), pp. 3-6 (Nigeria); pp. 11-15 (Argentina); pp. 27-29 (Netherlands); pp. 29-31 (Turkey); pp. 31-33 (Canada); pp. 33-36 (Japan); S/PV.3492, pp. 16-19 (Ireland).

⁸³ S/PV.3492, pp. 10-12 (Botswana); pp. 19-22 (Honduras); S/PV.3492 (Resumption 1), and pp. 3-6 (Nigeria).

⁸⁴ *Ibid.*, pp. 31-33 (Canada); S/PV.3492 (Resumption 2), pp. 16-19 (Ireland).

⁸⁵ S/PRST/1995/9.

persons to act as his special representative or special envoy and encourages Member States which have not yet done so to provide the Secretary-General with the names of persons who might be considered by him for such posts, together with other resources both human and material which might be useful to such missions. It encourages the Secretary-General to make full use of resources thus put at his disposal.

The Council endorses the view expressed by the Secretary-General concerning the crucial importance of economic and social development as a secure basis for lasting peace. Social and economic development can be as valuable in preventing conflicts as in healing the wounds after conflicts have occurred. The Council urges States to support the efforts of the United Nations system with regard to preventive and post-conflict peacebuilding activities and, in this context, to provide necessary assistance for the economic and social development of countries, especially those which have suffered or are suffering from conflicts.

The Council welcomes the analysis of the Secretary-General regarding peacekeeping operations. It recalls the statement made by its President on 3 May 1994 which, *inter alia*, listed factors to be taken into account in establishing peacekeeping operations. It notes that in resolving conflicts, primary emphasis should continue to be placed on the use of peaceful means rather than force. Without prejudice to its ability to respond to situations on a case-by-case basis, and rapidly and flexibly as the circumstances require, it reiterates the principles of consent of the parties, impartiality and the non-use of force except in self-defence. It underlines the need to conduct peacekeeping operations with a clearly defined mandate, command structure, time frame and secure financing, in support of efforts to achieve a peaceful solution to a conflict: it stresses the importance of the consistent application of these principles to the establishment and conduct of all peacekeeping operations. It stresses the importance it attaches to the provision of the fullest possible information to the Council to assist it in making decisions regarding the mandate, duration and termination of current operations. It also emphasizes the importance of providing troop contributors with the fullest possible information.

The Council shares the concern of the Secretary-General regarding the availability of troops and equipment for peacekeeping operations. It recalls earlier statements by the President of the Council on the subject and reiterates the importance of improving the capacity of the United Nations for rapid deployment and reinforcement of operations. To that end, it encourages the Secretary-General to continue his study of options aimed at improving the capacity for such rapid deployment and reinforcement. The Council believes that the first priority in improving the capacity for rapid deployment should be the further enhancement of the existing standby arrangements, covering the full spectrum of resources, including arrangements for lift and headquarters capabilities, required to mount and execute peacekeeping operations. It strongly encourages the Secretary-General to take further steps in this regard, including the establishment of a comprehensive database

to cover civilian as well as military resources. In this context, it considers that particular attention should be given to the greatest possible interoperability between elements identified in such arrangements. The Council reiterates its call to Member States not already doing so to participate in the standby arrangements. While affirming the principle that contributing Governments should ensure that their troops arrive with all the equipment needed to be fully operational, the Council also encourages the Secretary-General and Member States to continue to consider means, whether in the context of standby arrangements or more broadly, to address the requirements of contingents which may need additional equipment or training.

The Council strongly supports the Secretary-General's conclusion that peacekeeping operations need an effective information capacity, and his intention to address this requirement in future peacekeeping operations from the planning stage.

The Council welcomes the ideas of the Secretary-General regarding post-conflict peacebuilding. It agrees that an appropriately strong overall United Nations contribution needs to be sustained after the successful conclusion of a peacekeeping operation, and encourages the Secretary-General to study ways and means of ensuring effective coordination between the United Nations and other agencies involved in post-conflict peacebuilding, and to take active steps to ensure that such coordination takes place in the immediate aftermath of a peacekeeping operation. The measures described by the Secretary-General may also be required, with the consent of the State or States concerned, after successful preventive action and in other cases where an actual peacekeeping deployment does not take place.

The Council shares the assessment of the Secretary-General of the paramount importance of preventing the proliferation of weapons of mass destruction. Such proliferation is a threat to international peace and security. Appropriate measures will be taken in this respect in particular where international treaties provide for recourse to the Council when their provisions are violated. The Council underlines the need for all States to fulfil their obligations in respect of arms control and disarmament, in particular in regard to weapons of mass destruction.

The Council takes note of the assessment of the Secretary-General of the importance of "micro-disarmament", as described in his paper, in the solution of conflicts with which the United Nations is currently dealing and of his view that small arms are probably responsible for most of the deaths in these conflicts. It shares the concern of the Secretary-General at the negative consequences for international peace and security which often arise from the illicit traffic in conventional weapons, including small arms, and takes note of his view that the search for effective solutions to this problem should begin now. In this context the Council stresses the vital importance of the strict implementation of existing arms embargo regimes. It welcomes and supports efforts with regard to international measures to curb the spread of anti-personnel landmines and to deal with the

landmines already laid, and in this regard welcomes General Assembly resolutions 49/75 D of 15 December 1994 and 49/215 of 23 December 1994. It reaffirms its deep concern over the tremendous humanitarian problems caused by the presence of mines and other unexploded devices to the populations of mine-infested countries and emphasizes the need for an increase in mine-clearing efforts by the countries concerned and with the assistance of the international community.

The Council stresses the importance it attaches to the effective implementation of all measures taken by it to maintain or restore international peace and security including economic sanctions. It agrees that the object of economic sanctions is not to punish but to modify the behaviour of the country or party which represents a threat to international peace and security. The steps demanded of that country or party should be clearly defined in Council resolutions, and the sanctions regime in question should be subject to periodic review and it should be lifted when the objectives of the appropriate provisions of the relevant Council resolutions are achieved. The Council remains concerned that, within this framework, appropriate measures are taken to ensure that humanitarian supplies reach affected populations and appropriate consideration is given to submissions received from neighbouring or other States affected by special economic problems as a result of the imposition of sanctions. The Council urges the Secretary-General, when considering the allocation of resources available to him within the Secretariat, to take appropriate steps to reinforce those sections of the Secretariat dealing directly with sanctions and their various aspects so as to ensure that all these matters are addressed in as effective, consistent and timely a manner as possible. It welcomes the efforts of the Secretary-General to study ways and means of addressing the various aspects related to sanctions in his report.

The Council reaffirms the importance it attaches to the role that regional organizations and arrangements can play in helping to maintain international peace and security. It underlines the need for effective coordination between their efforts and those of the United Nations in accordance with Chapter VIII of the Charter. It recognizes that the responsibilities and capacities of different regional organizations

and arrangements vary, as well as the readiness and competence of regional organizations and arrangements, as reflected in their charters and other relevant documents, to participate in efforts to maintain international peace and security. It welcomes the willingness of the Secretary-General to assist regional organizations and arrangements as appropriate in developing a capacity for preventive action, peacemaking and, where appropriate, peacekeeping. It draws particular attention in this regard to the needs of Africa. It encourages the Secretary-General and Member States to continue to consider ways and means of improving practical cooperation and coordination between the United Nations and regional organizations and arrangements in these areas. The Council encourages the Secretary-General to continue the practice of meetings on cooperation between the United Nations and regional and other organizations.

The Council recognizes the crucial importance of the availability of the necessary financial resources both for preventive action and operations undertaken to sustain international peace and security. It therefore urges Member States to honour their financial obligations to the United Nations. At the same time, the Council emphasizes the continuing necessity for careful control of peacekeeping costs and for the most efficient possible use of peacekeeping funds and other financial resources.

The Council will keep the Secretary-General's paper under consideration. The Council invites all interested Member States to present further reflections on United Nations peacekeeping operations, and in particular on ways and means to improve the capacity of the United Nations for rapid deployment. It invites the Secretary-General to keep it closely informed of the action he takes in follow-up to the paper and to the present statement. It hopes that the General Assembly, as well as other organizations and entities, will give consideration of the paper a high degree of priority and will take decisions on those matters which fall within their direct responsibility.

28. Security of United Nations operations

Initial proceedings

Decision of 29 September 1993 (3283rd meeting): resolution 868 (1993)

On 27 August 1993, pursuant to a request made by the Security Council in the presidential statement of 31 March 1993,¹ the Secretary-General submitted a report to the Council on the security of United Nations operations in which he described the existing arrangements for the protection of United Nations forces and their adequacy.²

The Secretary-General pointed out that developments in the past year had revealed certain gaps in the existing security system and the need to strengthen it in certain areas. The operating conditions for United Nations personnel had become extremely hazardous, particularly in areas lacking adequate government authority. Moreover, personnel were more often at risk because of their very association with the work of the Organization. As a result, casualties had mounted from one fatality per month in 1992 to one every two weeks in 1993. The establishment of multidimensional operations involving military operations, humanitarian and electoral assistance, human rights monitoring and development projects had also revealed certain gaps. The United Nations had come to rely to an unprecedented extent on personnel who were not staff of the Organization but who ran similar risks as the regular staff and therefore also required protection. Finally, a new feature involved the use by the Security Council of its enforcement powers under Chapter VII of the Charter. That had led to the establishment of United Nations operations which were not based on consent and cooperation and might face outright opposition.

In view of those developments, the Secretary-General proposed the following set of measures: (a) a fresh effort would be made to achieve the necessary integration and accountability to ensure effectiveness. In particular, security matters would become an integral part of the planning for new operations; (b) priority would be given to the improvement and standardization of communications and the training of staff in security matters; (c) expert staff would be

recruited to assist the Security Coordinator at Headquarters and designated officials in the field; (d) the "situation room" being established by the Department of Peacekeeping Operations would ensure that security staff could be reached at all times; (e) the Security Coordinator would review regulations to ensure that security measures were adequate and would include categories of personnel not covered under the existing arrangements, but who worked on behalf of the Organization and shared the same risks as United Nations staff.

The Secretary-General also noted that, in the long term, a new international instrument could be elaborated to codify and further develop international law relating to the security and safety of United Nations forces and personnel. Since security and safety issues required more immediate action, however, a short-term strategy should also be considered. He proposed in that regard that the Security Council, when setting up a new operation, should consider including, in the relevant resolution the necessary conditions relating to security and safety, inter alia, (a) the application to the operation of the provisions of the Convention on the Privileges and Immunities of the United Nations; (b) confirmation of the host Government's obligation to take all necessary measures to ensure the security and safety of the United Nations operation and its personnel; (c) extension of those responsibilities to contractors, non-governmental organizations and their personnel engaged in United Nations operations; (d) a timetable for the conclusion of an agreement on the status of the operation in the host country; (e) a statement reaffirming that attacks against United Nations personnel would be considered interference with the exercise of the responsibilities of the Security Council under the respective provisions of the Charter and might require the Council to consider measures it deemed appropriate; and (f) a statement indicating that if the authorities of the host State failed to meet their obligations with regard to the safety and security of the United Nations operation and its personnel, the Council might consider measures to ensure such security and safety. In conclusion, the Secretary-General said that, pending the conclusion of a new international instrument, the General Assembly could adopt a declaration aimed at drawing attention to

¹ S/25493. See also Chapter VIII, section 27.A.

² S/26358.

the critical importance of the security and safety of United Nations forces and personnel, thus increasing international awareness and commitment.

At its 3283rd meeting, on 29 September 1993, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Venezuela) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.³ He also drew their attention to a letter dated 13 September 1993 from the representative of New Zealand addressed to the President of the Security Council.⁴

Speaking before the vote, the representative of New Zealand stated that his Government had made the issue of the safety of United Nations personnel a particular priority since it began its term on the Council at the beginning of the year. The Secretary-General's report confirmed that the protection of United Nations personnel was a multifaceted issue which had to be tackled on a number of fronts. Moreover, it required concerted action by the Security Council, the General Assembly and the Secretary-General. The draft resolution before the Council reaffirmed that attacks on personnel engaged in operations mandated by the Security Council would be considered interference in the exercise of its responsibilities. It also warned that the Council would take appropriate measures in any such case, and confirmed that if a host country failed or was unable to adequately protect United Nations personnel, the Council would take appropriate action. He noted that, in line with the Secretary-General's proposals and with suggestions New Zealand had put forward before the Council in March 1993, the current draft resolution put special emphasis on those matters which the Council should address when deciding to establish or to renew a peacekeeping operation. It determined that the host country would now be required to take appropriate steps to ensure the safety of all persons engaged in the operation, and to conclude without delay an agreement establishing the legal framework under which United Nations personnel would operate. In conclusion, the speaker said that, at New Zealand's initiative, the Sixth Committee of the General Assembly had on its agenda a new item on responsibility for attacks on United Nations staff and associated personnel and measures to

ensure that those responsible for such attacks were brought to justice. His Government would also propose that the Assembly adopt a new international convention which would establish criminal responsibility for such attacks. He was gratified to note that the Secretary-General in his report had endorsed that proposal and that the draft resolution welcomed New Zealand's initiative in the General Assembly.⁵

The draft resolution was then put to the vote and was adopted unanimously as resolution 868 (1993), which reads:

The Security Council,

Recalling the statement of 31 March 1993 made on its behalf by the President of the Security Council in connection with the Council's consideration of the item entitled "An agenda for peace: preventive diplomacy, peacemaking and peacekeeping",

Having considered the report of the Secretary-General of 27 August 1993 on the security of United Nations operations,

Recalling the provisions of the Charter of the United Nations concerning privileges and immunities and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Expressing grave concern at the increasing number of attacks and use of force against persons engaged in United Nations operations, and resolutely condemning all such actions,

Welcoming the initiatives being taken in the General Assembly to consider the elaboration of new instruments relating to the security and safety of United Nations forces and personnel, and noting the proposals of the Secretary-General in this regard,

1. *Welcomes* the report of the Secretary-General of 27 August 1993 on the security of United Nations operations;

2. *Encourages* the Secretary-General to take forward those measures proposed in his report falling within his responsibilities, with a view, in particular, to ensuring that security matters are an integral part of the planning for an operation and that any such precautions extend to all persons engaged in the operation;

3. *Urges* States and parties to a conflict to cooperate closely with the United Nations to ensure the security and safety of United Nations forces and personnel;

4. *Confirms* that attacks and the use of force against persons engaged in a United Nations operation authorized by the Security Council will be considered interference with the

³ S/26499.

⁴ S/26444.

⁵ S/PV.3283, pp. 3-6.

exercise of the responsibilities of the Council and may require the Council to consider measures it deems appropriate;

5. *Confirms also* that if, in the view of the Council, the host country is unable or unwilling to meet its obligations with regard to the safety and security of a United Nations operation and personnel engaged in the operation, the Council will consider what steps should be taken appropriate to the situation;

6. *Determines* that, when considering the establishment of future United Nations operations authorized by the Council, the Council will require, *inter alia*:

(a) That the host country take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

(b) That the security and safety arrangements undertaken by the host country extend to all persons engaged in the operation;

(c) That an agreement on the status of the operation and all personnel engaged in the operation in the host country be negotiated expeditiously and come into force as near as possible to the outset of the operation;

7. *Requests* the Secretary-General, when recommending the establishment or renewal of a United Nations operation by the Security Council, to take into account the provisions of the present resolution;

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

Speaking after the vote, the representative of France said that the resolution just adopted showed the Council's will to take appropriate measures to ensure the security of an operation from its very start, or to respond to situations in which the host countries were unable or unwilling to discharge their obligations. In the latter case, the Council would envisage measures that are called for in each situation, without excluding any *a priori*. That could, for example, involve a reconsideration of the operation in the context of its possible withdrawal or, on the other hand, of its strengthening.⁶

The representative of Brazil said that his country fully supported the efforts undertaken by both the

Security Council and the General Assembly to enhance the safety and security of all persons engaged in United Nations operations. In that regard, it was very important for the Assembly, the Council and the Secretariat to coordinate their efforts to address the relevant issues within their respective spheres of competence in a mutually reinforcing manner. He also emphasized that United Nations missions and operations were established in the name, not of the Security Council alone, but of the United Nations as a whole. Brazil particularly valued provisions in the resolution designed to serve as guidelines for the future work of the Council.⁷

The representative of the United Kingdom stated that it was unacceptable that United Nations personnel were being attacked just because they worked for the Organization. The perpetrators of such acts should be prosecuted and punished. He stressed that security had to be an integral part of operations and that all personnel who worked for the Organization in peacekeeping operations shared the same risks and should therefore be afforded the same protection. Moreover, it was no longer acceptable for host countries to "drag their feet" in establishing the status-of-forces agreements. He also welcomed New Zealand's initiative to consider an international instrument relating to the security of United Nations personnel and the prosecution of those who attacked persons engaged in its operations.⁸

The representative of China said that his delegation was in favour of appropriate action by the Council, within its mandate, to ensure the security and safety of peacekeeping personnel. In taking such action, the United Nations should, however, respect the sovereignty of the host country and refrain from interfering in its internal affairs.⁹

⁶ *Ibid.*, pp. 9-11.

⁷ *Ibid.*, pp. 12-14.

⁸ *Ibid.*, pp. 15-17.

⁹ *Ibid.*, pp. 19-21.

29. Security Council action regarding the terrorist attacks in Buenos Aires and London

Initial proceedings

Decision of 29 July 1994: statement by the President

On 29 July 1994, following consultations with the members of the Security Council, the President (Pakistan) issued the following statement to the media on behalf of the members of the Council:¹

The members of the Security Council recall the statement issued on the occasion of the Security Council Summit of 31 January 1992, expressing deep concern over acts of international terrorism, and emphasizing the need for the international community to deal effectively with all such acts.

The members of the Council strongly condemn the terrorist attack which took place in Buenos Aires on 18 July 1994, which resulted in great loss of human life.

The members of the Council express their sympathy and condolences to the victims and their families and to the people and Government of Argentina, who have suffered the consequences of this terrorist act.

The members of the Council also strongly condemn the terrorist attacks in London on 26 and 27 July 1994, and express their sympathy to the victims and their families, and to the people and Government of the United Kingdom of Great Britain and Northern Ireland.

The members of the Council demand an immediate end to all such terrorist attacks. They stress the need to strengthen international cooperation in order to take full and effective measures to prevent, combat and eliminate all forms of terrorism, which affect the international community as a whole.

¹ S/PRST/1994/40.

30. Proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances

Initial proceedings

Decision of 11 April 1995 (3514th meeting): resolution 984 (1995)

By a letter dated 6 April 1995 addressed to the President of the Security Council,¹ the representative of the Russian Federation requested, as coordinator and on behalf of the permanent members of the Council, that the following item be included in the Council's agenda: "Proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances".

At its 3514th meeting, on 11 April 1995, the Council included in its agenda the letter from the Russian Federation. Following the adoption of the agenda, the Council invited the representatives of Algeria, Egypt, Hungary, India, the Islamic Republic of Iran, Malaysia, Pakistan, Romania and Ukraine, at their

request, to participate in the discussion without the right to vote. At the same meeting, the President (Czech Republic) drew the attention of the members of the Council to a draft resolution submitted by China, France, the Russian Federation, the United Kingdom and the United States.² He also drew their attention to several letters dated 6 April 1995,³ addressed to the Secretary-General from, respectively, the representatives of China, France, the Russian Federation, the United Kingdom and the United States, transmitting those countries' respective national declarations on security assurances for non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. France, the Russian Federation, the United Kingdom and the United States all affirmed or reaffirmed that they would not use nuclear weapons against non-nuclear

¹ S/1995/271.

² S/1995/275.

³ S/1995/261-265.

weapons States parties to the Treaty except in the case of an invasion or any other attack on their country, their territory, their armed forces or other troops, or against their allies or a State towards which they had a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State. China undertook not to use nuclear weapons against non-nuclear-weapon States parties to the Treaty or that had entered into any comparable international binding commitment, at any time or under any circumstances. They also provided non-nuclear-weapon States parties to the Treaty with positive assurances.

The representative of India stated that, while maintenance of peace and security was the primary responsibility of the Security Council, preservation of national security was the primary responsibility of all Governments of States Members of the United Nations. He welcomed the debate on the question of security assurances but voiced scepticism about the motivation which had prompted the debate. Recalling Security Council resolution 255 (1968) of 19 June 1968, he affirmed that the nuclear-weapon Powers were then canvassing for signatures to the proposed non-proliferation treaty. Now, he said, they were canvassing for votes for indefinite extension of the Treaty. Quoting the statement made at that time by his country, the representative of India said that “any security assurances that might be offered by nuclear-weapon States could not and should not be regarded as a quid pro quo for the signature of a non-proliferation treaty”. He further quoted that “the basis for any action by the Security Council for the maintenance of international peace and security is the Charter of the United Nations. Any linking of security assurances to the signature of a non-proliferation treaty would be contrary to its provisions, because the Charter does not discriminate between those who might adhere to a particular treaty and those who might not do so”. He also quoted that “while the permanent members of the Council have a special obligation and responsibility for the maintenance of international peace and security, they are precluded from adopting a discriminatory approach in situations involving the security of States, including that arising from the threat or the use of nuclear weapons against non-nuclear weapon States”. In the speaker’s view, it was the clear responsibility of the nuclear-weapon States that were also permanent members of the Security Council to go to the assistance of any State threatened with or victim of nuclear attack, and not merely those that might be signatories

to the Treaty. For these reasons, he believed that the draft resolution was discriminatory and felt short of the requirement for a binding international legal convention on the elimination of nuclear weapons which was the only security against the threat or use of nuclear weapons. The representative of India also recalled that the General Assembly at its forty-ninth session had sought an advisory opinion from the International Court of Justice on whether the threat or use of nuclear weapons was permissible under international law under any circumstances. He maintained that use of nuclear weapons would cause such indiscriminate suffering and destruction that it was contrary to the rules of international law and the Charter of the United Nations.⁴

The representative of Egypt stated that what was really at stake was the ability of the Security Council to discharge its primary responsibility in the maintenance of international peace and security. Article 26 of the Charter specifically conferred upon the Security Council the crucially important task of formulating plans for the establishment of a system for the regulation of armaments. The elaboration and adoption of credible security assurances would therefore fall squarely within the ambit of the Council’s mandate. Turning to the draft resolution, the speaker, who was of the view that Article 1 (1) of the Charter addressed only conventional weapons, stated that whenever a State threatened another with such weapons, the Security Council was, as stipulated under Article 1 (1), duty-bound to take effective measures for the removal of the threat and the suppression of the aggression. Therefore, in a conventional threat situation, the response of the Council could be confined to “bringing the matter to the attention of the Council” and “seeking Council action to provide necessary assistance” whereas, in the case of a nuclear threat, this should trigger the collective security system set out in Chapter VII of the Charter. He further stated that the fact that the Council’s response to a nuclear threat was subject to the regular voting procedure provided for under the Charter, specifically in the provisions of Article 27 (3), which pertains to the concurring votes of the five permanent members, constituted a most grave factor. The magnitude of the devastation that could be caused by nuclear weapons necessitated a degree of “automaticity” if credibility was to be conferred. In his view, the draft resolution

⁴ S/PV.3514, pp. 5-6.

should undoubtedly be beyond the scope of application of the veto in order to ensure credibility. He pointed out that the draft resolution should contain an explicit reference to the fact that aggression with nuclear weapons, or the threat of such aggression against a non-nuclear State party to the Treaty constituted a threat to international peace and security, and would automatically trigger an immediate response by the Security Council in conformity with Article 39 of the Charter and in a manner consistent with the substance and spirit of the relevant Articles of the Chapter VII. He also said that the issue of protection should be clearly enunciated in the form of a mechanism for enforcement of the security assurances which would indicate the mandatory action to be adopted by the Security Council to redress a situation where a non-nuclear State was the object of a nuclear attack or threat of an attack. In this connection, the speaker stressed that the territorial integrity and the political independence of any non-nuclear-weapon State, as well as the survival of its population, will be guaranteed as a matter of right and not as recognition of an interest — whether or not we term them as legitimate — to receive security assurances.

The speaker summed up his arguments by stating that the draft resolution failed to determine that the use or threat of use of nuclear weapons constituted a threat to international peace and security and lacked a trigger mechanism to ensure Security Council response to threats or attacks by nuclear weapons. It also lacked a commitment by the Council, as stated in the Charter, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace. The adoption by the Council, however, of a draft resolution which lacked credibility in those respects did not suggest that the Security Council was not the right forum to enunciate the question of security assurances. On the contrary, it was perhaps the course dictated by the Charter. In his view, the draft resolution contained, however, three positive elements: it was endorsed by all the permanent members; it addressed the element of technical assistance in a more comprehensive manner than resolution 255 (1968), albeit in voluntary language. Operative paragraphs 5 and 6 invited Member States of the United Nations to provide assistance to any State that was victim of an act of aggression by nuclear weapons and recognized

the right of any such victim to compensation from the aggressor.⁵

The representative of Pakistan observed that linking security assurances to certain criteria would militate against the objective of providing assurances on a universal basis. Similarly, relying on a subjective decision-making process for extending security assurances could result in arbitrary and selective application of those assurances. In his view, security assurances should become operational whenever there was any use or threat of use of nuclear weapons. It needed to be ensured, therefore, that the provisions of security assurances were in full conformity with the Charter — especially Article 51 — which provided that the Security Council shall act without discrimination, whenever international peace and security is threatened.⁶

Referring to the draft resolution, the representative of Malaysia reminded the Council that such obligations as coming to the assistance of non-nuclear-weapon States in the event of aggression were already stipulated in Articles 39, 41 and 42 of the Charter, regardless of the type of weapons used. Aggression was aggression, and to discriminate against States not parties to the Treaty in giving assistance on the basis of the type of weapons used was against the fundamental provisions of the Charter for the maintenance of international peace and security. His delegation could not support the inclusion of operative paragraph 9 since it sidestepped the question of the legality of the use of nuclear weapons and justified the use or threat of use of nuclear weapons in cases of “self-defence”. Given the fact that all the nuclear-weapon States were also permanent members of the Security Council, and that the Council had the power to determine whether or not a threat was an act of aggression or of self-defence, the assurance contained in the draft was at best questionable, if not hollow political expedience.⁷

Others speakers repeated the arguments invoked by the above-mentioned speakers that the draft resolution lacked a prior determination that a threat or attack by nuclear weapons constituted a threat to international peace and security, as well as a trigger mechanism to ensure a Security Council response to

⁵ *Ibid.*, pp. 8-12.

⁶ *Ibid.*, pp. 13-14.

⁷ *Ibid.*, pp. 15-16.

such threats or attacks. In their view, the draft resolution should have been placed firmly under the framework of Chapter VII of the Charter.⁸ Still others were of the view that the draft resolution constituted an important step in that, for the first time, all non-nuclear-weapon parties to the Treaty were given positive and negative security assurances by all five permanent members.⁹ They also welcomed the fact that, for the first time also, options for action to be taken by the Security Council with regard to the positive assurances were specified in detail. Attention was drawn by one of the speakers to the fact that procedures concerning compensation to victims of aggression, as mentioned in the draft, should be extended to third countries that suffered as a result of actions by an aggressor and that additional security assurances could have been given such as the renunciation of the unanimity principle when dealing with issues in the Security Council on the use or threat of use of nuclear weapons.¹⁰

Before the vote, the representative of Indonesia, speaking on behalf of the States parties to the Treaty that were members of the Movement of Non-Aligned Countries, noted, *inter alia*, that the draft resolution recognized the legitimacy of the demand of the non-nuclear-weapon States for security assurances and called for appropriate measures to safeguard their security. It also contemplated the initiation of measures to counter aggression involving the use of nuclear weapons and sought to render necessary assistance to victims of such aggression. He regretted however that the draft had failed to acknowledge the right of the non-nuclear-weapon States to unconditional security assurances in an international convention. He also questioned how a veto-bound Council could conceivably stem aggression committed by a nuclear-weapon State and take appropriate measures against that State. Another lacuna was the failure to include the Non-Aligned Movement's proposal that nuclear aggression or the threat of such aggression against a non-nuclear-weapon State party to the Treaty constituted a threat to international peace and security and necessitated immediate measures on the part of the Council in conformity with Article 39 of the Charter

⁸ *Ibid.*, pp. 6-7 (Islamic Republic of Iran); and pp. 12-13 (Algeria).

⁹ *Ibid.*, pp. 2-4 (Ukraine); pp. 4-5 (Hungary); and pp. 7-8 (Romania).

¹⁰ *Ibid.*, p. 3 (Ukraine).

and consistent with the substance and spirit of the relevant Articles of Chapter VII. This failure had rendered actions and measures envisaged in the draft insignificant. He concluded by recognizing that the draft resolution, none the less, constituted an initial step in the process of nuclear disarmament towards a legally binding international instrument.¹¹

The representative of Nigeria placed on record his disappointment that the draft resolution failed to prescribe clearly defined and specific action to be taken in the case of aggression with nuclear weapons, the specific obligations of nuclear-weapon States, the specific form of assistance to be provided by the Council as a duty, rather than as a request from a victim State, and the action to be taken by the Council should the aggressor be a nuclear-weapon State which is also a permanent member of the Council. The draft resolution also failed to commit all members of the Council to the necessity of adopting in the immediate future negative security assurances in a legally binding instrument. He stated, *inter alia*, that his delegation looked forward to a set of guarantees that would not be vulnerable to the use of the veto by the permanent members of the Security Council.¹²

The representative of China was of the view that the draft resolution was only one step towards the conclusion of a legally binding international instrument providing assurances for non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons. He reiterated the position of his Government on security assurances for non-nuclear-weapon States: firstly, complete and thorough destruction of nuclear weapons to usher in a nuclear-weapon-free world; secondly, all nuclear-weapon States should undertake in a concerted way not to use or threaten to use such weapons against non-nuclear-weapon States; thirdly, an unconditional commitment by all nuclear-weapon States not to be the first to use nuclear weapons; fourthly, China fully understood and supported the demand of the vast numbers of non-nuclear-weapon States for security assurances.¹³

The representative of Oman, referring to his country's initiative to include, in the agenda of the 1995 Review and Extension Conference of the Parties

¹¹ *Ibid.*, pp. 16-17.

¹² *Ibid.*, pp. 19-20.

¹³ *Ibid.*, pp. 23-24.

to the Treaty, the issue of the transfer of nuclear technology for peaceful uses and its applications in the non-nuclear developing countries, stated that the draft resolution would have been more integrated had this issue been better accommodated. Furthermore, the inclusion of that issue in the draft resolution would have encouraged other countries with peaceful nuclear programmes to adhere to the Treaty — not to mention the positive impact such an effort would have had on the developing countries, which would have been led to believe that the preferential regime of the Treaty as currently established in the field of the transfer of technology for peaceful purposes was not an immediate threat to their security.¹⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 984 (1995), which reads:

The Security Council,

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

Recognizing the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances,

Welcoming the fact that more than one hundred and seventy States have become parties to the Treaty, and stressing the desirability of universal adherence to it,

Reaffirming the need for all States parties to the Treaty to comply fully with all their obligations,

Taking into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures be undertaken to safeguard their security,

Considering that the present resolution constitutes a step in this direction,

Considering also that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note with appreciation* of the statements made by each of the nuclear-weapon States," in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear weapon States parties to the Treaty to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such a State is the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes also* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the Treaty, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression, and recognizes further that the nuclear weapon State permanent members of the Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State party to the Treaty, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State party to the Treaty is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses its intention* to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State party to the Treaty that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, as provided for in article VI of the Treaty, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control, which remains a universal goal;

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* the fact that the issues raised in the present resolution remain of continuing concern to the Council.

¹⁴ Ibid., pp. 25-26.

Speaking after the vote, the representatives of the United States, the United Kingdom, France and the Russian Federation pointed out that for the first time the five veto Powers had acted together to provide a common positive security assurance and by setting out through the resolution some of the Council's measures which might be taken in response to a request from the victim of an act of nuclear aggression.¹⁵

The representative of the United States pointed out that, under the resolution, although any State could bring the matter of a threat or use of nuclear forces to the Council's attention, the nuclear-weapon States — which were also permanent members of the Security Council — promised that they would do so. He stressed that the coordinated sponsorship of the resolution by all permanent members and the positive and negative security assurances were significant advances over the Council's effort 25 years ago, when resolution 255 (1968) had not been co-sponsored or voted for by all nuclear-weapon States parties to the Treaty, nor had it incorporated both positive and negative security assurances.¹⁶

Emphasizing the historic importance of the resolution, the representative of the United Kingdom stated that it made a significant step forward beyond the terms of Council resolution 225 (1968). For the first time, the five nuclear Powers had acted together to provide both positive and negative assurances as reflected in the resolution.¹⁷

The representative of France indicated that, in the course of the numerous consultations in the preparation of the draft resolution, concern had been expressed as to whether the joint commitments made by the nuclear Powers concerning the so-called positive assurances could ensure the matter's being brought before the Council. France's declaration left no doubt about that. It stated that France considered that any aggression

accompanied by the use of nuclear weapons would threaten international peace and security and that as a permanent member of the Security Council, it would immediately inform the Security Council of such an aggression and act within the Council to ensure that the latter took immediate steps to provide, in accordance with the Charter, necessary assistance to any State victim of such an act or threat of aggression. It also stated the inherent right, recognized in Article 51 of the Charter, of individual or collective self-defence if an armed attack, including an attack with use of nuclear weapons, occurred against any Member of the United Nations until the Security Council had taken measures necessary to maintain international peace and security.¹⁸

The representative of the Russian Federation stated that the Security Council was, for the first time since 1968, considering the question of security assurances for non-nuclear-weapon States. He stressed that the unanimously adopted resolution 984 (1995) went significantly further than resolution 255 (1968) since, for the first time, all five nuclear-weapon States had joined in sponsoring a draft resolution providing both positive and negative security assurances.¹⁹

The President, speaking in his capacity as the representative of the Czech Republic, welcomed the fact that, in the event of aggression or threat of aggression with nuclear weapons, the matter would be brought immediately to the attention of the Council in order to provide the necessary assistance to the State in question. He also welcomed the Council's mandate to investigate the situation and adopt appropriate measures to settle the core dispute and restore international peace and security.²⁰

¹⁸ *Ibid.*, pp. 28-29.

¹⁹ *Ibid.*, pp. 29-30.

²⁰ *Ibid.*, p. 31.

¹⁵ *Ibid.*, pp. 26-27 (United States); pp. 27-28 (United Kingdom); pp. 28-29 (France); and pp. 29-30 (Russian Federation).

¹⁶ *Ibid.*, pp. 26-27.

¹⁷ *Ibid.*, pp. 27-28.

31. Commemoration of the end of the Second World War in Europe

Initial proceedings

Decision of 9 May 1995 (3532nd meeting): statement by the President

At its 3532nd meeting, on 9 May 1995, the Security Council included the item entitled “Commemoration of the end of the Second World War in Europe” in its agenda. After the adoption of the agenda, the President (France) made the following statement on behalf of the members of the Council:¹

Fifty years ago, Europe saw the end of a war that afflicted the entire planet. It was primarily to preserve future generations from this scourge that the United Nations was created. The Security Council was given a special role in that effort, in that the Charter of the United Nations entrusts it with the principal responsibility for maintaining international peace and security.

For this reason, it seems appropriate for the Security Council to pay tribute on this anniversary to all the victims of the Second World War and to recall the Council’s firm desire to make every possible effort to help to mitigate the human suffering that results from war.

¹ See S/PV.3532.

32. Commemoration of the end of the Second World War in the Asia-Pacific region

Initial proceedings

Decision of 15 August 1995 (3565th meeting): statement by the President

At its 3565th meeting, on 15 August 1995, the Security Council included the item entitled “Commemoration of the end of the Second World War in the Asia-Pacific region” in its agenda. After the adoption of the agenda, the President (Indonesia) made the following statement on behalf of the members of the Council:¹

the lives of tens of millions of people in this region. On this solemn occasion, we pay tribute to those who laid down their lives and the other victims of the war.

Having survived the catastrophe of the Second World War, mankind sought to embrace new means to prevent the recurrence of such a tragedy. To this end, the United Nations was established, with the primary responsibility for the maintenance of international peace and security conferred on the Security Council by the Charter.

Unity and harmony among nations would be the most honourable and noble way to pay tribute to those who sacrificed their lives for peace during the Second World War. For this reason, it is appropriate for the Security Council to pay homage on this anniversary to all the victims of the Second World War in the Asia-Pacific region.

It was fifty years ago that the Asia-Pacific region saw the end of the Second World War, a devastating war that shattered

¹ See S/PV.3565.

Chapter IX

Decisions taken by the Security Council in the exercise of its other functions and powers

Note

During the period under review, the Security Council took a number of decisions in the exercise of its functions and powers other than those relating to the maintenance of international peace and security. The Council took decisions relating to (a) the election of members of the International Court of Justice; (b) the termination of a trusteeship agreement and the completion of the mandate of the Trusteeship Council under the Charter, which are dealt with in chapter VI; (c) the question of the admission of new Members to the United Nations, which is dealt with in chapter VII; and (d) the consideration of the draft annual report of the Security Council to the General Assembly.

Chapter X

Consideration of the provisions of Chapter VI of the Charter

Contents

	<i>Page</i>
Introductory note	1069
Part I. Referral of disputes and situations to the Security Council	1071
Part II. Investigation of disputes and fact-finding	1075
Part III. Decisions of the Security Council concerning the pacific settlement of disputes	1083
A. Recommendations relating to terms, methods or procedures of settlement	1084
B. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes	1087
C. Decisions involving regional arrangements or agencies	1087
Part IV. Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter	1087

Introductory note

This chapter deals with the practice of the Security Council in relation to the pacific settlement of disputes within the framework of Articles 33 to 38 of Chapter VI and Articles 11 and 99 of the Charter.

As chapter VIII of this volume sets out a full account of Council proceedings with regard to the pacific settlement of disputes, this chapter will not discuss the practice of the Council aimed at the peaceful settlement of disputes in a comprehensive manner. Instead, this chapter will focus on selected material which may best serve to highlight how the provisions of Chapter VI of the Charter were interpreted in deliberations and applied in the relevant decisions of the Council.

The manner of presenting and classifying the relevant material has been devised to set forth the practices and procedures to which the Council has had recourse in a readily accessible form. As in the previous volume of the *Repertoire* covering the period 1989-1992, the material has been categorized under thematic headings rather than individual Articles of the Charter, so as to avoid ascribing to specific Articles of the Charter Council proceedings or decisions which do not themselves refer to any such Article.

Thus, part I illustrates how, under Article 35, Member States and non-Member States have brought new disputes and situations to the attention of the Security Council. Part II sets out investigative and fact-finding activities performed and initiated by the Council that may be deemed to fall under the scope of Article 34. Part III provides an overview of Council recommendations and decisions, under the relevant Articles of the Charter, with regard to the pacific settlement of disputes. Specifically, it will illustrate Council recommendations to the parties to a conflict. Finally, part IV will reflect constitutional discussions within the Council on the interpretation or application of the provisions of Chapter VI of the Charter.

The following Articles of the Charter are cited in this chapter:

Article 11, paragraph 3

The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Part I Referral of disputes and situations to the Security Council

Note

Within the framework of the Charter, Articles 35, 37 (1) and 38 are generally regarded as the provisions on the basis of which States may or, in the case of Article 37 (1), shall, refer disputes to the Security Council. During the period under review, considerably fewer such referrals were made to the Council than during the preceding period (1989-1992). While Article 35 was expressly referred to in a small number of communications,¹ most communications did not cite any specific Article as the basis on which they were submitted.

Under Articles 11 (3) and 99 of the Charter, the General Assembly and the Secretary-General, respectively, may refer matters to the Security Council. During the period under review, the General Assembly did not refer any matters to the Council under Article 11 (3),² nor did the Secretary-General as provided for under Article 99.³

¹ See Letter dated 16 July 1993 from the representative of Ukraine addressed to the President of the Council (S/26100) concerning a Decree of the Supreme Soviet of the Russian Federation; letters dated 3 March 1993, 18 March 1993, 4 May 1993, 30 May 1993 and 13 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Council (S/25358, S/25434, S/25718, S/25872 and S/25943); letter dated 16 May 1994 from the representative of Rwanda addressed to the President of the Council (S/1994/586); and letter dated 1 December 1995 from the representative of Afghanistan addressed to the President of the Council (S/1995/1004).

² See chapter VI, part I.B, for more details.

³ See chapter VI, part V.B, for more details. For example, by a letter dated 1 February 1995 addressed to the President of the Council (S/1995/120), the Secretary-General brought information regarding the situation in Sierra Leone to the attention of the members of the Council. According to his letter, the exploratory mission to Sierra Leone, dispatched on 15 December 1994, had noted that the conflict in that country would further complicate the problem of bringing peace to Liberia and could have a more general destabilizing effect in the region, if it continued. By a letter dated 7 February 1995 addressed to the Secretary-General (S/1995/121), the President of the Council informed the Secretary-General that his letter had been brought to the attention of the

Referrals by States

Situations were referred to the Security Council most often by directly affected States, either exclusively⁴ or simultaneously with communications from third States.⁵ A notable exception was the referral of the situation in Yemen by neighbouring countries. In that case, the Government of Yemen, by a letter dated 31 May 1994 from the representative of Yemen addressed to the Secretary-General,⁶ explicitly resisted the referral of the situation to the Security Council, as it considered the referral of the matter and its consideration by the Council as interference in its internal affairs.

Nature of matters referred to the Security Council

According to Article 35, which, in the absence of evidence pointing to other provisions of the Charter, is commonly regarded as the basis on which matters are referred to the Security Council by States, any Member State may bring to the Council's attention any "dispute", or "any situation which might lead to international friction or give rise to a dispute". During the period under review, several new matters were brought to the Council's attention, most of which were

members of the Council. At its 3597th meeting, on 27 November 1995, the Council included in its agenda the item entitled "The situation in Sierra Leone".

⁴ For example, by a letter dated 16 July 1993 addressed to the President of the Council (S/26100), the representative of Ukraine requested an urgent meeting of the Council, in accordance with Article 35 of the Charter, to consider a Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol.

⁵ Following the military coup d'état of 21 October 1993, the situation in Burundi was brought to the Council's attention by a letter dated 25 October 1993 from the representative of Burundi addressed to the President of the Council (S/26626), in which an urgent meeting of the Council was requested. Similar requests were made by a letter of the same date from the representatives of Cape Verde, Djibouti and Morocco addressed to the President of the Council (S/26625). In another instance, the situation concerning Rwanda was brought to the attention of the Council by letters dated 4 March 1993 from the representatives of Rwanda and France (S/25363 and S/25371, respectively).

⁶ S/1994/642.

referred to as a “situation”.⁷ In some instances, the subject matter of the communications was referred to by a different term, such as “incident”,⁸ or described in a narrative form.⁹

It should also be noted that, while the provisions setting out the basis on which States may bring matters concerning international peace and security to the attention of the Council form part of Chapter VI of the Charter, the subject matter of communications submitted to the Council and the type of action requested in relation thereto are not limited by the scope of that Chapter. During the period under review, several communications submitted to the Council described situations as threatening regional or international peace and security,¹⁰ or as acts of

aggression.¹¹ Situations in which the Council did indeed determine the existence of a threat to the peace, a breach of the peace or an act of aggression are considered in chapter XI.

Action requested of the Security Council

In most of their communications to the Security Council, States requested the Council to convene an urgent meeting.¹² In some cases, more concrete actions requested of the Council were specified. For instance, in connection with the situation in Georgia, in a note verbale dated 25 December 1992 from the Ministry of Foreign Affairs of Georgia addressed to the Secretary-General,¹³ Georgia requested a formal debate in the Council, and the adoption of a resolution by which the Council would decide to urgently send a peacekeeping force to Abkhazia. In another instance, by a letter dated 4 March 1993 addressed to the President of the Council,¹⁴ the representative of Rwanda requested an immediate meeting of the Council to consider ways of ensuring the cessation of the fighting in the country, the observance of the ceasefire agreement between the parties, and the continuation of the search for a negotiated political solution.

Communications

Disputes and situations were generally submitted to the Security Council by means of a communication to the President of the Security Council. In several instances, matters were brought to the Council’s attention through a communication addressed to the

civil war with incalculable consequences for international peace and security”.

⁷ See, for instance, in connection with the situation prevailing in and adjacent to the United Nations Protected Areas in Croatia, a letter dated 25 January 1993 from the representative of France addressed to the President of the Council (S/25156); in connection with the situation concerning Rwanda, a letter dated 4 March 1993 from the representative of France addressed to the President of the Council (S/25371); in connection with the complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol, a letter dated 16 July 1993 from the representative of Ukraine addressed to the President of the Security Council (S/26100); in connection with the situation in Burundi, letters dated 25 October 1993 addressed to the President of the Council from the representatives of Cape Verde, Djibouti and Morocco (S/26625), Burundi (S/26626) and Zimbabwe (S/26630); and in connection with the situation in Afghanistan, a letter dated 1 December 1995 from the representative of Afghanistan addressed to the President of the Council (S/1995/1004).

⁸ In connection with the situation in Afghanistan, see the letter dated 7 December 1995 from the representative of Afghanistan addressed to the President of the Council (S/1995/1014).

⁹ See the note verbale dated 25 December 1992 from the Ministry of Foreign Affairs of Georgia to the President of the Council (S/25026), in connection with the situation in Georgia.

¹⁰ For example, in a letter dated 14 July 1994 addressed to the President of the Council (S/1994/823) the representative of France stated that the deteriorating situation in Rwanda might lead to a further humanitarian disaster and threaten peace and security in the region; in connection with the situation in Burundi, in a letter dated 25 October 1993 addressed to the President of the Council (S/26626), the representative of Burundi stated that if nothing was done to stop massacres of all kinds, “the country [ran] the risk of becoming engulfed in a

¹¹ See for example a letter dated 25 January 1993 from the representative of Angola addressed to the President of the Council (S/25161), which alleged “acts of aggression by outside forces” and that “Zairean soldiers and mercenaries from different nationalities [were] combating alongside UNITA against the government forces”.

¹² See table entitled “Communications from States Members or non-Members of the United Nations bringing disputes or situations to the attention of the Security Council during the period 1993-1995”.

¹³ S/25026.

¹⁴ S/25363.

Secretary-General.¹⁵ Those communications either enclosed a document addressed to the Council,¹⁶ contained an express reference to Article 35 (1)¹⁷ or a request to be circulated as a document of the Council,¹⁸ or called for the convening of a meeting of the Council.¹⁹

¹⁵ See, for instance, a note verbale dated 25 December 1992 from the Ministry of Foreign Affairs of Georgia addressed to the Secretary-General (S/25026). In accordance with rule 6 of the Council's provisional rules of procedure, the Secretary-General is obliged to immediately bring such communications to the attention of the Security Council.

¹⁶ See, for instance, a letter dated 25 January 1993 from the representative of Angola addressed to the President of the Council (S/25161).

¹⁷ See, for instance, a letter dated 16 July 1993 from the representative of Ukraine addressed to the President of the Council (S/26100).

¹⁸ See, for instance, a letter dated 4 March 1993 from the representative of France addressed to the President of the Council (S/25371).

¹⁹ See, for instance, a letter dated 25 January 1993 from the representative of France (S/25156), a letter dated 4 March 1993 from the representative of Rwanda (S/25363), a letter of the same date from the representative of France (S/25371), a letter dated 16 July 1993 from the representative of Ukraine (S/26100) and letters dated 25 October 1993 from the representatives of Cape Verde, Djibouti and Morocco (S/26625), Burundi (S/26626) and Zimbabwe (S/26630), all addressed to the President of the Council.

Communications by which new disputes or situations were referred to the Council and on the basis of which the Council convened meetings under new agenda items during the period under review are listed in the table below. It should be borne in mind that the designation of a new agenda item does not necessarily imply the existence of a new dispute or situation, as it can be a change in the formulation of an item which has been before the Council.²⁰ Communications by which Member States merely conveyed information, but did not request a Council meeting or other specific Council action, have not been included in the table, as such communications cannot be considered referrals under Article 35. Furthermore, in contrast to the previous volume of the *Repertoire* covering the period 1989-1992, the table does not include communications referring to disputes or situations considered by the Council under existing agenda items so as not to codify or classify new developments and deterioration of situations in the ongoing conflicts. It should be noted that these delimitation criteria have been utilized only for the purpose of the table.

²⁰ For example, while an item entitled "The situation in Afghanistan" was added to the list of matters of which the Council was seized during the period 1993-1995, the subject had previously been considered under an item entitled "The situation relating to Afghanistan".

Communications from States Members or non-Members of the United Nations bringing disputes or situations to the attention of the Security Council during the period 1993-1995

<i>Communication^a</i>	<i>Article invoked in communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia			
Letter dated 25 January 1993 from the representative of France (S/25156)		An immediate meeting to consider the grave situation which existed in the United Nations Protected Areas in Croatia, and especially the attacks to which UNPROFOR personnel in these areas had been subjected.	3163rd meeting 25 January 1993

<i>Communication^a</i>	<i>Article invoked in communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
The situation concerning Rwanda			
Letter dated 4 March 1993 from the representative of Rwanda (S/25363)		An immediate meeting to consider ways of ensuring the cessation of the fighting, the observance of the ceasefire agreement signed at Arusha on 12 July 1992 and the implementation of the declarations issued by the Rwandese Patriotic Front and the Government of Rwanda.	3183rd meeting 12 March 1993
Letter dated 4 March 1993 from the representative of France (S/25371)		An immediate meeting to consider the grave situation in Rwanda and the consequences which it had for peace and security in the region.	
Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol			
Letter dated 16 July 1993 from the representative of Ukraine (S/26100)	Article 35 (1)	An urgent meeting to consider the situation which had been created as a result of the adoption on 9 July 1993 of a Decree of the Supreme Soviet of the Russian Federation concerning the Ukrainian city of Sevastopol.	3256th meeting 20 July 1993
The situation in Burundi			
Letter dated 25 October 1993 from the representatives of Cape Verde, Djibouti and Morocco (S/26625)		An urgent meeting to consider the situation in Burundi as a result of the military coup d'état that had taken place in that country on 21 October 1993.	3297th meeting 25 October 1993
Letter dated 25 October 1993 from the representative of Burundi (S/26626)		An urgent meeting on the tragic situation prevailing in that country.	
The situation in Yemen			
Letter dated 27 May 1994 from the representatives of Bahrain, Egypt, Kuwait, Oman, Saudi Arabia and the United Arab Emirates (S/1994/630)		A meeting of the Security Council to discuss the situation in Yemen, and the resulting tragic loss in civilian lives.	3386th meeting 1 June 1994

^a Unless otherwise specified, all letters listed were addressed to the President of the Security Council.

Part II Investigation of disputes and fact-finding

Article 34 provides that “the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuation of the dispute or situation is likely to endanger the maintenance of international peace and security”. Article 34 does not however exclude other organs from performing investigative functions nor does it limit the Council’s general competence to obtain knowledge of the relevant facts of any dispute or situation by dispatching a fact-finding mission.

During the period under review, the Council performed and initiated a number of investigative and fact-finding activities that may be deemed to fall within the scope of Article 34 or be related to its provisions.

In several instances, the Council dispatched missions consisting of Council members to conflict areas, including Bosnia and Herzegovina,²¹ Burundi,²²

²¹ The mission visited Bosnia and Herzegovina from 22 to 27 April 1993. The Council decided to dispatch the mission by resolution 819 (1993). For details, see the mission report (S/25700).

²² Council missions visited Burundi on 13 and 14 August 1994 and on 10 and 11 February 1995. For details, see the mission reports (S/1994/1039 and S/1995/163).

Mozambique,²³ Rwanda,²⁴ Somalia²⁵ and Western Sahara.²⁶ Those missions were not expressly charged with concrete investigative tasks, but did allow the Council, inter alia, to form an impression of the respective situations on the ground. For example, the Council mission to Bosnia and Herzegovina was specifically mandated by resolution 819 (1993) to “ascertain the situation and report thereon to the Security Council”.

Furthermore, during the period under review, the Council also requested the Secretary-General to initiate or perform fact-finding or investigative functions, or to establish a body to be entrusted with such functions, examples of which are set out in the table below.

²³ The mission visited Mozambique from 7 to 12 August 1994. The Council decided to dispatch the mission by a statement by the President of the Council dated 19 July 1994 (S/PRST/1994/35). For details, see the mission report (S/1994/1009).

²⁴ The mission visited Rwanda on 12 and 13 February 1995. For details, see the mission report (S/1995/164).

²⁵ The mission visited Somalia on 26 and 27 October 1994. For details, see the mission report (S/1994/1245).

²⁶ The mission visited Western Sahara from 3 to 9 June 1995. The Council decided to dispatch the mission by resolution 995 (1995). For details, see the mission report (S/1995/498).

Security Council requests to the Secretary-General regarding the investigation of disputes and fact-finding

<i>Item</i>	<i>Mandating decision</i>	<i>Request to the Secretary-General</i>
The situation in Somalia	Resolution 885 (1993)	To appoint a Commission of Inquiry to investigate armed attacks on UNOSOM II personnel.
The situation in Cambodia	Statement by the President of the Council dated 22 May 1993 (S/25822)	To investigate the shelling on 21 May 1993 of UNTAC and to report urgently to the Council.
The situation in Liberia	Statement by the President of the Council dated 9 June 1993 (S/25918)	To commence a thorough and full investigation of a massacre perpetrated on 6 June 1993.

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>Mandating decision</i>	<i>Request to the Secretary-General</i>
The situation in the Republic of Yemen	Resolution 924 (1994)	To send a fact-finding mission to the area to assess prospects for a renewed dialogue among all those concerned.
The situation concerning Rwanda	Resolution 935 (1994)	To establish an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide.
The situation in Burundi	Resolution 1012 (1995)	To establish an international commission of inquiry, with the mandate of (a) establishing the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed and (b) recommending measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi.
The situation in Bosnia and Herzegovina	Statement by the President of the Council dated 8 January 1993 (S/25079)	To undertake a full investigation of the incident of the killing of the Deputy Prime Minister of Bosnia and Herzegovina by Bosnian Serb forces.
	Statement by the President of the Council dated 28 October 1993 (S/26661)	To submit a report on the responsibility for a massacre of the civilian population in Stupni Do on 23 October 1993 by troops of the Croatian Defence Council, and attacks against UNPROFOR and a humanitarian convoy under its protection on 25 October 1993 in Central Bosnia.

<i>Item</i>	<i>Mandating decision</i>	<i>Request to the Secretary-General</i>
	Statement by the President of the Council dated 9 November 1993 (S/26717)	To undertake a thorough investigation of an incident involving the taking hostage by Bosnian Serb forces of two persons travelling in armoured vehicles of UNPROFOR.
	Statement by the President of the Council dated 14 April 1995 (S/PRST/1995/19)	Again to investigate the circumstances of attacks on UNPROFOR personnel in Bosnia and Herzegovina.

In other instances, the Security Council, through resolutions and statements by its President, welcomed, supported or noted with satisfaction the dispatch by the Secretary-General of fact-finding missions to countries in conflict,²⁷ including Afghanistan, Burundi, Georgia, Liberia, Rwanda and Tajikistan.²⁸

On a number of occasions, requests made by Member States for investigations did not result in the establishment or dispatch of investigative bodies or fact-finding missions, for example in relation to items

settlement to the dispute, and, by resolution 877 (1993), the Council demanded that all parties refrain from the use of force and from any violations of international humanitarian law and welcomed the decision of the Secretary-General to send a fact-finding mission to Georgia in that regard, in particular to investigate reports of "ethnic cleansing". In connection with the situation in Liberia, by resolution 950 (1994), the Council welcomed the Secretary-General's intention to send a high-level mission to consult with ECOWAS member States on how the international community could best continue to assist the peace process in Liberia, and, also by resolution 1014 (1995), the Council welcomed the Secretary-General's intention to dispatch a mission to Liberia to consult with the Liberian leaders and other interested parties on the requirements in the evolving implementation of the Abuja Agreement. In connection with the situation concerning Rwanda, by a statement by the President dated 10 September 1993 (S/26425), the Council welcomed the decision taken by the Secretary-General to send a reconnaissance mission to Rwanda and hoped to have the report of the Secretary-General based on the recommendations of the mission in the next few days so that it could consider the contribution the United Nations could make to facilitate the implementation of the Arusha Peace Agreement signed on 4 August 1993. In connection with the situation in Tajikistan and along the Tajik-Afghan border, by a statement by the President dated 23 August 1993 (S/26341), in the light of the unstable situation on the Tajik-Afghan border, the Council welcomed the Secretary-General's decision to dispatch his Special Envoy to Afghanistan and other countries in the region.

²⁷ By a statement by the President of the Council dated 28 May 1993 (S/25859), in connection with "An Agenda for Peace", the Council noted with satisfaction the increased use of fact-finding missions.

²⁸ In connection with the situation in Afghanistan, by a statement by the President of the Council dated 24 January 1994 (S/PRST/1994/4), the Council noted General Assembly resolution 48/208 of 21 December 1993, in which the Assembly had requested the Secretary-General to dispatch as soon as possible a United Nations special mission to Afghanistan to canvass a broad spectrum of Afghanistan's leaders to solicit their views on how the United Nations could best assist Afghanistan in facilitating national rapprochement and reconstruction, and welcomed the reaffirmation of support for such a mission issued on 12 January 1994 by the Secretary-General and his intention to dispatch the mission. In connection with the situation in Burundi, by a statement by the President dated 25 October 1993 (S/26631), the Council took note with appreciation of the dispatch by the Secretary-General of a Special Envoy to Burundi, and, by a statement by the President dated 16 November 1993 (S/26757), the Council noted with satisfaction the immediate response of the Secretary-General to the situation by dispatching a Special Envoy in a good offices mission to facilitate the return of the country to constitutional rule. In connection with the situation in Georgia, by a statement by the President dated 17 September 1993 (S/26463), the Council welcomed the Secretary-General's intention to send his Special Envoy for Georgia to Moscow and to the area to assess the situation and to establish a way forward to a peaceful

such as the situation in Angola and the situation in the occupied Arab territories.²⁹

The following case studies set out details of the decision-making process leading to the establishment of a commission of experts to examine information relating to grave violations of international humanitarian law committed in Rwanda; and the establishment of an international commission of inquiry in connection with the assassination of the President of Burundi on 21 October 1993 and the acts of violence that followed.

Case 1

The situation concerning Rwanda

Establishment of the Commission of Experts to examine information with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law in Rwanda

In connection with the situation concerning Rwanda, the Security Council, by a statement by the President of the Council dated 30 April 1994,³⁰ condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalled that persons who instigated or participated in such acts were individually responsible. It further recalled, in that context, that the killing of members of an ethnic group with the intention of destroying such group, in whole or in part, constituted a crime punishable under international law.

²⁹ In connection with the situation in Angola, at the 3168th meeting, on 29 January 1993, the representative of Angola requested the Security Council to conduct “an international investigation” to look into the involvement of South Africa and Zaire in the internal affairs of Angola (S/PV.3168, p. 11). In connection with the situation in the occupied Arab territories, at the 3340th meeting, on 28 February 1994, the representative of Egypt, speaking as the Chairman of the Group of Arab States, called upon the Security Council to send an international commission to investigate the killing of Palestinian worshippers in the Mosque of Ibrahim in Hebron, on 25 February 1994, and to take the necessary measures to enable the commission to carry out its mandate (S/PV.3340, p. 11). The request was supported by the representative of Jordan (*ibid.*, p. 29).

³⁰ S/PRST/1994/21.

By that statement, the Council requested the Secretary-General to make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

By resolution 918 (1994) of 17 May 1994, the Council reiterated its condemnation of the continued killing of civilians with impunity, and recalled that such killings constituted a crime punishable under international law. By the same resolution, the Council requested the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict. By resolution 925 (1994) of 8 June 1994, the Council noted with grave concern the reports indicating that acts of genocide had occurred in Rwanda and recalled that genocide constituted a crime punishable under international law.

In his report on the situation in Rwanda, the Secretary-General noted that massacres and killings were continuing in a systematic manner throughout that country, and indicated that “only a proper investigation [could] establish the facts and definite culpability”. The Secretary-General concluded, on the basis of the findings and evidence of the special mission to Rwanda, that there could be little doubt that the large-scale killings of communities and families belonging to a particular ethnic group constituted genocide.³¹

By resolution 935 (1994) of 1 July 1994, the Council, recalling the requests it had addressed to the Secretary-General in the statement by the President of the Council of 30 April 1994 and in resolution 918 (1994), concerning the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict, requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to resolution 935 (1994), together with such further information as the Commission might obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda of the Commission on

³¹ S/1994/640, paras. 6, 10 and 36.

Human Rights,³² with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide; requested the Secretary-General to report to the Council on the establishment of the Commission of Experts; and further requested him, within four months from the establishment of the Commission, to report to the Council on the conclusions of the Commission and to take account of those conclusions in any recommendations for further appropriate steps.

In the deliberations held in connection with the adoption of resolution 935 (1994), several Council members supported the establishment of a commission of experts. The representative of Spain considered that the establishment of such a commission would contribute to clarifying the facts with respect to the killings in Rwanda and to the carrying out of justice, and would also “make it possible to facilitate a political settlement” by focusing responsibility on specific persons rather than on ethnic, social or political groups.³³ The representative of the United States stressed that the Council’s goal must be “individual accountability and responsibility for grave violations of international humanitarian law in Rwanda”. He further stated that the Council must be ready to respond as quickly as possible to the commission’s report and that it was imperative that it

avoid any unnecessary delay in bringing to justice those responsible for serious breaches of international humanitarian law.³⁴ Touching upon the question of jurisdiction, the representative of France argued that the establishment of a commission of experts to investigate human rights violations in Rwanda should make it possible to identify those responsible for those crimes so that the Council could then decide, on the basis of the Secretary-General’s recommendations, “under which jurisdiction they [could] be dealt with”.³⁵ In a similar vein, the representative of New Zealand stated that genocide and other grave breaches of humanitarian law were international crimes which were subject to universal jurisdiction and stressed that there was the need to ensure that information on the killings was collected and organized so that there was at least “a basis upon which subsequent prosecutions, whether undertaken internationally or through the Rwandan legal system”, could proceed.³⁶ On the other hand, the representative of China held that the establishment of the Commission of Experts as authorized by the resolution was “an exceptional action” adopted in line with the special situation in Rwanda, and therefore should not be considered as a precedent.³⁷

In his report of 26 July 1994 on the establishment of the Commission of Experts pursuant to paragraph 1 of resolution 935 (1994),³⁸ the Secretary-General expressed the hope that, given the urgency of the matter, the report would be submitted no later than 30 November 1994, as provided for in that resolution. To that end, he envisaged that the work of the Commission would be in two stages: in a first stage, the members of the Commission would review and update the information that was available from all sources and carry out its own investigations in Rwanda to complement those already undertaken by the Special Rapporteur. The second stage of the Commission’s work would be to draw up its conclusions on the evidence of specific violations of international humanitarian law, in particular acts of genocide, on the basis of which identification of persons responsible for those violations could be made. In the light of those conclusions, the Commission would examine the question of the jurisdiction, international or national,

³² By its resolution S-3/1 of 25 May 1994, the Commission on Human Rights requested its Chairman to appoint a Special Rapporteur to investigate at first hand the human rights situation in Rwanda and to receive relevant, credible information on the human rights situation from Governments, individuals and intergovernmental and non-governmental organizations, including on the root causes and responsibilities for the recent atrocities. The Commission requested the Special Rapporteur to visit Rwanda and report on the human rights situation in that country, including recommendations for bringing violations and abuses to an end and preventing future violations and abuses. The Special Rapporteur was also requested to gather and compile systematically information on possible violations of human rights and acts that might constitute breaches of international humanitarian law and crimes against humanity, including acts of genocide, in Rwanda and to make that information available to the Secretary-General. The Special Rapporteur submitted his report on the situation of human rights in Rwanda on 29 June 1994 (E/CN.4/1995/7).

³³ S/PV.3400, p. 3.

³⁴ *Ibid.*, p. 4.

³⁵ *Ibid.*, p. 5.

³⁶ *Ibid.*, p. 6.

³⁷ *Ibid.*, p. 7.

³⁸ S/1994/879.

before which such persons should be brought to trial. Therefore, the Secretary-General decided to establish a Commission of Experts to be composed of three members, taking into account their qualifications in the areas of human rights, humanitarian law, criminal law and prosecution, as well as their integrity and impartiality. Subsequently, by a letter dated 29 July 1994 addressed to the President of the Council,³⁹ the Secretary-General informed the Council that, following extensive consultations, he had decided to appoint the three members of the Commission.

By a letter dated 1 October 1994 addressed to the President of the Council,⁴⁰ the Secretary-General submitted the interim report of the Commission of Experts covering its preliminary investigations and activities prior to 30 September 1994. The Commission recommended that the Council take all necessary and effective action to ensure that the individuals responsible for the grave violations of human rights in Rwanda during the armed conflict were brought to justice before “an independent and impartial international criminal tribunal”. In order to enhance the fair and consistent interpretation, application and adjudication of international law on individual responsibility for serious human rights violations and to achieve the most efficient allocation of resources, the Commission further recommended that the Security Council amend the statute of the International Tribunal for the Former Yugoslavia so that it could consider crimes under international law committed during the armed conflict in Rwanda.

By a statement by the President of the Council dated 14 October 1994,⁴¹ the Council, reaffirming its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice, stated that it was considering the recommendations of the Commission of Experts in respect of the establishment of an international tribunal and would act expeditiously in the matter.

By resolution 955 (1994) of 8 November 1994, the Council expressed appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law

in Rwanda transmitted by the Secretary-General’s letter of 1 October 1994,⁴² and considered that the Commission should continue the collection of information relating to evidence of grave violations of international humanitarian law and should submit its final report to the Secretary-General by 30 November 1994. By the same resolution, acting under Chapter VII of the Charter, the Council decided, having received the request of the Government of Rwanda,⁴³ to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.⁴⁴

The final report of the Commission of Experts was transmitted by the Secretary-General by a letter dated 9 December 1994 addressed to the President of the Council,⁴⁵ in which he summarized as follows the conclusions of the Commission: there existed overwhelming evidence to prove that acts of genocide against the Tutsi ethnic group had been committed by Hutu elements, and that crimes against humanity and serious violations of international humanitarian law had been committed by individuals on both sides of the conflict, but there was no evidence to suggest that acts committed by Tutsi elements had been perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention; the Commission recommended that investigation of violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front be continued by the Prosecutor of the International Tribunal for Rwanda established by resolution 955 (1994).⁴⁶

³⁹ S/1994/906.

⁴⁰ S/1994/1125.

⁴¹ S/PRST/1994/59.

⁴² S/1994/1125.

⁴³ S/1194/1115.

⁴⁴ For more details concerning the establishment of the tribunal, see chapter V, part I.F.

⁴⁵ S/1994/1405.

⁴⁶ Pursuant to article 15 of the statute of the International Tribunal for Rwanda, the Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda (see resolution 955 (1994), annex). The Prosecutor of the International Tribunal for the Former Yugoslavia was appointed by resolution 936 (1994).

In the above-mentioned letter, the Secretary-General also said he believed that, in view of resolution 955 (1994), the Commission's recommendations, namely, the establishment of an international tribunal and the continuation of the investigation into allegations of violations of international humanitarian law, had been already acted upon. Therefore, he considered that the Commission had discharged the mandate entrusted to it by the Council in its resolution 935 (1994).

Case 2

The situation in Burundi

Dispatch of a Council mission to Burundi from 10 to 11 February 1995 and subsequent establishment of the International Commission of Inquiry in connection with the assassination on 21 October 1993 of the President of Burundi and the acts of violence that followed

As recorded in the note by the President of the Council dated 6 February 1995,⁴⁷ Council members, at the consultations of the whole of that date, decided to send a mission to Burundi and Rwanda. The mission's terms of reference in Burundi were (a) to hold consultations with the Special Representative of the Secretary-General on the situation regarding the political and security developments in Burundi and his efforts in that regard, and additional ways in which the United Nations might further underpin his efforts; (b) to hold talks with the President, the Prime Minister, the leadership of the security forces and the leaders of the opposition parties as well as United Nations agencies, members of the diplomatic corps, non-governmental organizations, the Office of the Organization of African Unity and other interested parties and convey to them the serious concerns of the Security Council over the recent political developments in Burundi; (c) to stress to all the parties the strong support of the Council for the Convention on Governance of 10 September 1994⁴⁸ and the Government constituted on the basis of it and for the process of national reconciliation, and the Council's rejection of all attempts to undermine them or to destabilize the region; and (d) to submit a report to the Council. The mission followed up on work done by an

⁴⁷ S/1995/112.

⁴⁸ S/1995/190, annex.

earlier Security Council mission to Burundi, on 13 and 14 August 1994.

By a letter dated 28 February 1995 addressed to the President of the Council,⁴⁹ the members of the Security Council mission to Burundi transmitted the report on their mission, which was conducted on 10 and 11 February 1995. As one of its recommendations, the mission suggested that an international commission of inquiry into the coup attempt of October 1993 and the massacres that had followed, as proposed by the Government of Burundi in accordance with the Convention on Governance, should be established as soon as possible.

By a statement by the President of the Council dated 9 March 1995,⁵⁰ the Council considered the report of its mission to Burundi, which had visited Bujumbura on 10 and 11 February,⁵¹ and welcomed the observations and recommendations contained therein. The Council reaffirmed the view that impunity was a fundamental problem in Burundi, one which seriously endangered security in the country, and stressed the importance it attached to assistance being given to help strengthen the national judicial system. It underlined the role that could be played by an international commission of inquiry into the 1993 coup attempt and into the massacres that had followed, established in accordance with the Convention on Governance.

By a statement by the President of the Council dated 29 March 1995,⁵² the Council recalled the statement by the President of 9 March 1995 and requested the Secretary-General to report to the Council on an urgent basis on what steps should be taken to establish an impartial commission of inquiry.

By a letter dated 28 July 1995 addressed to the President of the Council,⁵³ the Secretary-General submitted to the Council the report of his Special Envoy on the options for the establishment of an international commission of inquiry. The report concluded that neither a commission on the truth based on the Salvadoran model nor an international judicial commission of inquiry whose mandate was limited to purely judicial matters would be an adequate response to the need to put an end to impunity in Burundi. An

⁴⁹ S/1995/163.

⁵⁰ S/PRST/1995/10.

⁵¹ S/1995/163, annex.

⁵² S/PRST/1995/13.

⁵³ S/1995/631.

international judicial commission of inquiry, however, could be viable and useful if its mandate would guarantee that its conclusions and recommendations would be put into effect and achieve the objective of prosecuting and punishing those responsible for the assassination of the President of Burundi on 21 October 1993, for the massacres that had followed and for other serious acts of violence and political crimes committed since October 1993. It also concluded that the international commission should be mandated not only to undertake a judicial inquiry but also to make recommendations of an institutional nature in the legal, political and/or administrative fields. On the basis of the conclusions, the Secretary-General recommended to the Council to establish such a commission by adopting a resolution as soon as possible.

By letters dated 8 and 23 August 1995 addressed to the President of the Council,⁵⁴ the representative of Burundi informed the Council that his Government had taken note with great interest of the contents of the report of the Secretary-General of 28 July 1995, and transmitted a statement of motives for the request for the constitution of an international commission of inquiry, together with the terms of reference of the Commission.

During the deliberations held in connection with the adoption of resolution 1012 (1995), the representative of Burundi stated that the initiative for establishing the commission came from the Burundi political actors in search of an impartial international arbiter. He stressed that the success of the work of the commission would depend on close and steady cooperation with the Government of Burundi in general and with the security forces and the national judicial system in particular. The commission would have to resist any temptation to exceed the mandate and the field of action delineated in the terms of reference proposed by the Government of Burundi and set out in the draft resolution. That code of conduct was dictated by a concern to prevent any compromise of national sovereignty, any interference in the internal affairs of Burundi and any possible mingling of matters within the commission's mandate with subjects outside its area of competence.⁵⁵

⁵⁴ S/1995/673 and S/1995/731.

⁵⁵ S/PV.3571, pp. 3-4.

The representative of China stated that his country was of the view that the international community, in assisting with the settlement of the Burundi question, should fully respect the independence and sovereignty of Burundi and should not interfere in its internal affairs. Therefore, it was very important to heed and respect the views of the Government of Burundi in connection with the establishment of the commission. His delegation noted that while the mandate of the commission was extensive, touching on certain aspects upon Burundi's sovereignty and internal affairs, and although China had certain reservations about some elements of the mandate, it could be treated as a special case, in view of the acceptance by the Government of Burundi and of the special circumstances in that country.⁵⁶

The representative of the United States, stating that the resolution was drafted in close consultation with the Burundi authorities, underlined that it was the hope and intent of the Council that the commission would help to set Burundi firmly on the path to renewed peaceful and democratic governance along with respect for human rights. The commission would recommend measures to prevent any repetition of deeds similar to those investigated by the commission and to eradicate impunity in Burundi. It would remain up to the Government of Burundi to decide on what measures were taken.⁵⁷

The representative of Rwanda maintained that his delegation had important questions with respect to the role of the commission and the result it would be able to achieve.⁵⁸

By resolution 1012 (1995), which was adopted unanimously, the Council requested the Secretary-General to establish, as a matter of urgency, an international commission of inquiry, with the mandate (a) to establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed; and (b) to recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the

⁵⁶ *Ibid.*, pp. 5-6.

⁵⁷ *Ibid.*, p. 10.

⁵⁸ *Ibid.*, p. 12.

commission and, in general, to eradicate impunity and promote national reconciliation in Burundi. In addition, the Council recommended that the international commission of inquiry be composed of five impartial and internationally respected, experienced jurists who should be selected by the Secretary-General and should be furnished with adequate expert staff, and that the Government of Burundi be duly informed. The Council also requested the Secretary-General to report to the Council on the establishment of the commission of inquiry, and further requested him, within three months from the commission's establishment, to submit an interim report to the Council on the work of the commission and to submit a final report when the commission completed its work.

By a letter dated 22 September 1995 addressed to the President of the Council,⁵⁹ the Secretary-General informed the Council that, in accordance with resolution 1012 (1995), he had appointed five members of the Commission. The President of the Council, by a letter dated 27 September 1995 addressed to the Secretary-General,⁶⁰ informed the Secretary-General that his letter had been brought to the attention of the members of the Council, who took note of the decision contained therein.

⁵⁹ S/1995/825.

⁶⁰ S/1995/826.

Part III

Decisions of the Security Council concerning the pacific settlement of disputes

Note

Chapter VI of the Charter contains various provisions according to which the Security Council may make recommendations to the parties to a dispute or situation. According to Article 33 (2) of the Charter, the Council may call on the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). According to Article 36 (1) the Council may "recommend appropriate methods or procedures of adjustment". Article 37 (2) envisages that the Council may "recommend such terms of settlement as it may consider appropriate", and Article 38 provides that it may "make recommendations to the parties with a view to a pacific settlement of the dispute".

As part of its efforts aimed at the peaceful settlement of conflicts within the framework of Chapter VI of the Charter, the Council frequently endorsed or supported peace agreements concluded by the parties to a conflict, or recommended various methods or procedures of settlement, such as bilateral or multilateral negotiations,⁶¹ mediation or conciliation

Front to resume the negotiations on 15 March 1993 as agreed, in order to resolve the pending questions with a view to signing a peace agreement at the beginning of April 1993 at the latest. In connection with the situation in the Republic of Yemen, by resolution 924 (1994), the Council reminded all concerned that their political differences could not be resolved through the use of force, and urged them to return immediately to negotiations which would permit a peaceful resolution of their differences and a restoration of peace and stability. In connection with the situation in Tajikistan, by a statement by the President of the Council dated 6 November 1995 (S/PRST/1995/54), the Council called upon the Tajik parties to begin as a matter of urgency "the continual round of talks with the aim of concluding a general agreement" in accordance with the provisions of the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan signed by the President of Tajikistan and the leader of the Tajik opposition on 17 August 1995 (S/1995/72, annex).

⁶¹ For instance, in connection with the situation concerning Rwanda, by resolution 812 (1993), stressing the need for a negotiated political solution, in the framework of the agreements signed by the parties in Arusha, in order to put an end to the conflict in Rwanda, the Council urged the Government of Rwanda and the Rwandese Patriotic

efforts undertaken by the Secretary-General⁶² or by regional arrangements.⁶³

Relevant appeals and recommendations were in general addressed to the parties involved or concerned, which were not only States but also, in several instances, non-State actors. For instance, in connection with the situation in Tajikistan, by a statement by the President of the Council dated 23 August 1993,⁶⁴ the Council urged “the Government of Tajikistan and all opposition groups” to accept as soon as possible the need for an overall political solution and to participate

⁶² For example, in connection with the situation in Cyprus, by resolution 839 (1993), the Council called on both parties to carry forward expeditiously and in a constructive manner the intercommunal talks under the auspices of the Secretary-General. In connection with the situation in Tajikistan, by a statement by the President of the Council dated 8 November 1994 (S/PRST/1994/65), the Council reaffirmed its support for the efforts by the Secretary-General and his Special Envoy to facilitate the political dialogue between the Government of Tajikistan and the Tajik opposition aimed at achieving national reconciliation. In connection with the situation in Sierra Leone, by a statement by the President of the Council dated 27 November 1995 (S/PRST/1995/57), the Council expressed its appreciation to the Secretary-General for his offer of good offices in Sierra Leone and urged the Revolutionary United Front to take advantage of that offer, thus enabling both parties to enter into negotiations.

⁶³ See chapter XII, part III, for further details on the manner in which the Security Council has encouraged efforts undertaken by regional arrangements in the peaceful settlement of disputes. By way of example, in connection with the situation in Afghanistan, by a statement by the President of the Council dated 24 January 1994 (S/PRST/1994/4), the Council commended the efforts of the Organization of the Islamic Conference to promote peace in Afghanistan through a political dialogue among the Afghan parties. In connection with the situation relating to Nagorno Karabakh, by resolution 853 (1993), the Council endorsed the continuing efforts by the Minsk Group of the Conference on Security and Cooperation in Europe to achieve a peaceful solution to the conflict. In connection with the situation concerning Rwanda, by resolution 812 (1993), the Council stressed the need for a negotiated political solution, in the framework of the agreements signed by the parties in Arusha, in order to put an end to the conflict in Rwanda and paid tribute to the efforts of the Organization of African Unity to promote such a solution.

⁶⁴ S/26341.

in a negotiating process for the early establishment of a ceasefire and eventual national reconciliation with the widest possible participation of all political groups and all the regions of the country. In connection with the situation in Burundi, by a statement by the President dated 22 December 1994,⁶⁵ the Council encouraged “the Government, the National Assembly, the political parties and all others concerned in Burundi, and in particular the army”, to respect and give support to the Convention on Governance of 10 September 1994. In connection with the situation in Liberia, by resolution 972 (1995), the Council called on “the Liberian leaders and factions” to demonstrate their commitment to the peace process by maintaining the ceasefire, which had come into effect on 28 December 1994.

This part of the chapter will aim to provide an overview of the Council’s practice in relation to the peaceful settlement of disputes by setting out examples of the most relevant decisions adopted by the Council during the period under review. As it is not always possible to ascertain the concrete basis within the framework of the Charter on which individual Council decisions have been made, the overview will aim to set out relevant decisions without ascribing them to specific Articles of the Charter. Council decisions related to investigation and fact-finding missions have been already covered in part II of this chapter.

A. Recommendations relating to terms, methods or procedures of settlement

The following overview sets out instances in which the Council proposed or endorsed terms of settlement, or recommended procedures or methods of settlement.

The situation in Bosnia and Herzegovina

By resolution 820 (1993) of 17 April 1993, the Council commended the peace plan for Bosnia and Herzegovina in the form agreed to by two of the Bosnian parties and set out in the report of the Secretary-General of 26 March 1993,⁶⁶ namely the Agreement on Interim Arrangements, the nine Constitutional Principles, the provisional provincial map and the Agreement for Peace in Bosnia and Herzegovina.

⁶⁵ S/PRST/1994/82.

⁶⁶ S/25476.

By resolution 942 (1994) of 23 September 1994, the Council expressed its approval of the proposed territorial settlement for the Republic of Bosnia and Herzegovina which had been put to the Bosnian parties as part of an overall peace settlement.

In a statement by the President of the Council dated 6 January 1995,⁶⁷ the Council deemed it imperative to intensify efforts under the auspices of the Contact Group to achieve an overall settlement on the basis of the acceptance of the peace plan of the Contact Group as a starting point.

In a statement by the President of the Council dated 8 September 1995,⁶⁸ the Council welcomed the joint statement issued at the conclusion of the meeting held under the auspices of the Contact Group in Geneva on the same day between the Foreign Ministers of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and in particular the agreement by the parties on the Declaration of Principles.

By resolution 1031 (1995) of 15 December 1995, the Council welcomed and supported the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the "Peace Agreement"),⁶⁹ signed on 14 December 1995 at the Paris Peace Conference.

The situation in Burundi

In a statement by the President of the Council dated 9 March 1995,⁷⁰ the Council reaffirmed its support for the Convention on Governance and for the coalition Government established under it, and the implementation of the provisions of the Convention calling for the holding of a national debate with the participation of all segments of the society in Burundi, as a means of fostering political dialogue.

The situation in Tajikistan

In a statement by the President of the Council dated 25 August 1995,⁷¹ the Council welcomed the protocol on the fundamental principles for establishing peace and national accord in Tajikistan signed by the

President of Tajikistan and the leader of the Tajik opposition on 17 August 1995,⁷² and supported the agreement of the parties to conduct the continual round of talks due to begin on 18 September 1995, with the aim of concluding a general agreement on the establishment of peace and national accord in Tajikistan.

The situation in Afghanistan

In a statement by the President of the Council dated 30 November 1994,⁷³ the Council welcomed the acceptance by the warring parties and other Afghan representatives of a step-by-step process of national reconciliation through the establishment of a fully representative and broad-based Authoritative Council, which would (a) negotiate and oversee a ceasefire, (b) establish a national security force to collect and safeguard heavy weapons and provide for security throughout the country and (c) form a transitional government to lay the groundwork for a democratically chosen government, possibly utilizing traditional decision-making structures such as a "Grand Assembly".

The situation relating to Nagorny Karabakh

In a statement by the President of the Council dated 6 April 1993,⁷⁴ the Council expressed its support for the peace process of the Conference on Security and Cooperation in Europe (CSCE). Similar expressions of support were made in the subsequent decisions.⁷⁵

Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation regarding Sevastopol

In a statement by the President of the Council dated 20 July 1993,⁷⁶ the Council welcomed the efforts of the Presidents and the Governments of the Russian Federation and Ukraine to settle any differences between them by peaceful means.

⁶⁷ S/PRST/1995/1.

⁶⁸ S/PRST/1995/45.

⁶⁹ S/1995/999, annex.

⁷⁰ S/PRST/1995/10.

⁷¹ S/PRST/1995/42.

⁷² S/1995/720, annex.

⁷³ S/PRST/1994/77.

⁷⁴ S/25539.

⁷⁵ Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) and statements by the President of 18 August 1993 (S/26326) and 26 April 1995 (S/PRST/1995/21).

⁷⁶ S/26118.

The situation in the Middle East

Throughout the reporting period, in statements by the President of the Council accompanying the resolutions by which the Council extended the mandate of the United Nations Interim Force in Lebanon, the Council reiterated its full support for the Taif Agreement.⁷⁷

The situation in the occupied Arab territories

By resolution 904 (1994) of 18 March 1994, the Council reaffirmed its support for the peace process under way and called for the implementation of the Declaration of Principles, signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 in Washington, D.C., without delay.

Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya

By resolution 910 (1994) of 14 April 1994 and similarly by resolution 915 (1994) of 4 May 1994, the Council welcomed the agreement signed at Surt, Libyan Arab Jamahiriya, on 4 April 1994 by the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994 regarding the Aouzou Strip.⁷⁸

The situation in Georgia

In a statement by the President of the Council dated 8 April 1994,⁷⁹ the Council considered the signing in Moscow on 4 April 1994 of the Declaration on Measures for a Political Settlement of the

Georgian/Abkhaz Conflict⁸⁰ and the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons⁸¹ as an encouraging event, laying the basis for further progress towards the settlement of the conflict.

In a statement by the President of the Council dated 2 December 1994,⁸² the Council called upon all parties, in particular the Abkhaz side, to reach substantive progress in the negotiations under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and with the participation of representatives of CSCE aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, based on the principles set out in all the relevant resolutions of the Council. By resolution 993 (1995) of 12 May 1995, the Council reiterated such a call.

The situation in Liberia

By resolution 813 (1993) of 26 March 1993, the Council reaffirmed its belief that the Yamoussoukro IV Accord of 30 October 1991 offered the best possible framework for a peaceful resolution of the Liberian conflict by creating the necessary conditions for free and fair elections in Liberia.⁸³

By resolution 856 (1993) of 10 August 1993, the Council welcomed the signing under the auspices of the Economic Community of West African States, on 25 July 1993, at Cotonou, Benin, of a Peace Agreement between the Interim Government of National Unity of Liberia, the National Patriotic Front of Liberia and the United Liberation Movement for Democracy.⁸⁴

By resolution 1014 (1995) of 15 September 1995, the Council welcomed the Abuja Agreement signed by the Liberian parties on 19 August 1995,⁸⁵ which amended and supplemented the Cotonou Agreement and the Akosombo Agreement⁸⁶ as subsequently clarified by the Accra Agreement.⁸⁷

⁷⁷ Statements of 28 January 1993 (S/25185), 28 July 1993 (S/26183), 28 January 1994 (S/PRST/1994/5), 28 July 1994 (S/PRST/1994/37), 30 January 1995 (S/PRST/1995/4) and 28 July 1995 (S/PRST/1995/35).

⁷⁸ In his report on the United Nations Aouzou Strip Observer Group (UNASOG) of 6 June 1994, the Secretary-General stated that the accomplishment of the mandate of UNASOG to observe the implementation of the Agreement amply demonstrated "the useful role, as envisaged by the Charter, which the United Nations [could] play in the peaceful settlement of disputes when the parties cooperate[d] fully with the Organization" (S/1994/672, para. 8).

⁷⁹ S/PRST/1994/17.

⁸⁰ S/1994/397, annex I.

⁸¹ Ibid., annex II.

⁸² S/PRST/1994/78.

⁸³ S/24815, annex.

⁸⁴ S/26272, annex.

⁸⁵ S/1995/742.

⁸⁶ S/1994/1174.

⁸⁷ S/1995/7.

The situation in Angola

In a statement by the President of the Council dated 21 November 1994,⁸⁸ the Council welcomed the signing of the Lusaka Protocol⁸⁹ by the representatives of the Government of Angola and UNITA at Lusaka on 20 November 1994, and stated that the Protocol together with the Bicesse Accords should lay the foundation for lasting peace in Angola.

B. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Security Council "any matter which in his opinion may threaten the maintenance of international peace and security". The Council's efforts aimed at the pacific settlement of disputes frequently require the involvement of the Secretary-General, who, in coordination with the Council or upon its request, in many instances, facilitates peace efforts in various

⁸⁸ S/PRST/1994/70.

⁸⁹ S/1994/1441, annex.

ways, such as his "good offices" function, diplomatic efforts for promotion of a political settlement, dispatch and command of peacekeeping operations, and establishment of international criminal tribunals. Council decisions related to these efforts by the Secretary-General, including the Council's endorsement and support for them during the period under review, are covered in chapter VI, part V.

C. Decisions involving regional arrangements or agencies

During the period under review, the Security Council not only called upon the parties to cooperate with regional arrangements, but also, in accordance with Article 52 of the Charter, frequently expressed its support and appreciation for the peace efforts undertaken by regional arrangements or requested the Secretary-General to undertake such efforts in conjunction with regional arrangements. Council decisions regarding the joint or parallel efforts undertaken by the Council and regional agencies or arrangements in the pacific settlement of disputes during the period under review are covered in detail in chapter XII.

Part IV
Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter

Note

This part of the chapter aims to highlight the most important aspects and arguments raised in deliberations of the Security Council with regard to the interpretation of specific provisions of the Charter concerning the Council's role in the peaceful settlement of disputes. This includes in particular discussions concerning the competence of the Council to consider a dispute or situation and its power to make appropriate recommendations within the framework of Chapter VI of the Charter.

In accordance with the relevant provisions of Chapter VI, the Council shall, when it deems necessary, make recommendations in relation to disputes or situations which are likely to endanger international peace and security. Accordingly, this part

will focus on discussions concerning the existence of a dispute or situation within the meaning of Chapter VI of the Charter.

When making recommendations to the parties, the Council is also required, pursuant to Article 36 of the Charter, to take into consideration (a) procedures for settlement which have already been adopted by the parties, and (b) the general rule that disputes of a legal nature ought to be referred to the International Court of Justice. Instances in which the requirements stipulated by Article 36 (2) and (3) became the subject of deliberations will, therefore, also be considered below.

Since the referral of a situation or dispute to the Council was challenged by Member States on the basis of distinct arguments, some items are considered under several subheadings.

Assertion that international peace and security are not endangered

In several instances, Member States, by asserting that a dispute or situation did not pose a threat to international peace and security, also challenged the Council's general competence, under Chapter VI, to consider certain matters or make recommendations in relation thereto. Such instances may therefore be illustrated in this section, even though the expression "threat to the peace" usually indicates the consideration of a situation before the Council under Chapter VII of the Charter.

With regard to the situation in the Republic of Yemen, by a letter dated 31 May 1994 addressed to the President of the Council,⁹⁰ the Government of Yemen conveyed its "great surprise and sorrow" that the Council was addressing the internal issue of Yemen on the basis of "erroneous information and through intermediaries who [were] not involved", despite the fact that Yemen, a Member State, had yet to make any request to the Council in that regard. The Council was urged to reject all requests made by any party with regard to the issue between the Yemeni people and the rebels which was "an internal matter within the meaning of Article 2 (7) of the Charter". In its view, the provisions of the Charter affirmed that no Member State might submit the matter of an internal conflict other than in the case "where its interests [were] harmed or where the dispute [threatened] international peace and security". The Government of Yemen stressed that neither of those requirements was met in the case of the Yemen question. Therefore, the Council was urged to deal with the situation in Yemen as an internal matter in accordance with Article 2 (7); reject any request for a discussion of the question of Yemen that was not made by its Government; and bring pressure on the Member States that were "trying to find a foothold" for themselves in the situation in Yemen to refrain from interfering in the internal affairs of Yemen, since it was likely to "inflame the situation and prolong the warfare and widen its scope".

On 1 June 1994, the Council held its 3386th meeting to consider, for the first time, the situation in the Republic of Yemen and adopted resolution 924 (1994), by which it considered that the continuance of

the situation "could endanger peace and security in the region".

In deliberations concerning the decision by the Democratic People's Republic of Korea in respect of the Treaty on the Non-Proliferation of Nuclear Weapons, the representative of the Democratic People's Republic of Korea argued that his Government's withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and the problems in implementing the safeguards agreement could not be considered to "wreck world peace and threaten the security of other countries"; it was a "self-defence measure" based on its "right under the Treaty" in the exercise of its national sovereignty. He further stressed that "no legal or technical grounds" could be found to discuss the so-called "nuclear problem" in the Council, and opposed such a discussion. The draft resolution before the Council was encroaching upon his country's sovereignty and ignored the "requirements of the Charter", the statute of the International Atomic Energy Agency (IAEA) and the norms of international law that disputes should be resolved through dialogue and negotiations, as stipulated in Article 33 of the Charter.⁹¹

On the other hand, the representative of the Republic of Korea underlined that by refusing IAEA inspections of suspected nuclear sites and by deciding to pull out of the Treaty, the Democratic People's Republic of Korea posed "a serious threat to international peace and security, in both the global and regional contexts".⁹² The representative of the Russian Federation considered that the withdrawal of the Democratic People's Republic of Korea from the Treaty would be "a serious threat to regional and international security" and emphasized that the consideration of the issue in the Council was of particular importance.⁹³

At the end of deliberations, the Council adopted resolution 825 (1993), by which it called upon the Democratic People's Republic of Korea to reconsider the announcement contained in the letter of 12 March 1993 from the representative of that country addressed to the President of the Council⁹⁴ and thus to reaffirm its commitment to the Non-Proliferation Treaty.

⁹⁰ S/1994/642.

⁹¹ S/PV.3212, pp. 7-8 and 23.

⁹² *Ibid.*, p. 29.

⁹³ *Ibid.*, pp. 64-65.

⁹⁴ S/25405.

The legal nature of disputes, in the light of Article 36 (3) of the Charter

Article 36 (3) of the Charter provides that the Security Council, in making recommendations under Article 36, should “take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court”.

In the following instance, Member States questioned the competence of the Security Council to consider a dispute, owing to its alleged legal nature, or advanced arguments in favour of a referral of such dispute to the International Court of Justice.

In deliberations concerning items relating to the Libyan Arab Jamahiriya, the representative of that country challenged the fact that the Council was meeting to consider a matter that threatened international peace and security. His delegation held that, whereas the Council was meeting to consider a draft resolution⁹⁵ that sought to intensify the sanctions imposed by resolution 748 (1992) under the pretext of the non-compliance of the Libyan Arab Jamahiriya with resolution 731 (1992), his country had in fact fully responded to the requirements of the latter resolution. The sole unresolved question, arising from the demand by the United States and the United Kingdom that the two alleged suspects in the bombing of Pan Am flight 103 over Lockerbie, Scotland, be extradited, remained outstanding because of a legal wrangle over which country had the competence to try those individuals. In his country’s view, the question was essentially settled by the provisions of the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1971, which stipulated jurisdiction regarding the trial of the accused to the Libyan Arab Jamahiriya. That country had therefore submitted the question of the application of the Convention’s rules to the International Court of Justice, the decision of which was still pending.⁹⁶

The representative of the Sudan, speaking on behalf of the League of Arab States, expressed the view that the dispute was legal in nature and belonged in the courts and institutions directly concerned, and not in the Security Council, which was not mandated by the

Charter to exercise such a function. This legal dispute, between the Libyan Arab Jamahiriya and France, the United Kingdom and the United States, regarding the extradition of the two accused, should be dealt with in a court of law, specifically by the International Court of Justice. In this regard, the Libyan Arab Jamahiriya had expressed its willingness to accept the pending decision of the Court and had also expressed its eagerness to “respond to international efforts aimed at resolving the conflict through negotiations, mediation, and legal settlement, in accordance with Article 33 of the Charter”. His delegation argued that the draft resolution before the Council⁹⁵ was not the best way to end the dispute. It would lead to negative results and could shake the confidence of the smaller countries in the Council’s neutrality because of overlapping competence of the mechanisms engaged in the settlement of international disputes. The interpretation of legal texts, especially the Charter, should be carried out only by judicial organs, and no other body could arrogate that competence for itself.⁹⁷

Reference to peaceful means of settlement of disputes adopted by the parties, in the light of Article 33 (1) of the Charter

Article 33 (1) requires the parties to a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, first of all to seek a solution by peaceful means, such as negotiation, conciliation or arbitration.

During the period under review, by a letter dated 4 March 1994 from the representative of Nigeria addressed to the President of the Security Council,⁹⁸ the Government of Nigeria expressed its hope that, concerning the border dispute between Nigeria and Cameroon, the Council would encourage “the initiative for bilateral resolution of the dispute”, in accordance with Article 33 (1) of the Charter, namely the summit talks to which the two countries had committed themselves.

⁹⁷ *Ibid.*, pp. 30-39.

⁹⁸ S/1994/258.

⁹⁵ S/26701.

⁹⁶ S/PV.3312, pp. 3-26.

Relevance of procedures for the settlement of disputes adopted by the parties, in the light of Article 33 (2) of the Charter

Article 33 (2) provides that “the Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means” as referred to in Article 33 (1), namely, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their choice. The importance placed on the parties’ efforts to reach a settlement is also reflected in Article 36 (2), which provides that “the Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties”.

In one instance, a Member State called upon the Security Council to take action under Article 33 (2). By a letter dated 29 June 1995 from the representative of the Sudan addressed to the President of the Council,⁹⁹ the Government of the Sudan called on the Council, in connection with “the aggression on the Sudanese territory of Halaib by the Arab Republic of Egypt”, to urge the Government of Egypt to make an immediate start towards resolving the dispute through “negotiations” by peaceful means based on the previous agreements between the two countries, and in accordance with Article 33 (2) of the Charter.

In the following instances, the deliberations of the Security Council turned to the question whether the priority accorded to the parties’ own efforts by the above-mentioned provisions may, in certain circumstances, restrict the Council’s competence to consider a dispute.

In deliberations concerning the decision by the Democratic People’s Republic of Korea in respect of the Treaty on the Non-Proliferation of Nuclear Weapons, the representative of the Democratic People’s Republic of Korea stressed that the very convening of the Council blocked the efforts towards dialogue. In his view, if the Council adopted the draft resolution before it,¹⁰⁰ that would result in heightened

tension in the situation on the Korean peninsula and pose a threat to the peace and security of the world.¹⁰¹

The representative of the United States indicated that her Government would be willing to meet with the Democratic People’s Republic of Korea to help resolve, as part of the international community’s efforts, the situation resulting from actions it had taken in the nuclear area.¹⁰² The representative of the United Kingdom stated the view of his Government that it was essential that the issue be treated “multilaterally as well as bilaterally”. His Government accepted that there was an important role to be played by bilateral contacts, but also underlined that it was “absolutely right and proper” that the Council should play its role in handling the multilateral aspect. While welcoming the efforts of IAEA and the prospect of contacts between the Democratic People’s Republic of Korea and other States, the speaker stressed that the Council must remain seized of the matter and that it might need to be prepared to consider further action as necessary.¹⁰³ In the view of the Russian Federation, multilateral efforts should work in tandem with a search for a solution to the problem through bilateral channels between interested parties.¹⁰⁴

By resolution 825 (1993), the Council welcomed recent signs of improved cooperation between the Democratic People’s Republic of Korea and IAEA and the prospect of contacts between the Democratic People’s Republic of Korea and other Member States.

In deliberations concerning the situation in the occupied Arab territories, at the 3505th meeting, which was held in response to the request in a letter dated 22 February 1995 from the representative of Djibouti addressed to the President of the Council,¹⁰⁵ the observer of Palestine argued that the Council had a fundamental responsibility regarding the settlement activity in the occupied Palestinian territory, including the preservation of the integrity of international law, international humanitarian law and its previous resolutions. It also had the responsibility of guaranteeing the continuation and integrity of the peace process, as it had done with the adoption of resolution 904 (1994). The speaker stressed that, in

⁹⁹ S/1995/534.

¹⁰⁰ S/25745.

¹⁰¹ S/PV.3212, p. 24.

¹⁰² *Ibid.*, p. 52.

¹⁰³ *Ibid.*, p. 55.

¹⁰⁴ *Ibid.*, pp. 64-65.

¹⁰⁵ S/1995/151.

order to achieve the ultimate goal of peace, the total cessation of all settlement activities was called for and that, in that respect, the backing and support of the Council was needed.¹⁰⁶ Other speakers also stressed the role of the Security Council and its responsibilities in the peace process and called upon the Council to adopt specific measures.¹⁰⁷

On the other hand, the representative of Israel emphasized that the initiative of the Palestine Liberation Organization to debate the issue of settlements in the Council was “incompatible” with its signed commitments vis-à-vis Israel, whereby all outstanding permanent status issues, such as settlements and Jerusalem, would be resolved in direct and bilateral negotiations at a specific time, namely, in the negotiations on permanent status, at the final stage of the process. These commitments were made throughout the agreements including the Declaration of Principles and the Gaza-Jericho Agreement. Therefore, the place to address the differences between the two parties must be at the negotiating table as agreed.¹⁰⁸ The representative of the United States stated that it would not be productive or useful for the Council to

involve itself in a question that the parties had agreed to cover when they addressed permanent status issues in their negotiations. His Government believed that debate in the Council could only sour the atmosphere of the ongoing talks and deflect the parties from the need to work together, and therefore opposed any activity that would only complicate efforts to spur the negotiating process.¹⁰⁹ A similar argument was heard from other speakers who stressed that the bilateral negotiations between the parties were as the appropriate channel for solving issues such as the settlements.¹¹⁰

The representative of Italy expressed the opinion that the request for the meeting by Djibouti, on behalf of the Group of Arab States, was justified procedurally and substantively. Legally, Articles 34 and 35 of the Charter and rules 2 and 3 of the Council’s provisional rules of procedure provided for the President’s calling a meeting at the request of any member of the Council and, moreover, provided that any Member of the United Nations might bring to the Council’s attention any dispute or any situation that might lead to international friction or give rise to a dispute. Politically, the Council could not ignore a request emanating from 21 Member States.¹¹¹

No action was taken at the end of the deliberations at the 3505th meeting.

¹⁰⁶ S/PV.3505, pp. 4-6.

¹⁰⁷ Ibid., pp. 11-12 (Egypt); p. 16 (Honduras); S/PV.3505 (Resumption), p. 3 (Oman); p. 9 (Jordan); p. 11 (Algeria); p. 12 (Tunisia); p. 13 (United Arab Emirates); p. 15 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 16 (Malaysia); p. 17 (Islamic Republic of Iran); and p. 23 (Sudan).

¹⁰⁸ S/PV.3505, pp. 7-9.

¹⁰⁹ Ibid., p. 15.

¹¹⁰ Ibid., pp. 14-15 (United Kingdom); S/PV.3505 (Resumption); p. 2 (Germany); and p. 3 (Russian Federation).

¹¹¹ S/PV.3505, p. 13.

Chapter XI

Consideration of the provisions of Chapter VII of the Charter

Contents

	<i>Page</i>
Introductory note	1095
Part I. Determination of a threat to the peace, breach of the peace, or act of aggression under Article 39 of the Charter	1096
Part II. Provisional measures under Article 40 of the Charter	1101
Part III. Measures not involving the use of armed force under Article 41 of the Charter	1106
Part IV. Consideration of the provisions of Article 42 of the Charter	1121
Part V. Decisions and deliberations having relevance to Articles 43 to 47 of the Charter.	1133
Part VI. Obligations of Member States under Article 48 of the Charter	1138
Part VII. Obligations of Member States under Article 49 of the Charter	1141
Part VIII. Special economic problems of the nature described in Article 50 of the Charter	1142
Part IX. The right of self-defence in accordance with Article 51 of the Charter	1147

Introductory note

This chapter deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace and acts of aggression, within the framework of Chapter VII of the Charter.

During the period under review, Chapter VII of the Charter was invoked by the Security Council in a greater number of its decisions than in the previous period. Most of those decisions related to the situation in the former Yugoslavia and the situation concerning Rwanda, but the Council also adopted measures under Chapter VII in connection with the situation in Somalia, the situation in Liberia and the question concerning Haiti, and in order to ensure the full cooperation of the Libyan Arab Jamahiriya in surrendering the suspects in the terrorist attacks against Pan Am flight 103 and UTA flight 772.

This chapter will focus on material selected to highlight how the provisions of Chapter VII of the Charter were interpreted by the Council in its deliberations and applied in its decisions. Given the increase during the period in the number of decisions in which the Council invoked Chapter VII, and in order to give due focus to the key elements that arose in its decisions or deliberations, several Articles that were grouped together in previous Supplements have been dealt with individually in separate parts of this chapter. Thus, parts I to IV of the chapter focus on the practice of the Council in accordance with Articles 39 to 42, while part V focuses on Articles 43 to 47, part VI deals with Article 48, part VII addresses the obligations of Member States under Article 49, and parts VIII and IX deal, respectively, with the practice of the Council with respect to Articles 50 and 51. Each section treats the different aspects of the Council's consideration of the Article in focus, under relevant subheadings. This structure is intended to better organize the material relevant to each Article.

Part I

Determination of a threat to the peace, breach of the peace, or act of aggression under Article 39 of the Charter

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Note

During the period under review, the Security Council adopted several resolutions determining, or expressing concern at, the existence of threats to regional and/or international peace and security in connection with the situation in Angola; the question concerning Haiti; and the situation concerning Rwanda. While resolutions were adopted that referred to threats to peace and security, there was no explicit invocation of Article 39 of the Charter. The continuance of threats to international peace and security was determined in connection with the situation in the former Yugoslavia, and in connection with the Libyan Arab Jamahiriya, while the continuance of threats to regional peace and security was determined in connection with the situation in Liberia and the situation in Somalia. In all of those instances, the Council adopted measures under Chapter VII of the Charter.

In several other instances, Member States, in correspondence addressed to the President of the Council, sought to bring to the attention of the Council matters which they alleged posed a threat to the peace.¹

¹ Such allegations were made and considered in connection with the following: (a) letter dated 4 December 1994 from the representative of Iraq addressed to the President of the Council, urging the Council to consider alleged aggression by the United States towards Iraq (S/1994/1398); (b) letter dated 16 July 1993 from the representative of Ukraine to the President of the Council, urging the Council to convene a meeting to discuss the Russian Parliament's adoption of a decree giving Russian federal status to the city of Sevastopol (S/26100); (c) letter dated 7 December 1995 from the representative of Afghanistan to the President of the Council requesting a meeting to consider the

No corresponding determination was made by the Council in those cases. While a meeting was requested in each correspondence, the only meeting convened to discuss the alleged threat was in response to a letter from the representative of Burundi requesting an urgent meeting to consider an impending "civil war" after the military coup d'état in Burundi, on 21 October 1993.² In that letter, the representative indicated to the Council that the situation there could have "incalculable consequences for international peace and security".

In the absence of express references to Article 39, it is not always possible to ascribe to the Council with any certainty decisions concerning that Article. The Council decisions discussed below may, however, help to shed light on the Council's interpretation and application of Article 39. Sections A and B provide an overview of the Council's decisions that may be interpreted as having reference to the principles contained in Article 39. Section C contains, in cases 1

alleged interference of Pakistan in the internal affairs of Afghanistan (S/1995/1014); (d) letter dated 27 October 1993 from the President of Tajikistan to the President of the Council urging the Council to consider the ongoing tension along the Tajik-Afghan border (S/26659); (e) letter dated 21 June 1993 from the representative of the Sudan to the President of the Council alleging blatant aggression of Egyptian authorities against the Sudanese sovereignty in the Halayib area (S/25978); the same allegations were asserted in a letter dated 6 July 1995 from the representative of the Sudan to the President of the Council (S/1995/544); (f) letter dated 17 May 1994 from the representative of Rwanda to the President of the Council concerning the alleged aggression committed by Uganda against Rwanda (S/1994/586).

² Letter dated 25 October 1993 (S/26626). At the 3297th meeting, on 25 October 1993, the members of the Council, through a statement made by the President of the Council (S/26631), inter alia, condemned the acts of violence and the loss of life which had been caused by the perpetrators of the military coup. The Council demanded that they desist forthwith from taking any action which would exacerbate tension and plunge the country into more violence and bloodshed, which could have serious implications for peace and stability in the region.

and 2, a summary of relevant constitutional discussions.

A. Decisions of the Security Council determining the existence of a threat to the peace

The situation in Angola. By resolution 864 (1993) of 15 September 1993, the Council determined that, as a result of the military actions of the National Union for the Total Independence of Angola (UNITA), the situation in Angola constituted a threat to international peace and security.

The question concerning Haiti. By resolution 841 (1993) of 16 June 1993, the Council expressed concern that the “mass displacements of population” in Haiti could become or aggravate threats to international peace and security. It determined that, in those unique and exceptional circumstances, the continuation of the situation threatened international peace and security in the region. By resolution 873 (1993) of 13 October 1993, the Council determined that the failure of the military authorities and police to fulfil obligations under the Governors Island Agreement constituted a threat to peace and security in the region. By resolution 875 (1993) of 16 October 1993, the Council reaffirmed its determination that, in those unique and exceptional circumstances, the failure of the military authorities in Haiti to fulfil their obligations under the Governors Island Agreement constituted a threat to peace and security in the region. In two subsequent statements made by the President of the Council on behalf of the members of the Council, the Council reaffirmed that the Governors Island Agreement remained fully in force as the only valid framework for the solution of the crisis in Haiti, which continued to threaten peace and security in the region.³ By resolution 917 (1994) of 6 May 1994, the Council again reaffirmed its determination that, in those unique and exceptional circumstances, the situation created by the failure of the military authorities in Haiti to fulfil their obligations under the Governors Island Agreement and to comply with relevant Council resolutions constituted a threat to peace and security. By resolution 940 (1994) of 31 July 1994, the Council expressed concern at the significant deterioration of the humanitarian situation

³ S/26633 and S/26747.

in Haiti, and determined that the situation continued to constitute a threat to peace and security in the region.

The situation in Rwanda. By resolution 918 (1994) of 17 May 1994, the Council stated that it was deeply disturbed by the magnitude of the human suffering caused by the conflict, and concerned that the situation in Rwanda constituted a threat to peace and security in the region. By resolution 929 (1994) of 19 June 1994, the Council determined that the magnitude of the humanitarian crisis in Rwanda constituted a threat to peace and security in the region. By resolution 955 (1994) of 8 November 1994, the Council expressed concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law had been committed in Rwanda, and determined that the situation in Rwanda continued to constitute a threat to international peace and security.

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. The Council expressed its grave alarm at the continued reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, and determined that the situation constituted a threat to international peace and security.⁴

The situation in Liberia. By resolution 813 (1993) of 26 March 1993, the Council condemned the armed attacks against the peacekeeping forces of the Economic Community of West African States (ECOWAS) in Liberia by one of the parties to the conflict, and determined that the deterioration of the situation in Liberia constituted a threat to international peace and security, particularly in the region of West Africa.

B. Decisions of the Security Council determining a continuing threat to the peace

Items relating to the situation in the former Yugoslavia

The situation in Bosnia and Herzegovina. In a statement made by the President on behalf of the

⁴ See, respectively, resolutions 808 (1993) and 827 (1993).

Security Council,⁵ the Council demanded that all sides immediately cease all forms of military action throughout Bosnia and Herzegovina, cease acts of violence against civilians, comply with their previous commitments including the ceasefire, and redouble their efforts to settle the conflict. Having determined in the relevant resolutions that the situation constituted a threat to international peace and security, the Council insisted that those steps had to be taken. By resolution 816 (1993) of 31 March 1993, the Council was deeply concerned by the various reports of the Secretary-General concerning violations of the ban on military flights in the airspace of Bosnia and Herzegovina, and determined that the grave situation in Bosnia and Herzegovina continued to be a threat to international peace and security. By resolution 836 (1993) of 4 June 1993, the Council was deeply concerned by the continued armed hostilities in the territory of Bosnia and Herzegovina which ran totally counter to the peace plan, and determined that the situation continued to be a threat to international peace and security. By resolution 859 (1993) of 24 August 1993, the Council was deeply concerned at the deterioration of humanitarian conditions in Bosnia and Herzegovina, including in and around Mostar, and determined that the grave situation in Bosnia and Herzegovina continued to be a threat to international peace and security. By resolution 913 (1994) of 22 April 1994, the Council recalled all its previous relevant resolutions on the conflict in Bosnia and Herzegovina, and determined that the situation in Bosnia and Herzegovina continued to constitute a threat to international peace and security. By resolution 941 (1994) of 23 September 1994, the Council emphasized that the practice of ethnic cleansing by the Bosnian Serbs constituted a clear violation of international humanitarian law and posed a serious threat to the peace effort, and determined that the situation in Bosnia and Herzegovina continued to constitute a threat to international peace and security. By resolution 942 (1994) of 23 September 1994, the Council condemned the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement, and determined that the situation in Bosnia and Herzegovina continued to constitute a threat to international peace and security. By resolution 1031 (1995) of 15 December 1995, having considered the

⁵ S/25361.

report of the Secretary-General,⁶ the Council determined that the situation in the region continued to constitute a threat to international peace and security.

United Nations Protection Force (UNPROFOR). In two subsequent resolutions,⁷ the Council was deeply concerned by the repeated violations by the parties and others concerned of their ceasefire obligations, and determined that the situation thus created constituted a threat to peace and security in the region. By resolution 998 (1995) of 16 June 1995, the Council was deeply concerned by the continuing armed hostilities in the territory of Bosnia and Herzegovina, and determined that the situation in the former Yugoslavia continued to be a threat to international peace and security.

The situation prevailing in and around the safe area of Bihac. By resolution 958 (1994) of 19 November 1994, the Council reiterated its concern about the deteriorating situation in and around the safe area of Bihac, and determined that the situation in the former Yugoslavia continued to constitute a threat to international peace and security.

The situation in the former Yugoslavia. By resolutions 1021 (1995) and 1022 (1995), both of 22 November 1995, the Council recalled all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, and determined that the situation in the region continued to constitute a threat to international peace and security.

Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America⁸

By resolution 883 (1993) of 11 November 1993, the Council determined that the continued failure by the Government of the Libyan Arab Jamahiriya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions contained in resolutions 731 (1992) and 748 (1992), constituted a threat to international peace and security.

⁶ S/1995/1031.

⁷ See, respectively, resolutions 807 (1993) and 815 (1993).

⁸ Decisions on this question were also adopted by the Council in 1991 and 1992.

The situation in Somalia

By resolution 814 (1993) of 26 March 1993, the Council noted with deep regret and concern the continuing reports of widespread violations of international humanitarian law and the general absence of the rule of law, and determined that the situation in Somalia continued to threaten peace and security in the region. By resolution 837 (1993) of 6 June 1993, the Council was gravely alarmed at the premeditated armed attacks launched by forces apparently belonging to the United Somali Congress/Somali National Alliance against the personnel of the United Nations Operation in Somalia II (UNOSOM II), and determined that the situation in Somalia continued to threaten peace and security in the region. In three subsequent resolutions, the Council condemned the acts of violence and armed attacks against persons engaged in humanitarian and peacekeeping efforts, and determined that the situation in Somalia continued to threaten peace and security in the region.⁹ By resolution 954 (1994) of 4 November 1994, the Council recognized that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, had fundamentally undermined the United Nations objectives in Somalia, and determined that the situation in Somalia continued to threaten peace and security.

C. Constitutional discussions arising in connection with the principles contained in Article 39

During the period under review, in the course of the Council's deliberations relating to the adoption of the resolutions referred to in this part of the chapter, a number of speakers described the various situations on the Council's agenda as constituting a threat to international peace and security.¹⁰ This section will

⁹ Resolutions 886 (1993), 897 (1994) and 923 (1994).

¹⁰ See, for example, in connection with the situation in Angola, S/PV.3277, pp. 3-11 (Angola); and pp. 16-20 (Egypt); in connection with the situation in the Republic of Bosnia and Herzegovina, S/PV.3228, pp. 48-49 (China); and p. 43 (Pakistan); in connection with the situation in Liberia, S/PV.3549; in connection with the situation in Somalia, S/PV.3229, pp. 7-8 (United States). See also the synopses of Council deliberations relating

highlight the deliberations in the Council pertaining to whether the situation in question did, indeed, constitute a threat to international peace and security and the Council's responsibility in that regard. In both case 1 and case 2 below, the Council's deliberations related to a resolution adopted under Chapter VII of the Charter.

Case 1

The question concerning Haiti

In the deliberations held in connection with the adoption of resolution 841 (1993),¹¹ the Council considered a letter from the representative of Haiti to the President of the Council,¹² in which the representative of Haiti stated that, despite efforts by the international community, constitutional order had yet to be re-established in Haiti, given the de facto authorities' continued obstruction of proposed initiatives, and requested that the Council make universal and mandatory the sanctions imposed by the Organization of American States (OAS). The President drew the Council's attention to a letter from the representative of Cuba, in which the latter informed the Council of his Government's view of resolution 841 (1993),¹³ pointing out that the resolution characterized the question of the Haitian refugees as a threat to international peace and security in the region. He noted that Cuba, being one of Haiti's closest neighbours, had received thousands of refugees from Haiti and had never considered that the flow of refugees threatened peace and security in the geographical region. It was considered as a purely humanitarian question which needed to be resolved, through the international organizations and bodies dealing with refugees and displaced persons and, as such, did not fall under the mandate of the Council.

The representative of Venezuela stated that the situation in Haiti was "undoubtedly a threat to international peace and security, in particular in the Caribbean basin, and that it was not a question of interference in Haiti's internal affairs".¹⁴ He also noted that the situation in Haiti marked the first time that the Council had adopted a resolution implementing

to the adoption of the resolutions referred to in part I of the present chapter set out in chapter VIII.

¹¹ At the 3238th meeting.

¹² S/25958.

¹³ S/25942.

¹⁴ S/PV.3238, p. 12.

Chapter VII in connection with a country in the American hemisphere. A number of speakers supported the imposition of limited sanctions by resolution 841 (1993),¹⁵ for the purpose of advancing the negotiating process.

In deliberations held in connection with the adoption of resolution 940 (1994),¹⁶ the Council considered a letter addressed to the Secretary-General from the representative of Haiti,¹⁷ transmitting a letter from President Aristide, in which the international community was called on to take “prompt and decisive action” regarding the situation in Haiti. Members of OAS participating in the meeting similarly viewed the crisis in Haiti as not being a threat to international peace and security that would warrant the use of force. The representative of Mexico stated that, in the opinion of his delegation, the crisis in Haiti was “not a threat to peace, a breach of the peace or an act of aggression such as would warrant the use of force in accordance with Article 42 of the Charter”.¹⁸ The representative of Uruguay stated that, with a view to the restoration of law, order and democracy, his country had, in the past, supported the imposition of economic sanctions under Article 41, but did not support military action provided for in Article 42. He explained that Uruguay did not believe that the internal political situation in Haiti projected externally in such a way as to represent a threat to international peace and security, and stressed the need to pursue avenues of dialogue and negotiation which had still not been exhausted.¹⁹ The representative of Brazil described the crisis in Haiti as being of “a unique and exceptional character” which could not be put on a par with other situations in which international peace and security had been threatened.²⁰

On the other hand, the representative of Nigeria stated that the overriding rationale for the proposed action under Chapter VII in resolution 940 (1994) was predicated on the failure of the military Government in Haiti to honour the Governors Island Agreement, and its failure to fully implement previous Council resolutions, both of which failures threatened peace

and security in the region.²¹ This opinion was shared by some other Council members who viewed the situation in Haiti as being a threat to peace and security in the region.²²

The representative of Djibouti was of the view that the mounting impact of the Haitian crisis on many countries of the region clearly constituted a threat to regional peace and security.²³ The representative of the Czech Republic noted that the situation in Haiti constituted a real and growing threat to peace, security and stability in the region, given that the international community’s efforts to restore democracy to Haiti through peaceful, political means and through the imposition of economic sanctions had clearly failed.²⁴

By a letter addressed to the President of the Council,²⁵ the representative of the Libyan Arab Jamahiriya alleged that the threat of the use of force by the United States and its preparations for the invasion of Haiti constituted “a grave precedent that threatened international peace and security”. He further stated that the events in Haiti were an internal affair and did not constitute a threat to the peace or breach of the peace, nor an act of aggression justifying the use of force.

Further to the adoption of resolution 940 (1994), the Council convened a meeting²⁶ to discuss a letter from the representative of the United States addressed to the President of the Council containing the report of the United States to the Council pursuant to paragraph 13 of that resolution.²⁷ In the deliberations, the representative of the United States noted that, since the 1991 coup d’etat, the Council had viewed the overthrow of democracy in Haiti as a threat to regional security and to international norms. He added that the exercise of military force, pursuant to resolution 940 (1994), allowed for an agreement for the peaceful restoration of democracy, which made the United

¹⁵ Ibid., pp. 9-10 (France); pp. 14-15 (Pakistan); pp. 16-18 (Brazil); pp. 18-19 (United States); pp. 19-21 (China); and pp. 6-8 (Canada).

¹⁶ At the 3413th meeting.

¹⁷ S/1994/905.

¹⁸ S/PV.3413, p. 4.

¹⁹ Ibid., p. 7.

²⁰ Ibid., p. 8.

²¹ Ibid., p. 11.

²² Ibid., pp. 7-8 (Canada); pp. 12-13 (United States); pp. 13-14 (France); p. 18 (United Kingdom); pp. 18-20 (Spain); pp. 20-22 (New Zealand); pp. 22-23 (Djibouti); pp. 23-24 (Russian Federation); pp. 24-25 (Oman); and pp. 25-26 (Pakistan).

²³ Ibid., p. 22.

²⁴ Ibid., p. 24.

²⁵ S/1994/1054.

²⁶ 3429th meeting.

²⁷ S/1994/1107.

Nations Mission in Haiti safer for the coalition and for the Haitian people.²⁸

Case 2

*Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America*²⁹

In the deliberations held in connection with the adoption of resolution 883 (1993),³⁰ the representative of the Libyan Arab Jamahiriya challenged the fact that the Council was meeting to consider a matter that threatened international peace and security. According to the representative, the Council “sought to intensify sanctions” against his country, “under the pretext that it had not complied with resolution 731 (1993)”.³¹

In opposing the resolution, the representative of the Sudan, speaking on behalf of the League of Arab States, pointed out that the crisis was a legal dispute that should be dealt with on the basis of Article 33 (Chapter VI) and not under Chapter VII of the Charter. He further described as “curious” the fact that the resolution was based on Chapter VII of the Charter, which addressed situations of aggression that threaten

international peace and security and was not applicable to the dispute before the Council, as it was a legal dispute that dealt with the extradition of two accused Libyan nationals. Such a dispute, he contended, should be dealt with in a court of law, specifically by the International Court of Justice. Alternatively, it should be addressed in conformity with Chapter VI of the Charter. He added that, in dealing with the crisis, the League had based itself on the Charter, which stipulated that all international disputes should be settled by peaceful means and without endangering international peace and security.³² The representative of Brazil stated that the action taken by the Council involved determination of the existence of a threat to international peace and security as a result of two incidents of the utmost gravity, as it involved a number of legal questions that had been the subject of controversial debate within and outside the Council.³³ Most Council members supported resolution 883 (1993), since it demonstrated the Council’s commitment to the eradication of international terrorism, and since it was taking action to deal with a situation that affected international peace and security.³⁴

²⁸ S/PV.3429, p. 3.

²⁹ Decisions on this question were also adopted by the Council in 1991 and 1992.

³⁰ At the 3312th meeting.

³¹ S/PV.3312, pp. 3-26.

³² *Ibid.*, pp. 30-39.

³³ *Ibid.*, p. 47.

³⁴ *Ibid.*, pp. 40-42 (United States); pp. 42-44 (France); pp. 44-46 (United Kingdom); p. 54 (Russian Federation); and p. 56 (Spain).

Part II Provisional measures under Article 40 of the Charter

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendation or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Note

During the period under consideration, the Security Council did not adopt any resolution explicitly under Article 40. In a number of resolutions adopted under Chapter VII, the Council, without expressly referring to Article 40, called upon the parties to comply with certain provisional measures in order to prevent an aggravation of the situation concerned. The types of measures called for included (a) the withdrawal of armed forces; (b) the cessation of hostilities; (c) the conclusion or observance of a ceasefire; (d) the negotiation of differences and disputes; (e) compliance with obligations under international humanitarian law; (f) the creation of the

conditions necessary for unimpeded delivery of humanitarian assistance; and (g) cooperation with peacekeeping efforts and humanitarian assistance. Some of the specific measures that the Council called upon the parties concerned to take are summarized below. In some cases provisional measures were adopted concurrently with or after the imposition of measures under Article 41 of the Charter, and were therefore aimed at preventing a further aggravation of the situation.³⁵

A number of Council resolutions contained the warning that, in the event of failure to comply with the terms of those resolutions, the Council would meet again and consider further steps. Those warnings, which might be considered as falling under the last sentence of Article 40, were expressed in various ways. Most frequently, the Council warned that it would consider taking further measures if its calls were not heeded.³⁶

During the Council's deliberations in the period under review there was no significant constitutional discussion regarding Article 40.

A. Provisional measures called for by the Security Council

The situation in the former Yugoslavia (situation in Croatia and the situation prevailing in and adjacent to the United Nations Protected Areas in Croatia)

By resolution 802 (1993) of 25 January 1993, the Council, reaffirming its resolution 713 (1991) of 25 September 1991, in which the situation in the former Yugoslavia was defined as a threat to international peace and security, demanded an immediate cessation of hostile activities by Croatian armed forces within or adjacent to the United Nations Protected Areas and their withdrawal from those areas, an end to attacks against UNPROFOR personnel, the return of all heavy weapons seized from UNPROFOR-controlled storage areas, and strict compliance by all parties with the terms of ceasefire arrangements.

³⁵ See, for example, the situation in Angola, the question concerning Haiti and the situation concerning Rwanda.

³⁶ See, for example, in connection with the situation in Angola, resolutions 864 (1993), para. 26; 903 (1994), para. 10; and 932 (1994), para. 5; and, in connection with the situation in Croatia, resolution 994 (1995).

By resolution 807 (1993) of 19 February 1993, the Council, expressing once more its concern that the situation created in Yugoslavia constituted a threat to international peace and security, reiterated its demand that the parties comply with their ceasefire obligations and refrain from positioning their forces in the proximity of the units of UNPROFOR in the United Nations Protected Areas and pink zones. In other decisions, the Council reiterated its calls for the cessation of hostilities, the observance of the ceasefire agreements, the withdrawal of armed forces and full respect by the parties of United Nations personnel and international humanitarian law.³⁷

By resolution 981 (1995) of 31 March 1995, the Council established as an interim arrangement the United Nations Confidence Restoration Operation (UNCRO) to replace UNPROFOR in Croatia. In its presidential statement of 1 May 1995, the Council demanded that the Government of Croatia put an end immediately to the military offensive launched by its forces in violation of the ceasefire agreement.³⁸ By resolution 994 (1995) of 17 May 1995, the Council demanded that the status and the mandate of UNCRO, as well as the safety and security of its personnel, be respected. In addition, it called upon the parties to respect the economic agreement signed by them on December 1994, and demanded that they "refrain from taking any further military measures or actions that could lead to an escalation of the situation" and warned that "in the event of failure to comply with this demand it [would] consider further steps needed to ensure such compliance".

In its presidential statement of 4 August 1995, the Council demanded that no military action be taken against civilians and that their human rights be fully respected. The Council also demanded that the parties respect the economic agreement signed by them on 2 December 1994.³⁹

By resolution 1009 (1995) of 10 August 1995, deploring the fact that those demands had not been complied with, the Council demanded that the Government of Croatia cease immediately all military

³⁷ Presidential statements of 27 January 1993 (S/25178), 8 June 1993 (S/25897), 15 July 1993 (S/26084), 30 July 1993 (S/26199) and 14 September 1993 (S/26436) and resolution 871 (1993) of 4 October 1993.

³⁸ S/PRST/1995/23.

³⁹ S/PRST/1995/38.

actions and fully comply with all Council resolutions. It also demanded that the Government of Croatia (a) fully respect the rights of the local Serb population; (b) allow access to that population by international humanitarian organizations; (c) create conditions conducive to the return of those persons who had left their homes; and (d) fully respect the status of the United Nations personnel.

**The situation in the former Yugoslavia
(situation in Bosnia and Herzegovina)**

By resolution 819 (1993) of 16 April 1993, the Council, reaffirming its resolution 713 (1991) of 25 September 1991, in which it affirmed that the situation in Yugoslavia constituted a threat to international peace and security, demanded that all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. It demanded the immediate withdrawal of Bosnian Serb paramilitary units from areas surrounding Srebrenica and the cessation of armed attacks against the town.⁴⁰ It also demanded that the Federal Republic of Yugoslavia cease the supply of military arms and equipment to the Bosnian Serb paramilitary units. In addition, it demanded the unimpeded delivery of humanitarian assistance to all parts of Bosnia and Herzegovina, in particular to the population of Srebrenica, as well as the safety and freedom of movement of the United Nations personnel and members of humanitarian organizations.⁴¹ By the same resolution, the Council decided, acting under Chapter VII of the Charter, to consider further steps to achieve a solution in conformity with the relevant resolutions.

⁴⁰ The Council reiterated these demands in its presidential statement of 21 April 1993 (S/25646).

⁴¹ The Council had already demanded from the parties the unimpeded delivery of humanitarian assistance in presidential statements; see, for instance, the presidential statements of 17 February 1993 (S/25302), 25 February 1993 (S/25334) and 3 April 1993 (S/25520). In a number of presidential statements, the Council more specifically demanded that all the parties and others concerned cease and desist forthwith from violating international humanitarian law in the territory of Bosnia and Herzegovina, including in particular the deliberate interference with humanitarian convoys; see, for instance, the presidential statements of 25 January 1993 (S/25162), 3 April 1993 (S/25520) and 28 October 1993 (S/26661).

By resolution 824 (1993) of 6 May 1993, the Council, declaring that Sarajevo and other threatened areas should be treated as safe areas, demanded the end of armed attacks and the withdrawal of all Bosnian Serb military or paramilitary units. It further demanded that all parties and others concerned cooperate fully with UNPROFOR and take any necessary measures to respect the safe areas.⁴² The Council reiterated those demands in other decisions.⁴³

The Council, in a presidential statement of 7 January 1994, demanded an immediate end to attacks against Sarajevo, which had resulted in a large number of civilian casualties, disrupted essential services and aggravated an already severe humanitarian situation. It further demanded that all parties allow for unimpeded access of humanitarian relief assistance; in this context, the Council again expressed its readiness to consider further measures to ensure that all parties in Bosnia and Herzegovina abided by their commitments.⁴⁴

In a statement by the President on 3 February 1994, the Council demanded that Croatia withdraw forthwith all elements of the Croatian Army along with military equipment and fully respect the territorial integrity of Bosnia and Herzegovina.⁴⁵ On 23 February 1994, the Government of Bosnia and Herzegovina and the Bosnian Croat sides signed a ceasefire agreement. By resolution 900 (1994) of 4 March 1994, the Council called on all parties to cooperate with UNPROFOR in the consolidation of the ceasefire in and around Sarajevo. Further, it called upon them to achieve complete freedom of movement for the civilian population and humanitarian goods. Condemning the shelling and attacks by Bosnian Serb forces against the safe area of Gorazde, the Council demanded the withdrawal of those forces and their weapons to a distance from which they could cease to threaten the

⁴² The Council reiterated its demands for the cessation of hostilities and the full access by UNPROFOR to all areas of Bosnia and Herzegovina in its presidential statements of 10 May 1993 (S/25746) and 22 July 1993 (S/26134).

⁴³ Resolution 859 (1993) of 24 August 1993 and the presidential statements of 28 October 1993 (S/26661) and 9 November 1993 (S/26716).

⁴⁴ The Council again demanded that the Bosnian Serb party and the Bosnian Croat party allow forthwith and without conditions passage to all humanitarian convoys in a presidential statement issued on 14 March 1994 (S/PRST/1994/11).

⁴⁵ S/PRST/1994/6.

safe area.⁴⁶ It demanded the immediate conclusion of a ceasefire agreement in Gorazde and throughout Bosnia and Herzegovina under the auspices of UNPROFOR leading to an agreement on cessation of hostilities.⁴⁷ The Council also demanded an end to any provocative action in and around the safe areas,⁴⁸ the immediate release of all United Nations personnel held by Bosnian Serb forces and unimpeded freedom of movement for UNPROFOR.⁴⁹

By resolution 941 (1994) of 23 September 1994, the Council demanded that the Bosnian Serb authorities immediately cease their campaign of ethnic cleansing and accord unimpeded access of humanitarian assistance to a number of areas of concern. By resolution 959 (1994) of 19 November 1994, the Council, condemning violations of the international border between Croatia and Bosnia and Herzegovina, demanded that all parties, in particular the so-called Krajina Serbs, fully respect the border and refrain from hostile acts across it.

The Council called upon the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities concluded in December 1994.⁵⁰ By resolution 998 (1995) of 16 June

1995, once again determining that the situation in the former Yugoslavia continued to be a threat to international peace and security, the Council made a number of demands on the parties. It demanded that (a) Bosnian Serb forces release immediately and unconditionally all remaining detained UNPROFOR personnel and that they respect the safety of Force personnel and others engaged in humanitarian assistance; (b) all parties allow unimpeded access for humanitarian assistance to all parts of Bosnia and Herzegovina; (c) the parties fully respect the status of the safe areas; and (d) the parties agree to a ceasefire.

The Council, gravely concerned about the deterioration of the situation in the safe area of Srebrenica, made a number of demands on the parties and others concerned. It demanded that (a) the Bosnian Serb forces cease their offensive and withdraw immediately from the safe area of Srebrenica; (b) the respect of the status of Srebrenica as a safe area; (c) the release by Bosnian Serb forces of UNPROFOR personnel and the full respect of their safety; and (d) unimpeded access of humanitarian assistance for the international humanitarian agencies to the area of Srebrenica.⁵¹

The Council reiterated its demands regarding the unimpeded access of humanitarian assistance to all the areas of concern by UNPROFOR and humanitarian organizations and agencies as well as its call on all the parties to guarantee their freedom of movement and safety.⁵²

The situation in Somalia

By resolution 814 (1993) of 26 March 1993, the Council expressed its concern that the situation in Somalia continued to threaten international peace and security in the region. It demanded that all Somali parties comply fully with the commitments undertaken in the agreements they had concluded at the informal preparatory meeting on Somali political reconciliation

⁴⁶ The Council had already demanded the immediate cessation of attacks against the safe area of Gorazde and its population in its presidential statement of 6 April 1994 (S/PRST/1994/14).

⁴⁷ The Council reiterated its demand for the cessation of hostilities in its presidential statements of 30 June 1994 (S/PRST/1994/31), 2 September 1994 (S/PRST/1994/50) and 18 November 1994 (S/PRST/1994/69).

⁴⁸ The Council reiterated this demand in its presidential statement of 4 May 1994 (S/PRST/1994/23).

⁴⁹ The Council had already demanded that all parties allow UNPROFOR unimpeded freedom of movement and guarantee its safety and security in its presidential statements of 14 March 1994 (S/PRST/1994/11) and 14 April 1994 (S/PRST/1994/19). See, further, throughout the remainder of the year, the Council constantly demanded that all the parties cooperate with UNPROFOR in the fulfilment of its mandate as well as ensure its safety. For example, the presidential statement of 1 June 1994 (S/PRST/1994/26), resolution 959 (1994) of 19 November 1994 and the presidential statement of 26 November 1994 (S/PRST/1994/71).

⁵⁰ In its presidential statement issued on 17 February 1995 (S/PRST/1995/8), the Council had demanded that all forces in the Bihac area cease fighting and cooperate fully with UNPROFOR in achieving an effective ceasefire. See also the presidential statement of 6 January 1995 (S/PRST/1995/1).

⁵¹ Resolution 1004 (1995) of 12 July 1995.

⁵² See, for instance, the presidential statements of 14 July 1995 (S/PRST/1995/32), 20 July 1995 (S/PRST/1995/33) and 25 July 1995 (S/PRST/1995/34), resolution 1010 (1995) of 10 August 1995, the presidential statements of 18 September 1995 (S/PRST/1995/47) and 5 October 1995 (S/PRST/1995/52) and resolutions 1031 (1995) of 15 December 1995 and 1034 (1995) of 21 December 1995.

at Addis Ababa. Further, it demanded that all parties take all measures to ensure the safety of the personnel of the United Nations and its agencies as well as of the other humanitarian organizations operating in the country. Finally it reiterated its demand that the Somali parties cease and desist from all breaches of international humanitarian law.⁵³ By resolution 837 (1993), adopted on 6 June 1993 after a Pakistani contingent of UNOSOM II was attacked, resulting in the deaths of at least 18 Pakistani peacekeepers, the Council strongly condemned the attack and reiterated its demand that all Somali parties, including factions and movements, comply fully with the ceasefire and disarmament agreement reached in Addis Ababa. By resolution 897 (1994) of 4 February 1994, in expanding the UNOSOM II mandate to assistance for reconciliation and reconstruction, the Council demanded that all Somali parties refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peacekeeping work in the country.⁵⁴

The situation in Liberia

Having determined, in March 1993, that the deterioration of the situation in Liberia constituted a threat to international peace and security, the Council by resolution 813 (1993) of 26 March 1993, called upon the parties to the conflict to abide by and implement the ceasefire and the various accords of the peace process. In addition, it demanded that the parties concerned refrain from any action that might impede or obstruct the delivery of humanitarian assistance, and called upon the parties to ensure the safety of all personnel involved in international humanitarian assistance as well as to respect strictly the provisions of international humanitarian law.

⁵³ Also by resolution 814 (1993), the Council, acting under Chapter VII of the Charter, endorsed the mandate for the expanded UNOSOM (UNOSOM II), authorizing it to use force if necessary to ensure its mandate. UNOSOM II was mandated to secure a stable environment for the delivery of humanitarian assistance and to assist in the reconstruction of economic, social and political life.

⁵⁴ In view of the deteriorating security situation in Somalia, with attacks and harassment directed against UNOSOM II and other international personnel serving in Somalia, the Council reiterated this demand in resolutions 923 (1994) of 31 May 1994 and 954 (1994) of 4 November 1994.

The situation in Angola

In September 1993, as a result of UNITA military actions, the Council determined that the situation in Angola constituted a threat to international peace and security.⁵⁵ In its presidential statement issued on 1 November 1993,⁵⁶ the Council called upon the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all Angolans throughout the country and to take all the necessary measures to ensure the security and safety of United Nations and other personnel involved in humanitarian relief operations, and to strictly abide by applicable rules of international humanitarian law. The Council also expressed its readiness to consider the immediate imposition of further measures under the Charter at any time it observed that UNITA was not cooperating in good faith to make the ceasefire effective and implement the Peace Accords. By resolution 890 (1993) of 15 December 1993, the Council, deeply concerned that an effective ceasefire had not been attained, urged the parties to stop immediately all military actions as well as to agree on the modalities for the establishment of an effective and sustainable ceasefire. The Council subsequently reiterated its calls for the establishment of a ceasefire, the cessation of all offensive military operations and the unimpeded delivery of humanitarian assistance.⁵⁷

The situation in Rwanda

The Council, having determined that the situation in Rwanda constituted a threat to peace and security in the region, demanded that all parties to the conflict immediately cease hostilities and agree to a ceasefire. Further, it strongly urged the parties to cooperate fully

⁵⁵ Resolution 864 (1993) of 15 September 1993. By the same resolution, the Council condemned UNITA for its continuing military actions, and, acting under Chapter VII of the Charter, imposed an embargo on the supply of arms and petroleum products to UNITA and warned the parties about its readiness to consider imposition of further measures.

⁵⁶ S/26677.

⁵⁷ Presidential statement of 10 February 1994 (S/PRST/1994/7), resolutions 903 (1994) of 16 March 1994, 922 (1994) of 31 May 1994 and 932 (1994) of 30 June 1994, presidential statement of 12 August 1994 (S/PRST/1994/45), resolutions 945 (1994) of 29 September 1994 and 952 (1995) of 27 October 1995 and presidential statement of 4 November 1994 (S/PRST/1994/63).

with the United Nations Assistance Mission for Rwanda (UNAMIR) in the implementation of its mandate and demanded that they refrain from any acts of violence against personnel engaged in humanitarian and peacekeeping work.⁵⁸ By resolution 929 (1994) of 22 June 1994, reiterating that the magnitude of the humanitarian crisis in Rwanda constituted a threat to peace and security in the region, the Council demanded that all parties to the conflict and others concerned immediately bring to an end all killings of civilian populations in areas under their control. By resolution 965 (1994) of 30 November 1994, the Council strongly urged the Government of Rwanda to continue its

⁵⁸ Resolution 918 (1994) of 17 May 1994. The Council had already demanded an immediate ceasefire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front in its resolution 912 (1994) of 21 April 1994.

cooperation with UNAMIR in the implementation of its mandate and in particular in ensuring unimpeded access to all areas of the country by UNAMIR forces, personnel of the International Tribunal for Rwanda and human rights officers.

The situation in Haiti

By resolution 917 (1994) of 6 May 1994, the Council expressed its concern that the situation created by the failure of the military authorities in Haiti to fulfil their obligations under the Governors Island Agreement and to comply with relevant Council resolutions constituted a threat to peace and security in the region. It called upon the parties concerned to fully cooperate with the Special Envoy of the Secretaries-General of the United Nations and OAS to bring about the full implementation of the Governors Island Agreement.

Part III

Measures not involving the use of armed force under Article 41 of the Charter

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Note

During the period under review, the Council did not invoke Article 41 explicitly in any of its decisions. The Council, however, imposed measures under Chapter VII of the Charter, in line with the provisions of Article 41, against Haiti, Rwanda, UNITA and the former Yugoslavia. The Council also reaffirmed the measures previously imposed against Iraq, Liberia, the Libyan Arab Jamahiriya and Somalia, which were based on the principles set out in Article 41. In connection with these and other issues, during the deliberations of the Council, members made implicit

references to Article 41 regarding economic sanctions and judicial measures.⁵⁹ The Council also terminated the sanctions previously imposed under Article 41 against South Africa. It should be noted that the Security Council Committee established by resolution 421 (1977) to monitor the arms embargo against South Africa was the longest standing sanctions Committee ever established.

The decisions of the Council by which measures based on the principles of Article 41 were imposed are set out in section A; section B reflects salient issues that were raised in the deliberations of the Council.

⁵⁹ The International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda are the first international judicial organs created by the United Nations to prosecute crimes against humanity. One of the most innovative recommendations of the Secretary-General was that of establishing the Tribunal through the exercise of the Security Council's powers under Chapter VII of the Charter. This will be further discussed in section B, which will focus on decisions and debate among Council members in relation to Article 41.

A. Decisions of the Security Council relating to Article 41

1. Sanctions

Measures taken in connection with Haiti

By resolution 841 (1993) of 16 June 1993, the Council decided that all States should prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of petroleum or petroleum products or arms and related materiel of all types, including weapons and ammunition, military vehicles, police equipment and spare parts, to any person or body in Haiti. The Council also decided that States were to freeze all funds in the name of the Government of Haiti to ensure that they were not made available directly or indirectly to or for the benefit of the de facto authorities in Haiti. By the same resolution, the Council established a Committee charged with monitoring the implementation of those measures and reporting on its work to the Council with its observations and recommendations.

By resolution 861 (1993) of 27 August 1993, the Council decided that the measures set out in paragraphs 5 to 9 of resolution 841 (1993) would be suspended with immediate effect, and requested all States to act consistently with that decision. The Council also confirmed its readiness to terminate the suspension of measures if the terms of the Governors Island Agreement were not fully implemented.

By resolution 873 (1993) of 13 October 1993, the Council decided to terminate the suspension of the measures set out in paragraphs 5 to 9 of resolution 841 (1993), unless the Secretary-General reported to the Council that the parties to the Governors Island Agreement had implemented in full the agreement to reinstate the legitimate Government and enable the United Nations Mission in Haiti (UNMIH) to carry out its mandate. The Council also confirmed its readiness to consider additional sanctions if the parties to the Agreement continued to impede the activities of UNMIH, or had not complied fully with relevant Council decisions and the provisions of the Agreement.

By resolution 917 (1994) of 6 May 1994, the Council expanded the embargo against the military authorities in order to secure their compliance with previous Council decisions and the provisions of the Agreement. Those measures included a call on all States to deny permission to any aircraft originating in

or destined for Haiti, a call on all States to prevent certain persons, including all officers of the Haitian military and police, from entering their territory, and a call on all States to freeze the assets of those persons.

By resolution 944 (1994) of 29 September 1994, the Council decided to terminate the measures set out in resolutions 841 (1993), 873 (1993) and 917 (1994) relating to sanctions, following the return to Haiti of President Jean-Bertrand Aristide. It also dissolved the Committee established pursuant to resolution 841 (1993) concerning Haiti.

Measures taken in connection with the National Union for the Total Independence of Angola

By resolution 864 (1993) of 15 September 1993, the Council prohibited all sale or supply to the National Union for the Total Independence of Angola (UNITA) of arms and related materiel and military assistance, as well as petroleum and petroleum products. The Council also expressed its readiness to consider further measures, such as economic sanctions and a travel ban, unless by 1 November 1993 the Secretary-General had reported that an effective ceasefire had been established and that the Peace Accords for Angola and relevant Security Council resolutions had been fully implemented. By the same resolution, the Council established a Security Council Committee charged with monitoring the implementation of those measures.

By resolution 976 (1995) of 8 February 1995 the Council reminded all States that they must continue to comply with the embargo.

Measures taken in connection with the Libyan Arab Jamahiriya

By resolution 883 (1993) of 11 November 1993, the Council strengthened the measures imposed against the Libyan Arab Jamahiriya by its previous resolution:⁶⁰ governmental assets and assets of public authorities and any Libyan undertakings related to them were frozen; an equipment embargo against the Libyan oil industry was established; all States were required to close down all offices of the Libyan Arab Airlines within their territories; and the supply of material and services related to civilian or military flight services and airfields was suspended.

⁶⁰ Resolution 748 (1992).

Measures taken in connection with Liberia

By resolution 985 (1995) of 13 April 1995, the Council urged all States, in particular all neighbouring States, to comply fully with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992), and decided to establish a Committee to monitor its implementation.

By resolution 1001 (1995) of 30 June 1995, the Council reminded all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Committee established pursuant to resolution 985 (1995).

Measures taken in connection with Rwanda

By resolution 918 (1994) of 17 May 1994, the Council decided that all States had to prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts. By that resolution, the Council also established a Committee to monitor the implementation and possible violation of the sanctions imposed.

By resolution 1011 (1995) of 16 August 1995, the Council lifted those restrictions with regard to the sale or supply of arms and related materiel to the Government of Rwanda through named points of entry. The Council also confirmed the continuing prohibitions in respect of the sale or supply of arms and related materiel to non-governmental forces, or to persons in neighbouring States, for use in Rwanda.

Measures taken in connection with the former Yugoslavia

By resolution 816 (1993) of 31 March 1993, the Council extended the ban imposed by resolution 781 (1992) on military flights to cover flights by all additional categories of aircraft in the airspace of Bosnia and Herzegovina. It also authorized Member States, seven days after the adoption of the resolution, acting nationally or through regional arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, "all necessary measures" in

the airspace of Bosnia and Herzegovina to ensure compliance with the ban on flights, and proportionate to the specific circumstances and the nature of flights.

By resolution 820 (1993) of 17 April 1993, the Council strengthened the implementation of the measures imposed by its previous resolutions. The Council prohibited imports to, exports from, and transshipment of goods through the United Nations Protected Areas in Croatia, and those areas of Bosnia and Herzegovina under the control of Serb forces unless specifically authorized by the Committee established pursuant to resolution 724 (1991). Moreover, assets of Yugoslav entities were to be frozen, and the provision of services, both financial and non-financial, for the purposes of business carried on in Yugoslavia was prohibited. Exceptions were made for telecommunications, postal services and certain legal services. Nonetheless, all maritime traffic was prohibited from entering Yugoslavia's territorial sea.

By resolution 942 (1994) of 23 September 1994, the Council reinforced the measures imposed by its previous resolutions with regard to those areas of Bosnia and Herzegovina under the control of Bosnian Serb forces. It decided that the supply of services to any person or body in the area was prohibited, except for the supply of humanitarian aid and goods and services specifically allowed by the Committee established pursuant to resolution 724 (1991) or the Government of Bosnia and Herzegovina. Moreover, the Council also called on States to tighten controls on the shipment of goods to the former Yugoslavia, so as to prevent the diversion of goods to those parts of Bosnia and Herzegovina occupied by Bosnian Serb forces. Those measures were aimed at preventing the economic activities of and links with Bosnian Serb entities found in areas under the control of the Bosnian Serb military.

By resolution 943 (1994) of 23 September 1994, the Council suspended certain sanctions on the former Yugoslavia for an initial period of 100 days beginning on 5 October 1994, following a report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia transmitted by the Secretary-General to the Security Council. By the same resolution, the Council suspended the ban on all civilian passenger flights to and from Belgrade airport, allowed the re-introduction

of a ferry service to Italy, and the participation of the former Yugoslavia in sports and cultural exchanges.

By resolution 1021 (1995) of 22 November 1995, the Council set out the terms of the termination of the arms embargo. It specified, in particular, that the embargo on deliveries of weapons and military equipment imposed by resolution 713 (1991) should be terminated beginning from the day the Secretary-General submitted to the Council a report stating that Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia had formally signed the Peace Agreement.

By resolution 1022 (1995) of 22 November 1995, following the signing of the Dayton Peace Agreement, the Council indefinitely suspended the sanctions against the Federal Republic of Yugoslavia.

Measures taken in connection with Iraq

By resolution 986 (1995) of 14 April 1995, the Council authorized Iraq to export a certain quantity of petroleum and to sell it on foreign markets. The proceeds of the sale were to be used to “meet the humanitarian needs of the Iraqi population”. The major part of the funds was to be used to finance the import of medicine, health supplies, foodstuffs and supplies for essential civilian needs.

Measures taken in connection with South Africa

By resolution 919 (1994) of 25 May 1994, the Council terminated the arms embargo and other restrictions imposed on South Africa by resolution 418 (1977). By the same resolution, the Council dissolved the Committee established pursuant to resolution 421 (1977) concerning the question of South Africa.

Measures taken in connection with Somalia

By resolution 814 (1993) of 26 March 1993, the Council requested the Secretary-General to support from within Somalia the implementation of the arms embargo established by resolution 733 (1992), utilizing as available and appropriate the UNOSOM II forces authorized by the resolution, and to report on the subject, with any recommendations regarding more effective measures if necessary. It also called on all States to cooperate in the implementation of the arms embargo established by resolution 733 (1992).

By resolutions 886 (1993) of 18 November 1993, 897 (1994) of 4 February 1994, 923 (1994) of 31 May 1994 and 954 (1994) of 4 November 1994, the Council reaffirmed the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by resolution 733 (1992).

2. Judicial measures

Establishment of the International Tribunal for the Former Yugoslavia

By resolution 827 (1993) of 25 May 1993, the Council decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace.

Establishment of the International Tribunal for Rwanda

By resolution 955 (1994) of 8 November 1994, the Council decided, having received the request of the Government of Rwanda,⁶¹ to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994.

B. Salient issues raised in the deliberations of the Security Council

The cases below outline the practice of the Council which may be viewed as illustrating its interpretation of the principles set out in Article 41. Cases 3 to 9 relate to the Council’s practice concerning the measures imposed against Haiti, Angola (UNITA), the Libyan Arab Jamahiriya, Liberia, Rwanda, the former Yugoslavia and Iraq. Case 10 relates to the termination of sanctions imposed against South Africa; case 11 deals with the establishment of international tribunals. Case 12 is relevant to the discussion of the Secretary-General’s position paper entitled

⁶¹ S/1994/1115.

“Supplement to an Agenda for Peace”, in which the question of collateral damage due to the imposition of sanctions, particularly their humanitarian impact, is examined. Case 13 addresses the rationalization of the sanctions tool as discussed at the 3439th meeting of the Council.

Case 3

Measures taken in connection with Haiti

The objectives of the sanctions measures imposed on Haiti were to ensure the departure of the de facto authorities and the restoration of the legitimate institutions in Haiti. The sanctions regime in Haiti may be considered to have been the first example of sanctions targeted against decision makers who had seized power unconstitutionally.

In the deliberations held in connection with the adoption of resolution 841 (1993), a number of speakers argued that the measures set out in the resolution were necessary as a result of the threat to international peace and security.⁶² The representative of Canada stated that her Government considered it legitimate and necessary that the Council respond positively to the call by President Aristide, and impose an embargo on the delivery of oil supplies in order to bring about a speedy conclusion to the tragic and volatile situation.⁶³ The French delegation hoped that the adoption of sanctions against Haiti would make it possible to bring the perpetrators of the coup d'état to the negotiating table, in order to restore constitutional order in Haiti.⁶⁴ In a similar vein, the representative of the United States noted that sanctions alone were not a solution to the Haitian tragedy. Rather, the adoption of tough sanctions represented a further step by the international community to put pressure on those who stood in the way of a solution.⁶⁵

In a letter to the Secretary-General of 15 July 1993,⁶⁶ the President of the Security Council confirmed the readiness of the Council to suspend the sanctions imposed against Haiti under resolution 841 (1993), immediately after the ratification of the Prime Minister and his assumption of his functions in Haiti.

⁶² S/PV.3238, pp. 10-14 (Venezuela); pp. 14-15 (Pakistan); pp. 16-18 (Brazil); and pp. 19-21 (China).

⁶³ *Ibid.*, p. 8.

⁶⁴ *Ibid.*, p. 9.

⁶⁵ *Ibid.*, p. 19.

⁶⁶ S/26085.

The President further stated that the Council agreed that provision would need to be made for the automatic termination of such suspension if, at any time, the Secretary-General, having regard to the views of the Secretary-General of OAS, reported to the Council that the parties to the Governors Island Agreement or any authorities in Haiti had failed to comply in good faith with the Agreement. The Council also declared its readiness to terminate the sanctions upon receipt of a report from the Secretary-General immediately after the return of President Aristide to Haiti. As was pointed out in resolution 861 (1993), failure by those responsible for the military and security machinery in Haiti to fulfil the commitments entered into would lead to the imposition of sanctions.

In the deliberations held in connection with the adoption of resolution 861 (1993), the representative of Spain stated that the establishment of the Government of Robert Malval was of great importance to Haiti and its people. It was also a source of gratification for the United Nations, for it implied that the Security Council's action in adopting the sanctions regime set out in resolution 841 (1993) had proved commensurate with the circumstances and laid the foundation for the restoration of the Haitian people's democratic freedoms.⁶⁷ The President of the Council, speaking in her capacity as representative of the United States, noted that the Council's actions in suspending sanctions immediately upon ratification of the new Haitian Government showed that that economic tool was both flexible and effective, and that the Council could act quickly and decisively.⁶⁸

In the deliberations held in connection with the adoption of resolution 917 (1994), by which the Council expanded the embargo against the military authorities, the representative of Spain stated that the ultimate objective of the sanctions was to facilitate the restoration of democracy in Haiti and the return of President Aristide.⁶⁹ The representative of the United States noted that the draft resolution was the product of full cooperation among the Latin American and Caribbean States, the members of the Council, and the democratically elected Government of Haiti.⁷⁰ Following the vote, the representative of France stated that his delegation wished to ensure that the imposition

⁶⁷ S/PV.3271, p. 9.

⁶⁸ *Ibid.*, p. 17.

⁶⁹ S/PV.3376, p. 6.

⁷⁰ *Ibid.*, p. 7.

of new sanctions was seen first of all as a means to achieve a political result, and not as an end in itself. The objective sought was clear: to ensure that democracy regained its course in Haiti and to foster the return of President Aristide to his own country.⁷¹

Case 4

Measures taken in connection with the National Union for the Total Independence of Angola

With respect to the measures imposed against UNITA, the question arose how and when to target the Angolan non-State actor. The sanctions regime imposed against UNITA was requested by the Government of Angola.

Question of targeting the non-State actor UNITA

In the deliberations held in connection with the adoption of resolution 864 (1993), Council members unanimously condemned the military operations of UNITA in Angola and its failure to implement the Angola Peace Accords. The representative of Angola proposed that the following measures be taken against UNITA, under Chapter VII: a mandatory comprehensive arms embargo; a ban on the sale or supply of petroleum and petroleum products; the closure of the foreign offices or any form of representation of UNITA; and a ban on its political and propaganda activities. The Council should also seize and freeze UNITA bank accounts, and take appropriate measures, under Chapter VII, to guarantee the delivery of humanitarian assistance to the population. He stated: “we can say unhesitatingly that the time has come to impose mandatory sanctions on UNITA in order to force them to stop the war and resume a frank and serious dialogue which will not only bring lasting peace to the martyred Angolan people but also enable UNITA itself to participate in the democratic process and in the social and economic reconstruction of the country”.⁷²

The representative of the Russian Federation stated that his delegation believed that it was essential, if there should be no progress in the peace process, for the Council to consider additional steps under the Charter, including trade measures against UNITA and restrictions on the travel of its representatives and a

ban on all air, land and sea deliveries to Angola, with the exception of those previously authorized by the Government of Angola. In addition, the Council should also consider the possibility of freezing the foreign bank accounts of UNITA and its leaders.⁷³ The representative of China emphasized that the sanctions to be imposed by the Council on UNITA were measures taken in line with the special circumstances in Angola. The sanctions themselves were not the end, but rather only the means designed to urge UNITA to resume negotiations with the Government of Angola as soon as possible and bring the civil war to an end at an early date.⁷⁴

In the deliberations held in connection with the adoption of resolution 932 (1994), the representative of Angola stated that it was up to the Council to use all the means at its disposal to prevent the intransigence of UNITA leading to the failure of the opportunity for peace. His Government firmly supported the measures referred to in paragraph 5 of resolution 932 (1994), although it considered the grace period to be excessive, since his Government had been negotiating in Lusaka for about eight months.⁷⁵

The representative of the Russian Federation stated that, by systematically escalating its demands and disregarding the decisions of the Council and the recommendations of the mediator and the three observer States, UNITA was forcing the Council to consider very seriously the question of introducing additional sanctions, as provided for in paragraph 26 of resolution 864 (1993).⁷⁶ The representative of Brazil further stated that the scope of the measures that the Council would adopt, if UNITA failed to accept in due time the proposals put forward by the mediation, reflected not only the seriousness of the situation, but also the determination of the Council with regard to the prompt and successful conclusion of the peace process.⁷⁷ Some speakers emphasized that the Council would consider the question of introducing additional sanctions as provided for in resolution 864 (1993), if UNITA failed to accept the proposals in the peace agreement.⁷⁸

⁷³ Ibid., p. 46.

⁷⁴ Ibid., p. 28.

⁷⁵ S/PV.3395, p. 3.

⁷⁶ Ibid., p. 5.

⁷⁷ Ibid., p. 5.

⁷⁸ Ibid., p. 4 (Brazil); p. 6 (Nigeria); p. 7 (France, China); p. 8 (Spain); and p. 9 (United Kingdom).

⁷¹ Ibid., p. 8.

⁷² S/PV.3277, p. 10.

Following the acceptance by both the Government of Angola and UNITA of the complete set of proposals on national reconciliation, the President of the Council, in a presidential statement,⁷⁹ underlined that, in that context, the Council had agreed not to consider the imposition of additional measures against UNITA.

Case 5

Measures taken in connection with the Libyan Arab Jamahiriya

By resolution 883 (1993) the Council, in view of the “continued failure by the Libyan Government to demonstrate by concrete actions its renunciation of terrorism”, and, considering the failure of the Libyan Arab Jamahiriya to fully and effectively respond to the request and decisions in resolutions 731 (1992) and 748 (1992), tightened the sanctions imposed on that country through, inter alia, the freezing of Libyan funds and financial resources in other countries and a ban on the provision to the Libyan Arab Jamahiriya of equipment for oil refining and transportation. The Council also cited the country’s non-compliance with its demands that it cooperate with the authorities of France, the United Kingdom and the United States in establishing responsibility for the terrorist bombings of two commercial airliners in 1988 and 1989.

In the deliberations held in connection with the adoption of resolution 883 (1993), the representative of the Libyan Arab Jamahiriya stated that his Government had complied with resolution 731 (1992) except for the fact that it had not extradited two alleged suspects in the terrorist attacks against Pan Am flight 103 and UTA flight 772. In his view, there was an attempt by the three countries to have a draft resolution adopted under Chapter VII of the Charter on a matter which should have been dealt with under Chapter VI, since the issue in question was a legal dispute over which country had competence to try the accused, a dispute which had essentially been settled by the provisions of the Montreal Convention of 1971.⁸⁰

The representative of the Sudan, speaking on behalf of the League of Arab States, was of the opinion that the crisis between the Libyan Arab Jamahiriya, on one hand, and the United States, France and the United

Kingdom, on the other hand, was a legal dispute which should be dealt with on the basis of Article 33, (Chapter VI). Chapter VII concerned threats to international peace and security and not legal disputes. The interpretation of legal texts, especially the Charter, should be carried out only by judicial organs.⁸¹

The representative of the United States noted that, for the pursuit of justice, sanctions by the Security Council must be adopted when necessary. She stated that, by strengthening sanctions, the Council had again shown the flexibility of sanctions as a diplomatic tool. She further stated: “the more we demonstrate that this Council can impose, lift, suspend or strengthen sanctions at will, the better the sanctions stick can serve our diplomacy”.⁸² Some speakers also emphasized that by strengthening sanctions the Council was taking action to deal with a situation that threatened international peace and security. They also expressed the hope that the Libyan Arab Jamahiriya would comply with the relevant Council resolutions.

The Chinese delegation was of the view, however, that the only effective means that could lead to a solution of this question was negotiation and consultation. He stated that to intensify sanctions against the Libyan Arab Jamahiriya would not help to settle the question. On the contrary, it would further complicate the matter, by making the Libyan people suffer more, and creating even greater economic difficulties for the neighbouring and other countries concerned.⁸³ In a similar vein, the representative of Pakistan was unable to support resolution 883 (1993).⁸⁴

Case 6

Measures taken in connection with Liberia

In the Council’s deliberations held in connection with the adoption of resolution 985 (1995), a number of speakers were concerned about the absence of progress towards peace in Liberia and believed that the establishment of the sanctions Committee would contribute to the peace process in Liberia.⁸⁵ The representative of Nigeria stated that his delegation

⁷⁹ S/PRST/1994/52.

⁸⁰ S/PV.3312, pp. 22-23.

⁸¹ Ibid., p. 31.

⁸² Ibid., pp. 40-42.

⁸³ Ibid., p. 53.

⁸⁴ Ibid., p. 39.

⁸⁵ S/PV.3517, p. 2 (Italy); pp. 2-3 (Indonesia); and p. 4 (Honduras).

supported measures aimed at tightening the current regime limiting the flow of arms into the country, and endorsed the paragraph of the draft resolution which established a sanctions committee to monitor compliance with the arms embargo regime.⁸⁶ The representative of the United States urged all invited Heads of State to attend the Abuja summit in the interest of harmonizing their policies on Liberia, and particularly to halt the flow of arms into Liberia, thereby facilitating an end to the war.⁸⁷

The representative of the Russian Federation emphasized that the decision to set up a sanctions committee to monitor the compliance with the embargo would help to normalize the situation not only in Liberia but in the region as a whole.⁸⁸ Other Council members were concerned about the absence of progress towards peace in Liberia and believed that the establishment of the sanctions Committee would contribute to the peace process in Liberia.

In the deliberations held in connection with the adoption of resolution 1001 (1995), the representative of Liberia expressed concern about the violation by some Member States of the arms embargo imposed on Liberia by resolution 788 (1992).⁸⁹ Several Council members expressed concern over the continued flow of arms into Liberia, in violation of resolution 788 (1992), across the borders and from sources within Liberia.⁹⁰ In this regard, they unanimously supported the request of the ECOWAS leaders to the ECOWAS Monitoring Group and the United Nations Observer Mission in Liberia to improve the monitoring mechanism so as to stem the flow of arms into the country. Council members reminded all States that they must comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia.

⁸⁶ Ibid., p. 3.

⁸⁷ Ibid., p. 5.

⁸⁸ Ibid., p. 5.

⁸⁹ S/PV.3549, p. 3.

⁹⁰ Ibid., pp. 3-5 (Nigeria); pp. 5-6 (Indonesia); pp. 6-7 (Botswana); p. 7 (China); pp. 7-8 (Honduras); pp. 8-9 (Rwanda); pp. 9-10 (United States); p. 10 (France); pp. 10-11 (Russian Federation); pp. 11-12 (Italy); pp. 12-13 (Argentina); and pp. 13-14 (Czech Republic).

Case 7

Measures taken in connection with Rwanda

With regard to the measures imposed against Rwanda, the question which arose concerned the imposition of sanctions and its relation to the principle of national sovereignty and the right of self-defence.

In the deliberations held in connection with the adoption of resolution 918 (1994), speakers unanimously supported the call in that resolution on Member States to restrict the sale or delivery of arms to any of the Rwandan parties.⁹¹ The representative of Rwanda was of the opinion that the arms embargo contained in the resolution should be imposed on Uganda, following its alleged involvement in the conflict. He also believed that an arms embargo against Rwanda would be in violation of the Charter, as the Charter laid down the principle of self-defence under Article 51.⁹²

The representative of the Russian Federation viewed as particularly important the provision of resolution 918 (1994) with respect to the imposition of an arms embargo: this was critical in the absence of a ceasefire. He stated that special responsibility for effective implementation would lie with neighbouring African States, particularly with respect to not permitting the sale or delivery of weapons and not permitting the transit of weapons through their territory.⁹³

By resolution 1011 (1995), as a result of the progress made by the Government of Rwanda in stabilizing conditions within the country, the Council lifted the embargo on the supply of arms to Rwanda. During the debate, the Government of Zaire made it clear that it opposed the lifting of the arms embargo on Rwanda, given the deterioration of the security situation.⁹⁴

On the other hand, the representative of Nigeria stated that his delegation had supported the request of Rwanda that restrictions on the acquisition of arms

⁹¹ S/PV.3377, p. 8 (Djibouti); p. 9 (China); p. 11 (Russian Federation); p. 11 (France); pp. 11-12 (New Zealand); p. 12 (United States); pp. 12-13 (United Kingdom); p. 13 (Brazil); pp. 13-14 (Argentina); pp. 14-15 (Spain); and p. 15 (Czech Republic).

⁹² Ibid., p. 6.

⁹³ Ibid., p. 10.

⁹⁴ S/PV.3566, p. 3.

imposed under resolution 918 (1994) be lifted, as part of measures aimed to stabilize the situation and assure the Government of Rwanda of its own security. He explained that this would not only enable the Government to defend itself and its citizens, but also serve “to deter military adventurism from opponents of the Government from outside”.⁹⁵ Other speakers pointed out that the embargo was clearly intended against a former government and that the new government should be able to defend itself.⁹⁶ They also supported the safeguard that was included in resolution 1011 (1995) which established a controlled removal of the embargo for one year. France favoured a more general lifting of the embargo that dealt on a priority basis with equipment for maintaining order, especially for equipping the police and the gendarmerie.⁹⁷

Case 8

Measures taken in connection with the former Yugoslavia

In connection with the arms embargo imposed against the former Yugoslavia, two questions arose in the deliberations of the Council that may be interpreted as being in relation to Article 41. The first concerned the strengthening of measures in resolution 820 (1993), which contributed to the effectiveness of sanctions. The second question included the lifting of the arms embargo on the sale or transfer of arms to States within the former Yugoslavia.

Strengthening of measures imposed against the former Yugoslavia

By resolution 820 (1993), the Council decided to strengthen significantly the sanctions regime imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro), effective nine days after the date of adoption of the resolution, unless the Bosnian Serb party signed the peace plan and ceased its military attacks in Bosnia and Herzegovina. During the debate, the majority of Council members supported the additional measures imposed against the Federal Republic of Yugoslavia, because it increased the effectiveness of the sanctions and at the same time

opened up other prospects if there was a radical change in the attitude of the Bosnian Serbs. The representative of the Russian Federation, who abstained from voting, reasoned that it was “important to give the parties to the conflict the possibility, through international mediation, of reaching an agreement on the Vance-Owen plan, and of completing the intensive negotiations in this regard that are going on at this moment”.⁹⁸

In the deliberations held in connection with the adoption of resolution 942 (1994), the majority of the Council members supported the provisions of the resolution, in particular the strengthening of all measures against the Bosnian Serbs. The representative of Bosnia and Herzegovina stated that his delegation supported resolution 942 (1994) on the enhancement of sanctions with respect to the Bosnian Serbs. However, he questioned the effectiveness of the measure in securing the desired objectives, especially the reversal of the consequences of aggression and ethnic cleansing.⁹⁹ The representative of China, who abstained from voting, stated that his delegation was not in favour of using sanctions or mandatory measures to resolve the conflict in the former Yugoslavia, because experience had proved that this would not help to solve the problem.¹⁰⁰

By resolution 943 (1994), the Council suspended some of the sanctions imposed against the Federal Republic of Yugoslavia. The representative of Croatia, expressing serious reservations about the draft resolution, stated that the sanctions regime should be suspended only after the Council received concrete and undisputed evidence about real progress on the ground. Croatia could not accept mere political declarations as a basis for suspending the most efficient mechanism the international community had used to pursue a peaceful solution to the problems in the region.¹⁰¹ Other non-members of the Council were of the view that easing the sanctions imposed on Serbia and Montenegro would be premature, inappropriate and perilous, and likely to encourage aggression that

⁹⁵ Ibid., p. 5.

⁹⁶ Ibid., pp. 4-5 (Botswana); p. 7 (Russian Federation); pp. 9-11 (United States); pp. 11-12 (Argentina); p. 12 (Germany); and pp. 14-15 (Oman).

⁹⁷ Ibid., p. 10.

⁹⁸ S/PV.3200, p. 11.

⁹⁹ S/PV.3428, p. 3.

¹⁰⁰ Ibid., p. 24.

¹⁰¹ Ibid., p. 5.

violated the fundamental principles of the Charter.¹⁰² The representative of Pakistan, who had voted against the draft resolution, stated that his delegation considered the timing for the submission of the draft resolution to be most inopportune, inappropriate and premature, and counter-productive for the peace process.¹⁰³ The representative of the United States pointed out that, in preparing to ease sanctions on the Federal Republic of Yugoslavia, the Council acknowledged that the Federal Republic had taken an important step to persuade the Bosnian Serbs to accept the negotiated settlement that had been proposed.¹⁰⁴ The representative of the Russian Federation stated that resolution 943 (1994) sent a clear signal to the effect that the Council was not captive to old stereotypes and was prepared properly to re-evaluate the situation, depending on changes in the policy of the parties, and to encourage those who were trying through practical deeds to achieve peace.¹⁰⁵

Lifting of the arms embargo

In the deliberations held in connection with the adoption of resolution 1021 (1995), which provided for the phased lifting of the embargo on the sale or transfer of arms to States within the former Yugoslavia, and resolution 1022 (1995), by which the Council indefinitely suspended the sanctions against Serbia and Montenegro, the representative of Germany stated that those measures marked the first step of the implementation of the Peace Agreement reached in Dayton.¹⁰⁶ The representative of the Russian Federation, who abstained from voting, stated that his delegation would have preferred resolution 1021 (1995) to provide for a more clear-cut mechanism to operate in the event the peace process should be derailed.¹⁰⁷ By adopting resolution 1021 (1995), Council members welcomed the commitments of the parties set out in the Agreement on Regional Stabilization, in terms of arms control, ceilings for categories of weapons and confidence-building

measures. The representative of the United States emphasized that by suspending economic sanctions, the Council had given the parties the support they needed to sign the Peace Agreement and ensure its effective implementation. He further stated that “the Council imposed economic sanctions for the explicit purpose of encouraging Serbia to choose the path of peace. The sanctions appear to have achieved their purpose. Indeed, this much-criticized sanctions tool has proved critical in bringing about the decision in Dayton, and the leverage it brings us will continue to serve us well in the complicated task of implementation”.¹⁰⁸

Case 9

Measures taken in connection with Iraq

A number of questions arose concerning the application of measures against Iraq under Chapter VII of the type provided for in Article 41. The first concerned the question of lifting or easing measures against Iraq, that is, changing the sanctions regime; the second concerned the extent to which the Council should act to minimize the humanitarian impact of measures mandated under Article 41; the third question concerned the relationship between sanctions and the principles of national sovereignty and territorial integrity.

Question of lifting measures against Iraq

During the period under review, no resolution was adopted in which the sanctions regime imposed upon Iraq was altered. The issue was however discussed during Council meetings before and after various resolutions on Iraq were adopted.

At the 3439th meeting, the representative of the Russian Federation referred to the joint communiqué issued by Iraq and the Russian Federation on 13 October 1994.¹⁰⁹ He pointed out that lifting the sanctions imposed on Iraq, which were having a serious economic effect on ordinary people and on the country’s situation, was linked not to military efforts or to the struggle against a foreign plot but only to the strict implementation of the relevant resolutions of the Council. If Iraq were to comply with all the demands in all the resolutions, then the sanctions regime would cease to have any sense, as implied in the joint

¹⁰² Ibid., pp. 3-5 (Bosnia and Herzegovina); pp. 5-6 (Croatia); pp. 6-8 (Malaysia); pp. 8-9 (Islamic Republic of Iran); pp. 9-10 (Senegal); pp. 10-11 (Albania); pp. 11-12 (Germany); pp. 12-13 (Egypt); pp. 17-18 (Canada); and pp. 20-21 (Afghanistan).

¹⁰³ Ibid., p. 27.

¹⁰⁴ Ibid., p. 33.

¹⁰⁵ Ibid., p. 30.

¹⁰⁶ S/PV.3595, p. 4.

¹⁰⁷ Ibid., p. 12.

¹⁰⁸ Ibid., p. 15.

¹⁰⁹ S/1994/1173, annex.

communiqué. On condition that Iraq cooperated honestly with the United Nations, it would then be possible for the Council to take a decision on lifting the oil embargo, as provided in paragraph 22 of resolution 687 (1991), and, eventually, to consider lifting or mitigating the remaining sanctions.¹¹⁰

The representative of the United States welcomed the statement by the Russian Federation to the effect that the only way forward to the lifting of sanctions was through full implementation of all relevant Security Council resolutions. She stated that the Council should categorically reject the approach promoted by some whereby Iraq should be rewarded for partial compliance with some of its obligations. The representative added that the threshold question the Council faced was not how long Iraq must cooperate with United Nations requirements on weapons of mass destruction before the oil embargo was suspended but rather whether Iraq would continue to cooperate with United Nations inspectors after the embargo was suspended.¹¹¹

According to the representative of Spain, it was incumbent upon the Iraqi authorities to improve the situation of their people by taking concrete steps to convince the international community of their peaceful intentions. At the same time, the Council must be prepared to respond appropriately to an actual change in the attitude of the Iraqi authorities.¹¹²

The representative of the United Kingdom noted that much remained to be done before any general easing of the sanctions against Iraq could be contemplated. In that regard, he added that there could be no question of package deals between the Council and Iraq.¹¹³

The representative of Iraq noted that his Government had complied with its commitments in accordance with section C of resolution 687 (1991), as stated in the reports of the United Nations Special Commission and the International Atomic Energy Agency (IAEA). In addition, the Iraqi authorities had fully cooperated with the Special Commission and IAEA, in accordance with the monitoring system instituted by Council resolution 715 (1991). Other facts included elements contained in the joint communiqué

issued by Iraq and the Russian Federation on 13 October 1994. He called on the Council to base its work on these fundamental facts which were substantiated by those official documents.¹¹⁴

After the Council received a letter from the representative of Iraq concerning the country's recognition of Kuwait and its international boundaries, the President declared that that recognition entailed a significant step towards the implementation of all relevant Security Council resolutions.

Question of the humanitarian impact of measures under Article 41

By resolution 986 (1995) the Council expressed its concern about the nutritional and health situation of the Iraqi population. It allowed countries to permit the import of petroleum and petroleum products originating from Iraq under certain conditions. A special escrow account was established, which the Secretary-General could use to finance the export to Iraq of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs. Resolution 986 (1995) might be viewed as a humanitarian resolution aimed at providing for the essential humanitarian needs of the Iraqi population.

During the deliberations held in connection with the adoption of resolution 986 (1995), the representative of Italy pointed out that sanctions should not lead to the extreme consequence of inflicting misery and starvation on an entire civilian population. They remained one of the most effective tools provided by the Charter to enforce compliance with international law, but they should be applied with caution and parsimony and be precisely targeted to avoid serious negative side effects.¹¹⁵

The representative of China was of the opinion that while Iraq continued to cooperate in the implementation of Council resolutions the Council should discuss the lifting of the oil embargo against Iraq, especially to ease the humanitarian situation in Iraq.¹¹⁶ The representative of Honduras underlined the importance of effective economic sanctions, but felt that, when sanctions were imposed, specific measures

¹¹⁰ S/PV.3439, pp. 2-6.

¹¹¹ Ibid., pp. 7-8.

¹¹² Ibid., pp. 12-13.

¹¹³ Ibid., p. 13.

¹¹⁴ Ibid., p. 15.

¹¹⁵ S/PV.3519, pp. 2-3.

¹¹⁶ Ibid., p. 3.

to mitigate their impact on the innocent civilian population should be considered.¹¹⁷

Several Council members also emphasized that the measures did not constitute an exception to the sanctions regime,¹¹⁸ but rather an exemption with the purpose of humanitarian relief. The Russian Federation was extremely concerned over the humanitarian situation in Iraq and the effects of the sanctions and believed that sanctions should be eased in response to the constructive steps taken by Iraq, thereby motivating Iraq to comply fully with Council resolutions.¹¹⁹ The representative of the Czech Republic referred to the resolution as a way of refining the generally blunt instrument of sanctions for other situations around the world.¹²⁰

In a letter dated 15 May 1995 addressed to the Secretary-General,¹²¹ the Minister for Foreign Affairs of Iraq informed the Secretary-General that the Government of Iraq would not implement resolution 986 (1995) because it objected, inter alia, “to the proportion of petroleum to be exported via the Kirkuk-Yumurtalik pipeline and to the modalities for distribution of humanitarian relief in three northern governorates”.

Question of sanctions and national sovereignty

Resolution 986 (1995), paragraph 6, provides that “the larger share of the petroleum and petroleum products should be shipped via the Kirkuk-Yumurtalik pipeline”.

In the deliberations held in connection with the adoption of resolution 986 (1995), the representative of Indonesia argued that Iraq should be able to decide on the use of its pipelines. He further stated that “the sovereignty and territorial integrity of Iraq” must be respected, and that “Iraq should therefore be able to decide on the use of its pipelines for transportation and production purposes”.¹²² These views were shared by the representative of Nigeria, who said that his delegation would have preferred that no reference be made to the proportion of the oil to be shipped through

any particular pipeline or terminal.¹²³ In his view, this should have been left to market forces. The representative of the Russian Federation also underlined this point, stating that the principles of sovereignty reaffirmed in the resolution were not always backed up by specific procedures for giving practical effect to those principles.¹²⁴ The representative of Argentina, on the other hand, was of the opinion that the regime established could in no way be interpreted as harmful to Iraq’s sovereignty and territorial integrity.¹²⁵

Case 10

Termination of sanctions imposed against South Africa

The main objective of the sanctions imposed by resolution 418 (1977) was the complete transformation of the South African political system. In September 1993, following the establishment of the Transitional Executive Council to allow all South Africans to participate in government decisions pending elections, the Security Council was willing to lift sanctions. The Council, however, did not formally lift all sanctions until after the first multi-racial elections in April 1994.

Lifting of sanctions imposed under Article 41

In the deliberations held in connection with the adoption of resolution 919 (1994), by which the Council decided to terminate the arms embargo and other restrictions related to South Africa imposed by its previous resolution, the representative of South Africa, the First Executive Deputy President of South Africa, Mr. Thabo Mbeki, recalled that when the embargo was imposed pursuant to the provisions of Chapter VII, it was “because the prevailing system of government in our country and the actions carried out by that Government constituted, demonstrably, a threat to international peace and security”.¹²⁶ His delegation viewed the decision of the Council to lift the embargo as an acceptance by the international community that South Africa had become a democratic country that could adhere to the pursuit of the important goals of international peace and security. Council members agreed that sanctions were an effective tool in the

¹¹⁷ Ibid., p. 4.

¹¹⁸ Ibid., pp. 3-4 (Rwanda); pp. 7-8 (Oman); pp. 10-11 (United States); and pp. 11-12 (United Kingdom).

¹¹⁹ Ibid., p. 14.

¹²⁰ Ibid., pp. 14-15.

¹²¹ See S/1995/495.

¹²² S/PV.3519, p. 5.

¹²³ Ibid., p. 6.

¹²⁴ Ibid., p. 14.

¹²⁵ Ibid., p. 9.

¹²⁶ S/PV.3379, p. 3.

liberation of South Africa, which opened opportunities for the region. They were also of the view that the termination of the arms embargo was appropriate and timely, in the light of the changes that were taking place in South Africa. The representative of the Russian Federation stated that his delegation would support the adoption of the draft resolution, since it fully corresponded to the task of assisting in the speedy reintegration of the new democratic South African Republic into the international community.¹²⁷ The representative of the United States emphasized that the United Nations arms embargoes and related restrictions imposed against South Africa had contributed significantly to the demise of apartheid. Now that apartheid had been dismantled and non-racial democracy was taking root, those restrictions were simply no longer appropriate.¹²⁸

Case 11

Judicial measures under Article 41

The Council decided to address the serious violations of international humanitarian law, such as mass murder, torture and rape, that characterized the conflicts in the former Yugoslavia and Rwanda by establishing international tribunals.

International Tribunal for the Former Yugoslavia

By resolution 827 (1993), the Council, acting under Chapter VII, established an International Tribunal for the Former Yugoslavia, to prosecute persons responsible for war crimes, crimes against humanity and genocide committed in the territory of the former Yugoslavia since 1991.

During the deliberations held in connection with the adoption of resolution 827 (1993), speakers were unanimous in expressing support for the establishment of the tribunal. Some Council members expressed the view that the crisis in the former Yugoslavia constituted a threat to international peace and security which therefore justified the Council's decision under Chapter VII to establish the Tribunal.¹²⁹ The representative of Hungary stated that this was the first time that the United Nations established an international criminal jurisdiction to prosecute persons

responsible for grave violations of international humanitarian law.¹³⁰ The representative of New Zealand stated that, as was noted in the resolution and in the Secretary-General's report, "the establishment of the Tribunal and the prosecution of persons suspected of crimes against international humanitarian law is closely related to the wider efforts to restore peace and security to the former Yugoslavia".¹³¹ The representative of the Russian Federation emphasized that his delegation supported the international tribunal because they saw it as an instrument of justice which was called upon to restore international legality and the faith of the world community in the triumph of justice and reason.¹³² While supporting the resolution by which the Tribunal was established, and given the particular circumstances in the former Yugoslavia and "the urgency of restoring and maintaining world peace", the representative of China stated that that political position of the Council should not be construed as endorsement of the legal approach involved. He stated China's view that, to avoid setting any precedent for abusing Chapter VII of the Charter, a prudent attitude should be adopted with regard to the establishment of an international tribunal by means of Security Council resolutions under Chapter VII. He stated the consistent position of the Chinese delegation that an international tribunal should be established by concluding a treaty, and emphasized that the Tribunal established in the manner in which it had been established could only be an ad hoc arrangement suited to the special circumstances of the former Yugoslavia and was not to constitute any precedent.¹³³

International Tribunal for Rwanda

During the deliberations held in connection with the adoption of resolution 955 (1994), the majority of Council members believed that the establishment of a tribunal was a signal of the international community's determination that offenders must be brought to justice, and considered that the Tribunal would contribute to the process of reconciliation in Rwanda. The representative of Brazil stated that the invocation of Chapter VII of the Charter for the purpose of establishing an international tribunal went, in his delegation's view, beyond the competence of the

¹²⁷ Ibid., p. 22.

¹²⁸ Ibid., p. 26.

¹²⁹ S/PV.3217, p. 12 (France), p. 20 (Hungary); and p. 23 (Japan).

¹³⁰ Ibid., p. 20.

¹³¹ Ibid., pp. 22-23.

¹³² Ibid., pp. 43-46.

¹³³ Ibid., pp. 33-34.

Council as clearly defined in the Charter.¹³⁴ The representative of France noted that, because of their particular seriousness, the offences that fell within the competence of the Tribunal were a threat to international peace and security, which justified recourse to Chapter VII of the Charter.¹³⁵ On the other hand, the representative of Rwanda, who voted against the resolution, expressed his Government's concern about the following issues: the Tribunal refusing to consider the causes of genocide in Rwanda and its planning, his delegation found the composition and structure of the Tribunal inappropriate and ineffective; some countries had taken an active part in the genocide; and the draft statute of the tribunal proposed that those condemned be imprisoned outside Rwanda.¹³⁶ The representative of China, who had abstained from voting, explained that his Government was not in favour of invoking at will Chapter VII of the Charter to establish an international tribunal through the adoption of a Security Council resolution.¹³⁷

Case 12

Agenda for Peace

In his position paper entitled "Supplement to an Agenda for Peace",¹³⁸ the Secretary-General noted that the objectives of sanctions had not always been clearly defined. He pointed out that it was of great importance that, when the Council decided to impose sanctions, it should define objective criteria for determining that, their purpose had been achieved. He also noted that by interfering with the work of humanitarian agencies and the economies of neighbouring countries, sanctions often appeared to contradict the development objectives of the Organization of improving humanitarian conditions and promoting economic development. The Secretary-General called on Member States to consider ways of ensuring that the work of humanitarian agencies was facilitated when sanctions were imposed. He proposed that, when Member States imposed sanctions, provisions should be considered to facilitate the work of humanitarian agencies. It was, therefore, necessary to avoid banning imports that were required by local health industries and that applications

for exemptions for humanitarian supplies were quickly processed.

The Secretary-General also recalled the proposals contained in his earlier report entitled "An Agenda for Peace",¹³⁹ concerning collateral damage due to sanctions. He noted that, while the heads of the international financial institutions acknowledged the collateral effects of sanctions, they proposed that this should be dealt with under existing mandates for providing aid to affected countries. The Secretary-General believed, however, that special provisions should be made and, in that connection, proposed the establishment of a new mechanism that would carry out the following five functions: assess the potential impact of sanctions on the target country and on third countries; monitor application of the sanctions; measure their effect; ensure the delivery of humanitarian assistance to vulnerable groups; and explore ways of assisting Member States suffering collateral damage.

In a presidential statement adopted in relation to the Secretary-General's position paper entitled "Supplement to an Agenda for Peace",¹⁴⁰ the President of the Council affirmed that the steps demanded of a country or party should be clearly defined in Council resolutions, and that the sanctions regime in question should be subject to periodic review. He further affirmed that once the objectives of the appropriate provisions of the relevant Council resolutions were achieved, sanctions should be lifted. The President stated: "the Council remains concerned that, within this framework, appropriate measures should be taken to ensure that humanitarian supplies reach affected populations and appropriate consideration is given to submissions received from neighbouring or other States affected by special economic problems as a result of the imposition of sanctions". The Council urged the Secretary-General, when considering the allocation of resources available to him within the Secretariat, to take appropriate steps to reinforce those sections of the Secretariat dealing directly with sanctions and their various aspects so as to ensure that all those matters were addressed in as effective, consistent and timely a manner as possible.

¹³⁴ S/PV. 3453, pp. 8-10.

¹³⁵ *Ibid.*, pp. 3-4.

¹³⁶ *Ibid.*, p. 15.

¹³⁷ *Ibid.*, p. 11.

¹³⁸ S/1995/1.

¹³⁹ S/24111.

¹⁴⁰ S/PRST/1995/9; adopted at the 3503rd meeting, on 22 February 1995.

Case 13

Rationalization of the sanctions tool

At its 3439th meeting, on 17 October 1994, the Council considered the situation between Iraq and Kuwait and also touched upon two questions related to the application and lifting of sanctions. The first question concerned the rationalization of the sanctions tool, most notably with regard to the application and termination of sanctions. The second concerned the unilateral withdrawal from a sanctions regime by the actor concerned.

Question of the rationalization of the application and termination of sanctions

The representative of the Russian Federation pointed out that sanctions remained the most powerful non-military means of exerting an impact in accordance with the Charter on those who violated the international legal order. Like any powerful weapon, however, sanctions required a very careful and responsible attitude and their use must be very carefully directed. It was most important that the criteria to be taken into consideration should be the achievement of the goals set by the Council, a solid legal basis, and consistency and rigour in the interpretation of decisions taken. The Russian Federation believed that certain corrections must be made in the sphere of application of sanctions, primarily with regard to developing and improving the machinery for applying and lifting sanctions. In his view the Council's experience in that respect reflected a significant inconsistency. In some cases, sanctions were lifted as a kind of advance, counting on the fact that the situation would develop in accordance with the best possible scenario. In other cases, the question of lifting or suspending sanctions was connected to a great number of fact-finding missions of all kinds, the submission of reports and so on. Such a varied and not fully systematized practice often laid the Council open to charges of "double standards", which was damaging to its prestige in the eyes of public opinion. According to the representative of the Russian Federation, the Council should devote greater attention to ensuring that, when sanctions were adopted, a procedure was at the same time determined for halting or lifting them, in accordance with the implementation of the relevant demands. He added that sanctions were not a

punishment of peoples, but a reaction of the international community to concrete actions on the part of the ruling circles if they violated international law and order. Thought must therefore be given to the question how sanctions might be aimed at political elites, thereby reducing to a minimum the sufferings of broad strata of the population, including its most vulnerable categories, who were perhaps the least capable of righting the situation.¹⁴¹

The representative of the United States agreed with the need to rationalize the Council's approach to sanctions and noted that the members of the Council were becoming increasingly engaged in a discussion aimed at improving the sanctions tool.¹⁴²

According to the representative of Spain, sanctions regimes were not an end in themselves but rather an instrument designed to obtain certain objectives delimited by the Council. As those objectives were met, the Council could and must draw the appropriate conclusions, bearing in mind, first and foremost, the principles defended by the international community and the effects on the populations concerned and on neighbouring countries.¹⁴³

Question of unilateral withdrawal from a sanctions regime

With regard to what the Russian Federation described as "a new phenomenon" whereby a country sometimes called for unilateral withdrawal from a sanctions regime, the representative of the Russian Federation noted that the Council could find a way of reaffirming what was an axiom of the Charter, namely, that decisions of the Council could be repealed only by the Council itself. He stated that sanctions were a kind of sentence passed by the international community but, as distinct from clearly defined conditions for the end of periods of punishment provided for by norms of criminal law, "these elements in our case [were] very often missing". The very logic of law required that clarity be introduced on that point.¹⁴⁴

¹⁴¹ S/PV.3439, p. 4.

¹⁴² Ibid., p. 8.

¹⁴³ Ibid., p. 12.

¹⁴⁴ Ibid., p. 5.

Part IV Consideration of the provisions of Article 42 of the Charter

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Note

During the period under review, the Security Council did not explicitly invoke Article 42 in any of its decisions. The Council did, however, adopt a number of resolutions by which it called on Member States to use “all necessary measures” to enforce its demands relating to the restoration of international peace and security and which may be of relevance to the Council’s interpretation and application of the principle in Article 42.¹⁴⁵ Action taken by the Council during the period under review may give insights into its interpretation and invocation of Article 42. The case of Haiti, for example, relates to action authorized by the Council to restore democracy in a Member State. In the cases of Rwanda and Somalia, the Council authorized enforcement action for the achievement of humanitarian purposes.

This section will briefly examine six case studies in which the Council authorized the use of force. Cases 14 to 16 relate to the Council’s authorization of enforcement action to maintain and restore international peace and security in Somalia and in the former Yugoslavia. In case 17, the authorization of the use of force in the restoration of the democratically elected government of Haiti is examined, while cases 18 and 19 relate to such authorization by the

¹⁴⁵ In connection with the situation in Somalia, see resolutions 814 (1993) and 837 (1994); in connection with the situation in the former Yugoslavia, see resolutions 816 (1993), 836 (1993), 871 (1993), 958 (1994) and 1031 (1995); in connection with the situation concerning Rwanda, see resolution 929 (1994); in connection with the situation in Haiti, see resolution 940 (1994).

Council in connection with the delivery of humanitarian relief, the maintenance of public order and the protection of civilians in Somalia and Rwanda.

A. Enforcement action necessary to maintain or restore international peace and security

Case 14

The situation in Somalia

Following the attacks on 5 June 1993 against UNOSOM II personnel by Somali militiamen which resulted in the deaths of 25 members of UNOSOM II from Pakistan, the Council, by resolution 837 (1993), “gravely alarmed at the premeditated armed attacks launched by Somali militiamen against the personnel of UNOSOM II”, reaffirmed that the Secretary-General was authorized under resolution 814 (1993) to “take all necessary measures against all those responsible for the armed attacks referred to in paragraph 1 of that resolution, including against all those responsible for publicly inciting such attacks, to establish the effective authority of UNOSOM II throughout Somalia, including to secure the investigation of their actions and their arrest and detention for prosecution, trial and punishment”.

In the deliberations held in connection with the adoption of resolution 837 (1993), Council members condemned the attack and regarded it as an attack against the international community which should be responded to by a prompt United Nations action. The representative of the United States noted that the resolution reaffirmed the existing authority of UNOSOM II to take strong and forceful action to safeguard international forces, to punish those who attack them and to restore security and, further, that appropriate measures included the disarming or detention of persons posing a threat to United Nations forces or obstructing their operations. She stated that those who challenged the authority of the Security Council to enforce its resolutions must know that it

stood firm in its resolve to bring peace and reconciliation to Somalia.¹⁴⁶

The representative of France stated that what had just taken place in Somalia was unacceptable and required from the Council the strongest possible reaction. His delegation was pleased that the resolution went beyond mere condemnation and that it affirmed the necessity for putting into practice concrete measures. He stated that the United Nations Operation in Somalia was, in effect, “entrusted with adopting all necessary measures against those responsible and also with neutralizing their media”, whose propaganda had played a decisive role in the unfolding of the tragedy.¹⁴⁷ The representative of the United Kingdom stated that the resolution sent a clear signal that the international community would not tolerate renewed attempts by the warlords in Somalia to challenge UNOSOM in the exercise of its mandate. He further stated that it provided for the use of all necessary measures against those responsible for the attacks against the Pakistani soldiers.¹⁴⁸ The representative of Spain recalled that the mandate of UNOSOM II set out in resolution 814 (1993) authorized the Secretary-General “to adopt such measures as would lead to the detention, prosecution and punishment of those responsible for ceasefire violations and undermining the security of United Nations forces”. In the light of this, he stated that UNOSOM II should therefore “take all necessary measures to prevent similar actions in the future by disarming the factions and neutralizing the means of communication which incite violence in that country”.¹⁴⁹

Case 15

The situation in the Republic of Bosnia and Herzegovina

Following violations of a ban on military flights in the airspace of Bosnia and Herzegovina imposed by resolution 781 (1992), the Council at its 3191st meeting considered measures to be taken against those parties responsible.

By resolution 816 (1993), the Council authorized Member States, seven days after the adoption of that resolution, acting nationally or through regional

organizations or arrangements, “to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures in the airspace of the Republic of Bosnia and Herzegovina, in the event of further violations to ensure compliance with the ban on flights referred to in paragraph 1 above, and proportionate to the specific circumstances and the nature of the flights”.

During the deliberations held in connection with the adoption of resolution 816 (1993), several Council members expressed support for the use of force to implement its previous resolutions. Several speakers emphasized that the resolution envisaged the application of enforcement measures to those who violated the airspace of Bosnia and Herzegovina.

The representative of France stated that the Council would adopt under Chapter VII a resolution authorizing the use of force to ensure compliance with the ban on flights established by resolution 781 (1992), the repeated violation of which the Council had deplored in recent weeks. He further stated that it was essential that the Serbian side understand that a new stage in the conflict ravaging Bosnia and Herzegovina had been reached, and that the Council had decided to have recourse to force to see that its decisions were respected.¹⁵⁰

The representative of the United Kingdom underlined the significance of the resolution before the Council at a very important moment in the “horrendous story” of Bosnia and Herzegovina. He emphasized that the resolution was important because it signalled that the Council was not prepared to have its resolutions flouted. His delegation believed that the Council should be slow to authorize the use of force, but the combat flights against the eastern Bosnian villages a few days earlier represented “a step too far to tolerate under any circumstances”.¹⁵¹ The representative of the Russian Federation defended the authorization to use force as a necessary step to counter violations of previous resolutions. He stated that his delegation believed that no one had the right to violate Security Council resolutions, and yet all three Bosnian parties, notwithstanding the ban, had perpetrated acts that ran counter to the demands of the Council.¹⁵²

¹⁴⁶ S/PV.3229, p. 8.

¹⁴⁷ *Ibid.*, pp. 19-20.

¹⁴⁸ *Ibid.*, p. 21.

¹⁴⁹ *Ibid.*, p. 23.

¹⁵⁰ S/PV.3191, p. 4.

¹⁵¹ *Ibid.*, p. 16.

¹⁵² *Ibid.*, p. 23.

The representative of Brazil stated that his country had consistently favoured the settlement of disputes by peaceful and negotiated means and believed that enforcement action under Chapter VII should be a last resort, after the clear and confirmed demonstration of its necessity. He recalled that resolution 781 (1992) had been aimed at ensuring safety for the delivery of humanitarian assistance and at helping to promote a cessation of hostilities in Bosnia and Herzegovina, and that, at that time, the Council had undertaken “to consider, urgently, measures necessary to enforce the ban in the event of violations”. Violations had, however, persisted, and the adoption of resolution 816 (1993) derived “not only from the non-compliance with previous relevant resolutions but also from the changes perceived in the qualitative nature of the violations”.¹⁵³

The representative of Spain stated that the draft resolution before the Council was of “great political importance” and, further, that with the authorization of the use of force implied by the authorization of “all necessary measures”, in operative paragraph 4, should new violations occur, the Council would manifest its firm determination to ensure compliance with the ban on all flights in the airspace of Bosnia and Herzegovina, with the exception of those authorized by UNPROFOR.¹⁵⁴

The representative of Morocco stated that the Council’s decision “to take the necessary action and use force to implement its resolutions” was necessary, particularly since the atrocities committed had reached an intolerable level.¹⁵⁵

On the other hand, the representative of China, who had abstained from voting, explained the grounds for his Government’s reservations about the resolution. He stated it did not oppose the establishment of a flight exclusion zone in Bosnia and Herzegovina with the consent of the parties concerned. However, his Government’s principled position on resolution 781 (1992) remained unchanged, namely, that it had reservations on the invocation of Chapter VII to authorize countries to use force in implementing that zone.¹⁵⁶

By resolution 836 (1993), the Council expanded the mandate of UNPROFOR to, inter alia, enable it, “in the safe areas referred to in resolution 824 (1993), to deter attacks in the safe areas, to monitor the ceasefire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina, and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776 (1992)”. The Council further authorized UNPROFOR, in carrying out its mandate, “acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys”. It also decided that, notwithstanding paragraph 1 of resolution 816 (1993), Member States, acting nationally or through regional organizations or arrangements, might take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, “all necessary measures, through the use of air power”, in and around the safe areas in Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate.

During the debate held in connection with the adoption of resolution 836 (1993), many Council members supported the provisions of the resolution, believing that it aimed at ensuring the protection of the safe areas by deterring attacks against them. They agreed on the possibility of using force to respond to bombardments against the safe areas.

The representative of New Zealand stressed that the letter and the spirit of the draft resolution clearly provided that, if the Council were to adopt it, the Serbs had to cease, immediately and conclusively, their aggression and outrages in respect of the areas designated in the text. Unless they did so, a response in the form of air strikes could ensue. He further stated that the draft resolution did not require any further study by the Council, or an additional report from the Secretary-General or strictly even a further meeting of the Council, or that UNPROFOR be strengthened. If the Serbs refused to abandon their aggression, action

¹⁵³ Ibid., p. 18.

¹⁵⁴ Ibid., p. 8.

¹⁵⁵ Ibid., p. 31.

¹⁵⁶ Ibid., p. 22.

could be taken forthwith under the terms of the draft resolution.¹⁵⁷

The representative of France noted that, to carry out the new mandate, the draft resolution explicitly provided for the possibility of using force to respond to bombardments against the safe areas, and to armed incursions into them or to any deliberate obstacles to the freedom of movement of UNPROFOR or of protected humanitarian convoys. It also provided for “the use of air power within and around the safe areas in order to support UNPROFOR in the fulfilment of its mandate, if necessary”.¹⁵⁸

The representative of China stated that he had voted in favour of the resolution on the basis of humanitarian considerations. He emphasized that the use of force could only be a temporary measure, not a solution to the conflict. China had always actively advocated the peaceful solution of disputes in international relations through dialogue and negotiation and opposed the threat or use of force. He pointed out that invoking Chapter VII of the Charter to authorize the use of force, as well as the implication in the resolution that further military action would be taken in Bosnia and Herzegovina might, instead of helping the effort to seek an enduring peace in Bosnia and Herzegovina, further complicate the issue there, and adversely affect the peace process.¹⁵⁹

The representative of the United Kingdom stated that his Government, together with France and the United States, probably acting in a NATO framework, was prepared, once authorized by that resolution, “to make available air power in response to calls for assistance from United Nations forces in and around the safe areas”. To implement the concept of “safe areas” effectively, the United Nations would need some further troops, and those delegations would support the Secretary-General in his efforts to attract new contributions, including from some Islamic States.¹⁶⁰

The representative of Hungary stated that his country had voted in favour of the resolution because it understood it as authorizing UNPROFOR “to resort to force in response to bombardments of safe areas or armed incursions or if there [were] deliberate impediments in or round those areas to the freedom of

movement of UNPROFOR or protected humanitarian convoys”. He also stated that his Government understood the resolution “as authorizing Member States to take all necessary measures, including air power, to support UNPROFOR in its activities”.¹⁶¹

The representative of Spain stated that resolution 836 (1993) was a “logical consequence” of two prior resolutions, and that the measures adopted involved a considerable increase in the tasks entrusted to UNPROFOR, and presupposed “an important qualitative change, with the explicit authorization of the use of force by UNPROFOR under given circumstances, as well as the use of air power to support UNPROFOR in the fulfilment of an expanded mandate”.¹⁶²

The representative of Pakistan stated, however, that his delegation had advocated decisive, expeditious and comprehensive action by the Security Council under Chapter VII of the Charter to enforce its decisions and to authorize the use of all necessary measures, including the use of air strikes against key strategic targets to halt the Serbian aggression and reverse it through withdrawals from any territories occupied by the use of force and “ethnic cleansing”.¹⁶³ In his delegation’s view, however, the draft resolution did not address certain core issues in the conflict in Bosnia and Herzegovina. In a similar vein, the representative of Venezuela would have preferred to await the opinion of the Secretary-General on how he would implement the resolution on safe areas, before the sponsors of the resolution brought it forward to a vote.¹⁶⁴

Debate on NATO air strikes in Bosnia

In a letter dated 6 February 1994 addressed to the President of the Security Council,¹⁶⁵ the Secretary-General referred to two incidents of mortar attacks against civilian targets that had occurred in Sarajevo during the previous week. He stated, *inter alia*, that the two incidents made it necessary, in accordance with paragraphs 9 and 10 of resolution 836 (1993), “to prepare urgently for the use of air strikes to deter further such attacks”. He indicated that he had written

¹⁵⁷ S/PV.3228, p. 31.

¹⁵⁸ *Ibid.*, p. 13.

¹⁵⁹ *Ibid.*, pp. 48-49.

¹⁶⁰ *Ibid.*, p. 57.

¹⁶¹ *Ibid.*, pp. 52-53.

¹⁶² *Ibid.*, pp. 59-60.

¹⁶³ *Ibid.*, p. 27.

¹⁶⁴ *Ibid.*, p. 15.

¹⁶⁵ S/1994/131.

to the Secretary-General of the North Atlantic Treaty Organization (NATO) to seek that Organization's support in this matter.

In his letter to the Secretary-General of NATO,¹⁶⁶ the Secretary-General recalled the declaration of the Heads of State and Government of NATO in which they had affirmed their "readiness under the authority of the United Nations Security Council and in accordance with the Alliance decisions of 2 and 9 August 1993 to carry out air strikes in order to prevent the strangulation of Sarajevo, the safe areas and other threatened areas in Bosnia and Herzegovina". He further stated that the mortar attacks against civilian targets in Sarajevo made it necessary "to prepare urgently for air strikes to deter further such attacks". He requested the NATO Secretary-General "to take action to obtain, at the earliest possible date, a decision by the North Atlantic Council to authorize the Commander-in-Chief of NATO's Southern Command to launch air strikes, at the request of the United Nations, against artillery or mortar positions in or around Sarajevo which [were] determined by UNPROFOR to be responsible for attacks against civilian targets in that city".

On 9 February 1994, in response to the Secretary-General's request, NATO carried out air strikes to prevent further shelling of Sarajevo following the attacks against civilians in the central market on 5 February 1994.

At its 3336th meeting, the Council considered the situation in Bosnia and Herzegovina, in particular the attack against civilians in the central market.¹⁶⁷ During the debate, Member States described the situation as a threat to peace and security. Several welcomed the decision by NATO and the steps taken by the Secretary-General to prepare for the use of force, adding that those actions had been fully authorized by existing Council resolutions. They emphasized that the use of force was designed to underpin efforts by the United Nations and the European Union to achieve a negotiated settlement of the conflict, and that air strikes had to be carried out with caution and precision.

The representative of France expressed his Government's satisfaction at the decisions taken on

9 February by the North Atlantic Council to authorize air strikes to prevent further shelling of Sarajevo following the intolerable massacres of 4 and 5 February. In the view of his Government, the decisions of the North Atlantic Council were squarely within the framework of Security Council resolutions 824 (1993) and 836 (1993) with respect to safe areas. The lifting of the siege from those areas, Sarajevo in particular, was the purpose of those resolutions, by which, *inter alia*, UNPROFOR was authorized to use force, including air power, in fulfilling its mandate. Hence, there was no need for those decisions of the North Atlantic Council to be submitted to the Security Council for any further decision.¹⁶⁸

The representative of the United States noted that "for the first time" a regional organization had acted to implement a decision of the Council to use force under Chapter VII of the Charter. She added that the decision of the North Atlantic Council would bring closer to reality the sentiments often expressed in the Council concerning Bosnia, which was to seek an end to aggression, to safeguard innocent lives, and to encourage the peaceful resolution of disputes.¹⁶⁹

The representative of Pakistan stated that, despite the fact that most of the Security Council resolutions on Bosnia and Herzegovina were adopted under Chapter VII, they remained by and large unimplemented. To his delegation it was clear that only decisive use of force, particularly the use of surgical, punitive air strikes, would make the Serbs conform to Security Council resolutions.¹⁷⁰

In a similar vein, several members of the Organization of the Islamic Conference condemned the attack on civilians and urged the Council to act immediately and adopt necessary measures to bring the attacks to an end.¹⁷¹ They welcomed the decision of NATO to use air strikes against the Serb positions in Bosnia and Herzegovina, and urged that that decision be carried out rapidly. The representative of Indonesia stated that one of the immediate concerns which had to be addressed was the need to ensure the safe passage of relief convoys to prevent the imminent threat of a humanitarian disaster by taking all necessary measures,

¹⁶⁶ *Ibid.*, annex.

¹⁶⁷ At the 3336th meeting, held on 14 and 15 February 1994, no draft resolution or statement was before the Council.

¹⁶⁸ S/PV.3336, pp. 14-15.

¹⁶⁹ *Ibid.*, p. 21.

¹⁷⁰ *Ibid.*, pp. 36-37.

¹⁷¹ *Ibid.*, pp. 60-63 (Oman); pp. 95-101 (Egypt); pp. 181-187 (Saudi Arabia); and pp. 226-232 (Kuwait).

including the use of force.¹⁷² The representative of Saudi Arabia called on the international community to take all the action provided for by the Charter to implement the Security Council resolutions adopted under Chapter VII, which allowed for the use of force to compel the Serbian party to observe the rules of international legitimacy.¹⁷³

A number of speakers, however, while condemning the attack, believed that the situation in Bosnia could be resolved through dialogue and negotiation.¹⁷⁴ The representative of Jordan, while objecting to the use of military force, believed that the establishment of peace in any conflict could be implemented by negotiated political settlements that guaranteed the legitimate rights of all sides.¹⁷⁵ Ambassador Djovic argued that the decisions of NATO did not fall within the purview of the relevant resolutions of the Council authorizing air strikes. Therefore any attempt to carry out air strikes on the basis of that decision would represent a direct involvement in the civil war on one side. He emphasized that if a true objective was peace for Bosnia and Herzegovina, then the use of force could not be an instrument to that end.¹⁷⁶

Transition to Implementation Force

Following the conclusion of the General Framework Agreement for Peace in Bosnia and Herzegovina, the Dayton Agreement and the decision of the Peace Implementation Conference to establish a Peace Implementation Council, the Security Council, acting under Chapter VII of the Charter, adopted resolution 1031 (1995), by which it decided that the mandate of UNPROFOR should terminate on the date on which the Secretary-General reported to the Council that the transfer of authority from UNPROFOR to a multinational implementation force (IFOR) had taken place, and approved the arrangements set out in the report of the Secretary-General on the withdrawal of UNPROFOR and headquarters elements from the United Nations Peace Forces.

By resolution 1031 (1995), the Council recognized that the parties had, in particular, authorized the multinational force referred to in paragraph 14¹⁷⁷ “to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement”. It further authorized Member States acting under paragraph 14 to “take all necessary measures to effect the implementation of and ensure compliance with annex 1-A” and stressed that the parties were to be “equally subject to such enforcement action by IFOR as may be necessary to ensure implementation of that annex and the protection of IFOR”. The Council further authorized Member States to “take all necessary measures “ at the request of IFOR, either in defence of IFOR or to assist it in carrying out its mission, and recognized the right of the force to “take all necessary measures to defend itself from attack or threat of attack”.

During the debate held in connection with the adoption of resolution 1031 (1995), Member States welcomed the transition to IFOR and expressed their hope for a lasting peace process. The representative of Spain, speaking on behalf of the European Union, stated that the States members of the European Union had, in the past, been the major contributors of United Nations peacekeeping troops on the ground and would continue to play a major part not only in the multinational force, where thousands of European Union troops stood ready for deployment, but also in the civil and humanitarian tasks involved in implementing the Peace Agreement.¹⁷⁸ The representative of the United Kingdom noted that the role of the implementation force, which had been accepted by all the parties, would be even-handed in scope and duration. He further stated that the force was not imposing the peaceful settlement but that it would take the necessary action to ensure compliance.¹⁷⁹ The representative of Germany noted that the draft resolution authorized the deployment of a multinational force to implement the Dayton

¹⁷² Ibid., p. 131.

¹⁷³ Ibid., p. 187.

¹⁷⁴ Ibid., p. 53 (Nigeria); pp. 68-70 (China); pp. 107-111 (Turkey); pp. 194-199 (Ambassador Djovic); and pp. 219-223 (United Arab Emirates).

¹⁷⁵ Ibid., pp. 148-157.

¹⁷⁶ Ibid., p. 195.

¹⁷⁷ Paragraph 14 of the resolution provides as follows:

“Authorizes the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish a multinational Implementation Force under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement”.

¹⁷⁸ S/PV.3607, p. 32.

¹⁷⁹ Ibid., p. 8.

Agreement, which would go to Bosnia for about one year. By then, a durable peace had to be achieved. He further stated that, in that context, it was important to note that all parties had consented to the deployment of IFOR, including the use of force should that be necessary.¹⁸⁰

The representative of the United States said that the resolution noted that the deployment of IFOR was requested by the signatories, that it called upon all Member States, including those in the region, to cooperate with the force, and that it further recognized “the right of IFOR to take all necessary measures to defend itself from attack or threat of attack”. She also noted that the resolution further recognized that IFOR had “the authority to take actions, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement”. She described this as a “welcome supplement” to the duties and authorities stemming from resolution 827 (1993).¹⁸¹ The representative of France stated that the authority of the Security Council must be affirmed. It was the Council, and the Council alone, which, under the Charter, could give legitimacy to the military means that would be used.¹⁸²

Regarding the use of force by IFOR, the representative of Ukraine hoped that IFOR commanders would interpret the resolution in a restrictive manner. He stated that “the right given to IFOR to take all necessary measures to defend itself from threat of attack should not be abused”.¹⁸³

The representative of China stated that he would vote in favour of the draft resolution on the basis of his country’s principled position in support of the peace process and its hope for an early revitalization of lasting peace in Bosnia and Herzegovina, as well as in view of the urgent wishes of the parties concerned and the fact that the draft resolution called for “extraordinary measures in extraordinary circumstances”. He explained, however, that China’s support did not mean that its position had changed, but that China had all along disapproved of operations authorized by the Security Council “when at every turn it invoke[d] Chapter VII of the Charter and adopted mandatory measures”. He stated his Government’s belief that, in carrying out its mandate,

IFOR had to remain neutral and impartial and avoid wanton use of force so as to avoid damaging the image of the United Nations.¹⁸⁴

Case 16

The situation prevailing in and around the safe area of Bihac

By resolution 958 (1994), the Council, acting under Chapter VII of the Charter, extended the provisions of resolution 836 (1993) by providing for the use of air power, in support of the UNPROFOR mandate in respect of the safe areas within Bosnia and Herzegovina.

During the debate held in connection with the adoption of resolution 958 (1994), Council members were unanimous in condemning the attacks launched by the Krajina Serbs in and around the Bihac area. They shared concern at the aggravation of the conflict in Bosnia and Herzegovina, especially the bombing of the Bihac area, and viewed that act as a violation of international borders. In order to prevent a further escalation of the conflict, they urged parties concerned to immediately cease fire and hostilities in and around the Bihac area.

The representative of France welcomed the extension to Croatian territory of the possibility of using air power to enable UNPROFOR to carry out the mandate entrusted to it in the Council resolutions relating to the safe areas in Bosnia and Herzegovina. He stated that, just as he wished to see an end to the offensive military actions, the acts of provocation and the resulting escalations, and the attacks on the safe areas, must not be allowed to go unanswered. He emphasized that the credibility of the Security Council’s decisions and of UNPROFOR activities was at stake.¹⁸⁵

The representative of the Russian Federation explained that his delegation had voted in favour of the resolution, because it held the position that the order which had been established for the use of air power in Bosnia and Herzegovina and surrounding areas, and which had now been extended to the territory of Croatia with a view to ensuring the protection of the Bihac safe area, fully corresponded to the rules for the use of air power in the other safe areas. He stressed

¹⁸⁰ Ibid., p. 10.

¹⁸¹ Ibid., pp. 19-20.

¹⁸² Ibid., p. 22.

¹⁸³ Ibid., p. 29.

¹⁸⁴ Ibid., pp. 13-14.

¹⁸⁵ S/PV.3461, p. 4.

that the use of air power by United Nations forces, in appropriate cases, should be an impartial one, regardless of who might be the violator. He expressed hope that the resolution would be a signal to all the parties and to all those involved in the Bihac area to put an end to the escalation of military confrontation in order to ensure that the ceasefire was attained immediately.¹⁸⁶

The representative of New Zealand stressed that resolution 958 (1994) was adopted in the light of lessons learned from previous practice under resolution 836 (1993). He recalled the attack on the safe area of Gorazde in April 1994. At that time, it was not until the tanks were actually in the streets of the city that the United Nations and NATO were galvanized into deterrent action by the use of air power, which had been promised in resolution 836 (1993). He believed that that situation must not be repeated, and his delegation was therefore very pleased that resolution 958 (1994) had been adopted by consensus.¹⁸⁷

On the other hand, the representative of China explained he had voted in favour of the resolution because it aimed at protecting the safe area of Bihac and the safety of the civilians therein as well as ensuring the successful implementation by UNPROFOR of its mandate. However, he reiterated his Government's reservations concerning the mandatory actions authorized by invoking Chapter VII of the Charter. It was his view that the Council should be extremely prudent and cautious regarding the use of air power in Croatia. Air power should be used only for the purpose of self-defence — to protect the safety and security of UNPROFOR personnel and the civilians in the safe areas — and should not be abused for any punitive and pre-emptive purposes.¹⁸⁸

B. Enforcement action to restore democracy

Case 17

The question concerning Haiti

By resolution 940 (1994), the Council authorized Member States to form a multinational force under unified command and control and, in this framework, to use all necessary means to facilitate the departure

from Haiti of the military leadership. By the same resolution, the Council called for the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti.

The provisions of resolution 940 (1994) that may have some bearing on the provisions of Article 42 proved to be controversial among Member States. The representative of China stated that he could not support the provision in the draft resolution concerning the authorization for Member States to adopt mandatory means under Chapter VII of the Charter to resolve the problem of Haiti. He emphasized that China advocated a peaceful solution to any international disputes or conflicts through patient negotiations. He stated that he did not agree with the adoption of any means of solution based on the resort to pressure at will or even the use of force." The Chinese delegation was of the view that resolving problems such as that of Haiti through military means did not conform to the principles enshrined in the Charter and lacked sufficient and convincing grounds. He noted that many Member States, particularly those in the Latin American region, had identical or similar views.¹⁸⁹

The representative of Brazil stated that it was essential to respect not only the democratic solidarity which had been built in the region, but also the personality, sovereignty and independence of the States within it. He noted that for the first time in history, the Security Council was holding a discussion on the use of force under Chapter VII in connection with a country of the Western Hemisphere. The representative of Brazil also raised concerns about the draft resolution. Paragraph 4 contained language similar to that in resolution 678 (1990) regarding the Gulf War. That was a situation of a totally distinct political and legal nature, in a different political and regional context, resulting from the invasion of one country by another, an act which gave rise at the time to the strongest reaction by the international community.¹⁹⁰

In this context, several Latin American States argued that the situation in Haiti did not pose a threat to international peace and security, therefore, did not support military intervention. The representative of Mexico noted that the actions proposed in the draft resolution were not, strictly speaking, provided for in the Charter. In his opinion, the situation was not a

¹⁸⁶ Ibid., p. 5.

¹⁸⁷ Ibid., p. 6.

¹⁸⁸ Ibid., p. 7.

¹⁸⁹ S/PV.3413, p. 10.

¹⁹⁰ Ibid., pp. 8-9.

threat to the peace, a breach of the peace or an act of aggression such as would warrant the use of force in accordance with Article 42 of the Charter. He stated that the foundation for the actions proposed, as could be seen from the report of the Secretary-General, appeared to be “previous practice, that is, precedent”. Every situation, however, was different. He stated that, in this case, the international community and the resolution itself had emphasized the exceptional nature of the Haitian case. Therefore, it seemed at the least contradictory to insist, on the one hand, on this unique character and, on the other, to cite precedents and concepts applied in other circumstances and in other geographical areas. The relevance of those precedents in the case of Haiti therefore appeared to be highly questionable, since this case was different and quite singular.¹⁹¹

The representative of Cuba reiterated his country’s resolute opposition to military intervention as a means of solving internal conflicts. He stated that history had shown that military operations could not resolve internal conflicts for the simple reason that they could not resolve the causes of those conflicts. Decisions of that nature went beyond the mandate of the Security Council under Chapter VII of the Charter, which only authorized such powers in cases of an express threat to international peace and security.¹⁹²

The representative of Uruguay expressed doubts whether the situation in Haiti posed a threat to international peace and security and thus allowed for the application of Article 42 of the Charter. He said that although — with a view to the restoration of law, order and democracy in a fraternal nation — Uruguay had unswervingly supported the imposition of economic sanctions in accordance with Article 41 of the Charter, it did not support the application of military action provided for in Article 42. His delegation did not believe that the internal political situation in Haiti projected externally in such a way as to represent a threat to international peace and security. Moreover, he believed that the search for a peaceful solution had not been exhausted. This was precisely the objective of the application of sanctions against the dictatorship which was so unjustly afflicting the Haitian people.¹⁹³

The representative of Venezuela reiterated his Government’s strict adherence to the non-intervention norm and therefore rejected any kind of military intervention, whether unilateral or multilateral, in the American hemisphere.¹⁹⁴

Although Nigeria supported the resolution, its representative pointed out that the draft resolution took the Council to another, entirely new level of external action to deal with the situation in Haiti and also to an entirely new territory in the Charter of the United Nations, in particular the use of Chapter VII.¹⁹⁵

The representative of the United States stated that the resolution built on the precedents of Kuwait and Rwanda as far as the first phase of the operation was concerned. The second phase, on the other hand, established a United Nations mission of modest size, with a clear and achievable mandate, operating in a relatively secure environment, with the consent of the Government, for a finite period of time. She stated that the purpose of the resolution was in favour of democracy being restored, not to impinge upon the sovereignty of Haiti.¹⁹⁶

The representative of Djibouti, while welcoming the resolution on the whole, raised a number of important issues. He called upon the members of the Council to reflect upon the growing pattern of reliance upon ad hoc multinational intervention forces to mitigate or resolve conflicts or conflict-induced humanitarian crises. Should the United Nations continue to encounter difficulties in assembling the manpower and resources necessary to address such situations, as they had seen in Haiti and other places, they could face the prospect of diminishing credibility. He called on the United Nations to retain its determination, its creativity, its capability and its means, or the future could become increasingly unpredictable — which meant unsafe.¹⁹⁷

C. Enforcement action for humanitarian purposes

The Security Council has, on a number of occasions, adopted decisions by which it authorized the

¹⁹¹ Ibid., pp. 4-5.

¹⁹² Ibid., pp. 6.

¹⁹³ Ibid., p. 7.

¹⁹⁴ Ibid., p. 8.

¹⁹⁵ Ibid., p. 11.

¹⁹⁶ Ibid., pp. 12-13.

¹⁹⁷ Ibid., pp. 22-23.

provision of humanitarian assistance, not only out of an urgent humanitarian concern but also as an important element of the effort to restore peace and security. Such measures aimed at delivering humanitarian assistance may, therefore, be of relevance to the Council's interpretation and application of Article 42, insofar as they are adopted in the context of existing threats to the peace closely connected to broader efforts to restore peace and security in the affected regions.¹⁹⁸

Case 18

The situation in Somalia

By resolution 794 (1992), the Council determined that the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constituted a threat to international peace and security. Acting under Chapter VII, the Council authorized a multinational coalition led by the United States, the Unified Task Force (UNITAF), "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

By resolution 814 (1993), the Security Council established UNOSOM II, which was authorized to take appropriate action, including enforcement action, to establish throughout Somalia a secure environment for humanitarian assistance. UNOSOM II was to complete the task begun by UNITAF for the restoration of peace, stability, law and order. The mandate also empowered UNOSOM II to provide assistance to the Somali people in rebuilding their economy, re-establishing the country's institutional structure, achieving national political reconciliation, recreating a Somali State based on democratic governance and rehabilitating the country's economy and infrastructure.¹⁹⁹ In his report, the Secretary-General had stated, in the light of the "disheartening reverses", that the threat to international peace and security ascertained in resolution 794 (1992)

continued to exist. Consequently, UNOSOM II would not be able to implement the mandate recommended unless it was "endowed with enforcement powers under Chapter VII of the Charter".²⁰⁰ The Council also requested the Secretary-General, through his Special Representative, to direct the Force Commander of UNOSOM II to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, taking account of the particular circumstances in each locality, on an expedited basis in accordance with the recommendations contained in his report, and in this regard to organize a prompt, smooth and phased transition from UNITAF to UNOSOM II.²⁰¹

In the deliberations held in connection with the adoption of resolution 814 (1993), some speakers agreed that the task entrusted to the expanded UNOSOM II would make possible the restoration of peace and security in Somalia, and put an end to the humanitarian disaster. The representative of China stated that his Government had always held that a political solution to the Somali question should be sought through peaceful means within the framework of the Conference on National Reconciliation under the auspices of the United Nations. At the same time, China took note of the opinion of the Secretary-General to the effect that, while the unique situation of the absence of any effective, functioning government in Somalia had increased the difficulty and complexity of the task of settling the Somali question, delaying such a settlement would undoubtedly affect the peace and stability of the entire region. China had therefore supported the United Nations taking strong, exceptional measures in Somalia, so as to establish a secure environment for humanitarian assistance and to create conditions for the final settlement of the Somali question. The representative of China further stated that "authorizing UNOSOM II to take enforcement action under Chapter VII in order to implement its mandate had made it the first operation of its kind in the history of United Nations peacekeeping".²⁰²

The representative of the United Kingdom noted that the great merit of the resolution was its mixture of firmness and sensitivity, firmness in the sense that UNOSOM II would be endowed with a robust Chapter VII mandate to disarm the Somali factions and

¹⁹⁸ In this context, see for example the statement made by the representative of the United States regarding the adoption of resolution 770 (1992), concerning Bosnia and Herzegovina (S/PV.3106, pp. 37-40).

¹⁹⁹ The expansion of the size and mandate of UNOSOM II, under paragraph 5 of resolution 814 (1993), was in accordance with the recommendations of the Secretary-General contained in paragraphs 56 to 88 of his further report submitted in pursuance of paragraphs 18 and 19 of resolution 794 (1992) (S/25354).

²⁰⁰ S/25354, para. 58.

²⁰¹ Resolution 814 (1993), para. 14.

²⁰² S/PV.3188, pp. 21-22.

to operate throughout the territory of Somalia, and sensitivity in the sense that it recognized the Secretary-General's invaluable work in promoting the task of political reconciliation.²⁰³

Case 19

The situation in Rwanda

On a number of occasions, the Council took decisions relating to the provision of humanitarian assistance in Rwanda. Its decisions either conferred such a mandate upon the United Nations Assistance Mission in Rwanda (UNAMIR) and were sometimes backed up by the authorization of the use of force, or, in cases where the relevant decisions of the Council were not taken under Chapter VII, they continued to focus on the humanitarian situation and action that could be taken towards alleviating it.

By resolution 912 (1994), the Council decided to adjust the mandate of UNAMIR to, inter alia, assist in the resumption of humanitarian relief operations to the extent feasible, called upon the parties concerned to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to those in need throughout Rwanda and appealed to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy. By resolution 918 (1994), the Council decided to expand the mandate of UNAMIR under resolution 912 (1994) to include responsibility for contributing to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, "including through the establishment and maintenance, where feasible, of secure humanitarian areas". It also recognized that UNAMIR might "be required to take action in self-defence against persons or groups who threaten[ed] protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief".

In the light of the deteriorating situation in Rwanda, pressure mounted for the Council to consider what further action could be taken in order to end the violence.

By resolution 925 (1994), the Council noted with the gravest concern the reports indicating that acts of genocide had occurred in Rwanda and noted further that the expanded military component of UNAMIR

would continue only as long as and to the extent that it was needed "to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda and to provide security, as required, to humanitarian relief operations". The Council further recognized that UNAMIR might be required "to take action in self-defence against persons or groups who threatened protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief". It further emphasized the necessity that, inter alia, "all appropriate steps be taken to ensure the security and safety of the operation and personnel engaged in the operation".

In the debate held in connection with the adoption of resolution 925 (1994), the representative of the United States noted that ceasefire negotiations had begun but, in the meantime, there was no comprehensive ceasefire in effect and no comprehensive agreement among the parties involved in the Rwandan conflict or with the United Nations. In those circumstances, the activities described in the Secretary-General's report²⁰⁴ might be considered to involve enforcement actions. He further stated that UNAMIR military units had to be provided with the equipment and rules of engagement to execute successfully the assigned mission to defend themselves and to provide basic protection for threatened persons and security for the delivery of humanitarian relief. The Council had, to that end, included in the resolution "a reaffirmation that UNAMIR might be required to take action in self-defence".²⁰⁵

In view of the further deterioration of the situation in Rwanda, the Secretary-General addressed a letter dated 19 June 1994 to the President of the Security Council²⁰⁶ in which he suggested that the Council might wish to consider the offer of the Government of France to undertake, subject to Security Council authorization, a French-commanded multinational operation in conjunction with other Member States, under Chapter VII of the Charter, to ensure the security and protection of displaced persons and civilians at risk in Rwanda. The Secretary-General stated that, if the Council decided to authorize an operation along those lines, it would be necessary for it to request the Governments concerned to commit

²⁰³ Ibid., p. 37.

²⁰⁴ S/1994/640.

²⁰⁵ S/PV.3388, pp. 12-13.

²⁰⁶ S/1994/728.

themselves to maintaining their troops in Rwanda until UNAMIR was brought up to the necessary strength to take over from the multinational force and the latter had created conditions in which a peacekeeping force would have the capacity to carry out its mandate.²⁰⁷

Following the recommendations of the Secretary-General, by resolution 929 (1994),²⁰⁸ the Council, stressing the strictly humanitarian character of the operation, which would be conducted in an impartial and neutral fashion, and which was not to constitute an interposition force between the parties, and acting under Chapter VII, authorized Member States “cooperating with the Secretary-General to conduct a temporary operation ... using all necessary means to achieve the humanitarian objectives set out in subparagraphs 4 (a) and (b) of resolution 925 (1994)”.²⁰⁹

During the debate, a number of Council members supported the establishment of a multinational force in Rwanda for humanitarian purposes aimed at ensuring the security and protection of civilians. The representative of France underlined the humanitarian objectives of the mission. He stated that the goal of the French initiative was exclusively humanitarian: the initiative was motivated by the plight of the people, in the face of which the international community could not and ought not to remain passive. It would not be the mission of the soldiers in Rwanda to interpose themselves between the warring parties, still less to influence in any way the military and political situation. Their objective was simple: to rescue endangered civilians and put an end to the massacres, and to do so in an impartial manner.²¹⁰

The representative of the Russian Federation stated that the enormous scale of the human tragedy and the continuing massacres of the innocent civilian

population dictated the need for the adoption of “urgent measures that [could] stop the further bloodshed in Rwanda”. His delegation believed that it was important that the draft resolution clearly stated that this action had “the purely humanitarian goal of contributing to the security and protection of the civilian population”. He stated that it was also important that the operation be carried out impartially and neutrally, in close cooperation with UNAMIR.²¹¹

The representative of the United States stated that the “grave humanitarian crisis in that country demand[ed] a swift response from the international community” and commended the French for acting to address that need. She stressed that the mandate of the force was limited to addressing humanitarian needs, as called for in resolution 925 (1994).²¹²

The temporary French-led operation conducted parallel to UNAMIR was not supported by some members of the Council. New Zealand, which had abstained from voting, stressed that in terms of the objectives and motives it agreed with the terms of the resolution. It disagreed, however, on the means chosen by the Security Council. The representative of New Zealand cautioned that, if the right means were not employed, tragedy could be the result, as had been the case for Somalia, in which the Council had the best of humanitarian intentions. He stated that “trying to run two separate operations in parallel with different command arrangements does not work and, in the long run, those whom we set out to save can be those who suffer. The Security Council must learn from history”.²¹³

In a similar vein, the representative of China noted that the Rwandan parties to the conflict should negotiate within the framework of the Arusha Peace Agreement, because that was the correct and only way of solving the crisis in Rwanda. He further stated that resort to armed force or mandatory measures would only worsen the situation there.²¹⁴ The representative of Brazil stated that his Government had repeatedly maintained that the Council should do its utmost to avoid invoking the extraordinary powers conferred upon it by Chapter VII of the Charter.²¹⁵

²⁰⁷ *Ibid.*, para. 12.

²⁰⁸ Adopted at the 3392nd meeting, on 22 June 1994, with 5 abstentions (Brazil, China, New Zealand, Nigeria, Pakistan), suggesting deep divisions within the Council about authorizing a French intervention.

²⁰⁹ By paragraph 2 of resolution 929 (1994), the Council welcomed “the offer by Member States to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda”.

²¹⁰ S/PV.3392, p. 6.

²¹¹ *Ibid.*, p. 2.

²¹² *Ibid.*, p. 6.

²¹³ *Ibid.*, p. 7.

²¹⁴ *Ibid.*, p. 4.

²¹⁵ *Ibid.*, p. 3.

Part V Decisions and deliberations having relevance to Articles 43 to 47 of the Charter

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Note

Part V contains six case studies which examine the deliberations of the Security Council in connection with its adoption of decisions authorizing the use of force pursuant to Chapter VII of the Charter of the United Nations.²¹⁶ In its decisions adopted during the period under review, with respect to the situations in Somalia and Bosnia and Herzegovina, the question

²¹⁶ See part IV of the present chapter for Council decisions relating to Article 42.

concerning Haiti and the situation concerning Rwanda, the Council did not explicitly refer to Articles 43 to 47, but its discussions demonstrate the relevance of those provisions, particularly as they relate to the command and control of military forces acting pursuant to an authorization by the Council.

Section A contains summaries of the decisions dealt with in the case studies contained in section B and is organized by agenda item and the decisions are listed chronologically. Section B considers salient issues raised in the Council's deliberations relevant to Articles 43 to 47, and the case studies are accordingly organized by subject.

A. Decisions of the Security Council relating to Articles 43 to 47

The situation in Somalia

By resolution 814 (1993) of 26 March 1993, the Council, acting under Chapter VII, requested the Secretary-General, through his Special Representative, to direct the Force Commander of UNOSOM II to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, with a view to the facilitation of humanitarian assistance.

The situation in Bosnia and Herzegovina

By resolution 816 (1993) of 31 March 1993, the Council, acting under Chapter VII of the Charter, authorized Member States, seven days after the adoption of the resolution, acting nationally or through regional arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures in the airspace of the Republic of Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban on flights imposed by resolution 781 (1992), and proportionate to the specific circumstances and the nature of the flights. The Council requested the Member States concerned, the Secretary-General and UNPROFOR to coordinate closely on implementation measures, including the rules of engagement, and on the starting date of the implementation, and to report that starting date to the Council through the Secretary-General. The Council further requested Member States to inform the Secretary-General immediately of any actions taken to

implement the resolution and requested the Secretary-General to so inform the Council.

By resolution 1031 (1995) of 15 December 1995, the Council, acting under Chapter VII, authorized the Member States acting through or in cooperation with NATO to establish a multinational implementation force (IFOR) under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina. The Council authorized Member States to take all necessary measures at the request of IFOR to assist the force in carrying out its mission and recognized the right of the force to take all necessary measures to defend itself from attack or threat of attack. The Council decided that it would, within 12 months of the resolution, review the authorization given to IFOR. The Council requested the Member States acting through or in cooperation with NATO to report to the Council, through the appropriate channels on at least a monthly basis. The Council also requested the Secretary-General to submit to it reports from the High Representative.

The question concerning Haiti

By resolution 875 (1993) of 16 October 1993, the Council, acting under Chapters VII and VIII of the Charter, called upon Member States, acting nationally or through regional agencies or arrangements, cooperating with the legitimate Government of Haiti, to use such measures commensurate with the specific circumstances as might be necessary under the authority of the Security Council to ensure strict implementation of the provisions of previous resolutions relating to the supply of petroleum or petroleum products or arms and related materiel of all types, and in particular to halt inward maritime shipping as necessary in order to inspect and verify cargoes and destinations.

By resolution 940 (1994) of 31 July 1994, the Council, acting under Chapter VII, authorized Member States to form a multinational force under unified command and control and, in that framework, to use all necessary means to facilitate the removal from Haiti of the military leadership, the return and restoration of the legitimate authorities of the Government of Haiti and to establish and maintain a secure environment for the implementation of the Governors Island Agreement. The Council approved the creation of an advance team of the United Nations Mission in Haiti (UNMIH) to

establish the appropriate means of coordination with the multinational force and to carry out the monitoring of its operations, and requested the Secretary-General to report on the activities of the team within 30 days of the date of deployment of the multinational force. The Council decided it would terminate the mission *inter alia* when a secure and stable environment had been established — that determination to be made by the Council, taking into account the assessment of the Commander of the multinational force and recommendations from the Secretary-General. The Council also requested those Member States forming part of the multinational force to report to the Council at regular intervals following an initial report not later than seven days following the force's deployment.

The situation concerning Rwanda

By resolution 929 (1994) of 22 June 1994, the Council agreed that a multinational operation might be set up for humanitarian purposes in Rwanda until the United Nations Assistance Mission for Rwanda (UNAMIR) was brought up to the necessary strength and, acting under Chapter VII, authorized the Member States cooperating with the Secretary-General to conduct the operation using all necessary means to achieve the humanitarian objectives set out in paragraphs 4 (a) and (b) of resolution 925 (1994). The Council decided that the mission of Member States cooperating with the Secretary-General would be limited to a period of two months, unless the Secretary-General determined at an earlier date that the expanded UNAMIR was able to carry out its mandate, and requested the Member States concerned and the Secretary-General to report to the Council on a regular basis. The Council also requested Member States to cooperate with the Secretary-General to coordinate closely with UNAMIR, and requested the Secretary-General to set up appropriate mechanisms to that end.

B. Salient issues raised in the deliberations of the Security Council

Transfer from Member States to the Secretary-General of command responsibility for operations

Case 20

The situation in Somalia

In the deliberations held in connection with the adoption of resolution 814 (1993), the significance of the envisaged transfer of command responsibility from Member States to the Secretary-General for operations in Somalia authorized by the Security Council under Chapter VII was underlined by most speakers as they discussed the transition from the Unified Task Force (UNITAF) to UNOSOM II.²¹⁷ The representative of Cape Verde described the decision to authorize the Secretary-General and certain Member States to establish the necessary secure environment for humanitarian relief operations as a turning-point and a new point of departure with regard to the involvement of the international community in Somalia.²¹⁸ Similarly, the representative of Morocco noted that the operation, the first of its kind ever undertaken by the United Nations, clearly illustrated the important role which the Organization was able to play in crises of the kind under discussion.²¹⁹ The representative of the United States believed the adoption of the resolution would signify that it was time for the United Nations to resume its rightful leadership role in restoring peace to Somalia.²²⁰ The representative of Spain noted that by adopting the resolution the Council had established the first operation of its nature.²²¹ The representative of New Zealand believed the resolution marked “a further step by the United Nations towards defining a new era in international peacekeeping operations”.²²²

The representative of China noted that authorizing UNOSOM II “to take enforcement action under Chapter VII of the Charter in order to implement its mandate ha[d] made it the first operation of its kind

²¹⁷ S/PV.3188, p. 8 (Djibouti); pp. 22-23 (France); and p. 36 (Hungary), in addition to the other statements explicitly cited.

²¹⁸ *Ibid.*, p. 11.

²¹⁹ *Ibid.*, p. 17.

²²⁰ *Ibid.*, p. 18.

²²¹ *Ibid.*, p. 26.

²²² *Ibid.*, p. 41.

in the history of United Nations peacekeeping".²²³ He believed, however, that UNOSOM II should act prudently in carrying out such enforcement tasks and that, once the situation in Somalia had improved, UNOSOM II should resume its normal peacekeeping operations. The representative of the Russian Federation noted the need, given the unprecedented nature of the operation, for the Secretary-General to report regularly to the members of the Council on measures relating to the period of transition from UNITAF to UNOSOM II and the deployment of the Operation itself.²²⁴

Authorizing Member States to ensure the effective enforcement of measures not involving the use of force pursuant to Chapter VII

Case 21

The question concerning Haiti

In the deliberations held in connection with the adoption of resolution 875 (1993), two speakers stressed that the sole purpose of the Council's decision was to ensure the effective enforcement of the embargo measures adopted under its resolutions 841 (1993) and 873 (1993).²²⁵ The representative of Brazil noted that the authorization provided in the resolution was "restricted in scope, space and time" and "intended to have effect only until those sanctions measures were suspended or terminated".²²⁶

The representative of France noted that the Council's decision was not the first use by the Council of maritime monitoring of the implementation of sanctions, and believed that the rules of engagement to be employed should follow those previously established.²²⁷ The representative of China stated that, in carrying out the measures authorized by the resolutions, countries should only take actions commensurate with the specific situations prevailing at the time. Furthermore, they should strengthen coordination with the efforts of the Secretary-General and his Special Representative and keep the Council informed on a regular basis.²²⁸

²²³ Ibid., p. 22.

²²⁴ Ibid., p. 40.

²²⁵ S/PV.3293, p. 12 (Spain); and p. 24 (Brazil).

²²⁶ Ibid., p. 24.

²²⁷ Ibid., p. 16.

²²⁸ Ibid., p. 18.

Authorization by the Security Council of a multinational force

Case 22

The situation concerning Rwanda

In the deliberations held in connection with the adoption of resolution 929 (1994), several Council members stressed the strictly humanitarian character of the mandate given to the multinational force. It was specifically noted that the mandate of the force was limited to addressing humanitarian needs, as called for in paragraph 4 (a) and (b) of resolution 925 (1994), and that the operation was to be carried out with impartiality and neutrality, in close coordination with the activities of UNAMIR.²²⁹ Emphasis was also placed on the temporary nature of the force, as an interim measure until the full deployment of an expanded UNAMIR.²³⁰ One Council member also recalled that the Secretary-General was expected to regularly inform the Council on the implementation of the operation.²³¹

The representative of Nigeria believed that, in a situation which constituted a threat to international peace and security, the United Nations, through the Security Council, retained primary responsibility. Any effort, whether unilateral, bilateral or multilateral, was best subsumed within it. He also believed that a parallel command structure in Rwanda, of UNAMIR on the one hand, and the French-led intervention force

²²⁹ S/PV.3392, p. 2 (Russian Federation); p. 6 (United States); p. 7 (Spain); and p. 9 (United Kingdom). The representative of France stated "[i]t will not be the mission of our soldiers in Rwanda to interpose themselves between the warring parties, still less to influence in any way the military and political situation" (S/PV.3392, pp. 5-6).

²³⁰ The representative of France stated "It is not the objective of the French initiative to replace UNAMIR ... It will end as soon as the troops of General Dallaire ... have obtained their long-awaited reinforcements, at the latest within two months, as the resolution we have just adopted states" (S/PV.3392, p. 6). The representative of Spain stated "the multinational operation is aimed at bridging the gap until the full deployment of an expanded UNAMIR and for a two-month period" (ibid., p. 8). The representative of Argentina stated "[The] operation has been approved on the understanding that its objective is ... strictly in connection with the effective deployment of an expanded ... UNAMIR" (ibid., p. 10).

²³¹ S/PV.3392, p. 2 (Russian Federation).

on the other, was most unlikely to produce a climate conducive to peace in Rwanda.²³²

Case 23

The question concerning Haiti

In the deliberations held in connection with the adoption of resolution 940 (1994), one speaker expressed deep concern over the absence of any reference to a specific time frame for the proposed action. In his opinion, “a kind of *carte blanche* ha[d] been awarded to an undefined multinational force to act when it deem[ed] it to be appropriate”.²³³ By contrast, the representative of New Zealand believed that the resolution did in fact contain elements which “clearly indicate[d] that the operation would be of a temporary nature and would be focused on a specific point in history”.²³⁴

The representative of Spain, noting the Council’s caution in the drafting of the multinational force’s mandate, stressed the need for it to be just as scrupulous in its implementation. To that end, he recalled the Council’s follow-up mechanisms contained in the resolution, including the monitoring of the multinational force by military observers within an advance group of UNMIH and the reporting requirements of the Secretary-General and Member States involved in the multinational force.²³⁵ The representative of the United States recalled that the timing of the transition from the multinational force to the United Nations mission (phase one to phase two) would be determined by the Council itself.²³⁶

Regarding the command of the operation, the representative of New Zealand recorded his Government’s continued preference for collective security to be undertaken by the United Nations itself.²³⁷ The representative of China described the practice of the Council authorizing certain Member

²³² Ibid., p. 10.

²³³ S/PV.3413, p. 5 (Mexico); see also the statement of Cuba (ibid., p. 6).

²³⁴ Ibid., p. 22. See also the statements by the representatives of Nigeria (ibid., p. 11), in which he expressed the hope that the operation of the multinational force would be a temporary one that was focused and subject-specific, and Spain (ibid., p. 19).

²³⁵ Ibid., p. 20.

²³⁶ Ibid., p. 13.

²³⁷ Ibid., p. 21.

States to use force as “disconcerting” because it would create a dangerous precedent.²³⁸

Case 24

The situation in Bosnia and Herzegovina

In the deliberations held in connection with the adoption of resolution 816 (1993), the representative of France noted the balance the resolution had struck between the technical necessity of setting up effective military structures and the political need to place them under the authority of the Security Council, in close coordination with the Secretary-General.²³⁹ The representative of Brazil also attached particular importance to the fact that the implementation of the authorization contained in the resolution would be conducted under the authority of the Security Council and would be subject to close coordination with the Secretary-General and UNPROFOR. He understood that measures taken would be of a limited nature and that the Council would proceed to review those measures as soon as the situation warranted it.²⁴⁰ The representative of Spain noted that the measures were “limited to the airspace of [Bosnia and Herzegovina] and to the legitimate exercise of self-defence. Anything outside [that] scope [would] require the new authorization of the Council”.²⁴¹

Authorization by the Security Council of a force under the command of a regional organization

Case 25

The situation in Bosnia and Herzegovina

In the deliberations held in connection with the adoption of resolution 1031 (1995), the political control exercised by the Council over the NATO-led operation was a central issue for several Council members. The representative of Nigeria noted that he would have preferred “a United Nations operation under the policy control of the Security Council and the managerial supervision of the Secretary-General”. He believed that the Council “should not continue to contract out what would normally be a United Nations responsibility to a group of powerful States. It was his delegation’s belief that “multinational forces for peace

²³⁸ Ibid., p. 10.

²³⁹ S/PV.3191, p. 4.

²⁴⁰ Ibid., pp. 19-20; see also p. 23 (Russian Federation).

²⁴¹ Ibid., p. 8.

enforcement should be placed at the disposal of the United Nations and operated under the command of the Secretary-General. He stated “[a]s Member States of the United Nations, we should not support decisions that have the effect of subordinating our Organization or our Secretary-General to another organization, no matter how powerful its members”.²⁴²

The representative of China called for IFOR to provide the Council with timely and full reports on its implementation task so that it could accept the necessary control of and guidance from the Security Council.²⁴³ The representative of Nigeria also raised the matter of the timetable for the authorization.²⁴⁴

The representative of France stated that the authority of the Security Council had to be affirmed. Under the Charter, it was the Security Council, and the

²⁴² S/PV.3607, p. 15.

²⁴³ *Ibid.*, p. 14.

Council alone, that gave legitimacy to the military means to be used by IFOR. Only the Council could ensure the overall coherence of the operations by regularly assessing both the civilian and military aspects of the operation.²⁴⁵

The representative of the Russian Federation stressed that, under the terms of the resolution, reliable political control by the Security Council was ensured, namely through the provision of regular reports to it on the conduct of the entire operation and by virtue of its power to decide whether to extend the military component of the operation. Furthermore, the operation under way in Bosnia in no way meant a replacement of the United Nations by individual or regional organizations.²⁴⁶

²⁴⁴ *Ibid.*, p. 15.

²⁴⁵ *Ibid.*, p. 21.

²⁴⁶ *Ibid.*, p. 25.

Part VI

Obligations of Member States under Article 48 of the Charter

Article 48

1. *The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.*

2. *Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.*

During the period under review, no decisions were adopted by the Council referring expressly to Article 48. When the Council did adopt decisions under Chapter VII, it underlined the mandatory nature of those measures imposed without specifically referring to Article 48. When imposing measures against Haiti, Rwanda, the Libyan Arab Jamahiriya and the National

Union for the Total Independence of Angola (UNITA), the Security Council in each case expressly stated in its decisions that States were to act strictly in accordance with the provisions of the resolution, “notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the date of the respective resolution”.²⁴⁷ By those decisions, the Council required States to report

²⁴⁷ In connection with the measures imposed against Haiti, see resolution 841 (1993), para. 9. In connection with the measures imposed against UNITA, see resolution 864 (1993), para. 20. In connection with the measures imposed against Rwanda, see resolution 918 (1994), para. 15. In connection with the strengthened measures imposed against the Libyan Arab Jamahiriya, see resolution 883 (1993), para. 12.

on their compliance with relevant prohibitions,²⁴⁸ and provided that implementation reports received from States were to be examined by committees specifically mandated to monitor the implementation of sanctions and to consider any information concerning violations of relevant State obligations.²⁴⁹ In order to ensure full compliance with relevant prohibitions, the Council, by subsequent decisions, called on States to take “such measures commensurate with the specific circumstances as may be necessary” to enforce the sanctions regimes imposed on Haiti and the Federal Republic of Yugoslavia.²⁵⁰

²⁴⁸ In connection with measures imposed against Haiti, the Council, by resolutions 841 (1993), para. 13, and 917 (1994), para. 13, requested all States to report to the Secretary-General within one month on the measures they had instituted for meeting their obligations. In connection with the measures imposed against UNITA, the Council, by resolution 864 (1993), para. 24, requested all States to report to the Secretary-General within one month on the measures they had taken for meeting their obligations. In connection with sanctions imposed on the Libyan Arab Jamahiriya, the Council, by resolution 883 (1993), para. 13, requested all States to report to the Secretary-General within one month on the measures they had instituted for meeting their obligations. In connection with the measures imposed on the Federal Republic of Yugoslavia, the Council, by resolution 988 (1995), para. 3, called upon all States which allowed flights or ferry services permitted under paragraph 1 of the resolution from their territories or using their flag vessels or aircraft to report to the Committee established pursuant to resolution 724 (1991). In connection with sanctions imposed against Rwanda, the Council, by resolution 1011 (1995), para. 11, decided that States should notify the Committee established pursuant to resolution 918 (1994) of all exports from their territories of arms or related materiel to Rwanda.

²⁴⁹ In connection with the measures imposed on Haiti, see resolutions 841 (1993), para. 10, and 917 (1994), para. 14. In connection with the measures imposed on UNITA, see resolution 864 (1993), para. 22. In connection with the measures imposed on Rwanda, see resolution 918 (1994), para. 14. Attention is also drawn to resolution 883 (1993), para. 9, instructing the Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya to draw up and amend, as appropriate, the guidelines for the implementation of resolution 748 (1992).

²⁵⁰ See resolutions 875 (1993), para. 1, and 820 (1993), para. 29. By the presidential statement of 28 January 1993 (S/25190), in connection with navigation on the Danube river in the Federal Republic of Yugoslavia, the Council reiterated the responsibility of all riparian States

In accordance with Article 48, action required to carry out the Council’s decisions “shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine”, both “directly and through their action in the appropriate international agencies”.

In its decisions imposing measures not involving the use of armed force, in accordance with the provisions of Article 41 of the Charter, the Security Council consistently called upon “all States” to comply with relevant prohibitions.²⁵¹ In some instances, the Council addressed its calls to comply with relevant prohibitions to “States” in general.²⁵² In connection with the measures imposed on Rwanda, the Libyan Arab Jamahiriya and Haiti, the Council expressly

to take necessary measures to ensure that shipping on the Danube was in accordance with Council resolutions, including such enforcement measures commensurate with the specific circumstances as might be necessary to halt such shipping.

²⁵¹ In connection with the situation in Somalia, see resolutions 814 (1993), para. 11, 897 (1994), para. 9, 885 (1993), para. 11, and 923 (1994), para. 6. In connection with the situation concerning Rwanda, see resolutions 918 (1994), paras. 13 and 15, and 1011 (1995), para. 9. In connection with the situation in Liberia, see resolutions 813 (1993), para. 9, 1001 (1995), para. 10, and 1020 (1995), para. 11. In connection with the Libyan Arab Jamahiriya, see resolution 883 (1993), paras. 3, 5 and 6. In connection with the question concerning Haiti, see resolutions 841 (1993), paras. 5 and 11, and 917 (1994), paras. 2-4, 6, 7 and 11. In connection with the situation in the former Yugoslavia and in Bosnia and Herzegovina, see resolutions 820 (1993), paras. 13, 24 and 25, 988 (1995), paras. 3 and 4, and 1022 (1995), para. 7.

²⁵² In connection with the measures imposed on the former Yugoslavia, see resolution 942 (1994), paras. 7-12, 14 and 16-18. By resolution 820 (1993), para. 19, the Council reminded “States” of the importance of strict enforcement of measures imposed under Chapter VII of the Charter and called upon them to bring proceedings against persons and entities violating the measures imposed by previous resolutions. In connection with the measures imposed on Somalia, see resolution 886 (1993), para. 11, by which the Council reaffirmed “the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia” as imposed by resolution 733 (1992). In connection with the measures imposed on UNITA, see resolution 864 (1993), para. 21, by which the Council called upon “States” to bring proceedings against persons and entities violating the measures imposed by that resolution.

included “States not Members of the United Nations” among those to whom its decisions were addressed,²⁵³ and also required international organizations to act strictly in accordance with their provisions.²⁵⁴ In connection with the measures imposed on Somalia, Rwanda and the former Yugoslavia, the Council expressly included “neighbouring States” among those to whom its decisions were addressed.²⁵⁵ Concerning the situation in Bosnia and Herzegovina, the Council reaffirmed the responsibility of “riparian States” to ensure strict implementation of the relevant resolutions regarding shipping on the Danube.²⁵⁶ The Council also imposed particular obligations on “each State neighbouring the Federal Republic of Yugoslavia”.²⁵⁷

In its resolutions establishing the International Tribunals for the Former Yugoslavia and Rwanda, the Council decided that “all States” should cooperate fully with the Tribunal and its organs in accordance with the relevant 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 of the statute.²⁵⁸

While the above-mentioned decisions were formulated to ensure universal compliance and to create binding obligations for all States, decisions providing for the use of “all measures necessary”²⁵⁹ to enforce previous resolutions of the Council instead took the form of authorizations or calls on States willing and in a position to take such action. While such authorizations or calls were often addressed to “Member States” in general,²⁶⁰ in some instances they were more specifically addressed to “Member States concerned”²⁶¹ or “Member States cooperating”.²⁶² In one decision, however, adopted in connection with the implementation of sanctions imposed on the Federal Republic of Yugoslavia, the Council reiterated its request, in resolution 787 (1992), to “all States, including non-riparian States” to provide assistance to the riparian States regarding shipping on the Danube.²⁶³ Some of the decisions authorizing the use of all necessary measures expressly envisaged possible

²⁵³ See resolutions 918 (1994), para. 15, and 917 (1994), para. 12, in which the Council called on “all States, including States not Members of the United Nations” to act strictly in accordance with the provisions of those resolutions.

²⁵⁴ In connection with the measures imposed on Rwanda, UNITA and the Libyan Arab Jamahiriya, see resolutions 918 (1994), para. 15, 864 (1993), para. 20 and resolution 883 (1993), para. 12, respectively, by which the Council called upon all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with their provisions. In connection with the measures imposed on Haiti, see resolution 841 (1993), para. 9, by which the Council called on “all States and all international organizations” to act in accordance with their provisions, while in resolution 917 (1994), para. 12, the Council called upon “all States, including States not Members of the United Nations, and all international organizations” to act strictly in accordance with the provisions of the resolution.

²⁵⁵ In connection with the measures imposed on Somalia, see resolution 814 (1993), para. 11, by which the Council called upon “all States, in particular neighbouring States, to cooperate in the implementation of the arms embargo established by resolution 733 (1992)”. In connection with the measures imposed on Rwanda, by resolution 997 (1995), para. 5, the Council called upon “the States neighbouring Rwanda” to take steps to ensure the full implementation of the embargo as imposed by resolution 918 (1994).

²⁵⁶ Resolution 820 (1993), para. 17.

²⁵⁷ See resolution 820 (1993), para. 23, by which the Council decided that each State neighbouring the Federal Republic of Yugoslavia should prevent the passage of all freight vehicles and rolling stock into or out of the Federal Republic of Yugoslavia, except limited exceptions, and report to the relevant sanctions Committee.

²⁵⁸ See resolutions 827 (1993), para. 4, and 955 (1994), para. 2, respectively.

²⁵⁹ “All necessary measures” was the phrase used in connection with items relating to the former Yugoslavia, in resolutions 816 (1993), para. 4, 836 (1993), para. 10, 908 (1994), para. 8, 958 (1994), para. 1, and 1031 (1995), para. 15. In resolution 940 (1994), para. 4, in connection with the question concerning Haiti, and resolution 929 (1994), para. 3, in connection with the situation concerning Rwanda, reference was to “all necessary means”.

²⁶⁰ See resolutions 816 (1993), para. 4, 836 (1993), para. 10, 908 (1994), para. 8, 940 (1994), para. 4, and 958 (1994), para. 1.

²⁶¹ See resolutions 816 (1993), para. 5, and 836 (1993), para. 11.

²⁶² By resolution 929 (1994), para. 3, the Council authorized Member States cooperating with the Secretary-General to conduct an operation aimed at contributing to the security and protection of displaced persons, refugees and civilians at risk in Rwanda.

²⁶³ See resolution 820 (1993), para. 17.

action through regional agencies or arrangements.²⁶⁴ In

²⁶⁴ By resolution 816 (1993), para. 4, the Council authorized Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures in the airspace of Bosnia and Herzegovina to ensure compliance with the ban on flights imposed by that resolution. By resolution 820 (1993), para. 17, the Council reiterated its request in resolution 787 (1992) to all States, including non-riparian States, to provide, acting nationally or through regional organizations or arrangements, such assistance as might be required by the riparian States. By resolution 836 (1993), para. 10, the Council decided that Member States, acting nationally or through regional organizations or arrangements, could take all necessary measures to support UNPROFOR in the performance of its mandate. By resolution 908 (1994), para. 8, the Council decided that Member States, acting nationally or through regional organizations or arrangements, could take all necessary

one decision, adopted in connection with the situation in Bosnia and Herzegovina, the Council authorized the Member States to establish a multinational implementation force,²⁶⁵ acting through or in cooperation with NATO.²⁶⁶

measures to extend close air support to the Republic of Croatia, in defence of UNPROFOR in the performance of its mandate. By resolution 958 (1994), the Council decided that the authorization given in resolution 836 (1993) to Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures in the safe areas of Bosnia and Herzegovina should apply also to measures taken in Croatia.

²⁶⁵ Resolution 1031 (1995), para. 14.

²⁶⁶ Referred to paragraph 14 of resolution 1031 (1995) as “the organization referred to in annex I-A of the Peace Agreement”.

Part VII Obligations of Member States under Article 49 of the Charter

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

During the period under review, the obligation of States to join in affording mutual assistance assumed specific relevance in connection with decisions under Chapter VII of the Charter by which the Security Council authorized or called on Member States to take all measures necessary to enforce the Council's resolutions, even though those decisions contained no explicit references to Article 49. While such authorizations or calls were addressed primarily to States willing and in a position to take relevant enforcement action, the Council regularly requested all States to provide appropriate support and assistance to those States. Such requests were made by the following decisions:

By resolution 820 (1993) concerning the situation in Bosnia and Herzegovina, by which the Council reaffirmed the responsibility of riparian States to take

necessary measures to ensure that shipping on the Danube was done in accordance with previous relevant resolutions, the Council reiterated its request to all States, including non-riparian States, to provide, acting nationally or through regional organizations or arrangements, such assistance as might be required by the riparian States.

By resolution 1031 (1995) concerning the situation in Bosnia and Herzegovina, by which the Council authorized the Member States acting through or in cooperation with NATO²⁶⁶ to establish a multinational implementation force, the Council invited all States, in particular those of the region, to provide appropriate support and facilities, for the Member States acting through or in cooperation with NATO.

By resolution 940 (1994), concerning the situation in Haiti, by which the Council authorized Member States to form a multinational force, it invited all States, in particular those of the region, to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the resolution.

Part VIII

Special economic problems of the nature described in Article 50 of the Charter

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Note

During the period under review, the Security Council expressly recalled the rights of States under Article 50 of the Charter in three of its decisions, adopted in connection with the imposition of sanctions on the former Yugoslavia, the Libyan Arab Jamahiriya and Haiti.²⁶⁷

In connection with the implementation of measures imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro),²⁶⁸ the Libyan Arab Jamahiriya²⁶⁹ and Haiti,²⁷⁰ a number of Member

States were confronted with special economic problems, and requested consultations and assistance in accordance with Article 50.²⁷¹ Questions relating to the application and interpretation of that Article were discussed during the Council's debates held in connection with the adoption and implementation of the above-mentioned measures.

Article 50 was also considered by the Secretary-General in his report dated 15 June 1993 on the implementation of the recommendations contained in "An Agenda for Peace". He observed that there was no mechanism in the United Nations to address the spirit of Article 50 of the Charter effectively and systematically and suggested there was also a need to set up a permanent mechanism for consultations between the Security Council, the Secretary-General and international financial institutions and other components of the United Nations system, as well as Member States, when sanctions were considered or imposed.²⁷² In a subsequent position paper, prepared on the occasion of the fiftieth anniversary of the United Nations, the Secretary-General outlined the establishment of a mechanism tasked with, inter alia, assessing, at the request of the Council, the potential impact of sanctions on the target country and on third countries and also exploring ways to assist Member States suffering from collateral damage and to evaluate claims submitted by such States under Article 50.²⁷³ The deliberations of Member States in connection with that position paper are dealt with in case 29 below.

Case studies 26 to 28 give an overview of the Council's proceedings relevant to Article 50 of the Charter in connection with the measures imposed

²⁶⁷ See resolutions 843 (1993), 883 (1993) and 917 (1994). The resolution relating to the former Yugoslavia was adopted under the item entitled "Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia".

²⁶⁸ See resolution 757 (1992), paras. 3-9. For subsequent provisions modifying the sanctions regime, see resolutions 760 (1992) and 787 (1992), paras. 9 and 10. For further discussion of the sanctions regime against the Federal Republic of Yugoslavia (Serbia and Montenegro), see the studies on Articles 41, 48 and 49 in the present chapter.

²⁶⁹ See resolution 883 (1993) imposing further sanctions on the Libyan Arab Jamahiriya and recalling the right of States, under Article 50 of the Charter, to consult the Security Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures. For the previous sanctions against the Libyan Arab Jamahiriya, see resolution 748 (1992), paras. 3-6. For further discussion of the sanctions regime against the Libyan Arab Jamahiriya, see the studies on Articles 41, 48 and 49 in the present chapter.

²⁷⁰ See resolution 917 (1994) imposing further sanctions on Haiti and expanding the tasks of the Committee established pursuant to resolution 841 (1993) to include the examination of possible requests for assistance under the provisions of Article 50 and making recommendations to the President of the Security Council for appropriate action (para. 14 (g)).

²⁷¹ For details of communications from affected States, see the case studies below.

²⁷² S/25944, paras. 49 and 50.

²⁷³ Supplement to an Agenda for Peace (S/1995/1), para. 75 (a) and (e).

against the former Yugoslavia, the Libyan Arab Jamahiriya and Haiti.

Decisions of the Security Council relating to Article 50

Case 26

Implementation of measures imposed against the former Yugoslavia by resolution 820 (1993)

Immediately after the adoption of resolution 820 (1993), the Council held three consecutive meetings to consider the impact on Member States of the measures imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro).²⁷⁴ The representatives of Romania,²⁷⁵ Bulgaria²⁷⁶ and Ukraine,²⁷⁷ while reaffirming support for, and their strict compliance with, the sanctions imposed, noted the negative effects the implementation of those sanctions was having on their respective economies. Recalling Article 50 of the Charter, they requested the support of the international community to identify forms of compensation to remedy the losses incurred by their compliance with the sanctions regime and/or to adopt measures to mitigate the negative consequences arising from the enforcement of sanctions. The representative of Bulgaria welcomed the establishment of a committee to devise mechanisms for assisting the States most affected by the implementation of sanctions.²⁷⁸ The representative of Argentina also brought to the attention of other members the economic difficulties that the countries neighbouring the Federal Republic of Yugoslavia were suffering as a consequence of implementing the sanctions, and asked the international community to address this issue in the spirit of Article 50.²⁷⁹

²⁷⁴ 3201st to 3203rd meetings.

²⁷⁵ S/PV.3201, p. 65.

²⁷⁶ S/PV.3202, pp. 8-10.

²⁷⁷ *Ibid.*, pp. 33-34. At the 3336th meeting, the representative of Ukraine reiterated his country's view that the Council should seriously address the effectiveness of economic sanctions against the Federal Republic of Yugoslavia with the aim of mitigating the adverse consequences of the sanctions regime on the economies of third countries, in accordance with Article 50 of the Charter (S/PV.3336 (Resumption 2), p. 203).

²⁷⁸ S/PV. 3202, p. 8.

²⁷⁹ S/PV. 3203, p. 61.

By letters addressed to the President of the Security Council or the Secretary-General, representatives of various affected countries, including Bulgaria,²⁸⁰ Hungary,²⁸¹ Slovakia²⁸² and Ukraine,²⁸³ requested assistance to mitigate the adverse economic impact of the sanctions regime in accordance with Article 50 of the Charter. Requests for assistance were similarly made by Albania,²⁸⁴ the former Yugoslav Republic of Macedonia²⁸⁵ and Uganda²⁸⁶ in letters addressed to the Chairman of the Security Council Committee established pursuant to resolution 724 (1991).

By its resolution 843 (1993), the Council, *inter alia*, noted that the Committee established pursuant to resolution 724 (1991) had set up a working group to examine an increasing number of requests for assistance submitted pursuant to Article 50 of the Charter. The Council confirmed that the Committee was entrusted with the task of examining requests for assistance under the provisions of Article 50 and

²⁸⁰ Letter dated 7 May 1993 from the representative of Bulgaria addressed to the President of the Council, (S/25743); and letter dated 22 September 1993 from the representative of Bulgaria addressed to the Secretary-General (S/24685).

²⁸¹ Letter dated 22 June 1992 from the representative of Hungary addressed to the President of the Council and circulated by the President of the Council on 28 April 1993 (S/25683).

²⁸² Letter dated 7 June 1993 from the representative of Slovakia addressed to the President of the Council (S/25894).

²⁸³ Letter dated 28 April 1993 from the representative of Ukraine addressed to the President of the Council (S/25682); note verbale dated 1 June 1993 from the Permanent Mission of Ukraine, addressed to the Secretary-General (S/25910); and letter dated 27 June 1995 from the representative of Ukraine addressed to the Secretary-General (S/1995/517).

²⁸⁴ Letter dated 7 July 1993 from the representative of Albania addressed to the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) (see S/26040/Add.1, annex I).

²⁸⁵ Communication dated 11 May 1993 from the Ministry of Foreign Relations of the former Yugoslav Republic of Macedonia addressed to the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) (see S/26040/Add.2, annex II).

²⁸⁶ Letter dated 26 March 1993 from the representative of Uganda addressed to the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) (see S/26040, annex IV).

invited the Committee to make recommendations to the President of the Council for appropriate action.

The President of the Security Council received recommendations from the Committee established pursuant to resolution 724 (1991) with regard to Bulgaria, Hungary, Romania, Uganda and Ukraine based on the requests for assistance those countries had presented in relation to the economic difficulties faced in the course of compliance with sanctions imposed against the Federal Republic of Yugoslavia.²⁸⁷ Subsequently, the President received from the Chairman of the Committee recommendations for assistance under Article 50 for Albania,²⁸⁸ Slovakia²⁸⁹ and the former Yugoslav Republic of Macedonia.²⁹⁰ Following the receipt of the recommendations of the Committee, the Security Council adopted no resolutions providing specific compensatory measures to the affected countries.

The issue of the application of Article 50 of the Charter was again raised at the 3454th and 3483rd meetings of the Council. The representative of Romania noted that the Council's decisions in connection with the situation in Bosnia and Herzegovina had led to important actions with regard to questions of more general scope, including the particularly important issue of the application of provisions of Article 50 with a view to resolving the economic difficulties of States resulting from the implementation of sanctions measures adopted by the Council.²⁹¹ The representative of Indonesia, speaking on behalf of the non-aligned countries, stressed the need to make Article 50 operational by institutionalizing the consultations envisaged in the Charter and to adopt other effective measures providing solutions for the problems

encountered by the affected Member States in the implementation of sanctions.²⁹²

Case 27

Implementation of measures imposed against the Libyan Arab Jamahiriya by resolution 883 (1993)

By its resolution 883 (1993), the Security Council, inter alia, reaffirmed its resolutions 731 (1992) and 748 (1992) and imposed a strengthened financial, economic and air transportation sanctions regime against the Libyan Arab Jamahiriya. In connection with the application of Article 50, the Council entrusted the Committee established by resolution 748 (1992) with the task of examining possible requests for assistance under the provisions of Article 50 and making recommendations to the President of the Security Council for appropriate action.

During the deliberations, a number of speakers touched upon the Council's responsibility to address the potential consequences for third States of its decision to apply sanctions against the Libyan Arab Jamahiriya. The representative of Egypt called upon the Council to consider measures with a view to alleviating the economic suffering of the Libyan Arab Jamahiriya and its neighbours that would arise from the adoption of the draft resolution under consideration.²⁹³ The representative of the Sudan called to the attention of the members of the Council that the impact of the sanctions measures had gone beyond the people of the Libyan Arab Jamahiriya to affect neighbouring countries with social and cultural links to that people.²⁹⁴ He further stated that Article 50 of the Charter could be only of minimal help to those who were suffering as a result of the implementation of those resolutions. The representative of Brazil stated that his delegation was aware of the need to address the consequences which sanctions could have on third countries and for that reason attached great importance to the provision of the resolution which entrusted the Committee established by resolution 748 (1992) with the task of examining possible requests for assistance under Article 50.²⁹⁵

²⁸⁷ Letter dated 2 July 1993 from the Acting Chairman of the Committee established pursuant to resolution 724 (1991) addressed to the President of the Council (S/26040).

²⁸⁸ Letter dated 14 August 1993 from the Chairman of the Committee established pursuant to resolution 724 (1991) addressed to the President of the Council (S/26040/Add.1).

²⁸⁹ Letter dated 10 December 1993 from the Chairman of the Committee established pursuant to resolution 724 (1991) addressed to the President of the Council (S/26040/Add.2).

²⁹⁰ Ibid.

²⁹¹ S/PV.3454 (Resumption 2), p. 61.

²⁹² S/PV.3483, p. 20.

²⁹³ S/PV.3312, p. 29.

²⁹⁴ Ibid., p. 37.

²⁹⁵ Ibid., p. 51.

During the period under review, although no requests for special assistance under Article 50 were received in connection with the sanctions against the Libyan Arab Jamahiriya, two communications of relevance to Article 50 were transmitted. By a note verbale dated 14 January 1994 addressed to the Secretary-General,²⁹⁶ the representative of Poland urged the Security Council to consider measures to alleviate the economic losses resulting from the implementation of resolution 883 (1993) in accordance with Article 50 of the Charter. Similarly, the representative of Bulgaria, by a note verbale dated 20 January 1994 addressed to the Secretary-General,²⁹⁷ described some of the legislative measures taken by the Government of Bulgaria to comply with the latest resolution against the Libyan Arab Jamahiriya. In the note, the representative of Bulgaria also drew attention to the new economic and financial losses arising for Bulgaria from compliance with resolution 883 (1993), and informed the Secretary-General that Bulgaria would shortly submit a memorandum to request assistance pursuant to Article 50. During the period under review, the Security Council adopted no decisions providing specific compensatory measures to the countries affected by compliance with the sanctions regime against the Libyan Arab Jamahiriya.

Case 28

Implementation of measures imposed against Haiti by resolutions 873 (1993) and 917 (1994)

By its resolution 917 (1994) the Council imposed travel bans against the military officers involved in the coup d'état in Haiti and strengthened sanctions on the import and export of commodities, and the supply of petroleum, its derivatives and other products. The Council also decided that the Committee established pursuant to resolution 841 (1993) would be responsible for examining requests for assistance under the provisions of Article 50 and would make recommendations to the President of the Council for appropriate action.

During the Council's deliberations in connection with the adoption of resolution 917 (1994), the representative of Spain pointed out that neighbouring countries had to make special efforts to ensure the effectiveness of sanctions and, as a result, suffered

²⁹⁶ S/1994/42.

²⁹⁷ S/1994/82.

considerable economic damage. He urged the Council to address the issue of requests for assistance in the context of the resolution adopted.²⁹⁸

By a note verbale dated 4 October 1994 addressed to the Secretary-General,²⁹⁹ the Dominican Republic submitted a memorandum concerning its economic losses associated with the application of the embargo against Haiti. By a letter to the President of the Security Council,³⁰⁰ the Secretary-General forwarded the application made by the Dominican Republic pursuant to Article 50 for the attention of the Council. The Council took no further action on the request for consultation of the Dominican Republic.

Case 29

Supplement to an Agenda for Peace

During the Council's deliberations in connection with the Supplement to an Agenda for Peace, the majority of speakers addressed the recommendations made by the Secretary-General in relation to the application of Article 50, specifically the proposed mechanism which would, inter alia, explore ways of assisting Member States that were suffering collateral damage and evaluate claims submitted by such States under Article 50.³⁰¹ The representatives of Botswana,³⁰² China,³⁰³ the Czech Republic,³⁰⁴ Egypt,³⁰⁵ Honduras,³⁰⁶ Ireland,³⁰⁷ Romania³⁰⁸ and Turkey³⁰⁹ endorsed the recommendation of the Secretary-General to create a mechanism to alleviate special economic problems.

The representative of Indonesia, speaking on behalf of the non-aligned countries, stated that, while Article 50 of the Charter had called for consultations in seeking a solution to the problems caused to neighbouring States and trading partners due to sanctions, a more extensive use of that provision as a means to limit the impact of sanctions was essential.

²⁹⁸ S/PV.3376, p. 6.

²⁹⁹ S/1994/1265, annex.

³⁰⁰ S/1994/1265.

³⁰¹ See S/1995/1, para. 75 (e).

³⁰² S/PV.3492, p. 11.

³⁰³ Ibid., p. 14.

³⁰⁴ S/PV.3492 (Resumption 1), p. 10.

³⁰⁵ S/PV.3492 (Resumption 2), p. 32.

³⁰⁶ S/PV.3492 (Resumption 1), p. 27.

³⁰⁷ S/PV.3492 (Resumption 2), p. 19.

³⁰⁸ Ibid., p. 20.

³⁰⁹ S/PV.3492 (Resumption 1), p. 30.

His delegation believed that the establishment of a sanctions mechanism should be further explored.³¹⁰ The representative of Poland believed that there should be arrangements alleviating the burdens incurred by countries which participated in economic measures against the offender States, and stated that Article 50 did not constitute a sufficient remedy.³¹¹ The representative of Colombia viewed the mechanism proposed by the Secretary-General as a means which would enable the United Nations to fully develop and implement the provisions of Article 50.³¹² The representative of Sierra Leone reiterated the position of his delegation that the provisions of Article 50 carried with them an expectation that went beyond mere consultation with the Council,³¹³ and included the provision of some form of remedy for those affected.

The representative of India took note of the proposal concerning the establishment of a mechanism to implement Article 50 of the Charter. In the view of his delegation the mechanism should be established by the Security Council and it needed to contain the element of automaticity of application. He also suggested that the Council consider establishing a fund from assessed contributions for the purpose of alleviating special economic problems when sanctions were initially imposed.³¹⁴ In that connection, the representative of Indonesia believed that consultations with Bretton Woods institutions were not necessarily the most effective way of alleviating the damages suffered by third parties.³¹⁵ He noted that the Security Council, which imposed sanctions, had the responsibility to provide relief.

The representative of Pakistan welcomed the suggestion of establishing a mechanism to, inter alia, explore ways of assisting Member States that were suffering collateral damage due to Security Council sanctions and to evaluate claims of such States under Article 50. He believed that establishing such a mechanism could prove to be an important step towards institutionalizing a system whereby the burdens placed on third countries as a result of Security Council-imposed sanctions were equitably

shared by all Member States.³¹⁶ Similarly, the representative of Bulgaria held that an institutionalized mechanism should be set up to provide a realistic possibility of offsetting the unfavourable effects of sanctions on third States and compensating them for their losses.³¹⁷

The representative of Sri Lanka noted that the Secretariat deserved to be strengthened with additional staff and resources required to more effectively and expeditiously fulfil its functions in respect of Article 50 of the Charter.³¹⁸ The representative of New Zealand acknowledged there was a strong argument for Members of the United Nations affected by sanctions to support the concept of a mechanism to investigate the economic implications,³¹⁹ but believed that the issue should not be studied in isolation from other issues related to sanctions, including enforcement. The representative of Ukraine believed it appropriate to return to the question of creating a special compensatory mechanism that would include a compensation fund.³²⁰ He believed a standing committee of the Security Council on sanctions should be charged with the responsibility for, inter alia, assessing the impact of economic losses sustained by States.

While the representative of the United States shared the concern about the desirability of avoiding or reducing unintended and harmful collateral effects of sanctions, she stressed that procedures designed to mitigate the unintended effects of sanctions should not be allowed to obstruct or so mitigate their effects as to render them useless as a means for influencing the behaviour of a Government that was defying the international community and law.³²¹

³¹⁰ S/PV.3492, p. 9.

³¹¹ S/PV.3492 (Resumption 1), p. 27.

³¹² S/PV.3492 (Resumption 2), p. 15.

³¹³ *Ibid.*, p. 27.

³¹⁴ S/PV.3492 (Resumption 1), p. 19.

³¹⁵ S/PV.3492, p. 9.

³¹⁶ S/PV.3492 (Resumption 1), pp. 25-26.

³¹⁷ S/PV.3492 (Resumption 2), p. 24.

³¹⁸ *Ibid.*, p. 11; see also p. 19 (Brazil).

³¹⁹ *Ibid.*, p. 7.

³²⁰ S/PV.3492 (Resumption 1), p. 24.

³²¹ S/PV.3492, p. 24.

The representative of France noted that the use of measures outlined in Article 41 of the Charter was not subject to any restriction and that Article 50 referred only to the ability of third States to consult the Council on specific economic difficulties they might encounter. Unable to endorse the Secretary-General's suggestion for the establishment of a mechanism to evaluate the potential impact of the planned sanctions on the

country in question and on third countries, he noted that the proposed mechanism would, unfortunately, lead to all sorts of pressure being exerted on the Council and limit the Council's autonomy in decision-making.³²²

³²² Ibid., pp. 6-7.

Part IX

The right of self-defence in accordance with Article 51 of the Charter

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Note

During the period under review, the Security Council adopted one resolution in connection with the proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances containing an explicit reference to and reaffirming the principle set out in Article 51.³²³

The Council also debated the application and interpretation of Article 51 in connection with the use of armed force by the United States against Iraq in connection with an assassination attempt against a former United States Head of State. In that case,

³²³ See resolution 984 (1995), para. 9. By that resolution, the Council, inter alia, recognized the legitimate interest of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Council would act immediately in accordance with the relevant provisions of the Charter.

Council discussion centred on whether the United States was justified in relying on its right of self-defence under Article 51.

In connection with the situation in Bosnia and Herzegovina, the Council considered a draft resolution which sought to exempt Bosnia and Herzegovina from the arms embargo imposed on the former Yugoslavia by resolution 713 (1991). A majority of speakers, speaking in support of the resolution, argued for its adoption so as to allow Bosnia and Herzegovina to exercise its inherent right to self-defence.

The arguments advanced during the Council's deliberations in connection with the above-mentioned incidents and situations are set out in the case studies in section A below. The case studies will be followed by a brief overview in section B of instances in which the right of self-defence was invoked in official correspondence, but which did not give rise to any constitutional discussion relevant to Article 51.

A. Constitutional discussion in connection with the right of self-defence under Article 51 of the Charter

In the instances that follow, the invocation of the right of self-defence by a Member State gave rise to a discussion relevant to the application and interpretation of Article 51.

Decisions of the Security Council relating to Article 51

Case 30

United States notification of 26 June 1993 measures against Iraq

By a letter dated 26 June 1993 addressed to the President of the Council,³²⁴ the representative of the United States reported that, in accordance with Article 51 of the Charter, the United States Government had exercised its right of self-defence by responding to the unlawful attempt by the Government of Iraq to murder the former President of the United States and to its continuing threat to United States nationals. It had decided to respond, as a last resort, to the attempted attack and the threat of further attacks, by striking at an Iraqi military and intelligence target so as to minimize the risk of collateral damage to civilians.

By a letter dated 27 June 1993 addressed to the Secretary-General,³²⁵ the Minister for Foreign Affairs of Iraq described the cruise missile attack, launched from American warships in the Red Sea and Arabian Gulf, as an unjustified act of aggression.

The Security Council met to consider the matter at its 3245th meeting. The representative of the United States held that the attempt against the former President of the United States during his visit to Kuwait in April 1993 was an attack on the United States and, while not asking the Council for any action, contended that every Member State would regard an assassination attempt against its former Head of State as an attack against itself, and would react. She indicated that the United States had responded directly, as it was entitled to do under Article 51 of the Charter. The response had been proportionate and aimed at a target directly linked to the operation against the former President of the United States. The specific incident had been between Iraq and the United States directly, which was why the United States had acted alone. She noted further that, although the United States had taken action under Article 51 of the Charter, there was a broader context of Iraq's repeated and consistent refusal to comply with the resolutions of the Council since its invasion of Kuwait in 1990.³²⁶

³²⁴ S/26003.

³²⁵ S/26004.

³²⁶ S/PV.3245, pp. 3-9.

The representative of Iraq, denying any role by his Government with respect to the alleged assassination attempt, referred to the attack as an act of aggression against Iraq. He also argued that the United States had acted without providing either evidence against Iraq or inviting it to clarify its position. He further stated that the rules of international law gave the United States no right to overlook the principle of due process of law or the provisions of the Charter. He called on the Council to condemn the act of aggression and take the action necessary to prevent a repetition in the future.³²⁷

The representative of the Russian Federation called the actions of the United States justified since they arose from the right of States to individual and collective self-defence, in accordance with Article 51 of the Charter.³²⁸ Other speakers expressed their understanding for the reaction of the United States and the reasons for its unilateral action.³²⁹ The representative of Brazil took note of the statement by the United States Government that it considered such action necessary, as a last resort, with a view to preventing the further occurrence of such acts.³³⁰

Appreciation was expressed generally for the presentation of evidence supporting the conclusion of the United States Government concerning the direct involvement of the Government of Iraq in the assassination attempt.³³¹ Some speakers welcomed the explanation of the proportionate nature of the United States response.³³²

The representative of China expressed deep concern about the events which had occurred and stated his Government's opposition to any action that could contravene the Charter and norms of international relations. His delegation did not endorse any action that could intensify the tension in the region, including the use of force.³³³ Similarly, the representative of Cape Verde, speaking on behalf of the

³²⁷ *Ibid.*, pp. 11-13.

³²⁸ *Ibid.*, p. 22. See also statements by the representatives of Hungary (*ibid.*, p. 18) and the United Kingdom (*ibid.*, p. 21), who said that the actions had been justified, although they did not refer to Article 51 or its language.

³²⁹ *Ibid.*, p. 13 (France); p. 16 (Japan); and p. 24 (Spain).

³³⁰ *Ibid.*, p. 17.

³³¹ *Ibid.*, p. 13 (France); p. 16 (Japan); p. 23 (New Zealand); and p. 23 (Spain).

³³² *Ibid.*, p. 13 (France); and p. 25 (Spain).

³³³ *Ibid.*, p. 21.

non-aligned members of the Council, urged the exercise of restraint by all States, consistent with the principles of the Charter and in particular for the maintenance of international peace and security and the avoidance of the use of force inconsistent with the purposes of the United Nations.³³⁴

Case 31

The situation in the Republic of Bosnia and Herzegovina

At its 3247th meeting, on 29 June 1993, the Council considered a draft resolution³³⁵ by which it would have, inter alia, reaffirmed that the Republic of Bosnia and Herzegovina, as a State Member of the United Nations, enjoyed the rights provided for in the Charter of the United Nations; affirmed that the international community had the responsibility to secure fully the independence, territorial integrity and unity of Bosnia and Herzegovina; and, in its operative part, decided to exempt the Government of Bosnia and Herzegovina from the arms embargo imposed on the former Yugoslavia by its resolution 713 (1991) for the sole purpose of enabling Bosnia and Herzegovina to exercise its inherent right of self-defence. The draft resolution was not adopted.

During the Council's deliberations, the majority of speakers strongly argued that Bosnia and Herzegovina had to be allowed to exercise its inherent right of self-defence, as embodied in Article 51 of the Charter, and was being prevented from doing so by virtue of the arms embargo imposed pursuant to resolution 713 (1991).³³⁶

The representative of Bosnia and Herzegovina called upon the Council to free it of the "shackles" that

were diminishing its self-defence, and further, queried whether the arms embargo should be declared de jure invalid in accordance with the Charter's guarantee of the right of self-defence.³³⁷ Other speakers arguing in favour of lifting the arms embargo against Bosnia and Herzegovina questioned the logic of maintaining the arms embargo in place,³³⁸ stressed the need to "untie the hands" of the Bosnians and enable them to exercise their inherent right to self-defence,³³⁹ stated that it was ineffective,³⁴⁰ and that resolution 713 (1991) applied to the former Yugoslavia, which no longer existed.³⁴¹

While not addressing the constitutional question concerning Article 51, those speakers opposed to the draft resolution argued that a selective lifting of the arms embargo would only contribute to further escalating the violence and hostilities.³⁴² It was also argued that lifting the embargo ran counter to finding a peaceful negotiated settlement to the conflict and that it was imperative to reach such a settlement.³⁴³ The representative of the United Kingdom further contended that the adoption of the draft resolution would be seen as a signal that the United Nations was turning its back on Bosnia and leaving its inhabitants to "fight it out, come what may".³⁴⁴

B. Invocation of the right of self-defence in other instances

In the instances that follow, Member States invoked the right of self-defence in correspondence which did not give rise to any significant constitutional discussion with direct relevance to Article 51.

³³⁴ Ibid., p. 17. The members of the Security Council belonging to the Group of Non-Aligned Countries were Cape Verde, Djibouti, Morocco, Pakistan and Venezuela.

³³⁵ S/25997.

³³⁶ S/PV.3247, pp. 6-10 (Cape Verde); pp. 9-17 (Bosnia and Herzegovina); pp. 17-26 (Pakistan); pp. 26-33 (Egypt); pp. 38-41 (Malaysia); pp. 41-47 (Jordan); pp. 47-52 (Morocco); pp. 52-54 (Albania); pp. 54-59 (Indonesia); pp. 60-63 (Turkey); pp. 63-72 (Afghanistan); pp. 72-77 (Islamic Republic of Iran); pp. 77-83 (United Arab Emirates); pp. 83-88 (Senegal); pp. 92-96 (Algeria); pp. 96-102 (Libyan Arab Jamahiriya); pp. 102-106 (Bangladesh); pp. 106-108 (Costa Rica); pp. 108-110 (Slovenia); pp. 116-121 (Djibouti); pp. 121-131 (Venezuela); and pp. 148-149 (United States).

³³⁷ Ibid., p. 11.

³³⁸ Ibid., pp. 26-33 (Egypt); and pp. 41-47 (Jordan).

³³⁹ Ibid., pp. 17-26 (Pakistan); pp. 26-33 (Egypt); pp. 38-41 (Malaysia); pp. 54-59 (Indonesia); pp. 102-106 (Bangladesh); and pp. 106-108 (Costa Rica).

³⁴⁰ Ibid., pp. 54-59 (Indonesia).

³⁴¹ Ibid., pp. 54-59 (Indonesia); and pp. 121-131 (Venezuela).

³⁴² Ibid., pp. 89-91 (Federal Republic of Yugoslavia); pp. 138-142 (Russian Federation); pp. 142-143 (Japan); pp. 151-153 (Brazil); pp. 153-155 (New Zealand); and pp. 156-159 (Spain).

³⁴³ Ibid., pp. 136-138 (France); pp. 138-142 (Russian Federation); pp. 143-147 (Hungary); pp. 150-151 (China); and pp. 153-155 (New Zealand).

³⁴⁴ Ibid., pp. 132-135.

The situation between Iran and Iraq

By a letter dated 25 May 1993 addressed to the Secretary-General,³⁴⁵ the representative of the Islamic Republic of Iran reported that, in accordance with Article 51, the Islamic Republic Air Force had carried out an operation against the military bases located in Iraq of a terrorist group, where armed attacks against and incursions into Iranian territory had originated. In response, the representative of Iraq, by a letter dated 8 June 1993,³⁴⁶ claimed that the Iranian justification for its attack, on the basis of Article 51, had no firm basis in fact and actually constituted aggression.

³⁴⁵ S/25843.

³⁴⁶ S/25914.

Letter dated 28 January 1995 from the representative of Ecuador to the Secretary-General

By a letter dated 27 January 1995 addressed to the Secretary-General,³⁴⁷ the Minister for Foreign Affairs of Ecuador reported his country's exercise of the right of self-defence, recognized in Article 51 of the Charter, in response to military operations launched by Peru against Ecuadorian army positions located in Ecuadorian territory. In response, the Deputy Minister for International Policy and Secretary-General for External Relations of Peru, by a letter dated 28 January 1995, stated that his country had been the victim of armed aggression by Ecuador.³⁴⁸

³⁴⁷ S/1995/88.

³⁴⁸ S/1995/89.

Chapter XII

Consideration of the provisions of other Articles of the Charter

Contents

	<i>Page</i>
Introductory note	1153
Part I. Consideration of the purposes and principles of the United Nations (Articles 1 and 2 of the Charter)	1154
A. Article 1, paragraph 2	1154
B. Article 2, paragraph 4	1157
C. Article 2, paragraph 5	1168
D. Article 2, paragraph 6	1169
E. Article 2, paragraph 7	1170
Part II. Consideration of the functions and powers of the Security Council (Articles 24 and 25 of the Charter)	1179
A. The primary responsibility of the Security Council for the maintenance of international peace and security (Article 24)	1179
B. The obligation of Member States to accept and carry out decisions of the Security Council (Article 25)	1181
Part III. Consideration of the provisions of Chapter VIII of the Charter	1184
A. General consideration of the provisions of Chapter VIII	1186
B. Encouragement by the Security Council of efforts undertaken by regional organizations in the pacific settlement of disputes	1186
C. Challenges to the appropriateness of Security Council action in the light of Article 52	1197
D. Authorization by the Security Council of enforcement action by regional organizations	1198
Part IV. Consideration of the miscellaneous provisions of the Charter (Articles 102 and 103)	1200

Introductory note

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.

Part I

Consideration of the purposes and principles of the United Nations (Articles 1 and 2 of the Charter)

A. Article 1, paragraph 2

Article 1, paragraph 2

[The Purposes of the United Nations are:]

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.

Note

During the period under review, Article 1 (2) was not explicitly referred to in any of the Council's decisions or deliberations. There were nevertheless a number of explicit and implicit references to the principle of self-determination in the Council's deliberations and decisions in connection with Palau, Western Sahara and Haiti. In addition, the Council touched upon the principle of self-determination in connection with the situation in Cambodia, for which the Council recalled that the Cambodian people had the right to determine their own political future through the free and fair election of a constituent assembly.¹

Cases 1 to 3 below reflect the practice of the Council touching upon the provisions of Article 1(2), as illustrated by its decisions and deliberations in connection with Palau, the situation concerning Western Sahara and the question concerning Haiti.

Case 1

Letter dated 2 November 1994 from the representative of the Trusteeship Council addressed to the President of the Security Council

At its 3455th meeting, on 10 November 1994, the Council included in its agenda a letter dated 2 November 1994 from the President of the Trusteeship Council addressed to the President of the Security Council.² The letter contained the text of a draft resolution recommended by the Trusteeship Council

for adoption by the Security Council on the termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands (Palau).

At the same meeting, the Council adopted resolution 956 (1994), by which it expressed its satisfaction that the people of Palau had freely exercised their right to self-determination in approving the new status agreement in a plebiscite observed by the visiting mission of the Trusteeship Council and that, in addition to the plebiscite, the duly constituted legislature of Palau had adopted a resolution approving the new status agreement, thereby freely expressing their wish to terminate the status of Palau as a Trust Territory. The Council also determined, in the light of the entry into force on 1 October 1994 of the new status agreement for Palau, that the objectives of the Trusteeship Agreement had been fully attained, and that the applicability of the Trusteeship Agreement had terminated with respect to Palau.

Speaking after the adoption of the resolution, some speakers commented on the historic place of the resolution adopted by noting that the termination of the Trusteeship Agreement for the last Trust Territory of the Pacific Islands, Palau, represented the successful end of an important chapter in the work of the Trusteeship Council and marked the conclusion of its immediate responsibilities.³ The representative of China said that the Government and people of China, over the years, had consistently supported the efforts of the peoples of the Trust Territories, including Palau, to attain self-determination and independence. They were now willing further to promote friendly relations and cooperation between the two countries on the basis of the five principles of peaceful coexistence.⁴ The President, speaking in her capacity as the representative of the United States, said that her country had also always recognized and supported the fundamental premise of the Trusteeship: that the people of Palau must be free to follow the path of their own choosing.⁵

¹ Resolution 810 (1993) of 8 March 1993, fourth preambular para.

² S/1994/1234.

³ S/PV.3455, p.3 (United Kingdom); pp. 2-3 (France); and p. 3 (New Zealand).

⁴ Ibid., p. 4.

⁵ Ibid., p. 5

Case 2

The situation concerning Western Sahara

On 26 January 1993, the Secretary-General submitted to the Council a progress report on the situation concerning Western Sahara,⁶ in which he recalled the basic positions of Morocco and the Frente Polisario regarding the provisions of the settlement plan⁷ which related to the establishment of the electorate. The two parties, the Secretary-General reported, had radically opposing points of view on this issue, one attaching primary importance to the list of persons counted in 1974, and the other considering that its importance was relative.

At its 3179th meeting, held on 2 March 1993, the Council adopted resolution 809 (1993), by which it determined that the settlement plan should be implemented without further delay in order to achieve a just and lasting solution, invited the Secretary-General and his Special Representative to intensify their efforts, with the parties, in order to resolve the issues identified in the report, in particular those relating to the interpretation and application of the criteria for voter eligibility, and invited the Secretary-General to make the necessary preparations for the organization of the referendum of self-determination of the people of Western Sahara and to consult accordingly with the parties for the purpose of commencing voter registration on a prompt basis, starting with the updated lists of the 1974 census.

Speaking after the adoption, the representative of the Russian Federation stressed the need to take measures that would lead to mutually acceptable solutions and move forward the settlement process on the basis of appropriate decisions of the Security Council. In his view, the resolution constituted a reaffirmation of the support for the Secretary-General's efforts to organize a referendum on self-determination for the people of Western Sahara, in cooperation with the Organization of African Unity (OAU).⁸

Similarly, the representative of Venezuela said that his country attached great importance to the self-determination process in Western Sahara and shared the international community's concerns over the delays and difficulties in completing the process. He

emphasized that any agreement should be based on ongoing consultations with the parties and therefore on their agreement and supported the appeal calling for their cooperation with the Secretary-General in the implementation of the settlement plan, on the understanding that that was the only available and agreed basis that could serve as a framework for this exercise.⁹

By resolution 907 (1994), adopted at the Council's 3555th meeting, on 29 March 1994, the Council welcomed the compromise proposal of the Secretary-General concerning the interpretation and application of criteria for voter eligibility¹⁰ as a sound framework for determining participation in the referendum for self-determination of the people of Western Sahara.

On 15 November 1994, Council members welcomed, through a presidential statement,¹¹ the decision of the Secretary-General to visit the region later that month, and expressed their hope for significant progress towards implementing the settlement plan and holding the long-overdue referendum. The Council further stated that it strongly believed that there should be no further undue delay in the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan.

By subsequent resolutions,¹² the Council reiterated its commitment to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan,¹³ which had been accepted by the two parties.

⁹ Ibid., pp. 4-6.

¹⁰ See S/26185.

¹¹ S/PRST/1994/67.

¹² Resolutions 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995, 1017 (1995) of 22 September 1995 and 1033 (1995) of 19 December 1995.

¹³ S/21360 and S/22464 and Corr.1.

⁶ S/25170.

⁷ S/21360.

⁸ S/PV.3179, pp. 3-4.

In reports¹⁴ and a letter¹⁵ submitted to the Council from 21 May 1993 to 24 November 1995, the Secretary-General reported on obstacles that had prevented the timely implementation of the settlement plan, in particular provisions relating to the establishment of the electorate. In letters responding to the Secretary-General from 4 August 1993 to 6 November 1995,¹⁶ the President of the Council noted that the members of the Council had reiterated their support for the implementation of the settlement plan, had expressed the hope that both parties would cooperate fully with the Secretary-General and his Special Representative, and had emphasized the urgency of settling the pending questions.

Case 3

The question concerning Haiti

At its 3413th meeting, on 31 July 1994, the Council included two reports of the Secretary-General in its agenda.¹⁷ The President drew the attention of the members of the Council to a letter dated 29 July 1994 addressed to the Secretary-General from the representative of Haiti,¹⁸ transmitting a letter from the President of Haiti, Jean-Bertrand Aristide, in which he called on the international community to take prompt and decisive action, under the authority of the United Nations, to allow for the full implementation of the Governors Island Agreement. The President further drew their attention to a draft resolution submitted by Argentina, Canada, France and the United States,¹⁹ as well as to a letter dated 30 July 1994 addressed to the President of the Council from the representative of

Haiti,²⁰ informing him of the agreement of the Government of President Aristide with that draft resolution, which it considered as an appropriate framework for the implementation of the Governors Island Agreement.

The representative of Haiti argued that, by stating the consent of the Government of President Aristide to the draft resolution, his delegation was calling on the international community to join it in defending its national sovereignty.²¹ The representative of Canada contended that, from the outset of the Haitian crisis, the United Nations had sought to restore democracy in that country through mediation and other diplomatic means as well as through a gradually more severe set of sanctions, and that the restoration of the democratically elected President of Haiti, Jean-Bertrand Aristide, was a key element of the restoration of democracy in that country. Furthermore, because living conditions in Haiti continued to decline seriously and brutal repression continued, the status quo could not be allowed to persist. It was for that reason that his Government had joined in sponsoring the draft resolution before the Council.²²

The representative of Mexico contended that the Council had, since the beginning of the matter, been acting at the request of the lawful Government and that President Aristide was not opposed to the use of force to re-establish his rights and those of the Haitian people. However, while Mexico was aware of the difficulties and of the need to restore constitutional order and democracy to Haiti, it also believed that there were not sufficient elements to justify the use of force and, still less, to justify across-the-board authorization for the action of ill-defined multinational forces. In his opinion, the continuation of political and diplomatic efforts to achieve solutions consistent with the Charter continued to be the best alternative to bring about the return of constitutional law and the exercise of self-determination for the Haitian people.²³

At the same meeting, the Council adopted resolution 940 (1994), by which it reiterated its commitment for the international community to assist and support the economic, social and institutional development of Haiti and requested that the United

¹⁴ Reports of the Secretary-General on the situation concerning Western Sahara, dated 21 May 1993 (S/25818); 28 July 1993 (S/26185); 24 November 1993 (S/26797); 10 March 1994 (S/1994/283 and Add.1 and Add.1/Corr.1); 12 July 1994 (S/1994/819); 5 November 1994 (S/1994/1257); 14 December 1994 (S/1994/1420 and Add.1); 12 April 1995 (S/1995/240 and Add.1); 19 May 1995 (S/1995/404); 8 September 1995 (S/1995/779); and 24 November 1995 (S/1995/986).

¹⁵ Letter dated 27 October 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/924).

¹⁶ Letters from the President of the Security Council to the Secretary-General dated 4 August 1993 (S/26239); 6 December 1993 (S/26848); and 6 November 1995 (S/1995/925).

¹⁷ S/1994/828 and S/1994/871.

¹⁸ S/1994/905.

¹⁹ S/1994/904.

²⁰ S/1994/910.

²¹ S/PV.3413, p. 4.

²² *Ibid.*, pp. 7-8.

²³ *Ibid.*, pp. 4-5.

Nations Mission in Haiti assist the legitimate constitutional authorities of Haiti in establishing an environment conducive to the organization of free and fair legislative elections to be called by those authorities and, when requested by them, monitored by the United Nations, in cooperation with the Organization of American States (OAS).

At the 3429th meeting, on 29 September 1994, the representative of Brazil reiterated that whatever action was taken should be fully consistent with the Charters of the United Nations and OAS. His country would support the democratic reconstruction of Haiti in full respect of its sovereignty and in compliance with the principles of non-intervention and self-determination.²⁴

B. Article 2, paragraph 4

Article 2, paragraph 4

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Note

During the period under review, the Security Council adopted no decision containing an explicit reference to Article 2(4). The Council did adopt six presidential statements invoking the provisions of that Article. In those statements,²⁵ all of which related to the situation in the Middle East, the members of the Council reaffirmed their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries, and in that context, asserted that “any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations”.

The Council also adopted numerous resolutions and presidential statements touching upon the principle

of the non-use of force embodied in Article 2(4). The Council thus condemned hostile actions across the border of a Member State²⁶ and condemned intrusions into the territory of a Member State. It reaffirmed the principles of territorial integrity, sovereignty and political independence of States and asked that they be fully respected;²⁷ the inviolability of international

²⁶ In connection with the situation in the Republic of Bosnia and Herzegovina, S/PRST/1994/69, first and second paras.

²⁷ In connection with the situation in the Republic of Bosnia and Herzegovina, resolutions 819 (1993), third preambular para.; 820 (1993), fourth preambular para.; 824 (1993), second preambular para.; 836 (1993), third and fourth preambular paras. and para. 3; 838 (1993), second preambular para.; 859 (1993), second preambular para. and para. 6 (a); 900 (1994), sixth preambular para.; 913 (1994), third preambular para.; 941 (1994), second preambular para.; 959 (1994), third preambular para.; 970 (1995), para. 2; 988 (1995), para. 4; 1003 (1995), second preambular para. and para. 3; 1004 (1995), second preambular para.; 1010 (1995), fourth and fifth preambular paras.; 1015 (1995), second preambular para.; 1026 (1995), second preambular para.; and 1031 (1995), second preambular para.; and statements S/25080 (8 January 1993), first para.; S/25746 (10 May 1993), sixth para.; and S/PRST/1994/6, third and fourth paras. In connection with the situation prevailing in and adjacent to the United Nations Protected Areas in Croatia, statements S/26084 (15 July 1993), third para.; and S/PRST/1995/6, second para. In connection with the United Nations Protection Force, resolutions 815 (1993), second preambular para.; 847 (1993), fifth preambular para.; 871 (1993), para. 3; 908 (1994), para. 2; 947 (1994), para. 12; 981 (1995), third and fourth preambular paras.; 982 (1995), third and fourth preambular paras.; 983 (1995), third and fourth preambular paras.; and 998 (1995), fifteenth preambular para.; and statement S/PRST/1994/44, fourth para. In connection with the Conference on Security and Cooperation in Europe missions, resolution 855 (1993), seventh preambular para. In connection with the situation prevailing in and around the safe area of Bihac, resolution 958 (1994), fourth preambular para. In connection with the situation in Croatia, resolutions 1009 (1995), sixth preambular para.; 1023 (1995), paras. 2 and 3; and 1025 (1995), fourth preambular para.; and statement S/26436 (14 September 1993), second para. In connection with the situation in the former Yugoslav Republic of Macedonia, resolution 1027 (1995), second preambular para. In connection with the situation in the Middle East, resolutions 803 (1993), para. 2; 852 (1993), para. 2; 895 (1994), para. 2; 938 (1994), para. 2; 974 (1995), para. 2; and 1006 (1995), para. 2; and statements S/25185 (28 January

²⁴ S/PV.3429, pp. 6-7.

²⁵ S/25185 (28 January 1993), second para.; S/26183 (28 July 1993), second para.; S/PRST/1994/5 second para.; S/PRST/1994/37 second para.; S/PRST/1995/4, second para.; and S/PRST/1995/35, second para.

boundaries and borders;²⁸ and the inadmissibility of the use of force for the acquisition of territory.²⁹

1993), second para.; S/26183 (28 July 1993), second para.; S/PRST/1994/5, second para.; S/PRST/1994/37, second para.; S/PRST/1995/4, second para.; and S/PRST/1995/35, second para. In connection with the situation in Angola, resolutions 804 (1993), eleventh preambular para.; 811 (1993), eighth preambular para.; 834 (1993), seventh preambular para.; 851 (1993), eleventh preambular para.; 864 (1993), ninth preambular para.; 890 (1993), tenth preambular para.; 903 (1994), twelfth preambular para.; 922 (1994), fourth preambular para.; 932 (1994), third preambular para.; 945 (1994), fourth preambular para.; 952 (1994), third preambular para.; 966 (1994), third preambular para.; 976 (1995), third preambular para.; and 1008 (1995), fourth preambular para. In connection with the situation in Georgia, resolutions 876 (1993), para. 1; 896 (1994), paras. 4 and 5; 906 (1994), paras. 2 and 4; 937 (1994), paras. 4 and 7; 971 (1995), third preambular para.; and 993 (1995), third preambular para.; and statements S/25198 (29 January 1993), second para.; S/PRST/1994/78, first and second paras.; and S/PRST/1995/12, second para. In connection with the situation relating to Nagorny Karabakh, resolutions 822 (1993), seventh preambular para.; 853 (1993), eighth preambular para.; 874 (1993), fifth preambular para.; and 884 (1993), sixth preambular para.; and statements S/25539 (6 April 1993), second para.; S/26326 (18 August 1993), third para.; and S/PRST/1995/21, third para.; In connection with the situation in Cambodia, resolutions 840 (1993), fifth preambular para.; and 880 (1993), para. 4.; In connection with the situation in Tajikistan and along the Tajik-Afghan border, resolutions 999 (1995), third preambular para.; and 1030 (1995), third preambular para.; and statements S/26341 (23 August 1993), third para.; and S/PRST/1995/42, third para. In connection with the complaint by Ukraine, statement S/26118 (20 July 1993), fourth para. In connection with the situation concerning Rwanda, resolutions 912 (1994), para. 14; 918 (1994), sixteenth preambular para.; and 925 (1994), seventeenth preambular para.; and statement S/PRST/1994/21, thirteenth para. In connection with the situation in Somalia, resolution 897 (1994), fifth preambular para. In connection with the situation between Iraq and Kuwait, resolutions 949 (1994), ninth preambular para.; and 986 (1995), fifth preambular para.; and statements S/PRST/1994/58, fourth para.; and S/PRST/1994/68, second para. In connection with the situation in Afghanistan, statements S/PRST/1994/43, seventh para.; and S/PRST/1994/77, seventh para. In connection with the situation in Cyprus, resolution 939 (1994), para. 2.

²⁸ In connection with the situation between Iraq and Kuwait, resolution 806 (1993), para. 1; and statements

It also reaffirmed that any taking or acquisition of territory by the threat or use of force, including through the practice of “ethnic cleansing”, was unlawful and unacceptable.³⁰ The Council demanded that any taking of territory by force cease immediately.³¹ It also stressed the unacceptability of all attempts to resolve the conflict “by military means”³² and called upon parties to a conflict to refrain from the threat or use of force.³³

S/25091 (11 January 1993), second para.; S/26006 (28 June 1993), third para.; and S/26787 (23 November 1993), third para. In connection with the situation relating to Nagorny Karabakh, resolutions 822 (1993), eighth preambular para.; 853 (1993), ninth preambular para.; 874 (1993), sixth preambular para.; and 884 (1993), seventh preambular para.; and statements S/25539 (6 April 1993), second para.; S/26326 (18 August 1993), third para.; and S/PRST/1995/21, third para. In connection with the situation in Tajikistan and along the Tajik-Afghan border, resolution 999 (1995), third preambular para.; and statements S/26341 (23 August 1993), third para.; and S/PRST/1995/42, third para. In connection with the situation in the Republic of Bosnia and Herzegovina, resolution 959 (1994), para. 2; and statements S/PRST/1994/66, second para.; S/PRST/1994/69, second para.; and S/PRST/1994/71, fourth para.

²⁹ In connection with the situation relating to Nagorny Karabakh, resolutions 822 (1993), eighth preambular para.; 853 (1993), ninth preambular para.; 874 (1993), sixth preambular para.; and 884 (1993), seventh preambular para.; and statement S/PRST/1995/21, third para.

³⁰ In connection with the situation in the Republic of Bosnia and Herzegovina, resolutions 819 (1993), sixth preambular para. and para. 5; 820 (1993), fifth preambular para.; 836 (1993), sixth preambular para. and para. 3; and 859 (1993), tenth preambular para. and para. 6(c); and statements S/25746 (10 May 1993), sixth para.; S/26134 (22 July 1993), fourth para.; and S/PRST/1994/6, fourth para.

³¹ Resolution 824 (1993), para. 2.

³² Resolutions 987 (1995), third preambular para.; 1004 (1995), ninth preambular para.; and 1016 (1995), para. 6; and statements S/PRST/1995/24, first para.; S/PRST/1995/31, third para.; and S/PRST/1995/47, second para.

³³ In connection with the United Nations Protection Force, resolution 981 (1995), para. 8.

In a number of cases, the Council appealed for an end to interference from outside States,³⁴ and called for States to refrain from, prevent or discourage action which would undermine peace processes,³⁵ or exacerbate conflicts or increase tension.³⁶

Some Council decisions also touched upon the relationship between international terrorism and the non-use of force, whereby the Council expressed its conviction that the suppression of acts of international terrorism, including those in which States were directly or indirectly involved, was essential for the maintenance of international peace and security,³⁷ and demanded an immediate end to terrorist attacks.³⁸ In another decision, the Council, considering that, in

accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security, took note with appreciation of the statements by nuclear-weapon States giving security assurances against the use of nuclear weapons to non-nuclear-weapon States that were parties to the Treaty on the Non-Proliferation of Nuclear Weapons.³⁹

In a number of cases, the Council called on parties to respect and maintain ceasefire agreements and condemned violations of such agreements. It also called for the cessation of hostilities and/or acts of violence, including violations of international humanitarian law, and the exercise of restraint or the cessation of provocative actions.⁴⁰ In one instance, the Council demanded the withdrawal of foreign troops from the territory of a Member State.⁴¹ In another instance, it emphasized the importance of the immediate removal of all foreign forces, advisers and military personnel.⁴²

Similar calls for the respect and maintenance of ceasefire agreements, the cessation of hostilities, including violations of international humanitarian law,

³⁴ In connection with the situation in Angola, resolution 804 (1993), para. 9. In connection with the situation in the Republic of Bosnia and Herzegovina, resolutions 819 (1993), para. 3; and 838 (1993), third and fourth preambular paras.; and statement S/25746 (10 May 1993), fifth para.

³⁵ In connection with the situation in Angola, resolutions 834 (1993), para. 10; 851 (1993), para. 11; and 864 (1993), third preambular para. In connection with the situation in Liberia, resolution 813 (1993), para. 12. In connection with the situation in Tajikistan and along the Tajik-Afghan border, resolutions 968 (1994), para. 11; 999 (1995), para. 11; and 1030 (1995), para. 11; and statements S/PRST/1994/65, sixth para.; S/PRST/1995/16, third para.; and S/PRST/1995/42, third para. In connection with the situation in Georgia, resolution 876 (1993), para. 8.

³⁶ In connection with the situation in Somalia, resolution 954 (1994), para. 11; and statement S/PRST/1995/15, eighth para. In connection with the situation in Burundi, statement S/PRST/1995/13, eighth para. In connection with the situation relating to Nagorny Karabakh, resolutions 853 (1993), para. 10; 874 (1993), para. 10; and 884 (1993), paras. 2 and 6; and statement S/26326 (18 August 1993), fourth para. In connection with the situation concerning Rwanda, resolution 812 (1993), para. 9; and statements S/PRST/1994/21, twelfth para.; and S/PRST/1995/22, fourth para. See also resolution 912 (1994), eleventh preambular para. In connection with the situation in the Republic of Yemen, resolutions 924 (1994), para. 2; and 931 (1994), para. 5.

³⁷ In connection with the Libyan Arab Jamahiriya, resolution 883 (1993), fifth preambular para.

³⁸ In connection with Security Council action regarding the terrorist attacks in Buenos Aires and London, S/PRST/1994/40, fifth para.

³⁹ In connection with the proposal by China, France, the Russian Federation, the United Kingdom and the United States on security assurances, resolution 984 (1995), seventh preambular para. and para. 1.

⁴⁰ In connection with the situation in the Republic of Bosnia and Herzegovina, resolution 959 (1994), eighth preambular para. and paras. 1 and 4; and statements S/PRST/1994/66, first to third paras.; S/PRST/1994/69, second and fourth paras.; and S/PRST/1994/71, fourth para. In connection with the situation in Tajikistan and along the Tajik-Afghan border, resolutions 968 (1994), para. 9; 999 (1995), tenth preambular para. and para. 11; and 1030 (1995), para. 11; and statements S/26341 (23 August 1993), second para.; S/PRST/1994/56, fourth para.; S/1994/1118, third para.; S/PRST/1994/65, third para.; and S/PRST/1995/16, third para. In connection with the situation between Iraq and Kuwait, resolution 949 (1994), paras. 2-4. In connection with the situation concerning Western Sahara, resolution 1002 (1995), para. 5. In connection with the situation concerning Rwanda, resolution 978 (1995), para. 4.

⁴¹ In connection with the situation in the Republic of Bosnia and Herzegovina, statement S/PRST/1994/6, third para.

⁴² In connection with the situation in Cambodia, resolution 810 (1993), twelfth preambular para.

the withdrawal of forces and the exercise of restraint were made in the context of internal conflicts.⁴³

⁴³ In connection with the situation in the Republic of Bosnia and Herzegovina, resolutions 819 (1993), fourth preambular para. and para. 2; 820 (1993), para. 4; 824 (1993), para. 4(a); 859 (1993), para. 2; 913 (1994), paras. 1, 3 and 4; 942 (1994), para. 4; and 1004 (1995), para. 1; and statements S/25079 (8 January 1993), third para.; S/25162 (25 January 1993), second para.; S/25361 (3 March 1993), first to third paras.; S/25426 (17 March 1993), third para.; S/25471 (25 March 1993), third and fourth paras.; S/25520 (3 April 1993), third para.; S/25646 (21 April 1993), second para.; S/25746 (10 May 1993), second para.; S/26134 (22 July 1993), second and third paras.; S/26716 (9 November 1993), second and fifth paras.; S/26717 (9 November 1993), fourth para.; S/PRST/1994/1, second and fifth paras.; S/PRST/1994/6; S/PRST/1994/14, third and seventh paras.; S/PRST/1994/19, second para.; S/PRST/1994/23, first para.; S/PRST/1994/26, third para.; S/PRST/1994/29, second para.; S/PRST/1994/31, second para.; S/PRST/1994/50, first para.; S/PRST/1994/71, second para.; S/PRST/1995/1, second para.; S/PRST/1995/8, second and third paras.; S/PRST/1995/24, second para.; S/PRST/1995/31, third para.; S/PRST/1995/33, second para.; S/PRST/1995/34, second para.; S/PRST/1995/47, second para.; and S/PRST/1995/52, third para. In connection with the situation prevailing in and adjacent to the United Nations Protected Areas in Croatia, resolutions 802 (1993), paras. 1, 4 and 9; and 871 (1993), para. 6; and statements S/25178 (27 January 1993), second para.; S/26084 (15 July 1993), first and second paras.; and S/26199 (30 July 1993), third para. In connection with the situation in Croatia, resolution 1023 (1995), para. 3.; and statement S/26436 (14 September 1993), second para. In connection with the United Nations Protection Force, resolution 908 (1994), paras. 9 and 22. In connection with the situation in the former Yugoslavia, statement S/PRST/1995/50, first para. In connection with the situation in Mozambique, resolutions 882 (1993), para. 11; and 898 (1994), para. 7. In connection with the situation in the Middle East, statements S/25185 (28 January 1993), fourth para.; S/26183 (28 July 1993), fourth para.; S/PRST/1994/5, fourth para.; S/PRST/1994/37, fourth para.; S/PRST/1995/4, fourth para.; S/PRST/1995/35, fourth para. In connection with the situation in Angola, resolutions 804 (1993), para. 3; 811 (1993), para. 3; 834 (1993), paras. 4, 5 and 7; 851 (1993), paras. 6 and 8; 864 (1993), paras. 7, 8 and 10; 890 (1993), para. 6; 903 (1994), paras. 2 and 3; 922 (1994), para. 9; 932 (1994), paras. 3 and 9; 945 (1994), para. 7; and 952 (1994), paras. 3 and 6; and statements S/25899 (8 June 1993), second and third paras.; S/PRST/1994/7, fifth para.; S/PRST/1994/45, fourth para.; S/PRST/1994/52, fourth

During the period under review, the Council rejected two draft resolutions which contained provisions that might be considered as implicit references to Article 2(4).⁴⁴

Cases 4 to 9 below reflect the practice of the Council touching upon the provisions of Article 2(4),

para.; S/PRST/1994/63, first, third and fourth paras.; S/PRST/1994/70, first and third paras.; S/PRST/1995/11, second para.; S/PRST/1995/51, fifth para.; and S/PRST/1995/62, fifth para. In connection with the situation in Georgia, resolutions 876 (1993), para. 4; 892 (1993), para. 8; 896 (1994), para. 13; 971 (1995), para. 5; and 993 (1995), para. 5; and statements S/25198 (29 January 1993), second para.; S/26032 (2 July 1993); S/26463 (17 September 1993), third para.; and S/PRST/1994/17, third para. In connection with the situation relating to Nagorny Karabakh, resolutions 822 (1993), para. 1; 853 (1993), paras. 3, 4 and 8; 874 (1993), paras. 1, 5 and 9; and 884 (1993), para. 4; and statements S/25539 (6 April 1993), first and third paras.; and S/26326 (18 August 1993), second para. In connection with the situation in Somalia, resolutions 814 (1993), paras. 8 and 13; 837 (1993), para. 4; 886 (1993), para. 6; 897 (1994), para. 7; and 954 (1994), para. 4. In connection with the situation in Cambodia, resolutions 810 (1993), para. 17; and 880 (1993), para. 5. In connection with the situation concerning Rwanda, resolutions 812 (1993), para. 1; 846 (1993), para. 7; 912 (1994), para. 6; 918 (1994), para. 1; 925 (1994), para. 6; 929 (1994), para. 9; 950 (1994), para. 4; 972 (1995), ninth preambular para. and para. 3; 985 (1995), para. 2; 1001 (1995), para. 4(b); 1014 (1995), eighth preambular para.; and 1020 (1995), paras. 5 and 10; and statements S/PRST/1994/16, fourth para.; S/PRST/1994/21, second and fourth paras.; and S/PRST/1994/34, second para. In connection with the situation in Liberia, resolutions 813 (1993), para. 7; 856 (1993), para. 4; and 911 (1994), para. 5; and statements S/25198 (9 June 1993), fourth para.; S/PRST/1994/9, third para.; and S/PRST/1994/25, fifth para. In connection with the situation in Tajikistan and along the Tajik-Afghan border, resolution 968 (1994), para. 9; and statements S/26341 (23 August 1993), second para.; S/1994/597, third para.; S/PRST/1994/56, fourth para.; S/1994/1118, third para.; and S/PRST/1994/65, third para. In connection with the situation in Afghanistan, statements S/PRST/1994/4, fourth para.; S/PRST/1994/12, second para.; S/PRST/1994/43, third para.; and S/PRST/1994/77, fourth para. In connection with the situation in the Republic of Yemen, resolutions 924 (1994), para. 1; and 931 (1994), para. 1.

⁴⁴ In connection with the situation in the Republic of Bosnia and Herzegovina; see S/25997, seventh preambular para. and para. 1 and S/1994/1358, sixth preambular para.

as illustrated by its decisions and deliberations in connection with the following matters: the situation in the Republic of Bosnia and Herzegovina; the situation relating to Nagorny Karabakh; United States notification of 26 June 1993 measures against Iraq; complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol; the situation between Iraq and Kuwait; and the situation in Croatia.

Case 4

The situation in the Republic of Bosnia and Herzegovina

In its decisions concerning the situation in the Republic of Bosnia and Herzegovina, the Security Council reaffirmed the prohibition of the threat or use of force in international relations in two main contexts. First, the Council demanded the cessation of forms of external interference in Bosnia and Herzegovina. Second, it demanded the cessation of hostile actions across the borders of Bosnia and Herzegovina and Croatia. In a third context, the Council called for action consistent with the principles enshrined in Article 2(4), albeit with respect to relations not exclusively international in character, by reaffirming the unacceptability of the acquisition of territory by force.

(a) The situation in the Republic of Bosnia and Herzegovina and the prohibition upon acts of interference by external actors

At its 3199th meeting, on 16 April 1993, the Council adopted resolution 819 (1993), by which it demanded that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina.

At its 3210th meeting, on 10 May 1993, the Council by a presidential statement called upon the Republic of Croatia to exert all its influence on the Bosnian Croat leadership and paramilitary units with a view to ceasing immediately their attacks particularly in the areas of Mostar, Jablanica and Dreznica.⁴⁵ It further called on Croatia to adhere strictly to its obligations under Council resolution 752 (1992) of 15 May 1992, including putting an end to all forms of

⁴⁵ S/25746.

interference and respecting the territorial integrity of Bosnia and Herzegovina.

At its 3234th meeting, on 10 June 1993, the Council adopted resolution 838 (1993), by which it reiterated that all forms of interference from outside Bosnia and Herzegovina cease immediately and that its neighbours take swift action to end all interference and respect its territorial integrity.

At its 3333rd meeting, on 3 February 1994, the Council strongly condemned the Republic of Croatia for a serious hostile act against a State Member of the United Nations,⁴⁶ which constituted a violation of international law, the Charter of the United Nations and relevant Council resolutions, in particular resolution 752 (1992), in which the Council had demanded an immediate end to all forms of interference and full respect for the territorial integrity of the Republic of Bosnia and Herzegovina.

(b) The situation in the Republic of Bosnia and Herzegovina and the prohibition upon hostile acts across its international border with the Republic of Croatia

At its 3456th meeting, on 13 November 1994, the Council adopted a presidential statement, by which it condemned any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina; it also demanded that all parties and others concerned, in particular the so called Krajina Serb forces, fully respect that border and refrain from hostile acts across it; and called upon all parties and others concerned to abstain from any action that could cause a further escalation in the fighting.⁴⁷

At its 3460th meeting, on 18 November 1994, the Council issued a statement by which it condemned in the strongest possible terms the attack on the safe area of Bihac by aircraft belonging to the so-called Krajina Serb forces, as well as the shelling by the so-called Krajina Serb forces from the United Nations Protected Areas, as a flagrant violation of the territorial integrity of the Republic of Bosnia and Herzegovina and relevant Council resolutions.⁴⁸ The Council demanded

⁴⁶ S/PRST/1994/6. Croatia had deployed elements of the Croatian Army along with heavy military equipment in the central and southern parts of the Republic of Bosnia and Herzegovina.

⁴⁷ S/PRST/1994/66.

⁴⁸ S/PRST/1994/69.

that all parties and others concerned, in particular the so-called Krajina Serb forces, cease immediately all hostile actions across the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina. The Council reiterated this position in resolution 959 (1994) of 19 November 1994 and in a statement by the President of the Council on 26 November 1994.⁴⁹

At its 3501st meeting, on 17 February 1995, the Council demanded that all forces in the Bihac area cease fighting immediately and cooperate fully with the United Nations Protection Force in achieving an effective ceasefire.⁵⁰ The Council also reiterated its condemnation of the continued violations of the international border between Croatia and Bosnia and Herzegovina.

At its 3581st meeting, on 21 September 1995, the Council adopted resolution 1016 (1995), by which it noted the assurances given by the Governments of Bosnia and Herzegovina and Croatia regarding offensive actions in western Bosnia and affirmed, while taking note of the reports that offensive actions had slowed down, the need for full compliance with the demands set out in the statement by its President of 18 September 1995.

(c) Reaffirmation of the unacceptability of the acquisition of territory by force

On 16 April 1993, at its 3199th meeting, the Council adopted, resolution 819 (1993), by which it reaffirmed that any taking or acquisition of territory by the threat or use of force, including through the practice of “ethnic cleansing”, was unlawful and unacceptable; and condemned and rejected the deliberate actions of the Bosnian Serb party to force the evacuation of the civilian population from Srebrenica and its surrounding areas as well as from other parts of Bosnia and Herzegovina as part of its overall abhorrent campaign of “ethnic cleansing”. The Council reaffirmed that position in resolution 820 (1993) of 17 April 1993.

By resolution 824 (1993), adopted at the 3208th meeting on 6 May 1993, the Council declared that the capital city of Bosnia and Herzegovina, Sarajevo, and other such threatened areas, in particular the towns of

Tuzla, Zepa, Gorazde and Bihac, as well as Srebrenica, and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act.

By its subsequent decisions,⁵¹ the Council reaffirmed the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina and condemned the practice of “ethnic cleansing” and acquisition of territory by force.

At its 3554th meeting, on 14 July 1995, the Council demanded that the Bosnian Serb party respect fully the rights of those civilians who wished to remain in the [Srebrenica] safe area and cooperate with efforts to ensure that civilians who wished to depart were allowed to do so with their families in an orderly, safe way in conformity with international law.⁵²

Case 5

The situation relating to Nagorny Karabakh

In its decisions and deliberations concerning the situation relating to Nagorny Karabakh, the Security Council reaffirmed the prohibition of the threat or use of force in international relations by calling for the cessation of all forms of external interference in Azerbaijan. It also called for action consistent with the principles enshrined in Article 2(4), albeit with respect to relations not exclusively international in character, by reaffirming the unacceptability of the acquisition of territory by force.

At its 3205th meeting, on 30 April 1993, the Council adopted resolution 822 (1993), by which it expressed its serious concern at the deterioration of the relations between Armenia and Azerbaijan, noted with alarm the escalation in armed hostilities, and reaffirmed the respect for sovereignty and territorial integrity of all States in the region as well as the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. By that resolution, the Council further demanded the immediate cessation of all hostilities and hostile acts with a view to establishing a durable

⁴⁹ S/PRST/1994/71.

⁵⁰ S/PRST/1995/8.

⁵¹ Resolutions 836 (1993) of 4 June 1993; 859 (1993) of 24 August 1993; and 941 (1994) of 23 September 1994; presidential statements of 10 May 1993 (S/25746); 22 July 1993 (S/26134); 3 February 1994 (S/PRST/1994/6); and 12 October 1995 (S/PRST/1995/52).

⁵² S/PRST/1995/32.

ceasefire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan; and urged the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE).

The representative of Djibouti stated that it was disturbing that his delegation had to accept that the conflict was local and was being perpetrated and carried out solely by local Armenian forces. The truth was that it was a conflict between Armenia and Azerbaijan.⁵³ Conversely, the representative of France expressed the view that the preambular part of the resolution seemed to strike a reasonable balance between acknowledging that tensions existed between Armenia and Azerbaijan and recognizing the localized nature of the fighting.⁵⁴ The representative of Venezuela stated that, as a result of having become Members of the United Nations, Armenia and Azerbaijan had both won rights and assumed obligations. They were entitled to find within the United Nations, and in particular within the Security Council, a neutral and objective body in which to air their differences. But it was a fundamental corollary that they were also obliged to respect, and to ensure that their national communities and anyone else claiming a special relationship with them, respected all of the norms and principles of international conduct, which they had assumed when they had signed the Charter of the United Nations. In particular, they needed to “show absolute respect for one another’s independence and territorial integrity and to renounce the use of force as a way of solving disputes”. Two aspects of the conflict were of particular concern to his delegation: on the one hand his delegation saw alarming similarity with the situation in the former Yugoslavia; on the other hand, it saw a distorted concept of what the right to self-determination should be.⁵⁵

At its 3259th meeting, on 29 July 1993, the Council adopted resolution 853 (1993), by which it reaffirmed the sovereignty and territorial integrity of Azerbaijan and of all other States in the region as well as the inviolability of international borders and the

inadmissibility of the use of force for the acquisition of territory. By that resolution, the Council demanded the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of Azerbaijan; called on the parties concerned to reach and maintain durable ceasefire arrangements; and urged the parties concerned to refrain from any action that would obstruct a peaceful solution to the conflict, and to pursue negotiations within the Minsk Group, as well as through direct contacts between them, towards a final settlement.

The representative of Pakistan condemned the continuing “Armenian aggression” against Azerbaijan and demanded the immediate withdrawal of “Armenian forces” from all occupied Azerbaijani territories. Pakistan urged Armenia to respect the sovereignty, territorial integrity and political independence of Azerbaijan, and it called for a just and peaceful settlement of the problem on the basis of respect for the principles of the territorial integrity of States and the inviolability of internationally recognized frontiers.⁵⁶ Other members, in calling for a cessation of hostilities, referred to the “attacks by local Armenian forces” and the “offensive actions taken by armed units of Nagorny-Karabakh Armenians”.⁵⁷

On 18 August 1993, by a presidential statement,⁵⁸ the Council expressed its concern at the deterioration of relations between Armenia and Azerbaijan and at the tensions between them. The Council further demanded a stop to all attacks and an immediate cessation of the hostilities and bombardments, which endangered peace and security in the region, and an immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli and from the districts of Kelbadjar and Agdam and other recently occupied areas of Azerbaijan. The Council also reaffirmed the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region and the inviolability of their borders. It reiterated this position in its resolutions 874 (1993) of 14 October 1993 and 884 (1993) of 12 November 1993.

⁵³ S/PV.3205, pp. 7-8.

⁵⁴ *Ibid.*, pp. 11-12.

⁵⁵ *Ibid.*, pp. 16-18.

⁵⁶ S/PV.3259, pp. 7-8.

⁵⁷ *Ibid.*, pp. 8-10 (France); pp. 9-11 (Russian Federation).

⁵⁸ S/26326.

Case 6

*United States notification of 26 June 1993
measures against Iraq*

The Security Council's deliberations concerning the United States notification of 26 June 1993 measures against Iraq touched upon the relationship between the use of force and the exercise of the right of self-defence.

By a letter dated 26 June 1993 addressed to the President of the Security Council,⁵⁹ the representative of the United States reported, in accordance with Article 51 of the Charter, that her country had exercised its right of self-defence by responding to the Government of Iraq's unlawful attempt to murder the former President of the United States and to its continuing threat to United States nationals. The United States had decided to respond, as a last resort, by striking at an Iraqi military and intelligence target, so as to minimize risks of collateral damage to civilians. In the light of the above, the United States Government requested an urgent meeting of the Council. By a letter dated 27 June 1993 addressed to the President,⁶⁰ the Minister for Foreign Affairs of Iraq reported that the United States had committed, on that day, an "act of military aggression against Iraq", which had left a large number of dead and wounded among the Iraqi civilian population.

The Council considered the item at its 3245th meeting, on 27 June 1993. The representative of the United States contended that the attempt against the former President of the United States, during his visit to Kuwait in April 1993, was "an attack on the United States of America". She described in detail the investigation and the "physical evidence" that led her Government to conclude that Iraq had planned, equipped and launched the "terrorist operation". The United States had responded directly, as it was entitled to do under Article 51 of the Charter, which provided for the exercise of the right of self-defence in such cases. The response had been proportionate and aimed at a target directly linked to the operation against the former President of the United States. It was designed to "damage the terrorist infrastructure of the Iraqi regime, reduce its ability to promote terrorism and deter further acts of aggression against the United

States". She stressed that the action of the United States was not directed against the Iraqi people and expressed regret for the loss of civilian life. However, she said, one should keep in mind that had the Iraqi attempt in Kuwait succeeded hundreds of civilians could have died.⁶¹

In contrast, the representative of Iraq argued that, on 27 June 1993, the United States had committed another "act of aggression" against Iraq and had tried to justify it by linking it to the story of the alleged attempt to assassinate its former President, a story which had been completely fabricated by the Kuwaiti regime. Pointing out that the United States Government had carried out its "sentence" against Iraq without providing evidence against it or inviting it to clarify its position, he stated that the rules of international law gave the United States no right to overlook the principle of due process of law or the provisions of the Charter. With that "act of aggression", the United States had breached its responsibility as a permanent member of the Council and had violated the norms of international law and of the Charter. The speaker called upon the Council to condemn the "act of aggression" and to take the action necessary to prevent a repetition in the future.⁶²

In the course of the discussion, Council members expressed their condemnation of all forms of terrorism, including State-sponsored terrorism. Several members voiced their support for, or expressed their understanding of, the action taken by the United States, given the circumstances, while regretting the civilian casualties.⁶³ Speaking on behalf of the non-aligned countries that were Council members, the representative of Cape Verde urged "the exercise of restraint by all States, consistent with the principles of the Charter and in particular for the maintenance of international peace and security" and "the avoidance of the use of force inconsistent with the purposes of the United Nations".⁶⁴ The representative of China stated that disputes between or among countries should be settled through peaceful means of dialogue and consultation. China did not endorse "any action that might intensify the tension in the region, including the

⁵⁹ S/26003.

⁶⁰ S/26004.

⁶¹ S/PV.3245, pp. 3-7.

⁶² *Ibid.*, pp. 9-13.

⁶³ *Ibid.*, pp. 13-15 (France); p. 16 (Japan); pp. 18-20 (Hungary); pp. 21-22 (United Kingdom); p. 23 (New Zealand); and pp. 23-25 (Spain).

⁶⁴ *Ibid.*, pp. 16-17.

use of force”.⁶⁵ No proposal was submitted on which the Council was required to take action.

Case 7

Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol

The Security Council’s decision concerning the complaint by Ukraine reaffirmed the prohibition of the threat or use of force in international relations by calling on the States concerned to take steps to ensure the avoidance of tension. In both its decision and its deliberations, the Council also reaffirmed the principle of territorial integrity.

By a letter dated 16 July 1993 addressed to the President of the Security Council,⁶⁶ the representative of Ukraine transmitted a letter dated 14 July from the Minister for Foreign Affairs of Ukraine, in which the latter requested an urgent meeting of the Council to consider the situation resulting from the adoption, on 9 July 1993, of a decree by the Supreme Soviet of the Russian Federation which proclaimed “Russian federal status” for the city of Sevastopol. Previously, by a letter dated 13 July 1993 addressed to the President of the Council,⁶⁷ the representative of Ukraine had transmitted a statement made by the President of Ukraine, in which the latter, pointing out that the decree described Sevastopol as “the main base of the single Black Sea fleet”, had asserted that the Supreme Soviet was trying to “insert tension and strife into relations between Ukraine and Russia” and stressed that “there should be no place for the ‘law of the jungle’ in today’s international relations”.

The Council considered the item at its 3256th meeting, on 20 July 1993. The representative of Ukraine contended that the “irresponsible” decision taken by the Russian Parliament could only be described as “flagrant flouting” of the fundamental principles and norms of international law, in particular Article 2 (4) of the Charter of the United Nations. It constituted, he said, a clear encroachment on Ukraine’s territorial inviolability, a revision of existing boundaries, interference in its internal affairs, and was, in both spirit and letter, incompatible with the purposes and principles of the United Nations. The decision was

also a flagrant violation of the international commitments flowing from the Russian Federation’s membership in the United Nations, its participation in CSCE, and the Kiev Treaty. The decree was, in essence, a “time bomb”; if the Russian authorities attempted to “implement” it, Ukraine might be forced to take “appropriate actions” to defend its sovereignty, territorial integrity and inviolability. It was quite clear that the decision by the Supreme Soviet of the Russian Federation was in essence an overt territorial claim by one State against another.⁶⁸

The representative of the Russian Federation emphasized that the decree of the Supreme Soviet diverged from the policy of his President and his Government. He maintained that his country remained dedicated to the principle of the inviolability of the borders within the Commonwealth of Independent States and would strictly abide by its obligations under international law, the Charter and the principles of CSCE. Regarding its relations with Ukraine, the Russian Federation would continue to be guided by its bilateral treaties and agreements, in particular those concerning respect for each other’s sovereignty and territorial integrity.⁶⁹

At the same meeting, the Council adopted a presidential statement, by which it reaffirmed its commitment to the territorial integrity of Ukraine, in accordance with the Charter of the United Nations.⁷⁰ The Council further stated that the decree of the Supreme Soviet of the Russian Federation was incompatible with the Treaty between the Russian Federation and Ukraine, signed at Kiev on 19 November 1990, as well as with the purposes and principles of the Charter of the United Nations, and without effect.

Case 8

The situation between Iraq and Kuwait

In its decision and deliberations concerning the situation between Iraq and Kuwait, the Security Council reaffirmed the prohibition of the threat or use of force in international relations.

⁶⁵ Ibid., p. 21.

⁶⁶ S/26100.

⁶⁷ S/26075.

⁶⁸ S/PV.3256, pp. 7-8.

⁶⁹ Ibid., pp. 14-16.

⁷⁰ S/26118.

By a letter dated 14 October 1994 addressed to the President of the Security Council,⁷¹ the representatives of Iraq and the Russian Federation transmitted the text of a joint communiqué on the outcome of a meeting, held on 13 October 1994, between the President of Iraq and the Minister for Foreign Affairs of the Russian Federation. The joint communiqué stated, *inter alia*, that Iraq had announced officially that, on 12 October 1994, it had completed the withdrawal of its troops in southern Iraq to rearward positions and had affirmed its readiness to resolve in a positive manner the issue of recognizing Kuwait's sovereignty and borders, as laid down in Council resolution 833 (1993). By a letter dated 14 October 1994 addressed to the President,⁷² the representative of Kuwait transmitted the text of a statement issued on the same day by the Kuwaiti Council of Ministers concerning "the most recent Iraqi military threat to the State of Kuwait and the States of the region", as well as media reports concerning the aforementioned joint communiqué. According to the statement of the Council of Ministers, Kuwait considered that the persistent mobilization of Iraqi military forces in their current positions continued to pose a serious threat to its security and sovereignty. Kuwait requested the Council to shoulder its responsibility to put an end to "the violations and threats" by taking effective steps under Chapter VII of the Charter to guarantee the security of Kuwait, respect for its sovereignty and independence and the integrity of its international frontiers, and the security of the States of the region.

At its 3438th meeting, on 15 October 1994, the Council adopted resolution 949 (1994), by which it noted past Iraqi threats and instances of actual use of force against its neighbours, recognized that any hostile or provocative action directed against its neighbours by the Government of Iraq constituted a threat to peace and security in the region, and reaffirmed the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq. The Council condemned recent military deployments by Iraq in the direction of the border with Kuwait; demanded that Iraq immediately complete the withdrawal of all military units recently deployed to southern Iraq to their original positions; and demanded that Iraq not

again utilize its military or any other forces in a hostile or provocative manner to threaten either its neighbours or United Nations operations in Iraq.

The representative of the United Kingdom noted that Iraq had tried to justify its behaviour by speaking of its sovereign right to deploy its troops wherever it liked within its own territory; however, Article 2 (4) of the Charter required all Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State. Four years prior to that, similar Iraqi troop movements had led to the invasion of Kuwait. Thus, he asserted, the recent deployment of Iraqi artillery and tanks in positions pointing towards and within range of Kuwait, with ammunition at the ready, was "a threat to Kuwait and represented a breach of the provisions of the Charter".⁷³ Along similar lines, other Council members characterized Iraq's actions as "threats of unprovoked aggression", "an aggressive threat" and "a threat or a provocation directed at Kuwait and, hence, at the international community as a whole".⁷⁴ They drew attention to Iraq's invasion of Kuwait in 1990 and to the fact that Iraq had not yet formally recognized Kuwait's sovereignty, territorial integrity and borders, as required by resolution 833 (1993).⁷⁵ In addition, the representative of the United States warned that, pursuant to the Council's resolutions and Article 51 of the Charter, her Government would take all appropriate action if Iraq failed to comply with the demands in resolutions 949 (1994).⁷⁶

The representative of Spain, while affirming that there should be no troop movements or redeployments whatsoever that could threaten neighbouring countries, expressed the view that Iraq should not be prohibited from keeping defensive units of a reasonable size in a large part of its territory, particularly in Basra.⁷⁷ The representative of Nigeria recognized the sovereign right of every State to determine the direction and content of its domestic policies, including measures deemed necessary for the defence of its sovereignty and territorial integrity, provided those policies and activities did not constitute a threat to its neighbours or

⁷¹ S/1994/1173.

⁷² S/1994/1165.

⁷³ S/PV.3438, pp. 11-12.

⁷⁴ *Ibid.*, p. 5 (United States); p. 9 (New Zealand); and p. 10 (Argentina).

⁷⁵ *Ibid.*, p. 3 (Rwanda); pp. 4-5 (United States); p. 6 (Czech Republic); p. 9 (New Zealand); and p. 10 (Argentina).

⁷⁶ *Ibid.*, p. 6.

⁷⁷ *Ibid.*, p. 8.

had the potential of undermining international peace and security.⁷⁸ The representatives of the Czech Republic and Spain emphasized that resolution 949 (1994) did not question the territorial integrity of Iraq.⁷⁹

Case 9

The situation in Croatia

The Security Council's deliberations concerning the situation in Croatia touched upon the relationship between the use of force and the exercise of the right of self-defence.

By a letter dated 4 August 1995 addressed to the President of the Security Council,⁸⁰ the representative of Croatia transmitted a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia, in which the latter reported that, on the morning of 4 August, Croatian military and police forces had commenced "decisive action" in the occupied territories of Croatia. He contended that the action was aimed at restoring the rule of law, constitutional order and public safety, as well as at helping to sustain the defence of the United Nations safe area of Bihac. He also recalled that his Government had warned in a letter dated 20 July 1995 addressed to the President that, should the Bihac area be gravely threatened, Croatia's vital strategic interests would be threatened and it would be compelled to take decisive action, in accordance with its international obligations towards Bosnia and Herzegovina and with Article 51 of the Charter.

At its 3563rd meeting, on 10 August 1995, the Council resumed its consideration of the item entitled "The situation in Croatia". The representative of Croatia stated that, after years of "patience", Croatia had concluded that the least costly solution for both it and the international community to end humanitarian concerns in Bosnia and Herzegovina would require a "limited but credible" use of force to end the siege of Bihac and restore order in adjacent occupied territories of Croatia. That action had been successfully completed within 84 hours. The speaker contended that Croatia's actions had been carried out mostly on its internationally recognized territory and in part of the territory of Bosnia and Herzegovina, at the express

request of that Government, arguing that establishing sovereignty and security on its own territory and coming to the aid of a friendly Government were fully consistent with the Charter of the United Nations. He then stated that the siege of Bihac, which had been a serious concern for the international community, had been resolved at minimal cost to the international community and to the civilian population in the area.⁸¹ Similarly, the representative of Bosnia and Herzegovina argued that Croatia's action had been in defence of its territories and rights and in promotion of peace and stability within its borders. He also contended that Croatia had preserved the Bihac safe area.⁸² Another speaker, however, alleged that one of Croatia's main goals had been to inflict heavy losses on the civilian population and incite a mass exodus of Serbs, thus creating an "ethnically pure" Croat State.⁸³

At the same meeting, the Council adopted resolution 1009 (1995), by which it strongly deplored the broad military offensive launched on 4 August 1995 by the Government of Croatia, thereby unacceptably escalating the conflict, and demanded that the Government of Croatia cease immediately all military actions and that there be full compliance with all Council resolutions, including resolution 994 (1995).

Speaking after the adoption of the resolution, the representative of France stated that, while the areas in which Croatian offensives had taken place were parts of the territory of Croatia, the Serb population in those regions nevertheless possessed rights recognized by the international community, which prohibited recognizing such military operations as legitimate.⁸⁴ The representative of the Czech Republic expressed the view that, while Croatia could not be faulted for pursuing its sovereign right to reintegrate parts of its sovereign territory, his Government deplored the fact that Croatian authorities had chosen to pursue their goal by military means, particularly at a time when diplomatic avenues had not been exhausted.⁸⁵ The representative of the United States, while regretting the means used, stated that it was also necessary to

⁷⁸ Ibid., pp. 2-3.

⁷⁹ Ibid., pp. 7-8.

⁸⁰ S/1995/647.

⁸¹ S/PV.3563, pp. 2-4.

⁸² Ibid., pp. 5-7.

⁸³ Ibid., pp. 7-9 (Mr. Djokic).

⁸⁴ Ibid., pp. 16-17.

⁸⁵ Ibid., pp. 18-19.

recognize that the new safe area of Bihac was now open to humanitarian relief.⁸⁶

C. Article 2, paragraph 5

Article 2, paragraph 5

All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

During the period under review, there were no explicit references to Article 2 (5) during the Council's deliberations. The Council, however, adopted, in connection with the situations in Liberia, Angola, Somalia and Rwanda, a number of resolutions which contained provisions that might be construed as implicit references to the principle enshrined in Article 2 (5).

At its 3489th meeting, on 13 January 1995, at which it adopted resolution 972 (1995), the Council discussed the extension of the mandate of the United Nations Observer Mission in Liberia. In the seventh preambular paragraph of that resolution, the Council noted with concern that there had been a continuing inflow of arms into Liberia in violation of the existing arms embargo, which had further destabilized the situation in Liberia.

There was another implicit reference to Article 2 (5) in resolution 985 (1995), adopted on 13 April 1995, by which the Council urged all States, and in particular all neighbouring States, to comply fully with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992).

Similar language was adopted in resolution 1020 (1995) of 10 November 1995, by which the Council reminded all States of their obligations to comply with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Committee established pursuant to resolution 985 (1995).

With regard to the situation in Angola, the Council at its 3254th meeting, on 15 July 1993,

⁸⁶ Ibid., p. 20.

adopted resolution 851 (1993), by which it urged all States to refrain from any action which directly or indirectly could jeopardize the implementation of the Peace Accords, especially from providing any form of direct or indirect military assistance to UNITA, or any other support to UNITA inconsistent with the peace process. The Council expressed its readiness to consider the imposition of measures under the Charter of the United Nations, including a mandatory embargo on the sale or supply to UNITA of arms and related materiel and other military assistance.

Another implicit reference to Article 2 (5) was contained in resolution 886 (1993), in connection with the situation in Somalia, whereby the Council reaffirmed the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992). Similar language was employed in several other resolutions pertaining to the situation in Somalia.⁸⁷

On another occasion, in connection with the situation in Rwanda, the Council made implicit reference to Article 2 (5) of the Charter. At its 3526th meeting, on 27 April 1995, the Council noted with concern the increased incursions into Rwanda from neighbouring countries, and allegations of arms shipments into the Goma airport.⁸⁸

In resolution 928 (1994), adopted on 20 June 1994, the Council stressed "the need for the observance and strict monitoring of the general and complete embargo of all deliveries of weapons and military equipment to Rwanda, as described in paragraph 13 of its resolution 918 (1994)".

By resolution 1013 (1995) of 7 September 1995, the Council expressed its grave concern at allegations of the sale and supply of arms and related materiel to former Rwandan government forces in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and underlined the need for Governments to take action to ensure the effective implementation of the embargo.

On several occasions, statements were made in the course of the Council's deliberations that may also have a bearing on the principle of Article 2 (5). During the period under review, some States not members of

⁸⁷ Resolutions 897 (1993), 923 (1994) and 954 (1994).

⁸⁸ S/PRST/1995/22.

the Council called for a partial lifting of the arms embargo imposed on Yugoslavia in order to facilitate Bosnia and Herzegovina's right of self-defence, as granted by Article 51. At the 3201st meeting of the Council, held on 19 April 1993, the representative of Senegal noted that lifting the embargo against Bosnia and Herzegovina would enable the "victim of aggression to secure the means to exercise its right of self-defence under Article 51 of the Charter".⁸⁹ At the 3367th meeting, on 21 April 1994, the representative of Turkey called for lifting the arms embargo imposed in accordance with resolution 713 (1991), noting that it was in clear contradiction of Article 51 of the Charter.⁹⁰

During the period under review, no constitutional discussion arose in connection with Article 2 (5) of the Charter.

D. Article 2, paragraph 6

Article 2, paragraph 6

The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

During the period under review, there were no explicit references to Article 2 (6). Neither did any constitutional discussion arise in connection with that Article. The Council adopted, however, a number of resolutions imposing measures under Chapter VII in connection with the situations in the Libyan Arab Jamahiriya, Haiti and Rwanda, which contained provisions that might be construed as implicit references to the principle enshrined in Article 2 (6). Each of those resolutions related to the cooperation of States not members of the United Nations in the imposition of sanctions.

At its 3312th meeting, on 11 November 1993, the Council adopted resolution 883 (1993), by which it imposed sanctions against the Libyan Arab Jamahiriya for its failure to comply with resolutions 731 (1992) and 748 (1992). In that resolution, the Council called upon "all States, including States not Members of the United Nations, and all international organizations, to

act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the effective time of the present resolution".

A similar formulation was adopted in resolution 917 (1994) of 6 May 1994, by which the Council decided to expand the sanctions imposed against Haiti until the return of the legitimately elected president. The Council called upon "all States, including States not Members of the United Nations, and all international organizations to act strictly in accordance with the provisions of the present resolution and the earlier relevant resolutions, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the effective date of the measures in the present resolution or earlier relevant resolutions".

In connection with the situation in Rwanda, the Council, by resolution 918 (1994) of 17 May 1994, called upon "all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of the present resolution".

In several other cases, the Council made implicit references to Article 2 (6) by calling for action from "all States". The majority of those provisions related to the application of sanctions and embargoes which required that "all States" should take steps to impose measures in accordance with the relevant resolutions.

At its 3238th meeting, on 16 June 1993, the Council adopted resolution 841 (1993) in connection with the sanctions against Haiti, in which it called upon "all States and all international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 23 June 1993".

A similar provision was contained in resolution 864 (1993), adopted on 15 September 1993, imposing

⁸⁹ S/PV.3201, p. 31.

⁹⁰ S/PV.3367, p. 8.

measures under Chapter VII in respect of UNITA.⁹¹ The Council called upon “all States, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of adoption of the present resolution”.

In connection with the embargo imposed against Rwanda, the Council decided by resolution 1011 (1995) that “all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda”.

By other provisions not directly related to the imposition, implementation or administration of sanctions, the Council requested “all States” or “all parties and others concerned” to undertake a variety of actions including supporting peace initiatives, cooperating with the United Nations and its programmes and agencies, and others.⁹²

On two occasions, the Council reminded “all parties and others concerned” of their obligation to comply with specific resolutions. By resolution 947 (1994) adopted on 30 September 1994, the Council called on all parties and others concerned fully to comply with all Security Council resolutions regarding the situation in the former Yugoslavia. A similar provision was contained in resolution 982 (1995) of

31 March 1995. A number of provisions in resolutions were also addressed to “States”.⁹³

E. Article 2, paragraph 7

Article 2, paragraph 7

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Note

During the period under review, the Security Council adopted no resolution that explicitly referred to Article 2 (7). Council members referred explicitly to that Article during the Council’s consideration of the “Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations”.⁹⁴ Article 2 (7) was also explicitly referred to in a letter dated 31 May 1994 from the representative of Yemen addressed to the President of the Security Council.⁹⁵ Article 2 (7) was explicitly referred to in a number of the Council’s decisions and deliberations.

Cases 10 to 17 below reflect the practice of the Council touching upon the provisions of Article 2 (7), as illustrated by its decisions and deliberations in connection with the following matters: letter dated 12 March 1993 from the representative of the Democratic People’s Republic of Korea; the situation between Iraq and Kuwait; CSCE missions in Kosovo, Sandjak and Vojvodina; the situation in the Republic of Yemen; the question concerning Haiti; supplement to

⁹¹ In that resolution the Council envisioned a possible oil and arms embargo against UNITA if it should break the ceasefire or cease to participate in the implementation of the Peace Accords.

⁹² In connection with the situation in Bosnia and Herzegovina, see resolutions 959 (1994), para. 4; 987 (1995), para. 4; and 1016 (1995), para. 3. In connection with the situation in Cambodia, see resolution 880 (1993), para. 4. In connection with the former Yugoslav Republic of Macedonia, see resolutions 970 (1995), para. 2; and 984 (1995), para. 8. In connection with Burundi, see resolution 1012 (1995), para. 6. In connection with Rwanda, see resolution 1013 (1995), paras. 3 and 5. In connection with the situation in Tajikistan, see resolutions 999 (1995), paras. 7 and 8; and 1030 (1995), paras. 7 and 8.

⁹³ In connection with the situation in Burundi, see resolution 1012 (1995), para. 6. In connection with Haiti, see resolution 1007 (1995), para. 10. In connection with the situation relating to Rwanda, see resolutions 935 (1994), para. 2; 978 (1995), paras. 1 and 3; 997 (1995); and 1029 (1995), para. 11. In connection with the situation in Bosnia and Herzegovina, see resolutions 900 (1994), paras. 2 and 6; and 942 (1994), paras. 6 and 12.

⁹⁴ S/1995/1.

⁹⁵ S/1994/644.

an Agenda for Peace; the situation in Angola; and the situation in Burundi.

Case 10

*Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council*⁹⁶

By a letter dated 12 March 1993 addressed to the President of the Council,⁹⁷ the Minister for Foreign Affairs of the Democratic People's Republic of Korea informed the Council that the Government of the Democratic People's Republic of Korea had decided, on 12 March 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with paragraph 1 of article X of the Treaty, in connection with the extraordinary situation prevailing in the Democratic People's Republic of Korea, which jeopardized its supreme interests. He stated that the United States together with the Republic of Korea, had resumed the "Team Spirit" joint military exercises, a nuclear war rehearsal, threatening the Democratic People's Republic of Korea, and had instigated some officials of the International Atomic Energy Agency (IAEA) secretariat and certain Member States to adopt an unjust resolution, at the meeting of the IAEA Board of Governors on 25 February 1993, demanding that the Democratic People's Republic of Korea open its military sites, which had no relevance at all to its nuclear activities, in violation of the IAEA statute, the Safeguards Agreement and the agreement IAEA had reached with the Democratic People's Republic of Korea. He affirmed that to tolerate such an act would only set a precedent for helping to legitimize the nuclear threats against the non-nuclear-weapon States parties and interference in their internal affairs.

At its 3212th meeting, on 11 May 1993, the Council considered the letter dated 12 March 1993 from the representative of the Democratic People's Republic of Korea, as well as a letter from the

Secretary-General dated 19 March 1993⁹⁸ and a note by the Secretary-General dated 12 April 1993 on the issue.⁹⁹ Laying out the reasons that had forced his country to withdraw from the Non-Proliferation Treaty, the representative of the Democratic People's Republic of Korea stated that his country's refusal to allow the IAEA's "unlawful inspection" of the "suspicious locations" was nothing but a sovereign State's full exercise of a fair right, which could never be considered non-compliance with the Safeguards Agreement. He further stated that signing, accession to, termination of and withdrawal from the Treaty were legal actions within the sovereign rights of an independent State and no one was entitled to interfere in those. Moreover, the Democratic People's Republic of Korea's withdrawal from the Treaty was a self-defence measure based on a State's right to withdraw from the Treaty in the exercise of its national sovereignty, if a State party to the Treaty decides that its supreme interests are threatened. With regard to the draft resolution, the representative stated that it was aimed at infringing upon the sovereignty of the Democratic People's Republic of Korea, ignoring the requirements of Chapter VI (Article 33) of the Charter of the United Nations, the statute of IAEA and the norms of international law, that disputes should be resolved through dialogue and negotiations. The draft resolution would be rejected, since it was unreasonable and in contravention of Article 2 (4) of the Charter and of article 3 (d) of the IAEA statute, which called for respect of the sovereignty of the member States. Its adoption would compel the Democratic People's Republic of Korea to take corresponding measures in self-defence.¹⁰⁰

⁹⁶ The full title of the agenda item is "Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council; letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council; note by the Secretary-General".

⁹⁷ S/25405.

⁹⁸ S/25445. By that letter, the Secretary-General transmitted to the Council a communication conveyed to him by the Director General of the International Atomic Energy Agency concerning the implementation of the Safeguards Agreement between the Democratic People's Republic of Korea and the Agency.

⁹⁹ S/25556. By that note, the Secretary-General transmitted to the members of the Security Council a letter dated 6 April 1993 from the Director General of IAEA transmitting his report on behalf of the Board of Governors to the Security Council and the General Assembly concerning non-compliance of the Democratic People's Republic of Korea with the Safeguards Agreement and on the Agency's inability to verify the non-diversion of material required to be safeguarded.

¹⁰⁰ S/PV.3212, pp. 7-25.

The representative of the Republic of Korea stated that IAEA had referred the matter to the Security Council after having exhausted all means available to it under its statute to resolve the issue. Referring to the reasons invoked by the Democratic People's Republic of Korea for rejecting the IAEA inspection and to its decision to withdraw from the Non-Proliferation Treaty, the representative stated that the Democratic People's Republic of Korea's characterization of the two sites as military sites in no way immunized them from inspection. It was the right of IAEA under the agreement with the Democratic People's Republic of Korea to inspect locations which it had bona fide reason to believe were nuclear-related, whether they were military or not. Recalling the presidential statement adopted by the Security Council at its summit meeting of 31 January 1992,¹⁰¹ the representative of the Republic of Korea stated that the primary obligation to stop nuclear weapons development by the Democratic People's Republic of Korea rested with the international community as a whole and particularly with the Security Council, which was entrusted with the maintenance of international peace and security under the Charter.¹⁰²

The representative of the United States stated that the failure of the Democratic People's Republic of Korea to adhere to its obligations under a safeguards agreement with IAEA and its subsequent announcement that it intended to withdraw from the Non-Proliferation Treaty concerned international agencies and the international community, not just any single country.¹⁰³ In contrast, the representative of China expressed the view that the issue concerning the Democratic People's Republic of Korea was mainly a matter between the Democratic People's Republic of Korea and IAEA, between the Democratic People's Republic of Korea and the United States, and between the Democratic People's Republic of Korea and the Republic of Korea. It should therefore be settled properly through direct dialogue and consultation between the Democratic People's Republic of Korea and the three other parties concerned, respectively. China was not in favour of having that issue handled

by the Security Council, let alone having a resolution adopted on the issue by the Council. As that would only complicate the situation rather than contribute to its appropriate settlement, China would abstain on the draft resolution.¹⁰⁴

The representative of the United Kingdom stated that his delegation did not question the right of States to withdraw from treaties if such withdrawal was in accordance with the provisions of the treaty concerned. He recalled, in this connection, the joint statement issued on 1 April 1993 by the three co-depositaries of the Non-Proliferation Treaty — the Russian Federation, the United States and the United Kingdom¹⁰⁵ — in which they questioned whether the Democratic People's Republic of Korea's stated reasons for withdrawal in fact constituted extraordinary events related to the subject matter of the Treaty. He noted that the Democratic People's Republic of Korea remained bound by its obligation under its safeguards agreement. While accepting that there was an important role for bilateral contacts, he maintained that the issue under consideration was about multilateral disciplines maintained by multilateral organizations such as IAEA. It was therefore absolutely right and proper that the Security Council should remain seized of the matter since further action could be considered.¹⁰⁶

At that meeting the Council adopted resolution 825 (1993), by which it called upon the Democratic People's Republic of Korea to honour its non-proliferation obligations under the Treaty and comply with its safeguards agreement with the Agency, and decided to remain seized of the matter and to consider further action if necessary.

Case 11

The situation between Iraq and Kuwait

By a letter dated 21 May 1993 addressed to the President of the Council,¹⁰⁷ the Secretary-General transmitted the final report on the demarcation of the international boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission, dated 20 May 1993, conveying the final results of the work

¹⁰¹ S/23500. The statement provided, inter alia, that the members of the Council would take appropriate measures in the case of any violations notified to them by IAEA.

¹⁰² S/PV.3212, pp. 26-33.

¹⁰³ Ibid., pp. 33-35.

¹⁰⁴ Ibid., pp. 42-43.

¹⁰⁵ S/25516, annex.

¹⁰⁶ S/PV.3212, pp. 53-55.

¹⁰⁷ S/25811.

of the Commission. The Secretary-General recalled that, in accordance with its mandate and terms of reference, the Commission was called to perform a technical and not a political task and had made every effort to confine itself strictly to that objective. Through the technical process of demarcation, the Commission was not reallocating territory between Iraq and Kuwait, but had performed the technical task necessary to demarcate the international boundary between the two countries set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters" signed at Baghdad on 4 October 1963.

During the Council's consideration of the item at the 3224th meeting, on 27 May 1993, some members of the Council reflected on the implications of Council action pertaining to the demarcation of boundaries for the sovereignty of nations in this case and in general. The representative of Brazil pointed out that his country had consistently supported action taken by the United Nations with a view to ensuring full respect for the sovereignty and territorial integrity of Kuwait. Any attempt to challenge that sovereignty and integrity was unacceptable. It was the understanding of his Government that the decisions taken by the Council concerning the international boundary between Iraq and Kuwait could be justified only in the light of the exceptional and unique circumstances in which those decisions had been taken and did not establish a precedent for future action by the Council in other matters pertaining to the definition or demarcation of boundaries between Member States. Brazil's support for the resolution under consideration and other decisions in that matter was without prejudice to its reservations regarding the competence of the Council in questions related to the definition or demarcation of boundaries between Member States, which should be settled directly by the States concerned.¹⁰⁸

Similarly, the representative of China stated that, with respect to the question of boundaries, the countries concerned should, in accordance with international law and the Charter, seek a peaceful solution in agreements or treaties arrived at through negotiation and consultation. The existing demarcation of the boundary between Iraq and Kuwait was a special case arising from the specific historical circumstances

involved and, as such, was not generally applicable. For that reason, the Council's invocation of Chapter VII of the Charter with respect to the demarcation of the disputed boundary between the two countries must not be viewed as setting a precedent.¹⁰⁹

The representative of France observed on the other hand that, on the basis of an agreement between Iraq and Kuwait, which had been submitted to the United Nations and was still in effect to that day, the Commission had carried out the technical task of demarcating a boundary whose limits had been set by the States themselves a long time ago. The report showed quite unambiguously that the Commission had not attributed any territory to one side or the other and had not encroached on the sovereignty of either State in any way.¹¹⁰

By resolution 833 (1993), adopted at that meeting, the Council reaffirmed that the decisions of the Commission regarding the demarcation of the boundary were final; demanded that Iraq and Kuwait, in accordance with international law and relevant Security Council resolutions, respect the inviolability of the international boundary, as demarcated by the Commission, and underlined and reaffirmed its decision to guarantee the inviolability of the above-mentioned international boundary which had now been finally demarcated by the Commission and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations, as provided for in paragraph 4 of resolution 687 (1991) and paragraph 4 of resolution 773 (1992).

Case 12

*Conference on Security and Cooperation
in Europe missions in Kosovo, Sandjak and
Vojvodina, the Federal Republic of Yugoslavia
(Serbia and Montenegro)*

By a letter dated 20 July 1993,¹¹¹ the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe informed the President of the Security Council that it was the considered opinion of the CSCE participating States that the decision by the Belgrade authorities not to allow the continued functioning of the CSCE missions

¹⁰⁸ S/PV.3224, pp. 8-9.

¹⁰⁹ Ibid., p. 12.

¹¹⁰ Ibid., p. 8.

¹¹¹ S/26121.

in Kosovo, Sandzak and Vojvodina aggravated the existing threats to peace and security in the region.

On 9 August 1993, at the Council's 3262nd meeting, the representative of China stated that the issue of Kosovo was an internal affair of Yugoslavia. The sovereignty, political independence and territorial integrity of Yugoslavia should be respected in line with the basic principles of the Charter and international law. His delegation believed that the Council should exercise extreme prudence and should act in strict conformity with the purposes and the principles of the Charter, especially the principle of non-interference in the internal affairs of sovereign States. The representative pointed out that practice over the years had shown that the consent and cooperation of the parties concerned were essential factors in ensuring the success of the endeavours of the United Nations and regional organizations. He observed that, when differences arose between a regional organization and a sovereign State, it was important to consider the question whether the Security Council should involve itself and, if so, which principle should guide its actions.¹¹²

In contrast, other speakers expressed their support for the continued presence of the CSCE missions in Kosovo, Sandzak and Vojvodina.¹¹³ The representative of Hungary stated that Hungary, like the CSCE community as a whole, was of the view that the expulsion of the CSCE mission was an act that further aggravated the threat to peace and security in the Balkan region. Therefore, his country considered that the call of the Council to the Belgrade Government to re-examine its position was a perfectly legitimate and sound action, supporting the efforts of CSCE in a matter of grave concern.¹¹⁴ The representative of France held that, as the resolution emphasized, the activities of the mission were in no way aimed at affecting the sovereignty of a State but were designed to ensure respect for the fundamental principles to which all the States members of CSCE, including the Federal Republic of Yugoslavia had committed themselves.¹¹⁵ At that meeting, the Council adopted resolution 855 (1993), by which it endorsed the efforts of CSCE and called upon the authorities in the Federal

Republic of Yugoslavia to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina, to cooperate with CSCE and to agree to an increase in the number of monitors as decided by CSCE.

Case 13

The situation in the Republic of Yemen

By a letter dated 31 May 1994 addressed to the President of the Security Council,¹¹⁶ the representative of Yemen stated that his Government considered the request to convene a meeting of the Security Council to discuss the situation in Yemen¹¹⁷ to be interference in its internal affairs, contrary to Article 2 (7) of the Charter of the United Nations.

At the 3386th meeting, on 1 June 1994, the representative of China emphasized that, in its consideration of any issue of concern, the Security Council should respect the relevant views of the countries or parties concerned. It was the view of his delegation that the consideration of the situation of the Republic of Yemen by the Council under the then existing special circumstances should not constitute a precedent for the handling of other similar issues.¹¹⁸

At the 3394th meeting, on 29 June 1994, the representative of the Russian Federation expressed his support for the draft resolution under consideration¹¹⁹ and stated that his country strongly supported the efforts undertaken by the world community, primarily in the Security Council, with a view to normalizing the situation in Yemen, restoring a peaceful dialogue and establishing an appropriate mechanism for monitoring the ceasefire.¹²⁰ The representative of the United Kingdom also believed that the United Nations should take urgent steps to address the deteriorating humanitarian situation in Yemen, in particular in Aden. He hoped that the adoption of the resolution by the Council would demonstrate to the parties the seriousness with which the international community viewed the situation and that they would draw the

¹¹² S/PV.3262, pp. 4-5.

¹¹³ Ibid., p. 8 (Pakistan); pp. 12-13 (Spain); and pp. 17-18 (United States).

¹¹⁴ Ibid., pp. 5-6.

¹¹⁵ Ibid., p. 9.

¹¹⁶ S/1994/644.

¹¹⁷ Letter dated 27 May 1995 from the representatives of Bahrain, Egypt, Kuwait, Oman, Saudi Arabia and the United Arab Emirates addressed to the President of the Security Council (S/1994/630).

¹¹⁸ S/PV.3386, p. 3.

¹¹⁹ S/1994/931.

¹²⁰ S/PV.3394, p. 5.

appropriate conclusions.¹²¹ Along similar lines, the representative of France stated that, in adopting a new resolution, the Security Council had affirmed its determination to contribute to the peaceful settlement of a dispute that was “unleashing a humanitarian disaster and shaking the foundations of regional security”.¹²²

The President, speaking in his capacity as the representative of Oman, recalled that his country had joined five other countries of the region in calling for the convening of a meeting of the Security Council to address the situation in Yemen. That meeting had culminated in the adoption of resolution 924 (1994), calling for an immediate ceasefire and requesting the parties to go back to the negotiating table, as the most appropriate means of resolving their differences. Oman believed that the resolution was very balanced in its demands and that, if it had been implemented fully by the parties, it could have helped the parties to settle their differences.¹²³

At its 3394th meeting, the Council adopted resolution 931 (1994), by which it strongly deplored the infliction of civilian casualties and the destruction resulting from the continuing military assault on Aden, reiterated its call for an immediate ceasefire, and requested the Secretary-General and his Special Envoy to continue talks under their auspices with all concerned, with a view to implementing a durable ceasefire.

Case 14

The question concerning Haiti

By a letter dated 29 July 1994 addressed to the Secretary-General,¹²⁴ the President of Haiti stated that the High Command of the Armed Forces of Haiti had no intention of respecting the Governors Island Agreement signed on 3 July 1993 under the auspices of the United Nations and the Organization of American States. The President declared that, in the light of an alarming deterioration of the human rights situation in Haiti and a dramatic increase in the suffering of the Haitian people, the time had come for the international community, as a party in the process which had led to that Agreement, to take prompt and decisive action,

¹²¹ Ibid., p. 3.

¹²² Ibid.

¹²³ Ibid., p. 6.

¹²⁴ S/1994/905.

under the authority of the United Nations, to allow for its full implementation.

At the 3413th meeting, on 31 July 1994, Council members considered a draft resolution authorizing Member States to form a multinational force to use all necessary means to facilitate the departure from Haiti of the military leadership.¹²⁵ During the debate, several Council members reflected on that decision in the context of Article 2 (7) of the Charter.

The representative of Haiti stated that, by requesting the help of the international community to solve the Haitian crisis, his country was sharing with it the dream that all compatriots of his country should be united in the exercise of the prerogatives of their sovereignty to decide the future of their country. By stating the consent of the Government of President Aristide to the draft resolution before the Council, his delegation was calling on the international community, through the President of the Council, to join with the country in defending its national sovereignty.¹²⁶

The representative of Nigeria observed that the draft resolution before the Council took it to another, entirely new level of external action to deal with the situation in Haiti and also to an entirely new territory in the Charter of the United Nations, in particular the use of Chapter VII. That was why his delegation had reacted to it with the greatest caution but was delighted that its concerns had been addressed. One of those concerns was his delegation's belief that, whatever was done in the Security Council, the sovereignty and territorial integrity of Haiti should not be compromised. Respect for the sovereignty and territorial integrity of Member States was the minimum basis of association by Members of the United Nations Organization. It should be observed in the case of all nations. Furthermore, his delegation's understanding was that any collective action authorized in the draft resolution was country-specific. His country reaffirmed the special character of the situation in Haiti. The adoption of the draft resolution should therefore not be seen as a global licence for external interventions through the use of force or any other means in the internal affairs of Member States.¹²⁷

In the same vein, the representative of Spain stated that his country, which attached great

¹²⁵ S/1994/904.

¹²⁶ S/PV.3413, p. 4.

¹²⁷ Ibid., p. 11.

importance to the principle of non-intervention, especially on the American continent, supported the resolution because of the singular and exceptional circumstances of that case, because of the clear position taken by the legitimate authorities of Haiti and because the action to be initiated would not be carried out unilaterally but, rather, within a multilateral and institutional framework, under the authority and control of the United Nations. Had it been otherwise, his delegation should not have been able to support such an action.¹²⁸ The representative of the United States asserted that the purpose was not to impinge upon the sovereignty of Haiti, but to restore the power to exercise that sovereignty to those who rightfully possessed it. The purpose was to enable Haiti, in the words of the Charter, to pursue “social progress and better standards of life in larger freedom”. The choice was to allow Haiti to build a future more free, more secure and more prosperous than its past.¹²⁹

At that meeting, the Council adopted the draft resolution before it as resolution 940 (1994), by which it authorized the above-mentioned action by a multinational force while recognizing the unique character of the situation in Haiti and its deteriorating, complex and extraordinary nature, requiring an exceptional response.

Case 15

Supplement to an Agenda for Peace

At the Council’s first consideration of the document entitled “Supplement to an Agenda for Peace”¹³⁰ at the 3492nd meeting on 18 January 1995, several speakers touched upon the application of the principles contained in Article 2 (7) of the Charter. The representative of Indonesia, speaking on behalf of the Non-Aligned Movement, noted that it was important that respect for State sovereignty be recognized as one of the basic principles in the conduct of international relations. In connection with the Secretary-General’s proposal to establish a rapid reaction force, the representative observed, with regard to the circumstances under which it would be deployed, that it was not clear which types of emergency the

Secretary-General’s report referred to and who would determine the existence of such crises. Those ambiguities could lend themselves to interpretations that would challenge the sovereignty and independence of States.¹³¹

The representative of China stated that the principle of respect for State sovereignty and non-interference in a country’s internal affairs always had to be observed. The involvement of the United Nations, in recent years, in the settlement of internal conflicts in some countries at the request of the Governments or factions of those countries was a new and highly sensitive issue, which, if handled improperly, would make the United Nations a party to the conflict or even make it become an instrument of a few countries in interfering in other countries’ internal affairs, thus throwing United Nations operations into difficulties and failure. Therefore, involvement of the United Nations should follow the principle, among others, that United Nations operations had to be at the request, and obtain the consent, of the parties concerned. The representative further emphasized that the United Nations was an intergovernmental organization composed of sovereign States rather than a world government. Matters concerning a country should, in the final analysis, be settled by its own people, and those concerning a region by the countries in the region through consultations, in which the international community, including the United Nations, could play only a supplementary and promotive role. With regard to United Nations activities in preventive diplomacy and post-conflict peacebuilding, he stated that the United Nations had to respect the will of the Governments and peoples of the countries concerned instead of imposing its views on them. It should especially be prudent on questions, such as early warning, that involved a country’s sovereignty. It should obtain prior consent of the countries concerned before sending fact-finding or other missions, and time limits should be clearly defined.¹³²

Similarly, the representative of Sri Lanka stated that the United Nations should scrupulously respect the principles of the sovereignty, territorial integrity and political independence of States and should not intrude into areas which lay within their domestic jurisdiction.¹³³ In connection with the increase and

¹²⁸ Ibid., p. 20.

¹²⁹ Ibid., p. 12.

¹³⁰ “Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations” (S/1995/1).

¹³¹ S/PV.3492, pp. 7-8.

¹³² Ibid., p. 13.

¹³³ S/PV.3492 (Resumption 2), p. 11.

complexity of internal conflicts that were diagnosed in the Secretary-General's report, the representative of Colombia stated that the framework for the Organization's actions had to be based on the provisions of the Charter, especially Article 2 (7). That was why his delegation agreed with the assertion made in the document that the United Nations, for eminently valid reasons, was reluctant to shoulder responsibility for maintaining law and public order and to impose new political structures or State institutions.¹³⁴ In contrast, the representative of Ukraine pointed out that the defence of human rights in contemporary circumstances could no longer be considered as the exclusively domestic affair of a given State. In this regard, promoting the observance of human rights and cooperating with the United Nations in this sphere — including the dispatch of fact-finding verification missions — should be a moral injunction, incumbent upon all. An analysis of recent successes and failures in peacekeeping operations showed that an imperative in producing the mandate for operations and in laying down their fundamental principles was clear-cut observance of universally accepted norms of international law, in particular respect for sovereignty, territorial integrity and inviolability of frontiers.¹³⁵

Case 16

The situation in Angola

At the 3499th meeting of the Council, on 8 February 1995, during the consideration of a draft resolution,¹³⁶ a number of speakers touched upon the application of the principles contained in Article 2 (7) of the Charter and its implications for the situation in Angola.

The representative of Angola declared that the military situation on the ground was calm and the ceasefire was being observed without any major incidents. He expressed the hope that the adoption of the draft resolution under consideration establishing UNAVEM III would be a step towards the definitive establishment of lasting peace. He expressed concern with regard to some paragraphs in that draft resolution, specifically, paragraphs 6, 8 and 12, and added that his delegation would present specific proposals to improve

the text, at the appropriate time.¹³⁷ The representative of Mozambique stressed the importance of upholding the principles of sovereignty, non-intervention and non-interference in the internal affairs of Angola, in line with the Peace Accords and the Lusaka Protocol, and in accordance with the Charter. It was the view of his delegation that the international community could assist States Members of the United Nations while fully respecting those principles. In that context, his Government could not agree that the deployment of any peacekeeping operation should have any "strings attached", and therefore supported the views expressed by the Angolan delegation that some paragraphs of the draft resolution should be revised in order to enjoy the full agreement of the Government of Angola.¹³⁸

In contrast, the representative of Nigeria, expressing his delegation's support for the draft resolution, contended that none of its paragraphs contained any provisions that derogated from the sovereign rights of the Government of Angola in the maintenance of law and order and the preservation of territorial integrity — either before, during, or after UNAVEM III.¹³⁹ The representative of Malawi, speaking on behalf of a delegation of the OAU Council of Ministers,¹⁴⁰ contended that, notwithstanding the concerns of those who urged caution against any increased international involvement until peace had been firmly established, the Angolan people were tired of war and the situation had changed. The OAU delegation therefore urged the Council to authorize the establishment and immediate deployment of UNAVEM III.¹⁴¹ Other speakers contended that, while the Council's decision to increase the United Nations operation in Angola underlined its commitment to support the people of that country in their long search for peace and national reconciliation, the Council had made it clear that it was not prepared to countenance further substantial delays or lack of cooperation from the parties in fulfilling certain obligations, and that it would, in those circumstances, review the United Nations role in Angola. The resolution was also a reaffirmation by the international community of its commitment to United Nations mechanisms for

¹³⁴ Ibid., p. 14.

¹³⁵ S/PV.3492 (Resumption 1), p. 23.

¹³⁶ S/1995/117.

¹³⁷ S/PV.3499, pp. 2-5.

¹³⁸ S/PV.3499 (Resumption), p. 7.

¹³⁹ Ibid., pp. 9-10.

¹⁴⁰ Comprised the Foreign Ministers of Angola, Botswana, Lesotho, Namibia, South Africa, Tunisia and Zambia, and representatives of Guinea-Bissau and Senegal.

¹⁴¹ S/PV.3499, p. 6.

resolving conflicts that went beyond the means or ability of individual nations to solve. However, as Council resolutions had said repeatedly, the people of Angola were ultimately responsible for the future of their country.¹⁴² At that meeting, the Council adopted resolution 976 (1995), by which it reaffirmed its commitment to preserve the unity and territorial integrity of Angola and established UNAVEM III.

Case 17

The situation in Burundi

By a letter dated 28 July 1995 addressed to the President of the Security Council,¹⁴³ the Secretary-General recommended, with regard to the situation in Burundi, the establishment of a commission of inquiry to establish the facts relating to the assassination of the President of Burundi and to recommend modalities for the trial and punishment of persons it identified. He noted that the full cooperation of the Government of Burundi would be needed and described the modalities for such cooperation.

At its 3571st meeting, on 28 August 1995, the Council considered the recommendations of the Secretary-General. Several speakers pointed out the importance of close cooperation of the commission with the Government of Burundi and the need to respect the sovereignty of that country. The representative of Burundi stated that the initiative for the establishment of the commission of inquiry came from his Government in search of an impartial international arbiter. He stressed that the success of the work of the commission would depend on close cooperation with the Government of Burundi, its security forces, and the national judicial system. The commission would have to resist any temptation to exceed its mandate, as delineated in the terms of reference proposed by the Government, and set out in

the draft resolution before the Council. Moreover, it should avoid any compromise of national sovereignty and any interference in the internal affairs of his country.¹⁴⁴

The representative of China stated that his delegation endorsed the proposed establishment of an international commission of inquiry in principle. The international community should, however, fully respect the independence and sovereignty of Burundi and should not interfere in its internal affairs. It also had to heed and respect the views of the Government of Burundi in connection with the establishment of the commission. He expressed his delegation's reservations in relation to some elements of the commission's mandate, which was rather extensive and, in certain aspects, touched upon Burundi's sovereignty and internal affairs.¹⁴⁵ The President, speaking in his capacity as the representative of Indonesia, also stated that Burundi's sovereignty and territorial integrity were of great importance and that the recommendations of the commission should not impinge upon those sacrosanct principles. Given the complexities of the situation, observance of those principles would make a distinct contribution to resolving the situation and to furthering the national unity and reconciliation that Burundi required.¹⁴⁶

At that meeting, the Council adopted resolution 1012 (1995), by which it took into account the initiative of the Government of Burundi in calling for the establishment of an international judicial commission of inquiry as referred to in the Convention on Governance, requested the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry, and called upon the Burundian authorities and institutions, including all Burundian political parties, to cooperate fully with the Commission of Inquiry in the accomplishment of its mandate.

¹⁴² S/PV.3499 (Resumption), pp. 18-19 (United States); and pp. 19-20 (United Kingdom).

¹⁴³ S/1995/631.

¹⁴⁴ S/PV.3571, pp. 2-4.

¹⁴⁵ *Ibid.*, pp. 5-6.

¹⁴⁶ *Ibid.*, p. 13.

Part II

Consideration of the functions and powers of the Security Council (Articles 24 and 25 of the Charter)

A. The primary responsibility of the Security Council for the maintenance of international peace and security (Article 24)

Article 24

1. *In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.*
2. *In discharging these duties the Security Council shall act in accordance with the purpose and principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.*
3. *The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.*

Note

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 24 of the Charter. The Charter provision by which primary responsibility for the maintenance of peace and security was conferred on the Security Council was implicitly referred to in a number of resolutions adopted by the Council. A number of explicit references to Article 24 were made on several occasions in the proceedings of the Council. Cases 18 to 20 below reflect the practice of the Council touching upon the provisions of Article 24 as illustrated by its decisions and deliberations concerning: an Agenda for Peace; the situation in the Republic of Bosnia and Herzegovina; and the question concerning Haiti.

In addition to the cases set out below, Article 24 was explicitly mentioned during the deliberations of the Council on two other occasions. In connection with the establishment of an international tribunal for the former Yugoslavia, the representative of Brazil

recalled, at the 3175th meeting, on 22 February 1993, that the Security Council, in the exercise of its responsibilities, acted on behalf of the States Members of the United Nations, in accordance with Article 24 (1) of the Charter. Just as the authority of the Council did not spring from the Council itself but derived from the fact that certain responsibilities had been conferred upon it by all the Members of the United Nations, the powers of the Council could not be created, recreated or reinterpreted creatively by decisions of the Council itself, but had to be based invariably on specific Charter provisions.¹⁴⁷

At the Council's 3483rd meeting, held on 16 December 1994 in connection with the item "Security Council working methods and procedure", the representative of Spain stressed the need for greater transparency and flexibility in the Council. He believed that that would lead to increased legitimacy and credibility of the Security Council in the eyes of Member States, on whose behalf, in accordance with Article 24 of the Charter, the Council acted. That, he noted, would ultimately lead to the greater effectiveness of the Council's decisions.¹⁴⁸ The President of the Council stated that Article 24 implied a two-way flow of information, which required more information flowing out of the Council to the wider membership on all aspects of its work.¹⁴⁹

Article 24 was also explicitly referred to in a number of communications.¹⁵⁰

¹⁴⁷ S/PV.3175, p. 6.

¹⁴⁸ S/PV.3483, p. 8.

¹⁴⁹ *Ibid.*, p. 26.

¹⁵⁰ In connection with the working methods of the Security Council, see letter dated 9 November 1994 from the representative of France to the Secretary-General (S/1994/1279, annex, para. 1). In connection with The Hague declaration on the Lockerbie case, see letter dated 5 April 1995 from the representative of the Libyan Arab Jamahiriya (S/1995/267, annex, fourth para.). In connection with the format of the annual report of the Security Council to the General Assembly, see note by the President of the Security Council dated 30 June 1993 (S/26015).

Case 18

An Agenda for Peace: peacekeeping

Article 24 (1), was explicitly referred to during the deliberations of the Council held in connection with the item entitled “An Agenda for Peace: peacekeeping”. At the 3449th meeting of the Council, on 4 November 1994, Turkey stressed that there was a need for improvement of procedures of communication and consultation between Council members and troop-contributing countries. The authority of Council decisions emanated from the fact that the Council, in accordance with Article 24 of the Charter, acted on behalf of all Members of the United Nations. Therefore, the lack of a sufficient consultation mechanism undermined the legitimacy of Council decisions on peacekeeping operations.¹⁵¹

At the 3611th meeting, on 20 December 1995, a number of speakers explicitly referred to the provisions of Article 24. The representative of France stated that it was the duty of the Council to listen and reflect on ways in which it could follow up on ideas expressed by those on whose behalf the Council acted in accordance with Article 24 of the Charter.¹⁵² The representative of Botswana noted that, since the Security Council derived its authority and legitimacy from the general membership of the United Nations that were not members of the Security Council, it was only fair that they should make a contribution to the work of the Council if it was to act effectively on their behalf in accordance with Article 24 (1) of the Charter.¹⁵³ Also referring to Article 24, the representative of Algeria noted that acts of the Council acquired additional legitimacy when they flowed from expanded consultations carried out in a spirit of partnership and aimed at optimal efficiency. From that point of view, the informal practice of “groups of friends” would stand to gain in terms of both usefulness and credibility if the objective of such groups was rigorous and in-depth follow-up of situations concerning which the Security Council was shouldering responsibilities.¹⁵⁴

¹⁵¹ S/PV.3449, p. 20.

¹⁵² S/PV.3611, p. 5.

¹⁵³ *Ibid.*, p. 10.

¹⁵⁴ *Ibid.*, p. 16.

Case 19

The situation in the Republic of Bosnia and Herzegovina

During the Council’s consideration of the situation in Bosnia and Herzegovina and its implications for international peace and security, three resolutions were adopted which called for the full and immediate implementation of all relevant Council resolutions.¹⁵⁵ By resolutions 836 (1993) of 4 June 1993, 838 (1993) of 10 June 1993 and 859 (1993) of 24 August 1993, the Council reaffirmed the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the responsibility of the Security Council in this regard. By resolution 859 (1993), the Council stated explicitly that it was mindful of its primary responsibility under the Charter for the maintenance of international peace and security.

There were a number of explicit references to Article 24 of the Charter in the course of the Council’s debates as Member States stressed the need for the Council to bear its responsibilities under Article 24 by taking all necessary steps to protect and fully restore the sovereignty and political independence of the Republic of Bosnia and Herzegovina.¹⁵⁶ At the 3247th meeting, on 29 June 1993, Member States highlighted the challenges the Council faced in fulfilling its obligations under Article 24 concerning the situation in Bosnia and Herzegovina, namely to take prompt and effective measures to restore peace. The representative of Malaysia stated that a Member of the United Nations (Bosnia and Herzegovina) was being dismembered and the Council should take more determined and concrete action in accordance with its primary responsibility under Article 24 of the Charter, using all the powers available under Chapter VII.¹⁵⁷

In connection with the situation in Bosnia and Herzegovina, Article 24 was also explicitly invoked in several communications addressed to the Council. In a letter dated 7 June 1993,¹⁵⁸ the representative of

¹⁵⁵ Resolutions 836 (1993), para. 3; 838 (1993), para. 2; and 859 (1993), paras. 2, 12 and 14.

¹⁵⁶ See S/PV.3247, pp. 38, 58, 61 and 101; S/PV.3336, pp. 153 and 175; S/PV.3370, p. 12; S/PV.3454, pp. 16 and 17; S/PV.3454 (Resumption 1), p. 46; and S/PV.3367, p. 18.

¹⁵⁷ S/PV.3247, p. 38.

¹⁵⁸ S/25893.

Malaysia expressed concern in connection with the Council's response to the suppression of the civilian population, especially the Bosnian Muslims. In his view, the Council needed to strengthen its obligations as stipulated in Article 24, which was to take prompt and effective measures to restore peace. In a note dated 4 November 1994 addressed to the President of the Security Council,¹⁵⁹ the Secretary-General urged the Security Council to fulfil its responsibility under Article 24 (1) of the Charter, and take all appropriate steps to uphold and restore fully the sovereignty and political independence of the Republic of Bosnia and Herzegovina.

Case 20

The question concerning Haiti

By resolutions 862 (1993) of 31 August 1993, and 867 (1993) of 23 September 1993, the Council recalled the situation in Haiti and the continuing responsibility of the Council, under the Charter of the United Nations, for the maintenance of international peace and security.

In a letter dated 14 June 1993 addressed to the President of the Security Council,¹⁶⁰ the representative of Cuba stated that Cuba advocated a return of constitutional order in Haiti, and of its sole legitimate representative, President Aristide. That did not, however, prevent a categorical repudiation by Cuba of the adoption of measures concerning the internal situation of Haiti by the Security Council, whose primary responsibility, as set forth in Article 24 of the Charter, was the maintenance of international peace and security, a context which did not embrace the situation prevailing in Haiti, however many pretexts were advanced in an effort to demonstrate the contrary.

B. The obligation of Member States to accept and carry out decisions of the Security Council (Article 25)

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

¹⁵⁹ S/1994/1251, para. 21.

¹⁶⁰ S/25942.

Note

During the period under review, none of the resolutions adopted by the Council explicitly invoked Article 25 of the Charter. On five occasions, explicit references were made in the Council debates to the obligations of Member States to accept and carry out the decisions of the Council.¹⁶¹ In these instances, the Council did not engage, however, in constitutional discussions concerning Article 25 that went beyond a reaffirmation of views about its interpretation and application.

On other occasions, statements by members of the Council had an implicit bearing on Article 25.¹⁶² In one case, the deliberations and decisions of the Council concerning the establishment of an international tribunal for the former Yugoslavia touched upon two aspects of the application of Article 25, namely that all parties comply with the decision of the Council, and the cooperation and assistance on the part of Member States to guarantee the smooth functioning of the tribunal. In relation to the latter, there were some debates in which the President of the Security Council demanded that the parties to a ceasefire agreement comply with their commitments and all relevant resolutions of the Security Council.

Article 25 was explicitly invoked in letters from the Chairman of the Committee established by resolution 724 (1991) addressed to the President of the Security Council, concerning applications made under Article 50 of the Charter as a consequence of the implementation of measures imposed against the

¹⁶¹ In connection with the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia, see S/PV.3217, p. 12 (France). In connection with the issue of consultations between members of the Security Council and troop-contributing countries, see S/PV.3449, p. 20 (Turkey); and S/PV.3611, pp. 34-35 (Turkey). In connection with the issue of Security Council working methods and procedures, see S/PV.3483, p. 18 (Turkey). In connection with the "Supplement to an Agenda for Peace", see S/PV.3492 (Resumption 2), p. 16 (Hungary).

¹⁶² In connection with the situation in the Republic of Bosnia and Herzegovina, see S/PV.3180, p. 3; S/PV.3192, p. 7; S/PV.3210, p. 3; S/PV.3456, p. 2; S/PV.3530, p. 2; S/PV.3554, p. 3; S/PV.3557, p. 2; S/PV.3580, p. 2; and S/PV.3587, p. 2.

former Yugoslavia.¹⁶³ The Article was also explicitly invoked in several communications from Member States,¹⁶⁴ often in the context of the general responsibility upon States under international law. In addition, Article 25 was explicitly invoked in three notes verbales from a Member State to the Secretary-General,¹⁶⁵ in which the Member State informed the Secretary-General that it had instituted in time all necessary measures for meeting the obligations set out in resolutions 841 (1993) and 917 (1994) respectively.

Of the draft resolutions submitted to the Security Council which were either not put to the vote or voted upon and not adopted, none contained explicit references to Article 25; and several texts contained paragraphs which might be deemed to have an implicit bearing on the Article.¹⁶⁶

¹⁶³ Letters dated 2 July, 4 August and 10 December 1993 (S/26040 and Add.1 and 2).

¹⁶⁴ Letter dated 26 April 1993 from the representative of New Zealand to the Secretary-General (S/25667); and letter dated 27 April 1993 from the Secretary-General addressed to the President of the Security Council (S/25686);

¹⁶⁵ Notes verbales dated 2 September 1993 and 15 June 1994 from the representative of Myanmar to the Secretary-General (S/26414 and S/1994/754); and note verbale dated 6 May 1993 from the representative of Uruguay to the Secretary-General (S/25763).

¹⁶⁶ In connection with the situation in the Republic of Bosnia and Herzegovina, see resolutions 816 (1993), third preambular para.; 820 (1993), eighth preambular para. and para. 17; 836 (1993), para. 1; 859 (1993), fourth preambular para.; 871 (1993), fifth preambular para.; 942 (1994), para. 18; 982 (1995), para. 9; 992 (1995), fourth preambular para.; 994 (1995), second preambular para.; 1009 (1995), fourth preambular para. and paras. 1 and 8; 1016 (1995), para. 1; 1019 (1995), para. 8; and 1034 (1995), first preambular para. and para. 12. In connection with the situation between Iraq and Kuwait, see resolutions 833 (1993), para. 5; and 949 (1994) paras. 2, 3 and 5. In connection with the situation in the Middle East, see resolutions 830 (1993), para. (a); 887 (1993), para. (a); 962 (1994), para. (a); 996 (1995), para. (a); and 1024 (1995), para. (a). In connection with the situation in Angola, see resolutions 864 (1993), tenth preambular para.; 890 (1993), para. 13; 903 (1994), para. 9; 922 (1994), para. 8; 932 (1994), para. 8; 945 (1994), para. 13; 952 (1994), ninth preambular para.; 966 (1994), tenth preambular para.; and 976 (1995), para. 12. In connection with the situation in Somalia, see resolutions 886 (1993), para. 11; 897 (1994), para. 9; and 923 (1994), para. 6. In connection with the situation concerning Rwanda, see resolutions 955 (1994), para. 2;

A number of statements made by the President of the Security Council, on behalf of the members of the Council,¹⁶⁷ contained formulations that might be considered as implicit references to Article 25. Several resolutions and presidential statements were directed at

978 (1995), fourth and ninth preambular paras.; and 1013 (1995), fifth preambular para. In connection with the situation in Liberia, see resolutions 813 (1993), para. 9; 950 (1994), para. 6; 972 (1995), para. 6; 985 (1995), fifth preambular para. and para. 4; 1001 (1995), tenth preambular para. and para. 10; 1014 (1995), para. 11; and 1020 (1995), para. 11. In connection with the letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, see resolution 883 (1993), paras. 1 and 2. In connection with the question concerning Haiti, see resolutions 841 (1993), paras. 10 (b) and 13; 875 (1993), para. 1; 917 (1994), twelfth preambular para. and paras. 10, 12 and 13; and 940 (1994), ninth preambular para.

¹⁶⁷ In connection with the United Nations Protected Areas in Croatia, see S/25178 (27 January 1993), second para.; S/PRST/1995/30, first and second paras.; S/PRST/1995/38, first para.; S/PRST/1995/23, second and third paras.; and S/PRST/1995/37, fourth para. In connection with the situation in the Republic of Bosnia and Herzegovina, see S/25302 (17 February 1993), second para.; S/25334 (25 February 1993), fourth para.; S/25426 (17 March 1993), first to third paras.; S/25520 (3 April 1993), third para.; S/25646 (21 April 1993), third para.; S/PRST/1994/6, second para.; S/PRST/1994/19, first para.; S/PRST/1994/26, fourth para.; S/PRST/1994/29, third para.; S/PRST/1995/34, second para.; S/PRST/1995/43, second para.; S/PRST/1994/71, second para.; and S/PRST/1994/11, third para. In connection with the situation between Iraq and Kuwait, see S/25081 (8 January 1993), fourth para.; S/25970 (18 June 1993), fifth and sixth paras.; S/26006 (28 June 1993), third para.; S/26787 (23 November 1993), third para.; S/PRST/1994/58, first and fourth paras.; and S/PRST/1994/68, second and third paras. In connection with items relating to an Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping, see S/25859 (28 May 1993), second para. In connection with the situation in Angola, see S/PRST/1994/45, ninth para.; and S/PRST/1995/11, fourth para. In connection with the situation between Armenia and Azerbaijan, see S/26326 (18 August 1993), sixth para. In connection with the situation in Somalia, see S/PRST/1995/15, eighth para. In connection with the situation concerning Rwanda, see S/PRST/1994/21, second para.; and S/PRST/1995/53, fifth para. In connection with the question concerning Haiti, see S/26460 (17 September 1993), eighth para.; and S/26747 (15 November 1993), eighth para. In connection with the situation in the Republic of Yemen, see S/PRST/1994/30, fourth para.

Member States in particular, at States in general, or at multiple parties, not all of which were Member States, often calling upon them to abide by their obligations to accept and carry out decisions of the Security Council.

Cases 21 to 23 below reflect the practice of the Council touching upon the provisions of Article 25 as illustrated by its decisions and deliberations: establishment of an international tribunal for the former Yugoslavia; the situation concerning Rwanda; and the situation between Iraq and Kuwait.

Case 21

Establishment of an International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia

At its 3175th meeting, on 22 February 1993, the Council adopted resolution 808 (1993), by which it decided to establish of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991.

By resolution 827 (1993), adopted at the 3217th meeting, on 25 May 1993, the Council decided that all States should cooperate fully with the 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 laws to implement the provisions of resolution 827 (1993) and the statute, including the obligation of States to comply with requests for assistance or orders issued by a trial chamber under article 29 of the statute. The Council also urged all States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the Tribunal, including the offer of expert personnel.

The representative of France noted that the resolution, which was a decision within the meaning of Article 25 of the Charter, thus now applied to all States. That meant, specifically, that all States were required to cooperate fully with the Tribunal, even if this obliged them to amend certain provisions of their domestic law.¹⁶⁸

¹⁶⁸ S/PV.3217, p. 12.

At its 3591st meeting, on 9 November 1995, the Council acknowledged a letter dated 31 October 1993 from the President of the International Tribunal for the Former Yugoslavia,¹⁶⁹ in which he noted that, following the failure of the Bosnian Serb administration to respond to the indictment and warrant of arrest on Dragan Nikolić, a decision by a trial chamber of the Tribunal had provided for the issuance of an international arrest warrant for him and had requested the President of the Tribunal to so inform the Security Council. At the same meeting, the Council unanimously adopted resolution 1019 (1995), by which it demanded that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia, comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993). The Council reiterated that request in resolution 1034 (1995).

Case 22

The situation concerning Rwanda

At its 3453rd meeting, on 8 November 1994, the Council adopted resolution 955 (1994), by which it decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994. By that resolution, the Council also decided that all States should cooperate fully with the Tribunal and its organs in accordance with the 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 a Trial Chamber under article 28 of the statute, and requests to States to keep the Secretary-General informed of such measures.

At its 3504th meeting, on 27 February 1995, the Council adopted resolution 978 (1995), by which it stressed the need for States to take measures necessary under their domestic law to implement the provisions of resolution 978 (1994) and the statute of the International Tribunal for Rwanda. The Council also

¹⁶⁹ S/1995/910.

urged all States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the Tribunal or by the appropriate national authorities, persons found within their territory against whom there was sufficient evidence that they were responsible for acts within the jurisdiction of the Tribunal.

Case 23

The situation between Iraq and Kuwait

By resolution 833 (1993), adopted at the 3224th meeting, on 27 May 1993, the Council, acting under Chapter VII of the Charter, demanded that Iraq and Kuwait, in accordance with international law and relevant Security Council resolutions, respect the inviolability of the international boundary, as demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission, and the right to navigational access.

At the 3246th meeting, on 28 June 1993, the President of the Council drew attention to letters from the representatives of Iraq¹⁷⁰ and Kuwait¹⁷¹ which reflected the two Governments' initial viewpoint on resolution 833 (1993). In a statement by the President,¹⁷² Council members reminded Iraq that the Commission had acted on the basis of resolution 687 (1991) and the Secretary-General's report on implementing paragraph 3 of that resolution, both of which were formally accepted by Iraq.

At the 3319th meeting, on 23 November 1993, in a statement by the President,¹⁷³ members of the Council demanded that Iraq, in accordance with

international law and relevant Council resolutions, respect the inviolability of the international boundary and take all necessary measures to prevent any violations of that boundary.

By resolution 949 (1994) of 15 October 1994, the Council reaffirmed the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and demanded that Iraq withdraw all military units deployed to southern Iraq to their original positions. The Council also demanded that Iraq should not utilize its military or any other forces in a hostile or provocative manner to threaten either its neighbours or United Nations operations in Iraq, and that Iraq cooperate fully with the United Nations Special Commission.

At the 3459th meeting, on 16 November 1994, the President drew the attention of the members of the Council to a letter dated 12 November 1994 addressed to the President of the Security Council from the Minister for Foreign Affairs of Iraq,¹⁷⁴ which confirmed Iraq's irrevocable and unqualified recognition of the sovereignty, territorial integrity and political independence of the State of Kuwait, and of the international boundary between the Republic of Iraq and the State of Kuwait as demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission. The members of the Council, through a statement by the President, welcomed that development, noted that Iraq had taken this action in compliance with resolution 833 (1993) and had unequivocally committed itself by full and formal constitutional procedures to respect Kuwait's sovereignty, territorial integrity and borders, as required by resolutions 687 (1991), 833 (1993) and 949 (1994).

¹⁷⁰ S/25905.

¹⁷¹ S/25963.

¹⁷² S/26006.

¹⁷³ S/26787.

¹⁷⁴ S/1994/1288, annex.

Part III

Consideration of the provisions of Chapter VIII of the Charter

Article 52

1. *Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements*

or agencies and their activities are consistent with the purposes and principles of the United Nations.

2. *The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by*

such regional agencies before referring them to the Security Council.

3. *The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.*

4. *This Article in no way impairs the application of Articles 34 and 35.*

Article 53

1. *The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.*

2. *The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.*

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Note

During the period under review, the Security Council decided, in regard to a number of situations under its consideration to engage in cooperation with regional arrangements or agencies in the maintenance of peace and security, as provided for in Chapter VIII of the Charter. Following the trend indicated in the previous Supplement of the *Repertoire*, the number of instances of cooperation further increased. While all of

these instances are to be considered within the framework of Chapter VIII of the Charter, the Council has not always evoked this Chapter in its decisions. The record of the deliberations of the Council during the period under review displays, however, a practice of constant reference by its members to Chapter VIII and its provisions in the meetings of the Council.

The more active involvement of regional organizations¹⁷⁵ in the maintenance of peace and security during the period under review has provided for a wider range of options for the Council as to the nature and modalities of cooperation with those regional arrangements, which differ in mandate, structure, capacity and experience in peace-related activities. Most of the activities by regional organizations appreciated or endorsed by the Council, and in some cases actively supported through the Secretary-General, concerned attempts at the peaceful settlement of disputes. The period under review marks a departure from Council practice insofar as the Council, for the first time, deployed a peacekeeping mission to a region where a peacekeeping operation of a regional organization was already operating. In addition, the Council authorized regional organizations to use force in order to implement trade and arms embargoes and, for the first time, authorized enforcement actions for the imposition of a flight ban and to support a mission in the performance of its mandate.

The Council's practice under Chapter VIII of the Charter is described in four sections. Section A captures the Council's discussion of the provisions of Chapter VIII in the context of the consideration of the Secretary-General's report entitled "An Agenda for Peace" and the supplement thereto. Section B sets out the various ways in which the Security Council encouraged and/or supported efforts by regional organizations in the pacific settlement of disputes. Section C deals with a case in which a Council member challenged the Council's competence to consider a dispute on the basis of Article 52. The final section describes two cases in which the Council authorized various enforcement actions by regional agencies.

¹⁷⁵ Chapter VIII of the Charter refers to "regional arrangements and agencies". The *Repertoire* follows the Council's practice in its use of these terms as synonymous with "regional organizations".

A. General consideration of the provisions of Chapter VIII

On several occasions during the period under review, in the context of the Council's consideration of the Secretary-General's report "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping",¹⁷⁶ Council members expressed their support for closer cooperation between the United Nations and regional arrangements and organizations within the framework of Chapter VIII of the Charter; invited those organizations to study ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions; and expressed its readiness to support and facilitate peacekeeping efforts undertaken in the framework of regional organizations and arrangements in accordance with Chapter VIII of the Charter.¹⁷⁷

At the Council's first consideration of the "Supplement to an Agenda for Peace"¹⁷⁸ at the 3492nd meeting, on 18 January 1995, Council members as well as a number of Member States reflected in their contributions to the debate on the cooperation between the United Nations and regional organizations. The broad majority of speakers emphasized the importance of cooperation of the United Nations with regional arrangements and agencies and expressed their support for the proposals of the Secretary-General in this regard.¹⁷⁹ The representative of the Russian Federation noted, in addition, that, in all instances of regional peacekeeping carried out on the basis of voluntary regional agreements and arrangements in accordance

with Article 52 of the Charter, United Nations involvement should be on the basis of voluntary, equitable cooperation without any monitoring or attempt to interfere in the settlement process, and without having responsibility — political and financial — for the outcome of that process.¹⁸⁰ The representative of the United States pointed out that the Council may continue, at times, to look to regional organizations or to individual Member States or ad hoc coalitions when peace enforcement was required. In those cases, it was essential that the Council retain the capacity to monitor such operations to ensure that they were conducted in accordance with accepted international principles.¹⁸¹

By a presidential statement adopted on 22 February 1995,¹⁸² in reference to the "Supplement to an Agenda for Peace", Council members welcomed the Secretary-General's willingness to assist regional organizations and arrangements as appropriate in developing a capacity for preventive action, peacemaking and, where appropriate, peacekeeping. It drew particular attention in this regard to the needs of Africa.

B. Encouragement by the Security Council of efforts undertaken by regional organizations in the pacific settlement of disputes

During the period under review, the Security Council encouraged a number of peace efforts undertaken by regional arrangements or agencies. In some cases, the Council supported those efforts by mandating the Secretary-General to cooperate with the regional organizations. For the first time, the Council sent a peacekeeping mission to a region where a mission of a regional agency was already operating. The Council's varied practice in support of regional efforts is set out below.

Africa

In order to achieve a pacific settlement of the situation in **Somalia**, the Security Council cooperated, during the period under review, with the Organization of African Unity (OAU), the League of Arab States

¹⁷⁶ S/24111, dated 17 June 1992.

¹⁷⁷ See presidential statements of 28 January 1993 (S/25184), 28 May 1993 (S/25859) and 3 May 1994 (S/PRST/1994/22).

¹⁷⁸ "Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations" (S/1995/1).

¹⁷⁹ S/PV.3492, p. 4 (United Kingdom); p. 9 (Indonesia, on behalf of the Non-Aligned Movement); and p. 11 (Botswana); p. 21 (Honduras); S/PV.3492 (Resumption 1), p. 1 (Italy); p. 5 (Nigeria); p. 6 (Oman); p. 14 (Argentina); p. 17 (France, on behalf of the European Union); p. 26 (Poland); p. 29 (Netherlands); p. 31 (Turkey); p. 33 (Canada); and p. 34 (Japan); and S/PV.3492 (Resumption 2), p. 16 (Hungary); p. 17 (Ireland); p. 20 (Romania); p. 24 (Bulgaria); and p. 31 (Egypt).

¹⁸⁰ S/PV.3492, p. 19.

¹⁸¹ *Ibid.*, p. 23.

¹⁸² S/PRST/1995/9.

(LAS) and the Organization of the Islamic Conference (OIC). On 3, 11 and 22 March 1993, pursuant to resolution 794 (1992) of 3 December 1992, the Secretary-General submitted a report on Somalia,¹⁸³ in which he stated that he had continued to promote efforts towards political reconciliation in cooperation with regional organizations. At its 3188th meeting, on 26 March 1993, the Council adopted resolution 814 (1993), by which it expressed its appreciation to OAU, LAS, OIC and the Movement of Non-Aligned Countries for their cooperation with, and support of the efforts of the United Nations in Somalia. In pursuance of resolution 814 (1993), the Secretary-General submitted to the Council a further report in which he observed that there was strong support for the United Nations role in Somalia from OAU, LAS and OIC, in particular for the need to take appropriate measures to ensure the implementation of the disarmament provisions of the Addis Ababa Agreement.¹⁸⁴

At the 3280th meeting, on 22 September 1993, several Council members expressed their appreciation of the efforts of OAU and LAS in rendering assistance to the Secretary-General.¹⁸⁵ By resolution 865 (1993), adopted at the same meeting, the Council welcomed the efforts of African countries, OAU, in particular its Horn of Africa Standing Committee, LAS and OIC, in cooperation with and in support of the United Nations, to promote national reconciliation in Somalia. By that resolution, the Council also called on all Member States to assist, in all ways possible, the Secretary-General, in conjunction with regional organizations, in his efforts to reconcile the parties and rebuild Somali political institutions; and invited the Secretary-General to consult the countries of the region and regional organizations concerned on means of further reinvigorating the reconciliation process.

At the 3315th meeting, on 16 November 1993, the President drew the attention of the Council members to a letter dated 25 October 1993 from the Permanent Representative of Ethiopia addressed to the President of the Security Council,¹⁸⁶ by which the President of Ethiopia informed the President of the Council that he was writing pursuant to the mandate given to him by the Heads of State and Government of

OAU and the leaders of countries members of the Intergovernmental Authority for Drought and Development, to follow developments in Somalia. In his letter, the President of Ethiopia stated that it had now been fully recognized that an African solution had to be found to the problems of Somalia. It was his conviction that it was time for that concept to be incorporated in a Security Council resolution or be endorsed by the Council. In that context, he further stated that it would be extremely helpful if UNOSOM were to be explicitly directed to carry out its mandate in partnership with OAU and the countries of the subregion, especially with regard to seeking and implementing a political solution to Somalia's problems. At that meeting, the Council adopted resolution 885 (1993), by which it noted further proposals made by Member States, in particular members of OAU, including those contained in the above-mentioned letter from the representative of Ethiopia, in which the establishment of a commission of inquiry to investigate armed attacks on UNOSOM II was recommended.

At the 3317th meeting, on 18 November 1993, the representative of Ethiopia stated that a genuine partnership between OAU, the countries of the subregion and the United Nations was important to the political process in Somalia.¹⁸⁷ The representative of China stated that he hoped that the positive role of OAU and countries in the region would be brought more fully into play and that, with the gradual realization of national reconciliation, UNOSOM II would become a peacekeeping operation in the traditional sense.¹⁸⁸ At that meeting, the Council unanimously adopted resolution 886 (1993), by which it welcomed and supported the ongoing diplomatic efforts being made by Member States and international organizations, in particular those in the region, to assist United Nations efforts to bring all parties in Somalia, including movements and factions, to the negotiating table.

At subsequent meetings, Council members continued to commend and to stress the importance of the role played by regional organizations, in particular OAU, LAS and OIC, in promoting the necessary reconciliation in Somalia and restoring civil society,

¹⁸³ S/25354 and Add.1 and 2.

¹⁸⁴ S/26317 of 17 August 1993.

¹⁸⁵ S/PV.3280, p. 11 (China); p. 27 (Russian Federation); and p. 28 (Spain).

¹⁸⁶ S/26627.

¹⁸⁷ S/PV.3317, p. 4.

¹⁸⁸ *Ibid.*, p. 21.

and expressed their support for those organizations.¹⁸⁹ The Council expressed these views in its resolutions 897 (1994) of 4 February 1994 and 954 (1994) of 4 November 1994 as well as in a presidential statement adopted on 6 April 1995.¹⁹⁰

In connection with the situation in **Liberia**, the Council, during the period under review, for the first time sent a United Nations force, the United Nations Observer Mission in Liberia (UNOMIL), into a conflict where a regional organization, the Economic Community of West African States (ECOWAS), was already operating. ECOWAS had been involved in Liberia diplomatically and, through its Ceasefire Monitoring Group (ECOMOG), militarily since the beginning of the conflict, while the Security Council had thus far commended its initiatives and endeavours. Pursuant to resolution 788 (1992), the Secretary-General, in his report of 12 March 1993,¹⁹¹ stated that Liberia represented a good example of systematic cooperation between the United Nations and a regional organization, as envisaged in Chapter VIII of the Charter. He also suggested that it might be the wish of the Council to continue to expand, as appropriate, the cooperative relationship between the United Nations and the concerned regional body.

In the Council's subsequent deliberations on the situation in Liberia, Council members expressed their support for enhanced cooperation between the United Nations and ECOWAS.¹⁹² By resolution 813 (1993), adopted at the 3187th meeting on 26 March 1993, the Council, recalling the provisions of Chapter VIII, commended ECOWAS and OAU for their efforts towards a peaceful resolution of the Liberian conflict and expressed its readiness to take measures in support of ECOWAS. Pursuant to that resolution, the Secretary-General submitted to the Council a further report on Liberia,¹⁹³ in which he outlined the proposed role of the United Nations in the implementation of the

Cotonou Agreement. That Agreement, signed on 25 July 1993, provided that ECOMOG would supervise and carry out the implementation of the provisions of the Agreement, while the United Nations would undertake monitoring and verification. In addition, the Secretary-General reported that ECOWAS had requested that the United Nations establish a trust fund to enable African countries to send reinforcements to ECOMOG and to provide assistance to countries already participating in ECOMOG.

At the 3263rd meeting, on 10 August 1993, the representative of Benin, on behalf of the Presidency of ECOWAS, assured the Council that ECOWAS would cooperate fully with the United Nations in the fulfilment of its mission in Liberia.¹⁹⁴ Several Council members described the conclusion of the Cotonou Agreement as a good example of cooperation between the United Nations and regional organizations, as advocated in Chapter VIII of the Charter, and encouraged the Secretary-General to also set up the proposed Trust Fund to assist ECOMOG contributing countries. The representative of France welcomed the fact that it was one of the first times that the United Nations, in the spirit of Chapter VIII of the Charter, had undertaken a peacekeeping operation in cooperation with a regional organization. He added that, for that first experiment, it was important that the competences and prerogatives of the two organizations be strictly respected, it being understood that the United Nations had to maintain its precedence. He further commented that the United Nations activities should be funded through mandatory contributions, whereas ECOMOG activities should be financed through the special trust fund, contributions to which would be voluntary.¹⁹⁵ At that meeting, the Council adopted resolution 856 (1993), by which it stated that it looked forward to the report of the Secretary-General on the proposed establishment of UNOMIL including, among other aspects, how to ensure coordination between UNOMIL and the peacekeeping forces of ECOWAS and their respective roles and responsibilities.

At the 3281st meeting, on 22 September 1993, all speakers stated that the cooperation between the United Nations and ECOMOG could serve as a precedent for future undertakings between the United Nations and

¹⁸⁹ Meetings held on 4 February 1994 (see S/PV.3334, p. 31 (Russian Federation)); and on 4 November 1994 (see S/PV.3447, p. 13 (Argentina); p. 17 (Spain); and p. 18 (Russian Federation)).

¹⁹⁰ S/PRST/1995/15.

¹⁹¹ S/25402.

¹⁹² At the 3187th and 3263rd meetings, held on 26 March 1993 and 10 August 1993, respectively. The Council also expressed its support for strengthening its cooperation with ECOWAS in a statement by the President adopted at the 3233rd meeting (S/25918).

¹⁹³ S/26200.

¹⁹⁴ S/PV.3263, pp. 9-10.

¹⁹⁵ *Ibid.*, p. 28.

regional organizations in other conflicts. The representative of Brazil noted that it was a case in which new modalities were being designed for close cooperation in the field between the United Nations and the regional organization. Brazil was convinced that such cooperation, with clearly defined roles for each organization, each in accordance with its own rules and procedures, was a very encouraging development.¹⁹⁶ At that meeting, the Council adopted resolution 866 (1993), by which it established UNOMIL and welcomed the intention of the Secretary-General to conclude with the Chairman of ECOWAS an agreement defining, before the deployment of UNOMIL, the roles and responsibilities of UNOMIL and ECOWAS in the implementation of the Peace Agreement. By that resolution, the Council also welcomed the establishment by the Secretary-General of a Trust Fund to facilitate the sending of reinforcements by African States to ECOMOG.

By subsequent presidential statements and by resolution 911 (1994) of 21 April 1994, the Council, *inter alia*, commended UNOMIL and ECOMOG for their continued efforts to restore peace, security and stability in Liberia and welcomed the close cooperation between the two missions.¹⁹⁷ By resolution 911 (1994), the Council, *inter alia*, welcomed the commitment of ECOMOG to ensure the safety of UNOMIL observers and civilian staff.

In the light of continued attacks against and abduction and harassment of United Nations and ECOMOG personnel, the Council, in a statement by the President on 13 September 1994,¹⁹⁸ requested ECOWAS to ensure that ECOMOG continued to extend protection to the extent possible to UNOMIL personnel, in accordance with the exchange of letters of 7 October 1993 between the Secretary-General and the Chairman of ECOWAS defining the respective roles and responsibilities of the two missions in Liberia.

On 10 June 1995, pursuant to resolution 985 (1995), the Secretary-General submitted to the Council a progress report, in which he recommended that the role of UNOMIL in Liberia and its relationship with

ECOMOG be adjusted to enable the two operations to function more effectively.

At the 3549th meeting, on 30 June 1995, the representative of Nigeria stated that the creation of ECOMOG had given practical expression to the cooperation envisaged in Chapter VIII of the Charter between regional organizations and the United Nations in the maintenance of international peace and security. He further commented that there was a need to assist ECOMOG with logistics and financial resources so that it could deliver on its commitments. Without a viable ECOMOG, the role and effectiveness of UNOMIL in Liberia would be seriously constrained.¹⁹⁹ In contrast, the representative of the Czech Republic warned that the shortcomings in cooperation between UNOMIL and ECOMOG were a troubling aspect of the Liberian situation. He stated that the parallel and concerted functioning of the two forces had been viewed as a model for Chapter VIII-style cooperation between a United Nations observer mission and a regional force in other parts of the world. It was therefore disturbing that, at the working level, cooperation “had not always been satisfactory,” as had been outlined in the Secretary-General’s report.²⁰⁰ The Czech Republic saluted the ECOWAS countries that had been shouldering the burden of ECOMOG, but it was particularly concerned that ECOMOG provide the necessary security for UNOMIL personnel, in line with the Cotonou Agreement, as specified by paragraph 12 of resolution 1001 (1995).²⁰¹

By resolution 1001 (1995), adopted at that meeting, as well as by subsequent resolutions,²⁰² the Council commended the positive role of ECOWAS in its continuing efforts to restore peace, security and stability in Liberia and called on ECOWAS, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement, to take necessary action to provide security for UNOMIL observers and civilian staff.

At the 3577th meeting, on 15 September 1995, the representative of Liberia stated that, for five years, ECOWAS had borne a substantial burden to maintain

¹⁹⁶ S/PV.3281, pp. 19-20.

¹⁹⁷ S/PRST/1994/9 of 25 February 1994, S/PRST/1994/25 of 23 May 1994 and S/PRST/1994/33 of 13 July 1994.

¹⁹⁸ S/PRST/1994/53.

¹⁹⁹ S/PV.3549, p. 4.

²⁰⁰ S/1995/473, dated 10 June 1995.

²⁰¹ S/PV.3549, p. 14.

²⁰² Resolutions 1014 (1995) of 15 September 1995 and 1020 (1995) of 10 November 1995.

its presence in Liberia. In keeping with Article 52 of the Charter, the Security Council had, through the creation and dispatch of UNOMIL, complemented the efforts of ECOWAS. UNOMIL involvement in the peace process had inspired confidence among Liberians that the international community was supportive of their desire to restore peace and normality in Liberia. It was the hope of the Government and people of Liberia that the United Nations would provide even more financial support to ECOMOG. He concluded by stating that, when a democratically elected government was inaugurated in Liberia, the cooperation between ECOWAS and the United Nations would indeed be recorded in the annals of the Organization as a unique success story, the lessons of which could be applied to conflicts in other parts of the world.²⁰³ Other speakers pointed out that improved and effective cooperation between UNOMIL and ECOMOG would be the key to the success of both missions and that they were looking forward to the Secretary-General's recommendations in that regard. The representative of Rwanda stated that his delegation was convinced that the United Nations, and the Security Council in particular, were not able to put an end to conflict in the region without the participation of regional and subregional African organizations. That was the reason why cooperation between the Security Council and the Secretariat and African regional organizations had to be recommended.²⁰⁴

On 10 November 1995, at the 3592nd meeting, several Council members expressed their support for the adjustment of the UNOMIL mandate as it clarified the division of tasks between UNOMIL and ECOMOG on the ground. In contrast to those statements, the representative of Rwanda pointed out that the funds necessary for ECOMOG operations for one year were less than those used in one week by the peacekeeping forces in the former Yugoslavia. For that reason, his country wished to reiterate its appeal to the Security Council and the Secretariat to resolve African problems only through Africa's own institutions, for the effect would be greater and the costs less. In the light of the African continent's economic situation, regional and subregional organizations needed only material and moral support to better carry out the tasks that States had assigned them.²⁰⁵ At that meeting, the Council

adopted resolution 1020 (1995), by which it adjusted the mandate of UNOMIL and stressed the need for close contacts and enhanced coordination between UNOMIL and ECOMOG in their operational activities at all levels.

In connection with **Angola**, the Council cooperated with OAU in order to achieve a peaceful settlement of the situation in that country. At the 3254th meeting, held on 15 July 1993, the representative of Egypt stated that, as Chairman of OAU, Egypt was pleased to participate in the current stage of the Security Council's deliberations on the question of peace in Angola. She then briefed Council members on the efforts made within the framework of discussions on Angola at the meeting of Heads of State and Government of OAU, which Egypt had hosted from 28 to 30 June 1993. On behalf of OAU, she emphasized the importance of continuing coordination and consultation between the United Nations and OAU in regard to the Angolan problem.²⁰⁶ At that meeting, the Council adopted resolution 851 (1993), by which it welcomed the Declaration on the Situation in Angola adopted by the Assembly of Heads of State and Government of OAU and the resolution on the situation in Angola adopted by the Council of Ministers of OAU at its fifty-eighth ordinary session, held at Cairo from 21 to 26 June 1993.

On 13 September 1993, pursuant to resolution 851 (1993), the Secretary-General submitted to the Council a further report on the United Nations Angola Verification Mission II.²⁰⁷ In his report, the Secretary-General welcomed the international community's growing efforts, especially those made by the OAU Ad Hoc Committee on Southern Africa, the Heads of State of neighbouring countries and the three observer States, in support of the search for a peaceful resolution to the Angolan conflict, and urged them to continue in those efforts.

By its subsequent resolutions,²⁰⁸ the Council welcomed the efforts of the OAU Ad Hoc Committee

²⁰³ S/PV.3577, p. 5.

²⁰⁴ *Ibid.*, p. 16.

²⁰⁵ S/PV.3592, p. 14.

²⁰⁶ S/PV.3254, pp. 59-60.

²⁰⁷ S/26434 and Add.1.

²⁰⁸ Resolutions 864 (1993) of 15 November 1993, 903 (1994) of 16 March 1994, 922 (1994) of 31 May 1994, 932 (1994) of 30 June 1994, 945 (1994) of 29 September 1994, 952 (1994) of 27 October 1994 and 966 (1994) of 8 December 1994. By the last-mentioned, the Council acknowledged that the mentioned efforts had resulted in the signing of the Lusaka Protocol.

on Southern Africa and of Heads of State of neighbouring countries to facilitate the resumption of the peace process in Angola and commended the efforts of the Secretary-General, his Special Representative and those of the three observer States to the Angolan peace process and of OAU and some neighbouring States, in particular Zambia, and encouraged them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the Peace Accords and relevant Security Council resolutions.

At its 3499th meeting, on 8 February 1995, the Council invited a delegation of the OAU Council of Ministers²⁰⁹ to participate in the discussion on the situation in Angola. The representative of Tunisia emphasized the great interest that President Zine El Abidine Ben Ali, Chairman of OAU, took in a final settlement of the conflict in Angola, and the determination of OAU to spare no effort, in collaboration with the Security Council, to maintain and consolidate peace in Angola and in Africa as a whole. The representative further pointed out that the presence of the ministerial delegation provided an opportunity to reaffirm the desire of OAU to continue and to strengthen its cooperation with the United Nations, particularly in the area of preventive diplomacy, through the OAU central mechanism for the prevention, management and settlement of conflicts in Africa. That cooperation had proved very useful in a number of situations, and the case of Angola once again provided an opportunity to observe a successful peacekeeping operation conducted by the United Nations with the participation of the African countries.²¹⁰ Several speakers welcomed the presence of the OAU ministerial delegation and its participation in the debate as a sign of the readiness of OAU and other regional organizations to contribute to the settlement of conflicts, and stressed that the involvement of regional organizations in solving crises was vital to the success of the United Nations.²¹¹ These views were reflected in resolution 976 (1995), adopted at that meeting.

²⁰⁹ Comprising the Foreign Ministers of Angola, Botswana, Lesotho, Namibia, South Africa, Tunisia and Zambia, and representatives of Guinea-Bissau and Senegal.

²¹⁰ S/PV.3499, p. 16.

²¹¹ *Ibid.*, p. 8 (Norway); S/PV.3499 (Resumption), p. 11 (China), p. 13 (France), p. 14 (Italy) and p. 16 (Rwanda).

With regard to **South Africa**, the Council, in a presidential statement adopted on 23 November 1993,²¹² invited the Secretary-General, as requested by the General Assembly,²¹³ to accelerate contingency planning for a possible United Nations role in the election process of that country, including coordination with the observer missions of OAU, the European Community and the Commonwealth.

At the 3329th meeting, on 14 January 1994, Council members welcomed the cooperation between the intergovernmental institutions involved in the monitoring of the South African elections and emphasized the importance of the coordinating role of the United Nations. By resolution 894 (1994), adopted at that meeting, the Council commended the positive contribution already made by the United Nations Observer Mission in South Africa (UNOMSA) to the transitional process in South Africa and the positive contribution of OAU, the Commonwealth and the European Union in that regard. By that resolution, the Council agreed with the proposals of the Secretary-General concerning the coordination of the activities of the international observers provided by OAU, the Commonwealth and the European Union.

In his last report to the Council on the question of South Africa, on 16 June 1994,²¹⁴ the Secretary-General noted that, as an exercise in preventive diplomacy, drawing on the strengths of several international organizations to support indigenous efforts towards peace and national reconciliation, the international community's efforts in South Africa since 1992 offered a unique and positive demonstration of the benefits of such cooperation. It had been probably the closest form of cooperation achieved by those organizations so far. He intended to invite OAU, the Commonwealth and the European Union, and other concerned regional organizations, to work out guidelines for future cooperation based on the success, as well as the mistakes, of their common experience in South Africa. By resolution 930 (1994), adopted at the 3393rd meeting on 27 June 1994, the Council commended the vital role played by the Special Representative of the Secretary-General and the Mission, together with OAU, the Commonwealth and

²¹² S/1994/16.

²¹³ General Assembly resolutions 48/159 A of 20 December 1993 and 48/230 of 23 December 1993.

²¹⁴ S/1994/717.

the European Union, in support of the establishment of a united, non-racial and democratic South Africa.

Asia

In **Tajikistan**, the Security Council established, during the period under review, the United Nations Mission of Observers in Tajikistan (UNMOT) in order to achieve, in cooperation with a collective peacekeeping force of the Commonwealth of Independent States (CIS) as well as in cooperation with CSCE through the good offices of the Secretary-General, a ceasefire and a peaceful settlement of the conflict.

Initially, the Council, through a decision and a communication,²¹⁵ welcomed the efforts by regional parties and CSCE aimed at stabilizing the situation. At its 3482nd meeting, on 16 December 1994, the Council decided, by resolution 968 (1994), to establish UNMOT with the mandate to assist in maintaining the ceasefire, and to maintain, to this end, close contacts with the parties to the conflict, as well as close liaison with the CSCE mission in Tajikistan and with the collective peacekeeping forces of CIS in Tajikistan and with the border forces.

The representative of Tajikistan stated that his delegation considered the collective peacekeeping forces of CIS to be a regional arrangement concluded in conformity with Chapter VIII of the Charter and with the purposes and principles of the Organization. The neutrality and impartiality of those forces were clearly reflected in their mandate, as reported by the Secretary-General.²¹⁶ The representative of the Russian Federation stated that the collective peacekeeping forces of CIS and the United Nations observer mission had separate mandates, but a single goal: to promote the stabilization of the situation and the process of national reconciliation in Tajikistan, a process which required their interaction.²¹⁷ The representative of the Czech Republic stressed the principle of neutrality and impartiality for the activities of "other forces" in Tajikistan and stated that his Government believed that monitoring their neutrality and impartiality should be a part of the job of UNMOT.²¹⁸

²¹⁵ Presidential statement of 23 August 1993 (S/26341); and letter dated 23 November 1993 from the President to the Secretary-General (S/26794).

²¹⁶ S/PV.3482, p. 3.

²¹⁷ *Ibid.*, p. 6.

²¹⁸ *Ibid.*, p. 8.

By its subsequent decisions,²¹⁹ the Council commended the efforts of the Secretary-General and his Special Envoy as well as of the countries and regional organizations acting as observers at the inter-Tajik talks, expressed its satisfaction at the close contacts of UNMOT with the parties to the conflict, as well as at its close liaison with the collective peacekeeping forces, the border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe (OSCE),²²⁰ and extended the mandate of UNMOT twice during the remainder of the period under review.²²¹

Europe

The Security Council and the Conference on Security and Cooperation in Europe joined efforts to achieve a peaceful settlement regarding the situation in **Nagorny Karabakh**. Besides expressing its full support for the efforts taken within the CSCE framework, and specifically for the Minsk Conference,²²² the Council requested the Secretary-General, in consultation with CSCE, to ascertain facts and submit urgently a report to the Council containing an assessment of the situation on the ground.²²³ In his report of 14 April 1993,²²⁴ the Secretary-General confirmed his continued full and active support for the CSCE effort to convene the Minsk Conference as soon as possible and to lend technical assistance in the deployment of the CSCE monitoring mission. By its subsequent decisions regarding the situation in Nagorny Karabakh,²²⁵ the Council continued to support, also by requesting the good offices of the Secretary-General, the efforts of the so-called Minsk

²¹⁹ Resolutions 999 (1995) of 16 June 1995 and 1030 (1995) of 14 December 1995; and presidential statement of 25 August 1995 (S/PRST/1995/42).

²²⁰ The name of the Conference on Security and Cooperation in Europe was changed to "Organization for Security and Cooperation in Europe" as from 1 January 1995.

²²¹ By resolution 999 (1995) until 15 December 1995; and by resolution 1030 (1995) until 15 June 1996.

²²² In its presidential statements of 29 January 1993 (S/25199) and 6 April 1993 (S/25539).

²²³ S/25539.

²²⁴ S/25600.

²²⁵ Resolutions 822 (1993) of 30 April 1993, 853 (1993) of 26 May 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 12 November 1993; and presidential statement of 18 August 1993 (S/26326).

group of CSCE, including a monitoring mission sent by that organization.

The Conference on Security and Cooperation in Europe stressed the importance of the Security Council's guidance for the peace process. The Chairman of CSCE noted in his report of 1 October 1993,²²⁶ considered at the Council's 3292nd meeting, on 14 October 1993, that the adoption of a Security Council resolution or a presidential statement on the Nagorny Karabakh conflict would represent a source of guidance and encouragement, both for the parties to the conflict and for the Minsk Group, and suggested some points to be included in such a decision, such as an expression of readiness on the part of the United Nations to send its representatives to observe the Minsk Conference, if invited, to provide all possible assistance for the substantive negotiations that would follow the opening of the Conference, and an expression of support for the monitoring mission developed by CSCE and of the willingness of the United Nations to be associated with it in any possible way. Resolution 874 (1993), adopted at that meeting, incorporated these as well as other points proposed by the Chairman of CSCE.

In a letter dated 20 April 1995 addressed to the President of the Security Council,²²⁷ the Co-Chairmen of the Minsk Conference observed that the continuing political support from the Security Council for the possible deployment of an OSCE peacekeeping force, as well as continued United Nations technical advice and expertise were required. The Chairman further expressed his gratitude for the assistance the United Nations Secretariat had afforded the High-level Planning Group in its work. By a presidential statement, adopted on 26 April 1995,²²⁸ the Council stressed the urgency of concluding a political agreement on the cessation of the armed conflict on the basis of the relevant principles of the Charter of the United Nations and of OSCE. It emphasized that the achievement of such an agreement was a prerequisite for the deployment of a multinational OSCE peacekeeping force. By that statement, the Council also confirmed its readiness to provide continuing political support, inter alia, through an appropriate resolution regarding the possible deployment of a multinational peacekeeping force of OSCE following agreement

among the parties for cessation of the armed conflict. The United Nations also stood ready to provide technical advice and expertise.

During the period under review, the Security Council decided to send an observer mission to **Georgia** to monitor a ceasefire in cooperation with a peacekeeping force provided by the Commonwealth of Independent States. In addition, the Council supported in its decisions²²⁹ the Secretary-General's ongoing cooperation with the Chairman-in-Office of CSCE in their efforts to bring peace to the region as well as the decisions taken by CSCE to that end. The cooperation between the missions of the United Nations and of CIS in the region was subject to extensive debates in the Council and will therefore be laid out in more detail.

At the 3268th meeting, on 24 August 1993, the representative of France stated that, "after Liberia, just recently", the Security Council was "once again faced with a situation that was new to it", which consisted in the United Nations intervening on the ground alongside other, regional players. That type of action posed a number of problems, in particular the problem of delimiting precisely who had what responsibilities.²³⁰ At that meeting, the Council adopted resolution 858 (1993), by which it established the United Nations Observer Mission in Georgia (UNOMIG), welcomed the deployment of mixed interim monitoring groups of Georgian/Abkhaz/Russian units designed to consolidate the ceasefire, and requested the Secretary-General to facilitate cooperation between the United Nations observers and those units within their respective mandates.

By a letter dated 21 June 1994,²³¹ the Minister for Foreign Affairs of the Russian Federation informed the Secretary-General that, acting on the basis of the provisions of Chapter VIII of the Charter, CIS had decided to introduce a collective force into the conflict zone for a period of six months. The Security Council would always be kept fully informed of the size of such forces and of their activities, in accordance with

²²⁶ S/26522.

²²⁷ S/1995/321.

²²⁸ S/PRST/1995/21.

²²⁹ Resolutions 849 (1993) of 9 July 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993 and 894 (1994) of 31 January 1994; S/PRST/1994/17 of April 1994; and resolutions 937 (1994) of 21 July 1994, 971 (1995) of 12 January 1995, and 993 (1995) of 12 May 1995.

²³⁰ S/PV.3268, p. 3.

²³¹ S/1994/732.

Article 54 of the Charter. The Minister stated further that CIS was anxious not to supplant the United Nations, but to help create the most favourable conditions for the efforts of the United Nations. It was therefore essential to establish from the very outset close cooperation between the peacekeeping force and UNOMIG. The Russian Federation hoped that the Security Council would decide to enlarge the staff of the Mission and expand and refine its mandate.

At its 3398th meeting, 30 June 1994, the Council adopted resolution 934 (1994), by which it noted with satisfaction the beginning of CIS assistance in the zone of conflict, in continued coordination with UNOMIG, and on the basis of further coordinating arrangements with UNOMIG to be agreed by the time of the Council's consideration of the Secretary-General's recommendations on the expansion of UNOMIG; and requested the Secretary-General to report to the Council on the outcome of discussions between UNOMIG, the parties and the CIS peacekeeping force designed to reach an agreement on the arrangements which would exist on the ground for coordination between an expanded UNOMIG and the CIS peacekeeping force.

The representative of France stated that it was necessary that, together with the deployment of CIS, a new mandate be rapidly entrusted to UNOMIG to verify all aspects of the implementation of the agreement of 14 May 1994. The Council would not be able to adopt a resolution to that effect until the Mission and the CIS force had concluded the necessary arrangements concerning the coordination of their activities and until the parties had given the assurances that would guarantee full freedom of movement.²³² The representative of the Czech Republic stated that his delegation believed that the new element in the resolution, introduced originally by the Russian Federation, ran counter to the general understanding in the Security Council that the Council would be in a position to consider and pass judgement on the peacekeeping operation of CIS in Abkhazia, Georgia, only after it had received and deliberated upon the Secretary-General's substantive report on UNOMIG. That report should be available shortly and should address a number of important, and so far unclear, aspects of the peacekeeping operation in Abkhazia, Georgia, including the vital issue of coordination and

cooperation between UNOMIG and the CIS peacekeeping forces. He reiterated his delegation's concern that many aspects of the CIS peacekeeping operation, including coordination and interaction with UNOMIG, remained unclear and hazy.²³³

At the 3407th meeting, on 21 July 1994, Council members discussed the modalities of the cooperation between UNOMIG and the CIS peacekeeping force and reflected on the implications of cooperation between missions of the United Nations and a regional organization or a Member State in general. With regard to the situation in Georgia, the representative of France stated that there was a need to find a balance between the action of the peacekeeping force of the CIS member States — autonomous action — and that of a United Nations mission with a mandate from the Council. It was also important to give UNOMIG the mandate to observe the action of the peacekeeping force of the CIS member States within the framework of the implementation of the Agreement of 14 May — a requirement that became legitimate once the United Nations was requested to participate in the implementation of that Agreement. His delegation welcomed the fact that the Russian Federation had sought the support of the Council for a regional stabilization operation in CIS and that that operation thus became a part of the process of a political settlement that was under the auspices of the United Nations. That positive development emphasized the regulatory functions that the Security Council had now shouldered for peacekeeping activities carried out by Powers or by regional forums.²³⁴ The representative of the Russian Federation stated that his country and the other States of CIS believed that the closest interaction between the CIS peacekeeping forces and UNOMIG was the most important condition for the successful attainment of their parallel objectives.²³⁵ The representative of New Zealand stated that the presence of two peacekeeping operations in one country made it imperative that the relationship between those two forces be clearly set out and well understood by all involved at all levels. There were a number of elements²³⁶ which — as past experience with United

²³² S/PV.3398, p. 2.

²³³ *Ibid.*, p. 3.

²³⁴ S/PV.3407, p. 4.

²³⁵ *Ibid.*, pp. 5-6.

²³⁶ Consistency between the concept of operations of the two forces; conformity with peacekeeping principles; and satisfactory arrangements for interaction between the forces (see S/PV.3407, p. 6).

Nations peacekeeping operations suggested — needed to be addressed in such a situation, which resolution 937 (1994) did.

The representative of the Czech Republic noted that the issue of UNOMIG observing the CIS mission had been of great concern and importance to his delegation throughout the Council's deliberations on Abkhazia, Georgia. UNOMIG reports on that issue should therefore be followed with particular interest. He stressed that by adopting resolution 937 (1994), the Security Council had entered uncharted waters. For the first time, Council members had been faced with a situation in which a State with openly declared national interests in the region was undertaking a peacekeeping operation in a neighbouring country. After that first case might come other cases. No two peacekeeping operations were identical; each had its unique settings and features. Therefore, his delegation did not regard the resolution as one that would set a precedent.²³⁷ The representative of the United Kingdom acknowledged that in many ways the resolution and the arrangements set out in it broke new ground. That approach came against the background of increasing demands on United Nations peacekeeping capabilities, demands that threatened to outstrip supply. It represented a response to a situation of grave concern to all, but in which the conditions allowing for the deployment of a United Nations peacekeeping operation did not, at that point, exist.²³⁸

The representative of Nigeria observed that his delegation did not see the resolution as "ground-breaking". With the demands for United Nations collective peacekeeping outstripping its ability and resources, it had already become clear and imperative that regional organizations and/or arrangements had to step in. The representative pointed out that "in all modesty, we in the West African subregion can claim to have already blazed that trail" with the arrangement in Liberia of ECOWAS, which was later complemented by UNOMIL.²³⁹ The President, speaking in his capacity as the representative of Pakistan, expressed concern over an emerging tendency to attribute peacekeeping roles to the countries of the region, especially when such countries had direct political interests in the area of the conflict. The States Members of the United Nations should in no way

abrogate their Charter responsibilities in such a manner. His delegation was aware of the financial difficulties faced by the United Nations, particularly in relation to its peacekeeping operations. These constraints, however, should not be allowed to impinge upon the obligations of the United Nations to uphold peace and security around the world. It was the common responsibility not to allow any erosion of the system of collective security as envisaged in the Charter. His delegation did not favour the practice of post facto endorsement by the Security Council of a regional peacekeeping operation which was outside the purview of the United Nations.²⁴⁰

By resolution 937 (1994), adopted at that meeting, the Council, noting the assurances given by the parties and the representatives of the CIS peacekeeping force concerning the full freedom of movement of UNOMIG in the performance of its mandate, decided that the mandate of an expanded UNOMIG should include observing the operation of the CIS peacekeeping force. The Council also noted the Secretary-General's intention to write to the Chairman of the Council of Heads of State of CIS on the respective roles and responsibilities of UNOMIG and the CIS peacekeeping force, and requested the Secretary-General to establish an appropriate arrangement to that effect.

In its subsequent decisions on the situation in Georgia, the Council commended the cooperation between the United Nations and the CIS forces and decided twice, during the remainder of the period under review, to extend the mandate of UNOMIG.²⁴¹

During the period under review, the Council supported the efforts of CSCE to achieve a peaceful settlement of the situation in the **former Yugoslavia**, specifically its continued presence in the region to that end. By a letter dated 20 July 1993,²⁴² the Chairman-in-Office of the Council of Ministers of CSCE informed the President of the Security Council, in conformity with Article 54 of the Charter, that it was the considered opinion of the CSCE participating States that the decision by the Belgrade authorities not

²³⁷ S/PV.3407, pp. 8-9.

²³⁸ *Ibid.*, p. 9.

²³⁹ *Ibid.*, p. 12.

²⁴⁰ *Ibid.*, p. 13.

²⁴¹ By resolution 971 (1995) of 12 January 1995, the Council extended the UNOMIG mandate until 15 May 1995; by resolution 993 (1995) of 12 May 1995, until 12 January 1996.

²⁴² S/26121.

to allow the continued functioning of the CSCE missions in Kosovo, Sandzak and Vojvodina aggravated the existing threats to peace and security in the region.

At the 3262nd meeting, on 9 August 1993, the representative of China, referring to the principle of non-interference in the internal affairs of sovereign States, observed that practice over the years had shown that the consent and cooperation of the parties concerned were essential factors in ensuring the success of the endeavours of the United Nations and regional organizations. The speaker noted that, when differences arose between a regional organization and a sovereign State, it was important to consider the question whether the Security Council should involve itself and, if so, which principle should guide its actions.²⁴³ The representative of Hungary stated that the CSCE missions had proved extremely valuable in promoting stability and counteracting the risk of ethnically motivated violence in Kosovo, Sandjak and Vojvodina. Hungary, like the CSCE community as a whole, was of the view that the expulsion of the CSCE mission was an act that further aggravated the threat to peace and security in the Balkan region. Therefore, his country considered that the call of the Council to the Belgrade Government to re-examine its position was a perfectly legitimate and sound action, supporting the efforts of CSCE in a matter of grave concern.²⁴⁴ That position was echoed by the representatives of Pakistan,²⁴⁵ France,²⁴⁶ Spain²⁴⁷ and the United States.²⁴⁸ By resolution 855 (1993), adopted at that meeting, the Council endorsed the efforts of CSCE and called upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina; to cooperate with CSCE by taking the practical steps needed for the resumption of the activities of those missions; and to agree to an increase in the number of monitors as decided by CSCE.

²⁴³ S/PV.3262, pp. 4-5.

²⁴⁴ *Ibid.*, pp. 5-6.

²⁴⁵ *Ibid.*, p. 8.

²⁴⁶ *Ibid.*, p. 9.

²⁴⁷ *Ibid.*, pp. 12-13.

²⁴⁸ *Ibid.*, pp. 17-18.

Americas

During the period under review, the Security Council cooperated with the Organization of American States (OAS) in order to achieve a pacific settlement of the situation in **Haiti**. The cooperation between the United Nations and OAS took place at various levels and included a number of measures by the Council.²⁴⁹ The most important elements of its decisions in support of the cooperation between the Secretary-General of the United Nations and the Secretary-General of OAS are described in the following.

At its 3238th meeting, on 16 June 1993, the Council adopted resolution 841 (1993), by which it commended the efforts undertaken by the Secretary-General's Special Representative for Haiti and the Secretary-General of OAS to establish a political dialogue with the Haitian parties; recalled in this respect, the provisions of Chapter VIII of the Charter; and stressed the need for effective cooperation between regional organizations and the United Nations. The Council also welcomed the request by the General Assembly that the Secretary-General take the necessary measures to assist, in cooperation with OAS, in the solution of the crisis in Haiti, and requested the Secretary-General to report to the Security Council on progress achieved in the efforts jointly undertaken by him and the Secretary-General of OAS with a view to reaching a political solution to the crisis in Haiti.

On 12 July 1993, pursuant to resolution 841 (1993), the Secretary-General submitted to the Council a report, in which he informed the Council that he had met with the President of Haiti and the Commander-in-Chief of the Armed Forces of Haiti at Governors Island, New York, from 27 June to 3 July 1993. The meeting had resulted in the signing of a 10-point

²⁴⁹ In addition to its support of the measures taken to achieve a peaceful settlement, the Security Council officially authorized sanctions imposed by OAS and imposed additional ones (see section D below). The Council also established the United Nations Mission in Haiti (resolution 867 (1993)) and authorized, by resolution 940 (1994), Member States to form a multinational force and to use all necessary means to facilitate the departure from Haiti of the military leadership, and the restoration of the legitimate authorities of the Government of Haiti, and to establish and maintain a secure environment that would permit the implementation of the Governors Island Agreement (see chapter V, part I, section C).

Agreement containing, inter alia, the following arrangements: organization under the auspices of the United Nations and OAS of a political dialogue between representatives of the political parties represented in the Parliament, with the participation of representatives of the Presidential Commission; suspension, on the initiative of the Secretary-General of the United Nations, of the sanctions adopted under resolution 841 (1993), and the suspension, on the initiative of the Secretary-General of OAS, of the OAS sanctions, immediately after the Prime Minister was confirmed and had assumed office in Haiti; and verification by the United Nations and OAS of fulfilment of all the commitments contained in the Governors Island Agreement.²⁵⁰

At its 3282nd meeting, on 23 September 1993, the Council unanimously adopted resolution 867 (1993), by which it established the United Nations Mission in Haiti (UNMIH) for a period of six months; and by which it, inter alia, welcomed the intention of the Secretary-General to place the peacekeeping Mission under the oversight of the Special Representative of the Secretary-General of the United Nations and the Secretary-General of OAS,²⁵¹ who also oversaw the activities of the International Civilian Mission in Haiti,²⁵² so that the peacekeeping Mission could benefit from the experience and information already obtained by the Civilian Mission. The Council also expressed its appreciation for the constructive role of OAS in cooperation with the United Nations in promoting the solution of the political crisis and the restoration of democracy in Haiti, and stressed in this context the importance of ensuring close coordination between the United Nations and OAS in their work in Haiti.

By its subsequent decisions concerning the situation in Haiti,²⁵³ the Council expressed its support

for the joint efforts of the Secretaries-General of the United Nations and OAS to achieve a political settlement through the implementation of the Governors Island Agreement, and for their efforts to facilitate the immediate return to Haiti of MICIVIH, and called upon them to continue to render all appropriate assistance to the Haitian electoral process.

C. Challenges to the appropriateness of Security Council action in the light of Article 52

The enumeration of the peaceful means by which the parties to a dispute, in accordance with Article 33 (1) of the Charter, shall first of all seek to settle their dispute, includes “resort to regional agencies or arrangements”. This is further emphasized in Article 52, which provides that Member States “shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council”; and that the Security Council “shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies”. During the period under review, Member States challenged the competence of the Security Council to consider a dispute on the basis of these provisions in one instance (case 24).

Case 24

Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

In connection with letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the representative of the Sudan, speaking on behalf of the League of Arab States, stated at the Council’s 3312th meeting on 11 November 1993 that the matter before the Council concerned a State member of LAS and pointed out that LAS had expressed willingness to provide its good offices and to cooperate with the Secretary-General and the Security Council in resolving the deteriorating conflict. The representative noted that, in dealing with the crisis, LAS had based itself on the Charter, which stipulated that all international disputes should be settled by peaceful means and without endangering international

²⁵⁰ S/26063.

²⁵¹ Both functions were held by Mr. Dante Caputo.

²⁵² On 20 April 1993, the General Assembly, by its resolution 47/20 B, authorized the United Nations participation, jointly with OAS, in the International Civilian Mission in Haiti with the initial task of verifying compliance with Haiti’s international human rights obligations.

²⁵³ Presidential statements of 30 October 1993 (S/26668) and 15 November 1993 (S/26747); resolutions 917 (1994) of 6 May 1994, 944 (1994) of 29 September 1994, 975 (1995) of 30 January 1995 and 1007 (1995) of 31 July 1995; and S/PRST/1995/55 of 16 November 1995.

peace and security, and especially on Article 52 of the Charter.²⁵⁴

In explanation of his vote of abstention, the representative of China pointed out that organizations such as the Organization of African Unity, the League of Arab States and the Movement of Non-Aligned Countries had expressed their willingness to contribute to the settlement of the crisis, and had already made unremitting efforts and achieved certain results. More time should be given for these continuing efforts by the organizations that were in a better position to promote the settlement of the dispute.²⁵⁵

D. Authorization by the Security Council of enforcement action by regional organizations

During the period under review, with regard to the situation in **Bosnia and Herzegovina**, the Security Council, recalling Chapter VIII of the Charter in several of its decisions, authorized, for the first time, “States acting nationally or through regional organizations” to use force for the purposes of implementation of a flight ban and support of a United Nations mission in the performance of its mandate. It further continued to authorize, under the same formula, Member States to enforce an arms and trade embargo.

At the 3191st meeting, on 31 March 1993, the representative of France stated that the Security Council was adopting a resolution that would mark the involvement of new actors — States or regional organizations — which would intervene in new circumstances, as peacemakers and not simply as peacekeepers. The representative welcomed the fact that a balance had been struck between the technical necessity of setting up effective military structures and the political need to place them under the authority of the Security Council, in close coordination with the Secretary-General. Those principles should serve as a model for future peacekeeping or peacemaking operations, to be carried out with Member States acting in their national capacity or in the framework of regional organizations or arrangements.²⁵⁶ The representative of Brazil stated that his delegation attached particular importance to the fact that, in

accordance with the resolution, the Security Council would be kept thoroughly informed of the relevant actions and that regional organizations or arrangements involved in the action would be doing so under the provisions of Chapter VIII of the Charter.²⁵⁷ At that meeting, the Council adopted resolution 816 (1993), by which, recalling the provisions of Chapter VIII of the Charter, it authorized Member States, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council, all necessary measures to enforce a flight ban in the airspace of Bosnia and Herzegovina. Pursuant to that resolution, the Secretary-General informed the President of the Security Council by a letter dated 9 April 1993²⁵⁸ that Member States concerned, acting nationally as well as through the regional arrangement of the North Atlantic Treaty Organization (NATO), had been closely coordinating with him and the United Nations Protection Force (UNPROFOR) on the measures they were taking to ensure compliance with the ban on all flights in the airspace of Bosnia and Herzegovina.

On 17 April 1993, at its 3200th meeting, the Council adopted, resolution 820 (1993), by which, recalling the provisions of Chapter VIII of the Charter, it reaffirmed the responsibility of riparian States to take necessary measures to monitor and, if necessary, halt and control, under the authority of the Security Council, shipping on the Danube in accordance with resolutions 713 (1991), 757 (1992) and 787 (1992). The Council reiterated in this connection its request in resolution 787 (1992) to all States, including non-riparian States, to provide, acting nationally or through regional organizations or arrangements, such assistance as may be required by the riparian States.

At its 3228th meeting, on 4 June 1993, the Council adopted resolution 836 (1993), by which it decided that Member States, acting nationally or through regional organizations or arrangements, could take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate.²⁵⁹ The

²⁵⁴ S/PV.3312, pp. 30-39.

²⁵⁵ Ibid., pp. 52-54.

²⁵⁶ S/PV.3191, p. 4.

²⁵⁷ Ibid., pp. 19-20.

²⁵⁸ S/25567.

²⁵⁹ The Council reaffirmed this decision in resolution 844 (1993), adopted on 18 June 1993.

representative of the United Kingdom stated that the resolution on “safe areas” which had just been adopted was another essential step in the immediate agenda. A new element was that the United Kingdom, with France and the United States, probably acting in a NATO framework, were prepared, once authorized by this resolution, to make available air power in response to calls for assistance from United Nations forces in and around the “safe areas”.²⁶⁰

Throughout the period under review, with regard to the situation in Bosnia and Herzegovina, cooperation between the United Nations and regional actors, including NATO, remained subject to extensive discussions in the Council. At the 3336th meeting, on 14 and 15 February 1994, the representative of the United States noted that, for the first time, a regional security organization, NATO, had acted to implement a decision of the Council to use force under Chapter VII of the Charter. Cooperation between NATO and the United Nations would be essential, not only for the citizens of Sarajevo and the other safe areas in Bosnia, but also for the precedent it would set for the future of collective security. The firm and fair implementation of the NATO decision would contribute much to the credibility of the Security Council and the United Nations.²⁶¹ In contrast, the Minister for Foreign Affairs of Malaysia observed, at the 3370th meeting on 27 April 1994, that the events in Gorazde had placed the Security Council, the major Powers and the machinery of the United Nations, reposed in the Secretary-General, in an untenable position. They had, among other things, exposed the breakdown in the chain of command and between principled stand, responsibility and the need for action. One could only conclude that, between the United Nations machinery, as reposed in the Secretary-General, the Security Council and NATO, there had been a clear deflection of responsibility. It had raised in many quarters the question who was actually in charge.²⁶² At the 3578th meeting, on 15 September 1995, the representative of Botswana stressed that it was critical that the Council guard against losing control altogether in transferring the authority of the United Nations to regional arrangements. In such situations, the United Nations should never assume the position of a bystander in an

operation that was supposed to be under the command and control of the Security Council.²⁶³

In the light of the transfer of authority from UNPROFOR in Bosnia and Herzegovina to an implementation force, the representative of Brazil observed at the 3607th meeting, on 15 December 1995, that, as the implementation force took up its position in a terrain still fraught with uncertainties, it was essential that the organ responsible for safeguarding international peace and security be given the necessary tools to enable it to exercise the role ascribed to it in the Charter. The representative noted that the creation of multinational forces at the behest of the Security Council had ceased to be an unusual feature. If those forces were to be perceived by the international community as legitimate and credible, however, the necessary accountability towards the Security Council had to be strictly observed. As an organ acting on behalf of the entire United Nations membership, the Security Council was given wide powers in responding promptly to evolving situations. That it should envisage the creation of multinational forces for dealing with certain situations and not with others was a matter that deserved to be clarified for all United Nations Members in the most satisfactory manner if support for such decisions were to have the desired firmness and unanimity.²⁶⁴ At that meeting, the Council adopted resolution 1031 (1995), by which the Council authorized the Member States acting through or in cooperation with the organization referred to in the Peace Agreement to establish a multinational implementation force under unified command and control in order to fulfil the role specified in that Agreement.

With regard to the situation in **Haiti**, during the period under review the Security Council, recalling Chapter VIII in several of its decisions, gave its authorization for a trade and arms embargo previously imposed by OAS against Haiti and imposed additional measures under Chapters VII and VIII of the Charter.

By a letter dated 7 June 1993 addressed to the President of the Security Council,²⁶⁵ the representative of Haiti requested that the Council make universal and mandatory the sanctions that were being applied against the de facto authorities in Haiti by OAS. He

²⁶⁰ S/PV.3228, pp. 56-57.

²⁶¹ S/PV.3336, p. 21.

²⁶² S/PV.3370, p. 8.

²⁶³ S/PV.3578, p. 10.

²⁶⁴ S/PV.3607, p. 27.

²⁶⁵ S/25958.

recommended that the Council give priority to the embargo on petroleum products and the supply of arms and munitions.

At the 3238th meeting, on 16 June 1993, the representative of Canada noted that the OAS embargo on trade with Haiti was not binding on countries which were not members of that organization, thus reducing its impact and thereby allowing the illegal regime in Port-au-Prince to cling to power. Acknowledging that reality, OAS had found it necessary to seek the support of the United Nations. Canada strongly supported the efforts of the past six months of the Special Envoy of OAS and the United Nations to reach a negotiated settlement. The Council should respond positively to the call by President Aristide and impose an embargo on the delivery of oil supplies in order to bring about a speedy conclusion to the situation.²⁶⁶ By resolution 841 (1993), adopted at that meeting, the Council, considering that the request of the Permanent Representative of Haiti defined a unique and exceptional situation warranting extraordinary measures by the Security Council in support of the efforts undertaken within the framework of OAS; and decided to implement the provisions set forth in paragraphs 5 to 14 of that resolution, which were consistent with the trade embargo recommended by OAS.

²⁶⁶ S/PV.3238, p. 7.

In subsequent resolutions regarding the situation in Haiti,²⁶⁷ the Council, continuously acting under Chapters VII and VIII of the Charter and calling upon Member States, acting nationally or through regional agencies or arrangements, decided on the suspension, reinstatement, expansion²⁶⁸ and termination of enforcement actions in accordance with the recommendations laid out in the reports of the Secretary-General,²⁶⁹ having regard for the views of the Secretary-General of OAS.

At its 3437th meeting, on 15 October 1994, the Council adopted resolution 948 (1994), by which it welcomed the fact that, now that President Aristide had returned to Haiti, sanctions would be lifted in accordance with resolution 944 (1994). At that meeting, the representative of Nigeria, like other members of the Council, welcomed the peaceful return, on that day, of President Aristide to Haiti, which was due to the tremendous efforts of the United Nations, its Secretary-General, the regional organization and other Member States.

²⁶⁷ Resolutions 861 (1993) of 27 August 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 917 (1994) of 6 May 1994, 944 (1994) of 29 September 1994 and 948 (1994) of 15 October 1994.

²⁶⁸ By resolution 917 (1994) of 6 May 1994, the Council also imposed a flight and trade embargo against Haiti; a travel embargo for officers of the Haitian military, their families or those employed by them; and an asset freeze for persons defined by that resolution.

²⁶⁹ See reports of the Secretary-General dated 12 July 1993 (S/26063), 26 August 1993 (S/26361), 13 October 1993 (S/26573), 20 June 1994 (S/1994/742) and 28 September 1994 (S/1994/1143).

Part IV

Consideration of the miscellaneous provisions of the Charter (Articles 102 and 103)

Article 102

1. *Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.*

2. *No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may*

invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

During the period under review, Article 102 was not explicitly invoked in any resolution. The principle of Article 102 was referred to during the deliberations of the Council at the 3256th meeting, on 20 July 1993, in connection with the status of the city of Sevastopol. In response to a decree establishing the Russian federal status of the city of Sevastopol adopted by the Supreme Soviet of the Russian Federation, the representative of Ukraine noted that the decree “is a flagrant violation of the international commitments flowing from Russia’s membership in the United Nations, its participation in the Conference on Security and Cooperation in Europe and the Treaty between Ukraine and Russia ratified by that very same Russian Parliament on 19 November 1990, which has been registered with the United Nations Secretariat in accordance with the Charter of the United Nations”.²⁷⁰

Other than the instance mentioned above, Article 102 was explicitly referred to in a letter dated 18 April 1995 from the representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama addressed to the Secretary-General. Annex VII to the letter contained the text of the Treaty on Central American Social Integration, section V of which envisioned its formal registration with the United Nations in accordance with Article 102.²⁷¹

Implicit references to Article 102 emerged on several occasions in letters and notes by the President of the Council. The principle of Article 102 was invoked in a note by the President of the Security Council and in three letters from the Permanent Representative of Ukraine to the President of the Security Council, in reference to the status of the city of Sevastopol.²⁷²

Regarding the situation between Iraq and Kuwait, Article 102 was implicitly referred to twice: in a note by the President of the Security Council containing a statement of the President made on behalf of the Council and in a letter from the Permanent

Representative of Kuwait addressed to the Secretary-General.²⁷³

Article 102 was also implicitly invoked in a letter from the Secretary-General addressed to the President of the Security Council in connection with the request for admission to membership in the United Nations of the State admitted as the former Yugoslav Republic of Macedonia.²⁷⁴

During the period under review, Article 103 was not explicitly invoked in any resolution. During the Council proceedings in connection with the situation in Bosnia and Herzegovina, Article 103 was expressly referred to on two occasions.

At the 3370th meeting, on 27 April 1994, the representative of Egypt, referring to the inalienable right of all States of individual or collective self-defence (Article 51), stressed that the military embargo against Bosnia and Herzegovina contradicted the provisions of the Charter and the most fundamental principles of justice. Explicitly referring to Article 103, the representative stressed the supremacy of the Charter over decisions of the Council and noted that “the continued imposition of the military embargo on the Bosnian Government ... is contrary to the inherent right provided for in the Charter”.²⁷⁵

On the second occasion, at the 3454th meeting of the Council, on 9 November 1994, the representative of Egypt stated: “should the Council fail to break the deadlock by choosing not to adopt the anticipated resolution, the States concerned will have the right to invoke Article 51 of the Charter, and under Article 103, individually or collectively provide Bosnia and Herzegovina with the means of self-defence”.²⁷⁶

²⁷⁰ S/PV.3256, p. 7.

²⁷¹ S/1995/396.

²⁷² S/26118. In the letters from its representative (S/26100, S/26109, S/26075 and S/26118), Ukraine rejected the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol.

²⁷³ S/26006, dated 28 June 1993. The note made reference to “The Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters” signed by both parties on 4 October 1963 and registered with the United Nations. See also S/26132, dated 21 July 1993.

²⁷⁴ S/25855. Annex V to the letter contains a draft treaty confirming the existing frontier and establishing measures for confidence-building, friendship and neighbourly cooperation. At the end of the text is a reference to the registration of the agreement with the Secretariat of the United Nations.

²⁷⁵ S/PV.3370, p. 19.

²⁷⁶ S/PV.3454 (Resumption 1), p. 49.

Besides those mentioned above, the Security Council adopted a number of resolutions imposing measures under Chapter VII of the Charter, in which it invoked the principle of Article 103 by emphasizing the primacy of the Charter obligations over obligations contracted by Member States under any other international agreement. Most of the resolutions by which the Council imposed measures under Chapter VII in respect of Haiti, Angola, the Libyan Arab Jamahiriya and Rwanda included such provisions, as set out below.

At its 3238th meeting, on 16 June 1993, the Council adopted resolution 841 (1993) in connection with the sanctions against Haiti, and called upon “all States and all international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 23 June 1993”.

The Council adopted resolutions that included similar language in a number of other cases. These included resolution 864 (1993) of 15 September 1993

imposing measures under Chapter VII in respect of UNITA;²⁷⁷ resolution 883 (1993) of 11 November 1993, imposing sanctions against the Libyan Arab Jamahiriya for its failure to comply with resolutions 731 (1992) and 748 (1992); resolution 917 (1994) of 6 May 1994, by which it expanded the sanctions imposed against Haiti until the return of the legitimately elected president; and resolution 918 (1994) of 17 May 1994, by which it imposed an arms embargo on Rwanda.

During the period of review, Article 103 was not a subject of debate in the Security Council. Article 103 was however explicitly evoked in a note by the President to the Council, transmitting a statement made by the President to the media in reference to the situation concerning the navigation on the Danube River in the Federal Republic of Yugoslavia.²⁷⁸

²⁷⁷ In that resolution the Council envisioned a possible oil and arms embargo against UNITA if it should break the ceasefire or cease to participate in the implementation of the Peace Accords.

²⁷⁸ S/25270, dated 10 February 1993; the note was in response to the detention of Romanian vessels on the Danube by the authorities of Yugoslavia.

THE REPERTOIRE OF THE PRACTICE OF THE SECURITY COUNCIL and its Supplements are published by the United Nations Secretariat as a guide to the proceedings of the Security Council from its first meeting in 1946 onwards. The *Repertoire* is designed to assist government officials, practitioners of international law, academics and all those interested in the work of the United Nations to follow the evolving practice of the Council and gain a better understanding of the framework within which it operates. The publication presents, as comprehensively as possible, new trends in the Council's application of the Charter of the United Nations and its own provisional rules of procedure. The *Repertoire* is the only such official record and is based solely on the deliberations of the Council, its decisions and other official documentation before the Council.

The current Supplement, twelfth in the series of Supplements to the *Repertoire*, covers the years 1993 to 1995. It deals with a period that saw a number of new trends in international relations and corresponding developments in the Council's practice, including the expansion of peacekeeping missions and new approaches to peacebuilding and conflict prevention. The period also saw a reinvigorated discussion of the Charter of the United Nations and its continuing relevance to the new challenges of the era.