

## Chapter IV

# Europe

United Nations concern in Europe in 1993 centred on the former Yugoslavia, on the Baltic States and on those fledgling countries of the Commonwealth of Independent States riven by civil unrest and ethnic strife.

Throughout the year, armed hostilities continued to rage in Bosnia and Herzegovina and in Croatia over the irreconcilable imperatives of State sovereignty, ethnic autonomy and territorial claims. Prospects for peace in Bosnia and Herzegovina receded in early May when the Bosnian Serbs rejected the peace package worked out in negotiations under the auspices of the International Conference on the Former Yugoslavia. The United Nations peace-keeping plan for Croatia remained unimplemented. Pending an overall solution to the conflict in those countries, the immediate objectives of the United Nations and the International Conference on the Former Yugoslavia continued to be to halt the fighting in order to facilitate negotiations and delivery of humanitarian assistance to the most affected populations, to stop the widespread violations of international humanitarian law and to reverse the effects of ethnic cleansing.

The Security Council adopted a number of resolutions strengthening the sanctions in force against Yugoslavia (Serbia and Montenegro), designating safe areas in Bosnia and Herzegovina and authorizing corresponding enforcement measures. It extended and enlarged the mandate of the United Nations Protection Force, and created the International Tribunal to Prosecute Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. In December, the General Assembly urged the Council to lift the arms embargo applicable to the entire territory of the former Yugoslavia in respect of Bosnia and Herzegovina, to enable that country fully to exercise its right of self-defence against the unrelenting onslaught of the Bosnian Serbs—a proposal earlier rejected by the Council.

The United Nations Protection Force continued to maintain a presence in the former Yugoslav Republic of Macedonia as a preventive measure in that potential flashpoint of strife.

The Assembly welcomed the withdrawal of Russian military forces from Lithuania and called for the conclusion of agreements on the withdrawal of such forces from Estonia and Latvia. The Coun-

cil, responding to the widening conflict in Azerbaijan, where Armenian and Azerbaijani inhabitants of the enclave of Nagorny Karabakh had been fighting for five years, demanded a cessation of hostilities and the withdrawal of forces that had recently occupied areas of Azerbaijan. The Council also authorized the deployment of a United Nations Observer Mission in Georgia, where Government and Abkhaz forces had been fighting for the control of Abkhazia. The Secretary-General dispatched a Special Envoy to Tajikistan to help obtain a cease-fire in the armed conflict between the Government and a coalition of so-called democratic and Islamist forces and to initiate negotiations.

## Situation in the former Yugoslavia

### General aspects

The complex crisis in the former Yugoslavia continued to elude resolution in 1993, notwithstanding international efforts to resolve it. Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia were the main focus of concern, but principally the first two where fighting persisted, adding to the already tens of thousands of people dead or wounded and to the more than 3 million refugees and displaced persons.

The Co-Chairmen of the International Conference on the Former Yugoslavia (ICFY) crafted a peace plan for Bosnia and Herzegovina that failed, however, to receive the approval of the Bosnian Serbs. In Croatia, the Co-Chairmen tried unsuccessfully to persuade the conflicting parties to implement fully the United Nations peace-keeping plan for that country. They also worked towards promoting a settlement of the dispute between Greece and the former Yugoslav Republic of Macedonia arising over the name of the latter. In addition, the United Nations Protection Force (UNPROFOR) continued to monitor the situation along that country's border with Albania and Yugoslavia (Serbia and Montenegro).

Several times during the year the Security Council extended and expanded UNPROFOR's mandate. The Council buttressed the sanctions re-

gime in force against Yugoslavia (Serbia and Montenegro) and created, as its subsidiary organ, the International Tribunal to Prosecute Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

Following the decision by Yugoslavia (Serbia and Montenegro) to deny continuation in the country of missions by the Conference on Security and Cooperation in Europe (CSCE) that had been monitoring the situation in the towns of Kosovo, Sandjak and Vojvodina as a measure of preventive diplomacy, the Council called on the Government to reconsider that decision and to agree to the resumption of the missions' activities and to an increase in the number of monitors.

The international relief operation, led by the Office of the United Nations High Commissioner for Refugees (UNHCR), attempted to alleviate the suffering of the civilian population throughout the war-torn region by delivering convoys of basic humanitarian items and multi-sectoral assistance.

(For the human rights situation in the territory of the former Yugoslavia and General Assembly action on the subject, see PART THREE, Chapter X.)

### **International Conference on the Former Yugoslavia**

The International Conference on the Former Yugoslavia, which in August 1992 replaced the Conference on Yugoslavia under the aegis of the European Community (EC),<sup>(1)</sup> continued in 1993 to serve as the forum for negotiations to resolve the crisis in the former Yugoslavia.

The Conference's Steering Committee was co-chaired by representatives of the Secretary-General and of the EC presidency, who were, respectively, Cyrus R. Vance (United States), succeeded by Thorvald Stoltenberg (Norway) with effect from 14 May<sup>(2)</sup> and Lord David Owen (United Kingdom). The Steering Committee's membership included representatives of EC, CSCE, the Organization of the Islamic Conference (OIC), the five permanent members of the Security Council, representatives from neighbouring States, the International Committee of the Red Cross (ICRC) and UNHCR.

In addition to an Arbitration Commission and a secretariat, the Conference maintained six working groups whose work in 1993 was described in reports by the Secretary-General<sup>(3)</sup> and the Co-Chairmen.<sup>(4)</sup>

Between their first meeting in September 1992<sup>(1)</sup> and May 1993, the Co-Chairmen devoted their efforts towards hammering out a peace plan for Bosnia and Herzegovina that evolved into four constituent elements—a series of nine constitutional principles, a military agreement, a 10-province

map and an agreement on interim governmental arrangements—and to completing signature of the plan by the three Bosnian sides to the conflict (see below, under "Bosnia and Herzegovina").

In Croatia, the Co-Chairmen sponsored talks aimed at achieving a comprehensive cease-fire in and around the United Nations Protected Areas (UNPAs), to be followed by discussions on economic confidence-building steps. They also negotiated an agreement between the Government of Croatia and the local Serb authorities regarding implementation of Council resolution 802(1993), adopted in the wake of the January military incursion by Croatia into a pink zone and a UNPA around the Maslenica Bridge (see below, under "Croatia").

During April, the Co-Chairmen consulted with Greece and the former Yugoslav Republic of Macedonia in an attempt to settle their dispute over the latter's name in connection with its application for membership in the United Nations and to promote confidence-building measures between them (see PART ONE, Chapter V).

### **United Nations Protection Force**

In 1993, the United Nations Protection Force, established in 1992<sup>(5)</sup> as an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis within the framework of the EC Conference on Yugoslavia (subsequently replaced by ICFY), was principally operational in Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia and had a liaison presence in Slovenia. It maintained its headquarters at Zagreb, Croatia.

In Croatia, the Force continued to be deployed in three UNPAs—areas where Serbs constituted a majority or a substantial minority of the population and where intercommunal tensions had led to armed conflict—divided into four sectors: Sector East (Eastern Slavonia, including Baranja and Western Srem), Sector North (northern Krajina), Sector South (southern Krajina) and Sector West (Western Slavonia). The cornerstone of its mandate remained the United Nations peace-keeping plan set out by the Secretary-General in a 1992 report, approved by the Council and based on which it created UNPROFOR (see below, under "Croatia").

The UNPROFOR mandate in Bosnia and Herzegovina was expanded and its strength correspondingly increased by the Council, which entrusted it with additional tasks: to modify the mechanism for approval and inspection of flights so as to provide for the authorization of humanitarian flights (resolution 816(1993)); and to take the necessary measures, including the use of force, in reply to bombardments of or armed incursions

into the safe areas, or to any deliberate obstruction of UNPROFOR's freedom of movement or of protected humanitarian convoys (836(1993)). At the Council's request, the Secretary-General examined options (838(1993)) for deploying international observers on the borders of the country, with priority to its borders with Yugoslavia (Serbia and Montenegro), to monitor the arms embargo and other sanctions.

In the former Yugoslav Republic of Macedonia, UNPROFOR was to monitor and report any developments in the border areas that could undermine confidence and stability in that country and threaten its territory (see below, under "Former Yugoslav Republic of Macedonia"). It was also to coordinate closely with the CSCE mission there<sup>(6)</sup>

The initial 12-month period for which UNPROFOR was established expired on 21 February 1993. It was, however, extended by Council resolutions during the year for successive additional interim periods ending on: 31 March (resolution 807(1993)), 30 June (815(1993)), 30 September (847(1993)), 1 and 5 October (for 24 hours and for four days (869(1993) and 870(1993)), and 31 March 1994 (871(1993)). The extensions were applicable to all UNPROFOR operations in the former Yugoslavia.

At the last mandate extension, the Council took note of the Secretary-General's intention to establish three subordinate commands within UNPROFOR—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.

#### Composition

As at 31 December 1993, the strength of UNPROFOR in the former Yugoslavia stood at 26,947 troops, all ranks. Of that number, 675 were civilian police and 578 were military observers. The troops were provided by: Argentina, Belgium, Canada, Czech Republic, Denmark, Egypt, Finland, France, Jordan, Kenya, Malaysia, Nepal, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden, Ukraine, United Kingdom, United States.

Lieutenant-General Satish Nambiar (India) served as Force Commander from 4 March 1992 to 2 March 1993; he was replaced by Lieutenant-General Lars-Eric Wahlgren (Sweden), who served from 3 March to 30 June. General Jean Cot (France) was appointed Force Commander from 1 July.

On 1 December,<sup>(7)</sup> the Secretary-General proposed the appointment of Yasushi Akashi as his Special Representative for the former Yugoslavia

and Chief of Mission of UNPROFOR, to which the Council agreed on 2 December.<sup>(8)</sup> The appointment was made to relieve Thorvald Stoltenberg of the duties of Special Representative, since, as Co-Chairman of the ICFY Steering Committee, he was heavily engaged in peace negotiations.

#### Financing

**Report of the Secretary-General (June).** According to a June report of the Secretary-General<sup>(9)</sup> assessments apportioned among Member States in respect of UNPROFOR for the period from its inception on 12 January 1992 to 30 June 1993 totalled \$716,754,979 as at 24 May 1993, while contributions received for that period amounted to \$469,435,688, leaving a shortfall of \$247,319,291. Voluntary contributions received from 15 October 1992 to 30 April 1993 in cash, services and supplies were valued at some \$7.8 million. Contributions to the Trust Fund for the Common Costs of the Bosnia and Herzegovina Command, established in December 1992 to cover additional administrative expenses resulting from an enlargement of the Force in order to provide protection to humanitarian relief workers, totalled \$4,024,261 as at 24 May 1993, while expenditures through 30 April 1993 amounted to \$3,735,900.

Having been informed by the Secretary-General on 10 March that the cost of maintaining UNPROFOR for the mandate period from 21 February to 31 March 1993 was estimated at \$61,184,000 gross (\$60,440,000 net) and that an unencumbered balance of \$33,424,100 gross (\$33,170,700 net) remained from appropriations for the period 12 January 1992 to 20 February 1993, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) concurred with his request for authorization to enter into commitments of \$27,759,900 gross (\$27,269,300 net) for the period from 21 February to 31 March 1993. These amounts represented the difference between estimated requirements for the extension period ending 31 March 1993, of \$61,184,000 gross (\$60,440,000 net) and unencumbered balance of appropriations for the period ending 20 February 1993 of \$33,424,100 gross (\$33,170,700 net). The Advisory Committee also concurred with the Secretary-General's requests to extend the first financial period of UNPROFOR by 39 days, up to and including 31 March 1993, and to consolidate and administer the resources provided to UNPROFOR from 12 January 1992 to 31 March 1993.

Expenditures from 12 January 1992 to 31 March 1993 totalled \$579,309,400 gross (\$575,583,200 net) and the cost of maintaining the Force for the period 1 April to 30 June 1993 was projected at \$227,584,900 gross (\$226,132,800 net). In April, the Secretary-General received ACABQ's concur-

rence to enter into reduced commitments of \$151,193,575 gross (\$149,477,002 net) for that period, inclusive of the \$141,193,575 gross (\$139,477,002 net) authorized by the General Assembly in 1992<sup>(10)</sup> and \$10 million under the terms of a 1991 Assembly resolution on unforeseen and extraordinary expenses for the 1992-1993 biennium<sup>(11)</sup> Not included in that amount were additional start-up requirements for expanded operations (in Bosnia and Herzegovina and in the former Yugoslav Republic of Macedonia) estimated at \$79,137,400.

The estimated cost of maintaining UNPROFOR beyond 30 June 1993 to 30 June 1994, should its mandate be extended, was \$77,065,450 gross (\$76,484,725 net) per month, or \$924,785,400 gross (\$917,816,700 net) for the 12-month period. Reimbursements due to troop-contributing States through 30 April 1993 were estimated at \$118,757,000.

The Secretary-General recommended that the Assembly extend the first UNPROFOR financial period to 31 March 1993; appropriate \$255,344,800 gross (\$253,402,100 net), including the amounts for which ACABQ concurrence had been received, for maintaining UNPROFOR from 21 February to 30 June; appropriate and apportion the amount for additional start-up requirements; and appropriate or grant commitment authorization of such additional amounts as necessary for maintaining UNPROFOR beyond 30 June. He also recommended that the Assembly establish for the Force a special financial period of 12 calendar months, from 1 July to 30 June, effective 1 July 1993, and apply special arrangements under article IV of the Financial Regulations of the United Nations dealing with retention beyond the financial period of unliquidated obligations owed to Governments.

ACABQ, in July<sup>(12)</sup> reduced the cost of additional start-up requirements to \$55 million gross and recommended appropriation and assessment of \$200 million gross to maintain UNPROFOR from 1 July to 30 September 1993. It concurred with the Secretary-General's other requests for appropriations for the periods from 21 February to 30 June, including assessments of \$86,391,325 gross (\$86,655,798 net) for the maintenance of UNPROFOR from 1 April to 30 June. Also in July,<sup>(13)</sup> ACABQ considered that certain aspects of peace-keeping operations regarding international contractual personnel needed to be brought to the Assembly's attention, including whether remuneration of civilian staff should reflect primarily their country of recruitment or the quality of service delivered.

#### GENERAL ASSEMBLY ACTION (September)

On 14 September, the General Assembly, on the recommendation of the Fifth (Administrative and

Budgetary) Committee, adopted **resolution 47/210 B** without vote.

#### Financing of the United Nations Protection Force

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Protection Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 727(1992) of 8 January 1992 and 740(1992) of 7 February 1992, in which the Council endorsed the sending of a group of military liaison officers to Yugoslavia to promote maintenance of the cease-fire,

Bearing in mind also Security Council resolution 743(1992) of 21 February 1992, by which the Council established the United Nations Protection Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 847(1993) of 30 June 1993,

Recalling its resolutions 46/233 of 19 March 1992 and 47/210 A of 22 December 1992 on the financing of the Force,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Expressing concern about the deteriorating financial situation with regard to the Force owing to overdue payments by Member States of their assessments, particularly Member States in arrears,

Also expressing concern about the delays in submission of budget documents until well into the financial period of the Force, which have contributed to the deteriorating financial situation,

Expressing deep concern about the adverse effect that the deteriorating financial situation has on reimbursement to troop contributors, placing an additional burden on these countries and putting at risk the continuing supply of troops to the Force and, consequently, the success of the operation,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the terms of the present resolution, and approves on an exceptional basis the special arrangements for the United

Nations Protection Force with regard to the application of article IV of the Financial Regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Force shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

2. Requests the Secretary-General to include in his report to the General Assembly at its forty-eighth session, referred to in paragraph 11 below, relevant information on the steps taken to comply with the recommendations of the Advisory Committee in its report and, in particular, the recommendation contained in paragraph 18 of the report of the Advisory Committee on the administrative and budgetary aspects of the financing of the United Nations peace-keeping operations;

3. Also requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy, to improve management, and to include in his report to the General Assembly mentioned in paragraph 2 above the steps taken to improve management;

4. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the Force promptly and in full;

5. Requests the Secretary-General to explore all possibilities in order to ensure prompt reimbursement to troop-contributing countries;

6. Decides to extend the first financial period by thirty-nine days, up to and including 31 March 1993, and to consolidate and administer the resources provided to the Force for the period from its inception on 12 January 1992 to 31 March 1993, inclusive;

7. Decides also to appropriate to the Special Account referred to in General Assembly resolution 46/233 the amount of 27,759,900 United States dollars gross (27,269,300 dollars net), authorized and apportioned with the prior concurrence of the Advisory Committee under the terms of paragraph 7 of General Assembly resolution 47/210 A, for the operation of the Force for the period from 21 February to 31 March 1993;

8. Decides further to appropriate to the Special Account the amount of 227,584,900 dollars gross (226,132,800 dollars net), inclusive of the amount of 141,193,575 dollars gross (139,477,002 dollars net) authorized and apportioned with the prior concurrence of the Advisory Committee under the terms of paragraph 7 of General Assembly resolution 47/210 A, and the amount of 10 million dollars authorized by the Advisory Committee under the terms of paragraph 1 of Assembly resolution 46/187 of 20 December 1991, for the maintenance of the Force for the period from 1 April to 30 June 1993, inclusive;

9. Decides to appropriate to the Special Account an amount of 55 million dollars gross to meet the additional start-up requirements owing to the enlargement of the Force in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina;

10. Authorizes the Secretary-General to enter into commitments for the operation of the Force in an amount not to exceed 200 million dollars gross (198,257,825 dollars net) for the period from 1 July to 30 September 1993, and, subject to the Security Council deciding to continue the Force beyond 30 September 1993 and to obtaining the prior concurrence of the Advisory Committee for the actual level of commitments to be entered into, to enter into commitments for the operation of the Force at a rate

not to exceed 65 million dollars gross (64,419,275 dollars net) per month for the period from 1 October to 31 December 1993, the said amounts to be apportioned among Member States in accordance with the scheme set out in the present resolution;

11. Requests the Secretary-General to submit to the General Assembly, prior to 1 November 1993, a full budget for the Force for the period from 1 July 1993 to 31 March 1994;

12. Decides, as an ad hoc arrangement, to apportion the amounts of 86,391,325 dollars gross (86,655,798 dollars net) for the period from 1 April to 30 June 1993, 55 million dollars gross for the additional start-up requirements owing to the enlargements of the Force in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina and 200 million dollars gross (198,257,825 dollars net) for the period from 1 July to 30 September 1993 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 April 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991 and 47/218 A, of 23 December 1992, and taking into account the scale of assessments for the years 1992, 1993 and 1994 set out in Assembly resolution 46/221 A of 20 December 1991 and Assembly decision 47/456 of 23 December 1992;

13. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the apportionment among Member States, as provided for in paragraph 12 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 264,473 dollars approved for the Force for the period from 1 April to 30 June 1993, inclusive;

14. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,742,175 dollars for the period from 1 July to 30 September 1993 approved for the Force;

15. Decides to establish the contributions of Andorra, the Czech Republic, Eritrea, the former Yugoslav Republic of Macedonia, Monaco and Slovakia to the Force in accordance with the rates of assessment to be adopted by the General Assembly for these Member States at its forty-eighth session;

16. Invites the new Member States listed in paragraph 15 above to make advance payments against their assessed contributions, to be determined;

17. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991.

#### ANNEX

##### Special arrangements with regard to the application of article IV of the Financial Regulations of the United Nations

1. At the end of the twelve-month period provided for in regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims

have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account until payment is effected;

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

#### General Assembly resolution 47/210 B

14 September 1993 Meeting 110 Adopted without vote

Approved by Fifth Committee (A/47/825/Add.1) without vote, 3 September (meeting 74); draft by Chairman (A/C.5/47/L.42); agenda item 137. Meeting numbers. GA 47th session: 5th Committee 68, 69, 72, 74; plenary 110.

#### Reports of the Secretary-General (December).

In a 3 December report<sup>(14)</sup> the Secretary-General stated that assessments apportioned among Member States for the period 12 January 1992 to 31 December 1993 totalled \$1,250,948,414 as at 12 November 1993, while contributions received for that period amounted to \$873,685,791, leaving a shortfall of \$377,262,623. The Trust Fund for the Common Costs of the Bosnia and Herzegovina Command received income of \$5,426,621 as at 31 October, including contributions from Member States, public donations and interest, while Fund expenditures amounted to \$3,131,600, resulting in an unencumbered balance of \$2,295,021.

Resources made available to UNPROFOR from 12 January 1992 to 31 December 1993 totalled \$1,256,894,300 gross (\$1,248,231,650 net) and expenditures for that period were estimated at \$1,237,223,600 gross (\$1,228,633,650 net), leaving an unencumbered balance of \$19,670,700 gross (\$19,598,000 net). An additional \$3,631,689 in interest and \$75,372 in miscellaneous income were received for the same period. Estimated expenditures from 1 April to 30 June 1993 totalled \$263,383,200 gross (\$262,003,800 net), leaving an unencumbered balance of \$19,201,700 gross (\$19,129,000 net). Reimbursements due to troop-contributing States through 30 September 1993 were estimated at \$75,201,700.

In a 9 December report on the financing of 17 peace-keeping operations<sup>(15)</sup> including UNPROFOR, the Secretary-General indicated that the cost of maintaining UNPROFOR from 1 July 1993 to 31 March 1994 was estimated at \$897,980,900 gross (\$891,993,300 net), an increase of \$502,980,900 gross (\$500,477,700 net) above the amount already authorized. Cost estimates for the 12-month period

after 31 March 1994, should UNPROFOR's mandate be extended beyond that date, amounted to \$1,244,806,200 gross (\$1,232,835,900 net). The amount thus required for the 10-month period from 1 July 1993 to 30 April 1994 was estimated at \$606,714,800 gross (\$603,214,000 net), which represented the increased requirements, plus \$103,733,900 gross (\$102,736,300 net).

Pending consideration at its February 1994 session of the Secretary-General's full budget report, ACABQ, also in December,<sup>(16)</sup> recommended that the Secretary-General be authorized to enter into further commitments up to \$450 million gross (\$446 million net) until 31 March 1994, in addition to the existing commitment authority of \$395 million through 31 December 1993.

#### GENERAL ASSEMBLY ACTION

In December, the General Assembly adopted decision 48/470 without vote.

#### Financing of the United Nations Protection Force

At its 87th plenary meeting, on 23 December 1993, the General Assembly, on the recommendation of the Fifth Committee, in accordance with the framework set out in its resolution 48/227 of 23 December 1993, having considered the report of the Secretary-General on the financing of seventeen peace-keeping operations and the related reports of the Advisory Committee on Administrative and Budgetary Questions, and concurring with the observations of the Advisory Committee:

(a) Authorized the Secretary-General, on an exceptional basis, to enter into additional commitments up to the amount of \$383,408,000 United States dollars gross (380 million dollars net) for the United Nations Protection Force for the period from 1 July 1993 to 28 February 1994;

(b) Decided at that time to apportion, as an ad hoc arrangement, the amount of 166,479,800 dollars gross (165 million dollars net) among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991 and 47/218 A of 23 December 1992 and its decision 48/472 of 23 December 1993, and taking into account the scale of assessments for the years 1992, 1993 and 1994 as set out in Assembly resolutions 46/221 A of 20 December 1991 and 48/223 A of 23 December 1993 and its decision 47/456 of 23 December 1992;

(c) Also decided that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there should be set off against the apportionment among Member States, as provided for in subparagraph (b) above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,479,800 dollars for the period from 1 July 1993 to 28 February 1994;

(d) Further decided that, in view of the expiration of the commitment authority on 28 February 1994, priority should be given to the cost estimates for the Force

in the consideration by the General Assembly of peace-keeping budgets.

General Assembly decision 48/470

Adopted without vote

Approved by Fifth Committee (A/48/819) without vote, 22 December (meeting 46); draft by Chairman (A/C.5/48/L.22); agenda item 136.  
Meeting numbers. GA 48th session: 5th Committee 44, 46; plenary 87.

### International Tribunal

During the year, the Security Council created 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 first in a series of steps leading to that action was the adoption by the Council in 1992 of two resolutions. One held that persons who committed or ordered the commission of grave breaches of the 1949 Geneva Conventions for the protection of war victims were individually responsible in respect of such breaches and called on States and international humanitarian organizations to collate substantiated information relating to such breaches (771(1992));<sup>(17)</sup> the other reiterated the call for substantiated information and requested the Secretary-General to establish an impartial Commission of Experts to examine information submitted and report to the Council on the Commission's conclusions (780(1992)).<sup>(18)</sup>

**Communications.** In accordance with the 1992 Security Council resolutions cited above, Austria<sup>(19)</sup> Canada<sup>(20)</sup> Switzerland<sup>(21)</sup> and the United States<sup>(22)</sup> conveyed information to the Secretary-General on acts of wilful killing, torture of prisoners, abuse of civilians in detention centres, obstruction of the delivery of food and medical supplies to civilians, deliberate attacks on non-combatants, wanton devastation and destruction of property, and mass forcible expulsion and deportation of civilians in the territory of the former Yugoslavia.

Additional submissions and related information were provided by Bosnia and Herzegovina<sup>(23)</sup> Croatia<sup>(24)</sup> and Yugoslavia (Serbia and Montenegro).<sup>(25)</sup>

Also drawn to the attention of the Council were the 1993 reports of the five-member Commission of Experts, a report on the preliminary exploration of a mass grave site near Vukovar, Croatia, and the periodic reports of the Special Rapporteur of the Commission on Human Rights on the human rights situation in the territory of the former Yugoslavia (see PART THREE, Chapter X) as well as the report of an EC investigative mission on the massive detention and rape of women, particularly Muslim women, in Bosnia and Herzegovina (see below, under "Bosnia and Herzegovina").

Preparatory to the Tribunal's creation, submissions were transmitted to the Council by France<sup>(26)</sup> Italy<sup>(27)</sup> and Sweden, on behalf of CSCE<sup>(28)</sup> containing proposed modalities for the establishment

of such a tribunal, its attributes, features and institutional aspects.

In addition, the Commission of Experts, in its first interim report<sup>(29)</sup> which concluded that grave breaches and other violations of international humanitarian law had been committed in the territory of the former Yugoslavia, noted that, should the Council or another competent organ of the United Nations decide to establish an ad hoc war crimes tribunal, such an initiative would be consistent with the direction of the Commission's work.

### SECURITY COUNCIL ACTION (22 February)

The Security Council convened on 22 February to consider the question of establishing an international tribunal. It invited Bosnia and Herzegovina and Croatia, at their request, to participate without vote under rule 37<sup>a</sup> of the Council's provisional rules of procedure.

On the same date, the Council unanimously adopted **resolution 808(1993)**.

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 and 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 of Experts may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

Having considered the interim report of the Commission of Experts established by 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,

<sup>a</sup>Rule 37 of the Council's provisional rules of procedure states: "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."

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,

Noting also with grave concern the "report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia",

Noting further 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 (CSCE),

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 60 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.

Security Council resolution 808(1993)

22 February 1993 Meeting 3175 Adopted unanimously

Draft prepared in consultations among Council members (S/25314).

**Communications.** A number of States, responding to the Security Council's request for specific proposals for the establishment of an international tribunal, communicated their views to the Secretary-General. Egypt, Iran, Malaysia, Pakistan, Saudi Arabia, Senegal and Turkey (the OIC Contact Group on Bosnia and Herzegovina) submitted OIC's recommendations.<sup>(30)</sup> Also communicating their views were: Brazil,<sup>(31)</sup> Canada,<sup>(32)</sup> Mexico,<sup>(35)</sup> the Netherlands,<sup>(34)</sup> the Russian Federation,<sup>(35)</sup> Slovenia<sup>(36)</sup> and the United States<sup>(37)</sup>

Yugoslavia (Serbia and Montenegro) said on 19 May<sup>(38)</sup> that all perpetrators of war crimes committed in the territory of the former Yugoslavia should be prosecuted and punished under national laws. Yugoslavia (Serbia and Montenegro), among those advocating the establishment of a permanent

international tribunal, regarded as discriminatory the attempts to establish an ad hoc tribunal. War crimes, it said, were not committed in the territory of one State alone; hence, the selective approach to the former Yugoslavia was contrary to the principle of universality. The Council had no mandate to establish an international tribunal and Yugoslavia (Serbia and Montenegro) considered the drive to create one to be politically motivated.

**Report of the Secretary-General.** As requested by the Security Council, the Secretary-General submitted a 3 May report<sup>(39)</sup> which took account of the suggestions put forward by the States mentioned above, in particular proposals submitted by France<sup>(26)</sup> Italy<sup>(27)</sup> and Sweden on behalf of CSCE<sup>(28)</sup> the views of the Commission of Experts and information gathered by that Commission. The report also took account of the suggestions or comments put forward by Australia, Austria, Belgium, Chile, China, Denmark, Germany, Ireland, Italy, New Zealand, Portugal, Spain, and the United Kingdom.

The report examined the legal basis for the establishment of the International Tribunal, set out in detail its competence in respect of the law it would apply, the persons to whom the law would be applied, including considerations as to the principle of individual criminal responsibility, its territorial and temporal reach and the relation of its work to that of national courts. It set out detailed views on the organization of the Tribunal (including the composition of the three Chambers, the qualification and election of judges, rules of procedure and evidence, the Prosecutor and the Registry responsible for servicing the Tribunal), on the investigation and pre-trial proceedings, on trial and post-trial proceedings, and on cooperation and judicial assistance. A concluding chapter dealt with a number of general and organizational issues.

The text of the Statute of the International Tribunal was annexed to the report.

With regard to the legal basis for establishing the Tribunal, the report stated that the Security Council would be establishing, as an enforcement measure under Chapter VII, a subsidiary organ within the terms of Article 29 of the Charter of the United Nations, but one of a judicial nature. That organ would perform its functions independently of political considerations and would not be subject to Council authority or control with regard to the performance of its judicial functions. However, the life span of the Tribunal would be linked to the restoration and maintenance of international peace and security in the territory of the former Yugoslavia, and Council decisions related thereto.

In a 19 May addendum to his report<sup>(40)</sup> the Secretary-General estimated the costs of the Tri-



bunal at approximately \$31.2 million for its first year of operation.

**SECURITY COUNCIL ACTION (25 May and 20 August)**

The Security Council met on 25 May to consider the Secretary-General's 3 May report. At their request, Bosnia and Herzegovina and Croatia were invited to participate in the discussion without the right to vote under rule 37.<sup>a</sup> The Council unanimously adopted **resolution 827(1993)**.

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 pursuant to paragraph 2 of resolution 808(1993),

Expressing once again its grave alarm at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized and systematic detention and rape of women, and the continuance of the practice of "ethnic cleansing", including for the acquisition and the holding of territory,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal and the prosecution of persons responsible for the above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal,

Reaffirming in this regard its decision in resolution 808(1993) 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 above-mentioned report;

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 International 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 International 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 International 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.

**Security Council resolution 827(1993)**

**25 May 1993 Meeting 3217 Adopted unanimously**

6-nation draft (S/25826).

Sponsors: France, New Zealand, Russian Federation, Spain, United Kingdom, United States.

Pursuant to article 13, subparagraph 2 (a), of the Statute of the International Tribunal, the Legal Counsel, on behalf of the Secretary-General, invited, by a letter of 3 June, all Member States of the United Nations and non-member States maintaining a permanent observer mission to the United Nations to submit their nominations for judges of the Tribunal, up to two candidates, no two of whom were to be of the same nationality. The nominations were forwarded to the Council President in accordance with subparagraph 2 (c) of the same article of the Statute.

The Council convened on 20 August to draw up a list of candidates for judges from the nominations submitted. It unanimously adopted **resolution 857(1993)**.

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. Raphael Barras (Switzerland)  
 Mr. Sikhe Camara (Guinea)  
 Mr. Antonio Cassese (Italy)  
 Mr. Hans Axel Valdemar Corell (Sweden)  
 Mr. Jules Deschenes (Canada)  
 Mr. Alfonso De los Heros (Peru)  
 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. Moragodage Christopher Walter Pinto (Sri Lanka)  
 Mr. Rustam S. Sidhwa (Pakistan)  
 Sir Ninian Stephen (Australia)  
 Mr. Lal Chan Vohrah (Malaysia)

**Security Council resolution 857(1993)**

**20 August 1993 Meeting 3265 Adopted unanimously**

Draft prepared in consultations among Council members (S/26331).

**Communications.** Following adoption of Security Council resolution 827(1993), the Secretary-General, on 26 May,<sup>(41)</sup> requested the inclusion of an additional item in the agenda of the forty-seventh session of General Assembly entitled "Election of judges 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". He also requested that the item be considered directly in plenary meeting. Based on the urgency of the request, the Assembly, on 28 May, decided to waive rule 40 of its rules of procedure requiring a meeting of the General Committee on the question and approved the request.

On 20 August,<sup>(42)</sup> the Security Council President transmitted resolution 857(1993) to the Assembly President. By a 26 August memorandum,<sup>(43)</sup> the Secretary-General transmitted the list of the 23 candidates nominated by the Coun-

cil and the procedure for electing the 11 judges of the Tribunal. On 1 September<sup>(44)</sup> he further transmitted the curricula vitae of the nominees.

#### GENERAL ASSEMBLY ACTION

On 17 September, following its consideration of the nominees, the General Assembly adopted **decision 47/328** without vote. By that decision it elected the following judges of the International Tribunal for a four-year term of office beginning on 17 November 1993: Georges Michel Abi-Saab (Egypt); Antonio Cassese (Italy); Jules Deschenes (Canada); Adolphus Godwin Karibi-Whyte (Nigeria); Germain Le Foyer De Costil (France); Li Haopei (China); Gabrielle Kirk McDonald (United States of America); Elizabeth Odio Benito (Costa Rica); Rustam S. Sidhwa (Pakistan); Ninian Stephen (Australia); Lal Chan Vohrah (Malaysia).

#### SECURITY COUNCIL ACTION

On 21 October, the Security Council convened to consider the appointment of the Prosecutor of the International Tribunal and adopted without vote resolution 877(1993).

The Security Council,

Recalling its resolutions 808(1993) of 22 February 1993 and 827(1993) of 25 May 1993,

Having regard to Article 16 (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. Ramon Escovar-Salom for the position of Prosecutor of the International Tribunal,

Appoints Mr. Ramon Escovar-Salom as Prosecutor of the International Tribunal.

**Security Council resolution 877(1993)**

**21 October 1993 Meeting 3296 Adopted without vote**

Draft prepared in consultations among Council members (S/26608).

#### Activities

Following their election on 17 September, the 11 judges of the International Tribunal began their four-year term on 17 November with an inaugural meeting at the Peace Palace (The Hague, Netherlands). They were scheduled to continue meeting until 30 November. At the inaugural meeting, the Tribunal elected Antonio Cassese (Italy) as President and Elizabeth Odio Benito (Costa Rica) as Vice-President, determined the membership of its Chambers, undertook a preliminary consideration of its rules of procedure and evidence, and discussed future working arrangements.

The Tribunal scheduled its second and third meetings to take place in 1994 at The Hague from 17 January to 4 February and from 11 to 22 April.

### Financing

On 26 May<sup>(41)</sup> the Secretary-General requested the inclusion in the agenda of the General Assembly of an item entitled "Financing 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 Assembly, on 28 May, approved that request.

ACABQ, on 22 July<sup>(45)</sup> drew the Assembly's attention to a 2 July request from the Secretary-General, made under the terms of a 1991 resolution on unforeseen and extraordinary expenses for the 1992-1993 biennium<sup>(41)</sup> to enter into commitments not exceeding \$1,568,500 for the Tribunal's anticipated expenses in 1993. Pending an Assembly decision on the nature of the financing of the Tribunal, ACABQ granted the Secretary-General authority to enter into commitments in an amount not exceeding \$500,000 for immediate requirements.

In a 20 August Secretariat note<sup>(46)</sup> the Secretary-General proposed an article for inclusion in the Statute of the International Tribunal providing that its expenses would be borne by the regular budget of the Organization. The Security Council approved that approach and included the proposed article in the Statute adopted.

#### GENERAL ASSEMBLY ACTION

On 14 September, on the recommendation of the Fifth Committee, the General Assembly adopted **resolution 47/235** without vote.

#### **Financing 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 General Assembly,

Having considered Security Council resolution 808(1993) of 22 February 1993, on 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, and Council resolution 827(1993) of 25 May 1993, by which the Council adopted the statute of the International Tribunal,

Having also considered the note by the Secretariat on the financing of the International Tribunal and the report of the Advisory Committee on Administrative and Budgetary Questions,

Taking into account the views expressed by Member States in the Fifth Committee,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

2. Reaffirms, in the context of Security Council resolution 827(1993) and with respect to the financing 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 role of the General Assembly as set out in Article 17 of the Charter of the United Nations, as the organ to consider and approve the budget of the Organization, as well as the apportionment of its expenses among Member States;

3. Expresses concern that advice given to the Security Council by the Secretariat on the nature of the financing of the International Tribunal did not respect the role of the General Assembly as set out in Article 17 of the Charter;

4. Requests the President of the General Assembly to bring to the attention of the President of the Security Council the contents of the present resolution;

5. Endorses the recommendation of the Advisory Committee to authorize the Secretary-General to enter into commitments in an amount not to exceed 500,000 United States dollars to provide for the immediate and urgent requirements of the International Tribunal for its initial activities;

6. Requests the Secretary-General to submit, during the forty-eighth session of the General Assembly and before 31 December 1993, detailed cost estimates for the International Tribunal, separate from the proposed programme budget for the biennium 1994-1995, to be financed through assessed contributions and, pending a final decision on the manner of apportioning the expenses of the International Tribunal, to finance its activities through a separate account outside the regular budget;

7. Invites Member States and other interested parties to make voluntary contributions to the International Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General;

8. Decides to include in the draft agenda of its forty-eighth session the item entitled "Financing 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".

#### **General Assembly resolution 47/235**

**14 September 1993 Meeting 110 Adopted without vote**

Approved by Fifth Committee (A/47/1014) without vote, 10 September (meeting 76); draft by Chairman (A/C.5/47/L.49); agenda item 155. Meeting numbers. GA 47th session: 5th Committee 70, 72, 76; plenary 110.

**Report of the Secretary-General.** In an 8 December report<sup>(47)</sup> the Secretary-General revised his initial estimate for financing the International Tribunal during 1993 from \$1,568,500 to \$450,800, based on the schedule established for the rest of the year.

The Secretary-General presented for approval estimated requirements of \$33,200,000 for the Tribunal in the programme budget for the 1994-1995 biennium.

Requirements for staff assessment in respect of posts proposed for the Tribunal were estimated at \$4,753,300 and would be offset in the same amount by income from staff assessment.

ACABQ noted on 15 December<sup>(48)</sup> that, pending a final decision on the manner of apportionment of the Tribunal's expenses, they were to be financed through a separate account outside the

United Nations regular budget and that the General Assembly had invited Member States and other interested parties to make voluntary contributions to the Tribunal. It further noted that pledges amounting to \$3 million had been recorded in the trust fund established by the Secretary-General for that purpose.

ACABQ recommended that the Secretary-General be authorized to enter into commitments not exceeding \$5.6 million for the first six months of 1994.

#### GENERAL ASSEMBLY ACTION

In December, on the recommendation of the Fifth Committee, the General Assembly adopted **decision 48/461** without a vote.

#### Financing 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

At its 87th plenary meeting, on 23 December 1993, the General Assembly, on the recommendation of the Fifth Committee, having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions:

- (a) Endorsed the recommendations of the Advisory Committee contained in paragraphs 8 and 9 of its report;
- (b) Authorized the Secretary-General to enter into commitments not to exceed \$5.6 million United States dollars for the first six months of 1994, pending a final decision by the Assembly on the mode of financing the International Tribunal and without prejudice to recommendations that the Advisory Committee may make to the Assembly and the decisions that the Assembly may take thereon with regard to administrative matters, including the location of the Court, the levels and numbers of staff and the conditions of service of the judges and staff;
- (c) Decided to consider at its resumed forty-eighth session the question of the mode of financing of the International Tribunal and the conditions of service and allowances of its members.

General Assembly decision 48/461

Adopted without vote

Approved by Fifth Committee (A/47/1014) without vote, 10 September (meeting 76); draft by Chairman (A/C.5/47/L49); agenda item 155. Meeting numbers. GA 48th session: 5th Committee 70, 72, 76; plenary 87.

## Sanctions

In 1993, the Security Council took action to strengthen the sanctions regime against Yugoslavia (Serbia and Montenegro) that had been imposed by it in 1991 and 1992. The sanctions included a general and complete arms embargo applicable to the whole of the former Socialist Federal Republic of Yugoslavia (resolution 713(1991)),<sup>(51)</sup> comprehensive and mandatory sanctions to be implemented by all States (757(1992)),<sup>(50)</sup> and prohibition of transshipment through Yugoslavia (Serbia and Mon-

tenegro) of specific commodities and types of products (787(1992))<sup>(51)</sup> unless authorized by the Committee established pursuant to resolution 724(1991) (Committee on sanctions).<sup>(52)</sup>

In April, by resolution 819(1993), the Council demanded that Yugoslavia (Serbia and Montenegro) immediately cease the supply of arms, equipment and services to Bosnian Serb paramilitary units in Bosnia and Herzegovina and, by resolution 820(1993), it strengthened the sanctions regime against Yugoslavia (Serbia and Montenegro) effective nine days after the resolution's adoption, unless the Bosnian Serb party signed the Vance-Owen peace plan in full and ceased its military attacks in Bosnia and Herzegovina (see below). The strengthened sanctions would: prevent diversion to Yugoslavia (Serbia and Montenegro) of commodities and products, by land and sea, said to be destined for other places; require authorization by the Committee on sanctions for the transshipment of commodities and products through that country on the Danube River; forbid vessels registered in that country, owned or operated by it, or suspected of violating Council resolutions, to pass through installations within the territory of Member States; and authorize Member States to freeze any funds in their territories belonging to that country. Since the Bosnian Serb party maintained its rejection of the peace plan by the scheduled deadline, the new sanctions went into force on 26 April.

To facilitate the implementation of the sanctions regime, the Council further took action on the possible deployment of international observers on the borders of Bosnia and Herzegovina with Croatia and with Yugoslavia (Serbia and Montenegro), giving priority to its borders with the latter. An exemption from the arms embargo for Bosnia and Herzegovina was initiated by 22 Member States, as well as by that country itself, based on Article 51 of the Charter. (For details on these topics and on the related ban on military flights in the airspace of Bosnia and Herzegovina, see below, under "Bosnia and Herzegovina".)

During 1993, a number of States communicated to the Secretary-General the measures they had taken to implement the sanctions mandated by the Council.

## Navigation on the Danube

Romania, in a 27 January declaration,<sup>(53)</sup> reported on measures it had taken to implement the sanctions in resolutions 757(1992) and 787(1992). The declaration also described how, on 18, 23 and 25 January, five separate convoys carrying petroleum products and towed by Yugoslav tugboats had succeeded in navigating the Danube from Ukraine to Yugoslavia (Serbia and Montenegro) despite Romania's efforts to intercept the

convoy for inspection. On 28 January<sup>(54)</sup> Bulgaria, referring to the 18 January convoy which had passed through the Bulgaria-Romania sector of the Danube, reported that its attempts to intercept it were likewise unsuccessful.

Both Bulgaria and Romania reported having brought these violations to the attention of all concerned, including Ukraine and the Committee on sanctions.

#### SECURITY COUNCIL ACTION

The Security Council, following consultations among its members on 28 January, authorized its President to make the following statement<sup>(55)</sup> to the media on behalf of the Council:

"In connection with letters of 27 January 1993 from the Charges d'affaires of Bulgaria and Romania 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) and indeed may have left after the adoption of resolution 787(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 Security 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."

**Communications.** Ukraine responded on 29 January<sup>(56)</sup> that, according to its investigations, no oil or petroleum products had been shipped to Yugoslavia (Serbia and Montenegro) by Ukrainian flag vessels after the adoption of resolutions 757(1992) and 787(1992). Documents showed that the vessels referred to had been loaded in the Danube from tankers with petroleum products shipped by companies of Bulgaria, Cyprus, Greece, the Russian

Federation, and Turkey among others, and that their destination was other than Yugoslavia (Serbia and Montenegro). Ukraine provided data relevant to the movement of vessels with petroleum products through Ukrainian waters in the Danube between 30 November 1992 and 23 January 1993.

Ukraine, in a 29 January statement<sup>(57)</sup> said that it had been reliably established that the convoys were to deliver their cargo to Austria, Bosnia and Herzegovina, Croatia, the Czech Republic and Slovakia.

#### SECURITY COUNCIL ACTION

Following further consultations on 10 February regarding the situation on the Danube, the Security Council authorized its President to make the statement below to the media:<sup>(58)</sup>

"The members of the Security Council have heard a report from the Chairman of the Committee established by resolution 724(1991) about the detention of Romanian vessels on the Danube by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

"They have learned that the Minister of Transport of the Federal Republic of Yugoslavia (Serbia and Montenegro) has threatened to detain more Romanian vessels if Romania does not allow the passage of Yugoslav vessels on the Danube. They have also learned that the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) 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 Charge 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 the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) release forthwith the Romanian vessels they have unjustifiedly detained, and that they desist from further unlawful detentions."

**Communications.** On 26 February<sup>(59)</sup> Hungary informed the Security Council President that because Romania had denied Yugoslav convoys access to the "Iron Gate" lock, some 45 Yugoslav barges were blocking the Danube, bringing navigation on that vital international waterway to a complete halt. The situation was inflicting further losses on the economies of the riparian States, already severely damaged by the sanctions regime. Austria, on 2 March<sup>(60)</sup> referring to the blockade as illegal and retaliatory, asked the Council to remedy the situation.

On 10 March<sup>(61)</sup> Yugoslavia (Serbia and Montenegro), replying to the Council President's call of 26 February demanding removal of the blockade, stated that all the barges and ships in question, owned by a Yugoslav private holding company, were removed on 2 March and that navigation in the Danube had been restored. The temporary blockade, neither caused nor encouraged by the Government of Yugoslavia (Serbia and Montenegro), had been instigated by independent trade unions of Yugoslav private shipping companies.

Hungary, on 18 May<sup>(62)</sup> drew attention to the continued collection by Yugoslavia (Serbia and Montenegro) of transit charges from vessels passing through the Yugoslav sector of the Danube. Austria reported on 30 July<sup>(63)</sup> that the Danube situation was deteriorating owing to a recent blockade of the river at Belgrade; it expressed concern that States acting in accordance with the Council resolutions on sanctions were being confronted with acts of retaliation. Hungary, referring to the same situation on 11 October<sup>(64)</sup> stated that the blockade had been initiated in mid-July by two Serbian non-governmental organizations. Tolls had also begun to be imposed since 30 August by the so-called Republic of Serbian Krajina (also referred to as the Republic of Krajina).

#### SECURITY COUNCIL ACTION

The Security Council met on 13 October to consider the item "Navigation on the Danube river in the Federal Republic of Yugoslavia (Serbia and Montenegro)" and authorized its President to make the following statement<sup>(65)</sup> on the Council's behalf:

Meeting number. SC 3290.

"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 Security 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 of Yugoslavia (Serbia and Montenegro). By extracting these payments, the Federal Republic of Yugoslavia (Serbia and Montenegro) violates its international obligations. The Security 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 Security 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 Security Council remains seized of the matter."

On 20 December<sup>(66)</sup> Ukraine drew attention to the customs law enacted by the Yugoslav authorities on 26 November, requiring vessels transiting through the Yugoslav sector of the Danube to pay a deposit equivalent to 50 per cent of the cargo's value. Ukraine asked that the Council take urgent measures to stop the illegal actions to which Yugoslavia (Serbia and Montenegro) was resorting.

#### Special economic assistance

Between January and June 1993, Bulgaria<sup>(67)</sup> Hungary<sup>(68)</sup> Romania<sup>(69)</sup> Slovakia<sup>(70)</sup> and Ukraine<sup>(71)</sup> informed the Security Council President and the Secretary-General of economic difficulties they were undergoing as a result of their compliance with Council resolutions 757(1992), 787(1992) and 820(1993) and appealed for special economic assistance under the provisions of Article 50 of the Charter. The subject was further addressed in a letter to the Security Council President from Bulgaria, Romania and Ukraine<sup>(72)</sup> regarding sanctions implementation.

Yugoslavia (Serbia and Montenegro) reported the devastating impact of the sanctions on its economy and on the health and social well-being of its population, owing to the long procedure of the Committee on Sanctions<sup>(73)</sup> for granting import approvals<sup>(73)</sup> and complained about the Committee's failure to reply to its requests to import humanitarian items, to export certain commodities

or to lift the freeze on its assets abroad.<sup>(74)</sup> It also provided data showing a serious decline in the country's health care services.<sup>(75)</sup> In November<sup>(76)</sup> Yugoslavia (Serbia and Montenegro) transmitted an appeal by the Holy Synod of the Serbian Orthodox Church (Cetinje, 31 October-3 November) for the lifting of what the Synod called the inhuman sanctions.

#### SECURITY COUNCIL ACTION

The Security Council met on 18 June and unanimously adopted **resolution 843(1993)**.

The Security Council,

Recalling its resolution 724(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 of the United Nations,

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.

Security Council resolution 843(1993)

18 June 1993 Meeting 3240 Adopted unanimously

Draft prepared in consultations among Council members (S/25956).

**Recommendations of Committee on sanctions.** On 2 July<sup>(77)</sup> the Acting Chairman of the Committee on sanctions transmitted to the Security Council President recommendations for special economic assistance to five States—Bulgaria, Hungary, Romania, Uganda and Ukraine—together with their applications for such assistance and supporting explanatory material.

The Council President, on 6 July<sup>(78)</sup> transmitted the Committee's recommendations to the Secretary-General with a request for their implementation (see PART THREE, Chapter III).

#### Humanitarian assistance programme

Under an international humanitarian assistance programme, various bodies of the United Nations system, EC, a number of non-governmental organizations and ICRC continued to deliver humanitarian assistance to the region. UNHCR remained the lead agency, with UNPROFOR providing escorts to humanitarian convoys, transport and engineer-

ing support, and determining the safest routes for the convoys.

The ICFY Working Group on Humanitarian Issues<sup>(4)</sup> reviewed the implementation of the programme at Geneva on 16 July. At a meeting on 8 October, it launched a new consolidated appeal revising needs for the period October to December 1993 and putting forward the requirements for the first half of 1994, totalling \$697 million.

Contributions to the programme during the year consisted of \$297,700,000 in cash and \$206,700,000 in kind. Humanitarian assistance in metric tonnage provided to affected populations in the former Yugoslavia in 1993 was as follows: Bosnia and Herzegovina—267,763 metric tonnes; Croatia—92,193; the former Yugoslav Republic of Macedonia—2,967; Montenegro—3,953; and Serbia—38,614. Beneficiaries numbered 4,259,000 as at October 1993.

(See also below, under "Bosnia and Herzegovina"; and PART THREE, Chapters III and XV.)

### Bosnia and Herzegovina

Despite numerous cease-fire agreements and reaffirmations of peace, the warring parties in Bosnia and Herzegovina, mainly the Muslim-dominated Government and the Bosnian Serbs, pursued throughout 1993 the armed hostilities that had raged between them since April 1992.

The year began with the assassination by Serbian extremists of Bosnia and Herzegovina's Deputy Prime Minister for Economic Affairs while under UNPROFOR protection. In March, the Bosnian Serbs intensified their offensive in eastern Bosnia and Herzegovina, leading the Security Council to declare the besieged towns—Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla and Zepa—and their surroundings as safe areas. The Council increased the presence of UNPROFOR in them, authorizing it to use force in self-defence and in reply to armed incursions and to obstructions of humanitarian convoys.

To further complicate an already complex situation, fighting erupted in April in the central part of the country between the formerly allied Bosnian Croats and Bosnian Muslims, blocking the supply routes for humanitarian assistance to the north. Hostilities between the two parties continued, despite Council calls for a halt to the fighting and a cease-fire arranged by the Co-Chairmen of the ICFY Steering Committee.

Against this background, the Co-Chairmen of the ICFY Steering Committee engaged the leaders of the conflicting parties in continual negotiations during the year to work out an acceptable peace plan. The negotiations resulted in the Vance-Owen peace package, rejected by the Bosnian Serbs in a referendum in May, however. As a result, the

Council strengthened the sanctions regime against Yugoslavia (Serbia and Montenegro) to induce acceptance of the plan, but to no avail. A confederal solution, distilled from the parties' own ideas, was alternatively under negotiation under the Co-Chairmen's auspices during the remainder of the year.

#### GENERAL ASSEMBLY ACTION

On 20 December, the General Assembly adopted **resolution 48/88** by recorded vote.

#### The situation in Bosnia and Herzegovina

The General Assembly,

Reaffirming its resolutions 46/242 of 25 August 1992 and 47/121 of 18 December 1992 and all relevant resolutions of the Security Council regarding the situation in the Republic of Bosnia and Herzegovina,

Reaffirming once again that, as the Republic of Bosnia and Herzegovina is a sovereign, independent State and a Member of the United Nations, it is entitled to all rights provided for in the Charter of the United Nations, including the right to self-defence under Article 51 thereof,

Gravely concerned that the unprovoked armed hostilities and aggression continue against Bosnia and Herzegovina and that the relevant resolutions of the Security Council remain unimplemented,

Recalling the report of the Committee on the Elimination of Racial Discrimination, in which the Committee "noted with great concern that links existed between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serbian militias and paramilitary groups responsible for massive, gross and systematic violations of human rights in Bosnia and Herzegovina and in Croatian territories controlled by Serbs",

Condemning the continuing hostilities by the Bosnian Serbs, particularly their abhorrent policy of "ethnic cleansing",

Alarmed at extremist Bosnian Croat military elements for their aggressive acts against Bosnia and Herzegovina,

Alarmed also at the collusion between Serbian forces and extremist Bosnian Croat elements and others to seek the dismemberment of the Republic of Bosnia and Herzegovina, in clear violation of the principles of the Charter of the United Nations and in total disregard of the relevant resolutions of the General Assembly and those of the Security Council,

Deploing the non-compliance with the relevant Security Council resolutions, especially by the Bosnian Serb Party,

Recalling the principles enunciated in its resolutions and the relevant resolutions of the Security Council, as well as those adopted by the International Conference on the Former Yugoslavia,

Reaffirming its determination to have the Republic of Bosnia and Herzegovina maintain its independence, unity and territorial integrity, and noting, in accordance with Article 24 of the Charter, the responsibility of the Security Council in that regard,

Also reaffirming its determination to prevent acts of genocide and crimes against humanity,

Reaffirming once again its total and complete rejection of the acquisition of territory through the use of force and the abhorrent practice of "ethnic cleansing",

Stressing that the continuation of aggression in Bosnia and Herzegovina is a serious impediment to the peace process,

Bearing in mind the obligation of all States to act in conformity with the principles and purposes of the Charter,

Stressing also that the full implementation of Security Council resolutions concerning the United Nations Protected Areas in the territory of the Republic of Croatia is of significant importance for the security, territorial integrity and stability of the Republic of Bosnia and Herzegovina,

Noting that the International Court of Justice, in its Order of 13 September 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)), 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 commission of the crime of genocide",

Taking note of the Order of the International Court of Justice of 13 September 1993, in which it stated that "the present perilous situation demands . . . (the) immediate and effective implementation of those (provisional) measures",

Commending the work of the Commission of Experts established pursuant to Security Council resolution 780(1992), of 6 October 1992, and noting with interest the first and second interim reports of the Commission,

Expressing its concern about the continuing siege of Sarajevo and other Bosnian cities and "safe areas", which endangers the well-being and safety of their inhabitants,

Aware, in the context of the character of Sarajevo as a multicultural, multi-ethnic and multireligious centre, of the need to preserve its plurality and avoid its further destruction,

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

1. Reaffirms the principles enunciated in its resolutions and the relevant resolutions of the Security Council and those adopted by the International Conference on the Former Yugoslavia pertaining to the Republic of Bosnia and Herzegovina;

2. Demands that all parties implement immediately, and scrupulously maintain in good faith, a cease-fire and agree to cease all hostilities throughout Bosnia and Herzegovina, in order to create an atmosphere conducive to the resumption of peace negotiations within the framework of the International Conference on the Former Yugoslavia;

3. Reaffirms that the consequences of "ethnic cleansing" "will not be accepted by the international community and that those who have seized land by "ethnic cleansing" and by the use of force must relinquish those lands, in conformity with norms of international law;

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 in implementation of 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 ceases the supply of military arms, equipment and services to Bosnian Serb paramilitary units, as demanded in its resolution 819(1993) of 16 April 1993;

6. Demands that the Bosnian Serb party lift forthwith the siege of Sarajevo and other "safe areas", as well as other besieged Bosnian towns, and urges the Secretary-General to direct the United Nations Protection Force to take necessary measures, in accordance with relevant Security Council resolutions, for the protection of the "safe areas";

7. Also demands that, as a means of bringing about the cessation of hostilities and to facilitate delivery of humanitarian assistance, in accordance with paragraphs 5 and 9 of Security Council resolution 836(1993) of 4 June 1993, the Bosnian Serb party withdraw all its heavy weaponry and forces to areas outside the city of Sarajevo and other "safe areas" to a distance where they cease to constitute a menace to their security and that of their inhabitants and where they are to be monitored by United Nations military observers, and urges all parties to agree to implement further confidence-building measures;

8. Reaffirms once again the right of all refugees and displaced persons to return voluntarily to their homes in safety and dignity;

9. Commends the ongoing efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Protection Force and other international humanitarian agencies, and notes with the utmost appreciation those individuals who have shown exemplary bravery and courage and those who have made the ultimate sacrifice in carrying out their duties;

10. Urges the Office of the United Nations High Commissioner for Refugees, as part of its humanitarian assistance programme, to provide appropriate assistance to facilitate cultural exchanges between Sarajevo and the international community and to facilitate the delivery and installation of a reliable communication system in Sarajevo for the use of the civilian population;

11. Urges the Secretary-General to take immediate action to reopen Tuzla airport in order to facilitate the receipt and distribution of international humanitarian aid, consistent with the provisions of Security Council resolution 770(1992) of 13 August 1992;

12. Demands that all concerned facilitate the unhindered flow of humanitarian assistance, including the provision of water, electricity, fuel and communication, in particular to the "safe areas" in Bosnia and Herzegovina, and in this context urges the Security Council to implement fully its resolution 770(1992) to ensure the free flow of humanitarian assistance, particularly, to the "safe areas";

13. Commends all States, and in particular the States bordering on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the other Danube riparian States, for the measures they have taken to comply with the mandatory sanctions imposed by the Security Council against the Federal Republic of Yugoslavia (Serbia and Montenegro), and urges all States to continue their vigilant enforcement of those sanctions measures;

14. Condemns vigorously the violations of the human rights of the Bosnian people and of international hu-

manitarian law committed by parties to the conflict, especially those violations committed as policy, flagrantly and on a massive scale, by the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs;

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;

16. Deeply alarmed by the continuing systematic abuses committed against Albanians, Bosnians, Hungarians and Croatians, and others in Kosovo, Sandzak and Vojvodina, respectively, by the authorities of Serbia and Montenegro, and in that regard condemns the decision of those authorities not to renew the mandate of the monitoring missions of the Conference on Security and Cooperation in Europe in those regions;

17. Also urges the Security Council to give all due consideration, on an urgent basis, to exempt Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713(1991) of 25 September 1991;

18. Urges Member States, as well as other members of the international community, from all regions to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of Chapter VII of the Charter;

19. Reaffirms its resolution 47/1 of 22 September 1992, and urges Member States and the Secretariat in fulfilling the spirit of that resolution to end the de facto working status of the Federal Republic of Yugoslavia (Serbia and Montenegro);

20. Requests that the International Committee of the Red Cross be granted free access to all detention camps established by the Serbs in Serbia and Montenegro and in Bosnia and Herzegovina and to all persons imprisoned in those camps, and that all prisoners be notified of this action without delay;

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;

22. Expresses its appreciation to those States and international institutions which have provided humanitarian assistance to the people of Bosnia and Herzegovina, and appeals to all Member States to contribute generously towards alleviating their sufferings, including assistance to refugee centres for Bosnian refugees in other countries;

23. Further affirms individual responsibility for the perpetration of crimes against humanity committed in Bosnia and Herzegovina;

24. Welcomes 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, constituted pursuant to Security Council resolution 827(1993) of 25 May 1993, and encourages the provision of all resources necessary, including voluntary con-

tributions from States and intergovernmental and non-governmental organizations, so that it can conduct its stipulated functions of trying and punishing those responsible for the perpetration of violations of international law;

25. Encourages the Commission of Experts established pursuant to Security Council resolution 780(1992), subject to the provisions of Council resolution 827(1993) and in cooperation with the Prosecutor of the International Tribunal, to facilitate the work of the International Tribunal, including the establishment of a record of violations such as "ethnic cleansing" and systematic rape;

26. Requests the Secretary-General to provide the necessary resources and support for the Commission to carry out its functions;

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;

28. Calls for the urgent reconvening of the International Conference on the Former Yugoslavia in order to arrive at just and equitable proposals for lasting peace in Bosnia and Herzegovina, and calls upon the parties to the conflict to show good faith as they continue to negotiate in order to reach a just, equitable and durable solution;

29. Requests the Secretary-General to submit a report on the implementation of the present resolution within 15 days of its adoption, as well as the report called for under the auspices of the London Conference, which, regrettably, has not yet been issued;

30. Decides to remain seized of the matter and to continue the consideration of this item.

General Assembly resolution 48/88

20 December 1993 Meeting 84 109-0-57 (recorded vote)

43-nation draft (A/48/L.50 & Add.1), orally revised; agenda item 42.  
Sponsors: Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, Colombia, Comoros, Costa Rica, Djibouti, Egypt, Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Jordan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Marshall Islands, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Sudan, Tunisia, Turkey, United Arab Emirates, Yemen.

Meeting numbers. GA 48th session: plenary 82-84.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Fiji, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Micronesia, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Yemen, Zambia.

Against: None.

Abstaining: Andorra, Argentina, Armenia, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Côte d'Ivoire, Czech Republic, Denmark, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Liechtenstein, Luxemb-

bourg, Malawi, Malta, Mexico, Monaco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Spain, Swaziland, Sweden, Togo, Ukraine, United Kingdom, Venezuela, Viet Nam, Zaire, Zimbabwe.

The abstaining Member States believed that to lift the arms embargo on Bosnia and Herzegovina would only lead to further bloodshed; it would jeopardize the negotiating process and the mission of UNPROFOR and create a real possibility for the fighting to spill over into neighbouring countries in the region. The best means of resolving the conflict, they were convinced, was through a negotiated settlement.

Before adoption of the resolution, Kenya requested separate votes on paragraphs 17 and 19, to which Bosnia and Herzegovina, along with Costa Rica and the Comoros, objected. As a result, a vote was taken on Kenya's request, which was rejected by a recorded vote of 128 to 7, with 24 abstentions.

### Armed incident

On 8 January, the Deputy Prime Minister for Economic Affairs of Bosnia and Herzegovina, Hakija Turajlic, was assassinated by Bosnian Serb forces as he was returning from Sarajevo's Butmir Airport in an UNPROFOR convoy on a United Nations controlled road. The convoy was blocked by two tanks belonging to Serbian extremists who entered the vehicle carrying Mr. Turajlic and shot him eight times. In bringing the incident to the Secretary-General's attention<sup>(79)</sup> Bosnia and Herzegovina, which pointed to its understanding that UNPROFOR was not to stop or open their vehicles for inspection under any circumstances, demanded an explanation for UNPROFOR's conduct to the contrary at the time of the incident.

Bosnia and Herzegovina called for an emergency meeting of the Security Council, demanding immediate and resolute action, including the use of force under Chapter VII of the Charter<sup>(80)</sup> A similar call was made by Turkey<sup>(81)</sup>

### SECURITY COUNCIL ACTION

The Security Council convened on 8 January and, following consultations among its members, authorized its President to make the following statement<sup>(82)</sup> on its behalf:

Meeting number. SC 3159.

"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 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 Security 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."

On 10 January<sup>(83)</sup> Bosnia and Herzegovina, while expressing deep gratitude to General Philippe Morillon, Commander of UNPROFOR in that country, for his prompt release of information related to the assassination, stated that the circumstances leading to the Deputy Prime Minister's murder while under UNPROFOR protection demonstrated that UNPROFOR too often offered neither protection nor force. It laboured under a constricted mandate, passive rules of engagement and inadequate political support, all of which had proved counterproductive, permitting occupation forces to use it as an unwitting vehicle of aggression against Bosnia and Herzegovina.

#### **Report of the Special Commission of Inquiry.**

Responding to the foregoing presidential statement, the Secretary-General, on 11 January, appointed a Special Commission of Inquiry to investigate the Deputy Prime Minister's assassination. Co-chaired by Sahabzada Yaqub-Khan (Pakistan), the Secretary-General's Special Representative for Western Sahara, and Lieutenant-General Lars-Eric Wahlgren (Sweden), Commander of the United Nations Interim Force in Lebanon, the Commission convened at Geneva on 12 January and visited the UNPROFOR mission area from 13 to 15 January. Its report established the facts and circumstances surrounding the incident, examined UNPROFOR's standing operating procedures and mandate in Bosnia and Herzegovina, and made recommendations relating to UNPROFOR's functioning.

In an 18 January letter<sup>(84)</sup> transmitting the report to the Security Council President, the Secretary-General drew attention to the following points made by the Commission of Inquiry: (1) Escorting members of the Presidency to and from the airport was not part of the UNPROFOR mandate, although it provided such service as a courtesy to the host Government. (2) The request for the transport of an official delegation to the airport was not in conformity with established procedures. (3) Consequently, UNPROFOR failed to adhere to the standing operating procedures normally applied to the escort of civilian officials. (4) Besides the considerable degree of mistrust surrounding the airport operation, false rumours that 60 mujahedin had flown

in on the aircraft Mr. Turajlic went to meet added to the tension at the Serb checkpoint. (5) Despite the 5 June 1992 agreement providing for the establishment of security corridors under UNPROFOR control between the airport and Sarajevo City, UNPROFOR vehicles were regularly subjected to inspection at checkpoints manned by all parties to the conflict. (6) The Commission of Inquiry concluded that the assassination was the work of a single assailant acting unilaterally.

Turkey, in a 28 January statement<sup>(85)</sup> noted that the report played down what it called UNPROFOR's gross negligence. UNPROFOR had failed to exercise its authority and carry out its duty; the explanations provided to minimize those failures were inadmissible. Turkey said that the report, besides demonstrating the lack of coordination among United Nations entities, appeared to seek excuses for the Serb action. Turkey expected all who bore responsibility for Mr. Turajlic's death to be punished.

Based on its review of the report, Bosnia and Herzegovina requested the Council on 1 February<sup>(86)</sup> to authorize a supplementary investigation into the incident by an independent body, in cooperation with UNPROFOR and the Government of Bosnia and Herzegovina; to request the Secretary-General to report on steps to implement UNPROFOR control of the corridor linking Sarajevo with the airport; and to clarify UNPROFOR's mandate in relation to the provisions of Council resolution 770(1992)<sup>(87)</sup> on measures to facilitate the delivery of humanitarian assistance to Sarajevo and other parts of the country.

#### **Safe areas**

**Communications.** The United States, on 3 March<sup>(88)</sup> requested an immediate meeting of the Security Council to discuss reports of continued fighting in Bosnia and Herzegovina. That country made a similar request, notifying the Council President on the same date<sup>(89)</sup> that Serbian and Montenegrin extremist forces had overrun the town of Cerska and its surrounding villages pursuing a new round of expulsions and genocide. Srebrenica was under threat of imminent assault. The Serbian leaders had issued an order to wipe out or drive out the inhabitants of both towns and to blockade all humanitarian convoys. Within 72 hours, 2,000 innocent people had been murdered and thousands of others forcibly displaced. Some 40,000 people were in imminent danger of death from military attack, starvation, exposure to the elements and disease.

#### **SECURITY COUNCIL ACTION**

Responding to the foregoing requests, the Security Council met on 3 March and invited Bosnia

and Herzegovina, at its request, to participate in the discussion without the right to vote under rule 37.<sup>a</sup>

After consultations among its members, the Council authorized its President to make the following statement<sup>(90)</sup> on the Council's behalf:

Meeting number. SC 3180.

"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 Security Council is particularly concerned about the fall of the town of Cerska and the imminent fall of neighbouring villages. The Security 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 Security 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 Security Council also demands that all sides immediately cease all forms of military action throughout the Republic of Bosnia and Herzegovina, cease acts of violence against civilians, comply with their previous commitments including the cease-fire, and redouble their efforts to settle the conflict.

"The Security 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 the Republic of 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 Security Council insists that these steps must be taken immediately.

"The Security Council also requests the Secretary-General to take immediate steps to increase UNPROFOR's presence in eastern Bosnia.

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

**Communications.** In separate statements made on 3 March, EC<sup>(91)</sup> and OIC<sup>(92)</sup> expressed condemnation of and grave concern at the continuing aggression by Serbian paramilitary forces against the Muslim population in Bosnia and Herzegovina, in particular in the eastern part of the country.

Bosnia and Herzegovina, on 18 March<sup>(93)</sup> requested an emergency meeting of the Security Council to consider further Serbian aggression against Srebrenica, Sarajevo and the Muslim town of Bjelina. A report followed four days later<sup>(94)</sup> to the effect that Serbian and Montenegrin forces had again attacked Srebrenica, as well as Gradacac and Tuzla.

The Secretary-General, on 19 March<sup>(95)</sup> stated that the Prime Minister of France had expressed his concern over the situation unfolding in eastern Bosnia and Herzegovina. The UNPROFOR field commander had reported continuing obstruction by Serb forces of UNHCR relief efforts, despite negotiations with the political and military leaders of the Bosnian Serbs and with the Government of Yugoslavia (Serbia and Montenegro); the Force Commander had subsequently reported, however, that six United States aircraft had dropped 32 tonnes of food and one and a half tons of medical supplies in the area, with more air-drops planned, and that a land convoy had been able to enter Srebrenica. None the less, it was evident that a massive humanitarian tragedy might be in the making in eastern Bosnia and Herzegovina.

The United Nations High Commissioner for Refugees, Sadako Ogata, in a 2 April letter<sup>(96)</sup> transmitted by the Secretary-General to the Council President, drew attention to the plight of Srebrenica, where thousands of Muslims fleeing from advancing Serb forces were converging. Despite the cease-fire and air-drops, the humanitarian situation was worsening. People, especially women and children, were dying in military attacks and from starvation, exposure to cold and lack of medical treatment.

UNHCR efforts, at best inadequate to address the increasing human suffering, were hampered by other difficulties. The stampede to flee Srebrenica resulted in people being crushed to death; the Bosnian authorities at Srebrenica and Tuzla (unable to absorb new arrivals of displaced persons) opposed continued evacuation, regarding it as facilitating the Serbian offensive; and the Bosnian Serb military permitted no further delivery of humanitarian aid into Srebrenica, allowing UNHCR only to evacuate civilians.

In the circumstances, the High Commissioner recommended that the enclave be turned into a United Nations protected area with an injection of massive life-sustaining assistance, or that there be a large-scale evacuation of the endangered population.

#### SECURITY COUNCIL ACTION

In the light of the UNHCR communication, the Security Council met on 3 April. At its request, Bosnia and Herzegovina was invited to participate

in the discussions without the right to vote under rule 37.<sup>a</sup>

Following consultations among its members, the Council authorized its President to make the following statement:<sup>(97)</sup>

Meeting number. SC 3192.

"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 Security Council recalls and reaffirms all its relevant resolutions and statements and condemns the continuing disregard and wilful flouting of the relevant Security Council resolutions and statements 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 Security 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 in the Republic of Bosnia and Herzegovina. The Security Council demands that the Bosnian Serb party strictly comply with all relevant resolutions of the Security 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 Security Council also reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

"The Security 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 the Republic of Bosnia and Herzegovina, and in particular the efforts of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Protection Force (UNPROFOR).

"The Security Council recalls the request it made in its statement of 3 March 1993 to the Secretary-General to take immediate steps to increase UNPROFOR's presence in eastern Bosnia; welcomes the action taken already in that respect; and 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 the Republic of Bosnia and Herzegovina.

"The Security Council will remain actively seized of the matter."

**Communications.** The foregoing statement notwithstanding, Bosnia and Herzegovina reported to the Security Council President on 5 April<sup>(98)</sup> that the Serbian and Montenegrin aggressors had continued their assault on the Srebrenica region, particularly on the town of Zeleni Jadar and on eastern Srebrenica. Bosnia and Herzegovina further reported on 8 April<sup>(99)</sup> that the level of humanitarian assistance, especially in Gorazde and Zepa, had proven largely ineffective because of the continuing blockade by Serbian and Montenegrin forces; it asked that the UNPROFOR mandate be expanded to include those two towns (and to the extent that it needed to be done in Srebrenica) to facilitate the delivery of humanitarian relief to them.

On 15 April<sup>(100)</sup> Cape Verde, Djibouti, Morocco, Pakistan and Venezuela (Council members belonging to the Movement of Non-Aligned Countries) requested an urgent meeting of the Security Council to discuss the deteriorating situation in Bosnia and Herzegovina. That country, referring to the horrifying situation in Srebrenica, demanded on 16 April<sup>(101)</sup> that the Council take all necessary measures, as a matter of urgency, to guarantee the safety of the town's remaining inhabitants.

Also on 16 April<sup>(102)</sup> Bosnia and Herzegovina wrote that forces directed, controlled and supported by Yugoslavia (Serbia and Montenegro) had intensified their assault on Srebrenica. It called the assault an act of genocide in violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide<sup>(103)</sup> and a violation of the International Court of Justice (ICJ) Order of 8 April asking Yugoslavia (Serbia and Montenegro) immediately to take all measures within its power to prevent any military units under its direction or influence from committing genocide (see PART FIVE, Chapter I). Bosnia and Herzegovina requested that the Council take immediate measures, under Chapter VII of the Charter, to break the siege and enforce the ICJ Order.

#### SECURITY COUNCIL ACTION (16 April)

The Security Council convened on 16 April, inviting Bosnia and Herzegovina to participate in the discussion without the right to vote under rule 37.<sup>a</sup> On the same date, the Council unanimously adopted **resolution 819(1993)**.

The Security Council,

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

Taking note that the International Court of Justice in its Order of 8 April 1993 in the case concerning appli-

cation 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 its call on the parties and others concerned to observe immediately the cease-fire throughout the Republic of Bosnia and Herzegovina,

Reaffirming 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 UNPROFOR, in particular their refusal to guarantee the safety and freedom of movement of UNPROFOR 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) on the mandate of UNPROFOR 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 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 UNPROFOR in Srebrenica and its surroundings; demands that all parties and others concerned cooperate

fully and promptly with UNPROFOR 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 the Republic 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 the Republic 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 the Republic of Bosnia and Herzegovina, in particular Srebrenica and its surroundings;

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

11. Further requests the Secretary-General, in consultation with UNHCR and UNPROFOR, to arrange for the safe transfer of the wounded and ill civilians from Srebrenica and its surrounding areas and to urgently report thereon to the Council;

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

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

Security Council resolution 819(1993)

16 April 1993 Meeting 3199 Adopted unanimously

Draft prepared in consultations among Council members (S/25617).

The Council President, in a note of 21 April<sup>(104)</sup> reported that, as a result of consultations among Council members, agreement had been reached that the mission referred to in paragraph 12 of the resolution would be composed of six members: France, Hungary, New Zealand, Pakistan, the Russian Federation and Venezuela.

SECURITY COUNCIL CONSIDERATION (19 and 20 April)

In response to a 15 April request from Turkey, on behalf of the OIC Contact Group on Bosnia and Herzegovina<sup>(105)</sup> the Security Council held

an open debate in three meetings on 19 and 20 April, following its adoption of resolutions 819(1993) and 820(1993) on 16 and 17 April, respectively. The debate focused on all aspects of the Bosnia and Herzegovina situation, especially the ongoing siege of the eastern part of the country.

At the 19 April meeting, the following States were invited, at their request, to participate in the discussions without the right to vote under rule 37:<sup>a</sup> Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, Comoros, Croatia, Denmark, Ecuador, Egypt, Germany, Indonesia, Iran, Ireland, Italy, Jordan, Lithuania, Malaysia, Malta, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Sweden, Turkey, Ukraine and the United Arab Emirates.

At Turkey's request<sup>(106)</sup> the Permanent Observer of OIC was invited to address the Council under rule 39.<sup>b</sup> Ambassador Dragomir Djokic of Yugoslavia (Serbia and Montenegro), at his request, was also invited to address the Council.

Meeting numbers. SC 3201-3203.

During the debate, statements were made by 30 Member States, as well as by the OIC representative and the representative of Yugoslavia (Serbia and Montenegro).

Most of the speakers condemned the human rights violations perpetrated in the fighting, in particular the practice of ethnic cleansing, and the intransigence of the Bosnian Serbs. A number of States, besides calling for the creation of safe havens and for enforcement measures to stop Serbian bombardments and ensure the free flow of relief supplies, echoed Bosnia and Herzegovina's call for the placing of heavy weaponry under United Nations control, for the interdiction of supply lines from Yugoslavia (Serbia and Montenegro) to Bosnia and Herzegovina, and for excluding the Government of Bosnia and Herzegovina from the arms embargo in accordance with Article 51 of the Charter. Other States, said it was time to take more decisive steps, including further measures under Chapter VII of the Charter.

The representative of Yugoslavia (Serbia and Montenegro) pointed out that, despite its full cooperation with the Co-Chairmen of the ICFY Steering Committee to bring an end to the war in Bosnia and Herzegovina, its repeated statements that it had no territorial claims on any of its neighbours and the fact that, since 1992, not a single soldier of its army remained on Bosnia and Herzegovina's territory, the international community and the Council had persisted in treating Yugoslavia (Serbia and Montenegro) as party to the conflict and in calling for its punishment and isolation, thus holding it hostage to the Bos-

nian Croats, Muslims and Serbs. The conviction that Yugoslavia (Serbia and Montenegro) could order the Bosnian Serbs to accept something that threatened their survival and that they were ready to obey orders from Belgrade was illusory and false. It was doing its utmost to advise the Bosnian Serbs but it could not order a people to capitulate who were dying and sacrificing all they had in order to survive on their land.

**Report of the fact-finding mission.** The six-member fact-finding mission<sup>(104)</sup> constituted pursuant to resolution 819(1993), visited Bosnia and Herzegovina, as well as Belgrade, Split and Zagreb to ascertain the situation on the ground. During its visit (22 to 27 April), the mission met with Bosnia and Herzegovina's President, Alija Izetbegovic, and Vice-President, Ejup Ganic; Messrs. Radovan Karadzic and Mate Boban, leaders, respectively, of the Bosnian Serbs and Bosnian Croats; and Croatia's President, Franjo Tudjman. The mission also met with the UNPROFOR Commander and field commanders, representatives of UNHCR and ICRC, and local authorities of areas where hostilities were occurring: Gorazde, Sarajevo, Srebrenica, Tuzla and Zepa in eastern Bosnia and Herzegovina; and Vitez in central Bosnia. The mission's findings and recommendations were contained in a report transmitted to the Security Council President on 30 April.<sup>(107)</sup>

The mission found Srebrenica practically under siege, with access to it controlled by Bosnian Serb forces. The prevailing conditions were inhuman and reflected neither the spirit nor the intent of Council resolution 819(1993) declaring Srebrenica a safe area. The Serb forces did not appear ready to withdraw; on the contrary, their numbers increased, they maintained their own interpretation of the demilitarization agreement and had little respect for UNPROFOR's authority.

The mission recommended the withdrawal of Serb forces from Srebrenica to points from which they could not attack, harass or terrorize the town; expansion of the designated safe area; immediate restoration of the water supply; and a warning to the Serbs on the implications of international humanitarian law violations. Gorazde, Tuzla and Zepa should be declared safe areas, with UNPROFOR monitors to be deployed around the cease-fire lines in a way that would not prejudice the future implementation of the Vance-Owen peace plan. Sarajevo should immediately become a safe area.

The mission's meeting with President Tudjman and Mr. Boban focused on the hostilities between

<sup>a</sup>Rule 39 of the Council's provisional rules of procedure states: "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."

Bosnian Croats and Bosnian Muslims at Vitez and on the massacres committed by one group against the other.

It was the mission's belief that the designation of certain towns or enclaves as safe areas deserved serious consideration as an act of preventive diplomacy, but should in no way undermine the Vance-Owen peace plan. The designations would require a larger UNPROFOR presence, a revised mandate to encompass cease-fire and safe area monitoring, and enforcement measures should the Serbs ignore the integrity of the safe areas.

Annexed to the report were: the mission's itinerary; an UNPROFOR-mediated agreement, signed at Sarajevo on 17 April by the military representatives of the Government and the Bosnian Serbs in the presence of UNPROFOR's Lieutenant-General Wahlgren, providing for a total cease-fire in the Srebrenica area effective 18 April and specific arrangements for the demilitarization of Srebrenica within 72 hours of the arrival of the UNPROFOR company to be deployed there; and a joint statement signed by President Izetbegovic and Mr. Boban (for the Croatian Defence Council), witnessed by President Tudjman, by which they undertook to order their respective commanders and military units immediately to halt all hostilities and unconditionally to respect all agreements concluded thus far between the Bosnian Muslims and the Bosnian Croats.

**Communications.** Bosnia and Herzegovina brought the Security Council President up to date on the continuing armed attacks on several towns in eastern Bosnia and Herzegovina and the resultant humanitarian needs of their populations. It wrote on 17 April<sup>(108)</sup> that, notwithstanding Council resolution 819(1993), the attacks on Srebrenica had escalated. In view of evidence that the Serb commander, General Ratko Mladic, had ordered the massacre of defenceless civilians, Bosnia and Herzegovina asked that the President do all humanly possible to stop it.

A letter of 27 April<sup>(109)</sup> requested an expansion of UNPROFOR's mandate in Srebrenica. A new offensive was reported on 28 April<sup>(110)</sup> aimed at linking the Serb and Montenegrin territorial gains in the northern and eastern parts of the country to Serbia; Cazin, in the north-west, sustained the heaviest attack and Bihac the heaviest civilian casualties; the Posavina region, particularly the city of Gradacac, had come under renewed attack, as had Goradze, Srebrenica and Zepa.

Subsequent letters included: a formal request for an emergency meeting of the Council in the light of the four-hour attack on Zepa on 4 May,<sup>(111)</sup> appeals of 5 May for medical assistance and immediate deployment of UNPROFOR in the area<sup>(112)</sup> and for the Council to take all steps necessary to save Zepa;<sup>(113)</sup> and a letter of 6

May<sup>(114)</sup> giving an estimate of civilian casualties from the unremitting bombardment of Zepa and reporting the shelling of Tuzla and Sarajevo.

#### SECURITY COUNCIL ACTION (6 May and 4 June)

The report of the fact-finding mission<sup>(107)</sup> and the foregoing communications were before the Security Council when it met on 6 May. Bosnia and Herzegovina, at its request, was invited to participate without the right to vote under rule 37.<sup>a</sup>

The Council, acting under Chapter VII of the Charter, unanimously adopted **resolution 824(1993)**.

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 Mission of the Security Council to the Republic of Bosnia and Herzegovina authorized by resolution 819(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 the Republic of 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 the Republic of Bosnia and Herzegovina,

Deeply concerned at the continuing armed hostilities by Bosnian Serb paramilitary units against several towns in the Republic of Bosnia and Herzegovina and determined to ensure peace and stability throughout the country, most immediately in the towns of Sarajevo, Tuzla, Zepa, Goradze, Bihac, as well as Srebrenica,

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

Aware in this context of the unique character of the city of Sarajevo, as a multicultural, multi-ethnic and pluri-religious centre which exemplifies the viability of coexistence and interrelations between all the communities of the Republic 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) on the mandate of UNPROFOR and in that context acting under Chapter VII of the Charter,

1. Welcomes the report of the Mission of the Security Council 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, Bihać, 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. Further 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 (UNPROFOR) and the international humanitarian agencies to free and unimpeded access to all safe areas in the Republic of 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 UNPROFOR 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 and, to that end, authorizes the strengthening of UNPROFOR by an additional 50 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 UNPROFOR;

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 also that arrangements pursuant to the present resolution shall remain in force up 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.

Security Council resolution 824(1993)

6 May 1993 Meeting 3208 Adopted unanimously

Draft prepared in consultations among Council members (S/25722).

**Communications.** Several countries conveyed their views to the Security Council President in May on various aspects relating to the safe areas and proposed ways for bringing about peace in Bosnia and Herzegovina.

By a 14 May memorandum<sup>(115)</sup> Cape Verde, Djibouti, Morocco, Pakistan and Venezuela (Council members belonging to the Non-Aligned Movement) appealed to the Council to consider immediate adoption of measures, including: giving a new mandate for UNPROFOR to enable it to provide effective protection to the safe areas; recognizing Bosnia and Herzegovina's inherent right to self-defence; and extending economic sanctions to Croatia if its offensive actions continued, particularly in Mostar. A memorandum from France, transmitted on 19 May<sup>(116)</sup> proposed options to ensure the protection of the safe areas, including new tasks for UNPROFOR and, to confer added credibility to the concept of safe areas, participation on the ground of the Russian Federation and the United States.

A communique issued by the Council of Ministers of the Western European Union (WEU) on 19 May<sup>(117)</sup> outlined the possible role that WEU might play in respect of the safe areas and UNPROFOR, as well as in the context of the Vance-Owen peace plan, in coordination with the North Atlantic Treaty Organization (NATO). A declaration of 24 May by OIC<sup>(118)</sup> urged forceful and decisive steps, including lifting the arms embargo against Bosnia and Herzegovina and a Council decision not to accept the unjust fait accompli in that country.

On 30 May<sup>(119)</sup> Bosnia and Herzegovina wrote about a new offensive against Gorazde, the shelling of Sarajevo and the continuing attacks on the towns of Brčko and Maglaj and requested an emergency meeting of the Security Council. On 2 June<sup>(120)</sup> it reported on the continued offensive against Gorazde. Earlier, the Secretary-General, by a letter of 14 May to the Council President<sup>(121)</sup> transmitted the text of an UNPROFOR-mediated cease-fire agreement concluded at Mostar on 12 May between the Generals of the Bosnian Muslim and Bosnian Croat parties. He stated that the situation in Mostar qualified the town as a "threatened area" under the terms of resolution 824(1993), which helped to set the terms of UNPROFOR's active involvement in the cease-fire and in deploying the Spanish battalion in an interposition role at Mostar. UNPROFOR's presence was an integral part of the cease-fire agreement and had helped to defuse the tension and stabilize the situation. None the less, concern had been expressed about the formal mandate of UNPROFOR in this regard, which also applied to the involvement of civilian police officers provided for in the cease-fire agreement, for which no authorization from the Council existed. The Secretary-General therefore requested confirmation as to whether the foregoing interpretation of the UNPROFOR mandate was acceptable. The Council's agreement with that interpretation was conveyed on 22 May.<sup>(122)</sup>

## SECURITY COUNCIL ACTION

The Security Council convened on 4 June and invited Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote under rule 37.<sup>a</sup> Before it were the communications mentioned above.

By 13 votes to none, with 2 abstentions (Pakistan and Venezuela), the Council adopted **resolution 836(1993)**.

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, which 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 the Republic 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 the Republic 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 the Republic of 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 the Republic 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 the Republic 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 the Republic 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 the Republic of 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 the Republic of Bosnia and Herzegovina must be based on the following principles: immediate and complete cessation of hostilities; withdrawal from territories seized by the use of force and "ethnic cleansing"; reversal of the consequences of "ethnic cleansing" and recognition of the right of all refugees to return to their homes; and respect for the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

Noting also the crucial work being done throughout the Republic of Bosnia and Herzegovina by the United Nations Protection Force (UNPROFOR), and the importance of such work continuing,

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

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

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 the Republic of Bosnia and Herzegovina;

4. Decides to ensure full respect for the safe areas referred to in resolution 824(1993);

5. Decides to extend to that end the mandate of UNPROFOR in order to enable it, in the safe areas referred to in resolution 824(1993), to deter attacks against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776(1992) of 14 September 1992;

6. Affirms that these safe areas are a temporary measure and that the primary objective remains to reverse the consequences of the use of force and to allow all persons displaced from their homes in the Republic of 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 UNPROFOR:

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

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

8. Calls upon Member States to contribute forces, including logistic support, to facilitate the implementa-

tion 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 UNPROFOR, 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 UNPROFOR 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 UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate set out in paragraphs 5 and 9 above;

11. Requests the Member States concerned, the Secretary-General and UNPROFOR 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. Further 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.

Security Council resolution 836(1993)

4 June 1993

Meeting 3228

13-0-2

5-nation draft (S/25870).

Sponsors: France, Russian Federation, Spain, United Kingdom, United States.

Vote in Council as follows:

In favour: Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Russian Federation, Spain, United Kingdom, United States.

Against: None.

Abstaining: Pakistan, Venezuela.

Before adoption of the resolution, Pakistan stated that the text did not address certain core issues of the Bosnia and Herzegovina conflict. Unless the measures it specified were supplemented by further enforcement actions by the Council within a given time-frame and as part of an overall plan, the situation on the ground might be frozen to the advantage of the Bosnian Serbs. It believed that the modality of safe areas as contained in the text could be acceptable only if and when the international community committed itself to

the full implementation of the Vance-Owen peace plan, in particular to its provisions on territorial arrangements for Bosnian Muslim communities. All Bosnian Muslim regions, as specified in that plan, should be declared protected areas and those already so declared should be given maximum protection.

Venezuela said that it had serious difficulties with the text. It proposed an initiative incomplete in scope and contrary to its own objectives. Venezuela disagreed with the way in which extending protective measures for a number of urban centres with a predominantly Muslim population was to be achieved. It added that the Council, although traditionally attentive to the opinions of parties to a conflict, did not even consider Bosnia and Herzegovina's position, namely, its rejection of the particular modality of "safe areas" as contained in the text.

**Report of the Secretary-General.** As requested by the Security Council, the Secretary-General, on 14 June, provided an analysis<sup>(123)</sup> of the modalities for implementing resolution 836(1993), for which the tasks under the existing UNPROFOR mandate for Bosnia and Herzegovina would be combined with tasks specifically related to the safe areas, as follows: deterrence of attacks; monitoring of the cease-fire; promotion of the withdrawal of military or paramilitary units other than those of the Government of Bosnia and Herzegovina; occupation of key points; protection of humanitarian relief delivery and distribution.

To perform these tasks, UNPROFOR would need to deploy within the safe areas, around their perimeters and at other important points and to respond to attacks against such areas, humanitarian convoys and UNPROFOR personnel. It would have to monitor cease-fire breaches and the surrounding areas for current military actions and future intentions, as well as areas from which units might be withdrawn to ensure that they remained demilitarized.

Any forces deployed must possess appropriate levels of protection, mobility and fire-power, including the availability of a credible air-strike capability provided by Member States.

The analysis included details of the categories of additional Force requirements, currently estimated at some 7,600 personnel, as well as additional equipment, winterized troop accommodations, and civilian personnel.

In a 17 June addendum<sup>(124)</sup> the Secretary-General estimated the cost associated with the additional responsibilities to be undertaken by UNPROFOR at \$249.9 million for an initial six-month period and the monthly cost thereafter at approximately \$26 million.

He recommended that the additional cost should be considered an expense of the Organi-

zation to be borne by Member States and that the assessments to be levied on them should be credited to the UNPROFOR special account.

#### SECURITY COUNCIL ACTION

The Security Council met on 18 June. It had before it, besides the Secretary-General's report, several communications from Bosnia and Herzegovina stating that the attacks on the safe area of Gorazde continued unabated and that its 70,000 inhabitants were vulnerable to genocidal slaughter<sup>(125)</sup> At its request, Bosnia and Herzegovina was invited to participate without the right to vote under rule 37.<sup>a</sup>

The Council unanimously adopted resolution 844(1993).

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 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 the Republic of 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 the Republic of Bosnia and Herzegovina,

Determined to implement fully the provisions of resolution 836(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 (UNPROFOR) 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 UNPROFOR, 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 UNPROFOR 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 this resolution;
7. Decides to remain actively seized of the matter.

#### Security Council resolution 844(1993)

18 June 1993 Meeting 3241 Adopted unanimously

5-nation draft (S/25966).

Sponsors: France, Russian Federation, Spain, United Kingdom, United States.

The Secretary-General informed the Council on 29 July of his proposal to pursue offers of troops and equipment made by France, Jordan, Malaysia, the Netherlands and Pakistan in respect of the implementation of resolutions 836(1993) and 844(1993)—to which the Council agreed on 2 August<sup>(126)</sup> He also notified the Council on 18 August that the United Nations had acquired the initial operational capability for the use of air power in support of UNPROFOR in Bosnia and Herzegovina; the President acknowledged the information on 22 August.<sup>(127)</sup>

Communications. On 2 July<sup>(128)</sup> Bosnia and Herzegovina requested the Security Council for an air evacuation of Gorazde, which was under a new artillery offensive; a UNHCR humanitarian convoy destined for it had been blocked. On 19 July<sup>(129)</sup> it reported that Sarajevo was under a two-pronged offensive and that Mount Igman, southwest of Sarajevo, was being targeted.

#### SECURITY COUNCIL ACTION

At a meeting on 22 July in connection with the reported offensive on Mount Igman and Sarajevo, the Security Council invited Bosnia and Herzegovina to participate in the discussion without the right to vote under rule 37.<sup>a</sup>

Following consultations among its members, the Council authorized its President to make the following statement<sup>(130)</sup> on behalf of the Council:

Meeting number. SC 3257.

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

"The Security Council renews its demand that all hostilities in the Republic of 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 Security Council reaffirms its resolutions 824(1993) and 836(1993), in the first of which the Council 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 Security 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 the Republic 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 Security Council emphasizes that it will keep open all options, none of which is prejudged or excluded from consideration."

**Communications.** Between 23 July and 3 December, Bosnia and Herzegovina addressed further communications to the Security Council President relating to safe areas.

Three of the letters<sup>(131)</sup> reported the continuing armed attack on the Muslim city of Mostar and its surroundings by the Bosnian Croats and reiterated its request that the Council convene in emergency meeting to designate Mostar as a safe area.

Seven letters spoke of the continuing siege of Sarajevo. They drew attention to: the intensification of an already heavy Serb offensive on Mount Igman;<sup>(132)</sup> the resultant subhuman level to which humanitarian conditions in Sarajevo had deteriorated<sup>(133)</sup> President Izetbegovic's conditioning his continued attendance at the Geneva peace talks on the United States commitment, in conjunction with NATO, to halt the brutal siege of Sarajevo and induce Serb withdrawal from newly occupied positions<sup>(134)</sup> the Serbs' use of helicopters in the assault around Sarajevo, in violation of the ban on military flights (see below);<sup>(135)</sup> the death of 536 civilians and the wounding of 3,306 others since the declaration of Sarajevo as a safe area in May due to the slow, inconsistent and indecisive implementation of resolution 836(1993);<sup>(136)</sup> the targeting of Sarajevans by new and more vicious weapons;<sup>(137)</sup> and the daily shelling of Sarajevo, to which NATO and the United States had not responded, despite their commitments to do so.<sup>(138)</sup>

Further letters concerned the repeated artillery bombardment of Gorazde;<sup>(139)</sup> and the intense attacks on Tuzla with ground-to-ground and air-to-ground rockets<sup>(140)</sup>

### Bosnian Croats-Bosnian Muslims

Complicating the Serbian aggression against the territory of Bosnia and Herzegovina was the outbreak in April of renewed military hostilities between Government forces and Bosnian Croat paramilitary units in central Bosnia and Herzegovina. The fighting intensified in May and widened to other parts of the country, with reports of violations of human rights and international humanitarian law perpetrated by both sides.

#### SECURITY COUNCIL ACTION (21 April and 10 May)

After consultations among its members on 21 April, the Security Council authorized its President to make the following statement<sup>(141)</sup> to the media on the Council's behalf:

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

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

Through the efforts of the ICFY Co-Chairmen, a cease-fire agreement between the two forces, including joint military arrangements to eliminate conflict between them in central Bosnia and Herzegovina, was reached on 25 April. The agreement was embodied in a joint statement signed at Zagreb on that date by President Izetbegovic and Mr. Boban (as "President of the Croatian Union of Herceg-Bosna") and witnessed by President Tudjman.<sup>(142)</sup>

Despite that agreement, fighting continued, as evidenced by Croatia's appeal of 10 May<sup>(143)</sup> to President Izetbegovic and Mr. Boban immediately

to do their utmost to put an end to a renewed widening of conflict between Bosnian Croats and Bosnian Muslims and restore cooperation between them in their joint struggle against the Serb aggressor. Also on 10 May<sup>(144)</sup> Croatia, while welcoming the recently concluded cease-fire between Croat and Muslim forces, denounced the Bosnian Croat offensive around the Muslim town of Mostar, as it did the Bosnian Muslim offensive on the Croat towns of Jablanica and Konjic.

The Council, after consultations among its members on 10 May, authorized its President to make the following statement<sup>(145)</sup> on the Council's behalf:

Meeting number. SC 3210.

"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 Security 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 the cease-fire agreed to today between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party.

"The Security Council also expresses its deep concern that the UNPROFOR battalion 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 Security Council once again reiterates its demand that UNPROFOR personnel be allowed unimpeded access throughout the Republic of 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 Security 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 the Republic of Croatia to adhere strictly to its obligations under Security Council resolution 752(1992), including putting an end to all forms of interference and respecting the territorial integrity of the Republic of Bosnia and Herzegovina.

"The Security Council once again reaffirms the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina and the inacceptability of the acquisition of territory by force and the practice of 'ethnic cleansing'.

"The Security 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."

**Communication.** Bosnia and Herzegovina, on 26 October<sup>(146)</sup> informed the Security Council President of the destruction by Croat extremist forces of the Muslim village of Stupni Do in central Bosnia. More than 80 Muslim civilians, including women, children and the elderly, were reported massacred. Bosnia and Herzegovina urged the Council to take all necessary measures to deter further acts of aggression and slaughter of civilians.

#### SECURITY COUNCIL ACTION

The Security Council, following consultations among its members on 28 October, authorized its President to make the following statement<sup>(147)</sup> on the Council's behalf:

"The members of the 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 UNPROFOR by armed persons bearing uniforms of the Bosnian Government forces, and of an attack to which a 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 resolutions of the Council. The members of the Council call upon all the parties in the former Yugoslavia to guarantee the unimpeded access to humanitarian assistance and the security of the personnel responsible for it."

**UNPROFOR report.** On 12 November<sup>(148)</sup> the Secretary-General transmitted to the Security Council President a report by UNPROFOR regard-

ing the 25 October incident in which two humanitarian aid convoys were attacked near Novi Travnik in central Bosnia and Herzegovina resulting in one fatality and ten casualties.

The Secretary-General suspended humanitarian convoys in central Bosnia and Herzegovina until an investigation of the incident had been carried out and credible guarantees for safe passage obtained from the warring parties.

**Communications.** Croatia, on 3 November<sup>(149)</sup> requested an urgent meeting of the Security Council to address the situation in and around the Bosnian Croat town of Vares, in central Bosnia and Herzegovina, under siege by the Bosnian Muslim army. Six days later<sup>(150)</sup> it reported that the town of Vitez was threatened by the same army, which had already overrun the bordering villages of Zabrdje and Jelike. It warned that ethnic cleansing of the over 40,000 refugees of mostly Bosnian Croats would create a catastrophe; an ammunition factory there, if destroyed, could threaten the town's security. Croatia urged the Council to address this imminent humanitarian tragedy.

Bosnia and Herzegovina also called for an emergency Council session to respond to hostage-taking by Serb forces on 8 November<sup>(151)</sup> It informed the Council President that a delegation headed by Archbishop Vinko Puljic of Sarajevo, while travelling under UNPROFOR protection to Vares on a peace mission, had been intercepted at Rajlovac near Sarajevo by Bosnian Serb forces who then took his two Bosnian Croat escorts hostage.

#### SECURITY COUNCIL ACTION

In accordance with Croatia's request, the Security Council met on 9 November. It invited Bosnia and Herzegovina, at its request, to participate in the discussion without the right to vote, under rule 37.<sup>a</sup>

Following consultations among its members, the Council authorized its President to make the following statement<sup>(152)</sup> on the Council's behalf:

Meeting number. SC 3308.

"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 Security 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 Security 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 Security Council, aware of the heavy burden that these developments add to the existing precarious humanitarian situation of the refugees and dis-

placed persons in the Republic of 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 Security Council urges all parties and others concerned to exert the utmost restraint and refrain from taking any action which might exacerbate the situation."

The President was further authorized to make a second statement<sup>(153)</sup> as follows:

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

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

"The Security Council takes note that, despite the prompt and commendable intervention of the Special Representative of the Secretary-General, neither of the hostages has been released and 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 Security 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 Security 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."

**Report of the Secretary-General.** Pursuant to the second presidential statement of 9 November, the Secretary-General transmitted to the Security Council President an extensive UNPROFOR report regarding the two hostages. The report provided details of the circumstances surrounding the incident. It noted the meticulous observance by UNPROFOR of the normal operating procedures for the escort mission; the refusal of the Serb checkpoint to allow the convoy to proceed to Vares or to return to its unit until the two Bosnian Croats, reported by the Serbs to be war criminals, were surrendered; the negotiations conducted by the escort commander; and the forcible opening of the armoured personnel carrier by the Serbs, who took away the two men.

The Secretary-General's letter of 11 November transmitting the report<sup>(154)</sup> informed the President that, following intensive negotiations under the direct supervision of his Special Representative for the Former Yugoslavia, the two persons concerned had been released to UNPROFOR on the same date. According to the report, they were to be handed over to the Government of Bosnia and Herzegovina for trial.

### Ban on military flights

The Secretary-General, by letters, dated 12<sup>(155)</sup> and 16 March<sup>(156)</sup> informed the President of the Security Council of the first violations of the 1992 ban on military flights in the airspace of Bosnia and Herzegovina, one of them involving combat activity on 13 March 1993. The ban was established by Council resolution 781(1992)<sup>(157)</sup> and reaffirmed by resolution 786(1992)<sup>(158)</sup> for the safe delivery of humanitarian assistance and as a decisive step for the cessation of hostilities in Bosnia and Herzegovina.

#### SECURITY COUNCIL ACTION

Following consultations on 17 March, the Security Council authorized its President to make the following statement<sup>(159)</sup> on behalf of the Council:

Meeting number. SC 3184.

"The Security Council has been informed by the Secretary-General in a letter of 12 March 1993 of the violation on 11 March 1993 by military jets, proceeding from the airport of Banja Luka, of Security Council resolution 781(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 Security 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 Security Council resolution 781(1992) observed by UNPROFOR which involved combat activity.

"The Security 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 the Republic of Bosnia and Herzegovina.

"The Security Council demands that these violations cease forthwith and reiterates its strong determination to ensure full respect of 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 Security 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 Security 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 Security Council will continue to consider what additional steps may be required to secure implementation of the provisions of relevant Security Council resolutions."

### Communications by the Secretary-General.

In accordance with the foregoing presidential statement, the Secretary-General reported on 27 April<sup>(160)</sup> that only Yugoslavia (Serbia and Montenegro) had responded to his request for information on the violations. In a statement<sup>(161)</sup> denying the alleged violations of the airspace of Bosnia and Herzegovina, it described the alleged combat use of aircraft on 13 March as a premeditated fraud intended to pressure the Council at a moment when important agreements to end the war were to be reached.

On 22 March<sup>(162)</sup> the Secretary-General informed the Council of the UNPROFOR Commander's concern about the proposed enforcement by Member States of the interdiction on military flights. The Commander was apprehensive that the proposed enforcement action would have negative consequences for the viability of UNPROFOR. In particular, its work of protecting the delivery of humanitarian aid would be seriously jeopardized. He was, moreover, worried about the safety and security of UNPROFOR's military observers and civilian personnel, especially those stationed at airfields.

#### SECURITY COUNCIL ACTION

The Security Council convened on 31 March to consider a draft resolution relating to the Force Commander's concerns. Bosnia and Herzegovina was invited, at its request, to participate without the right to vote under rule 37.<sup>a</sup>

The Council adopted **resolution 816(1993)** by 14 votes to none, with 1 abstention (China).

The Security Council,

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



Recalling 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,

Deploing the failure of some parties concerned to cooperate fully with United Nations Protection Force (UNPROFOR) airfield monitors 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 the Republic of Bosnia and Herzegovina,

Deeply concerned in particular by the Secretary-General's letters to the President of the Security Council of 12 and 16 March 1993 concerning new blatant violations of the ban on military flights in the airspace of the Republic 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 the Republic of Bosnia and Herzegovina,

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

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

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

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 UNPROFOR in accordance with paragraph 2 below;

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

3. Requests UNPROFOR to continue to monitor compliance with the ban on flights in the airspace of the Republic of Bosnia and Herzegovina, and calls on all parties urgently to cooperate with UNPROFOR 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 this 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;

5. Requests the Member States concerned, the Secretary-General and UNPROFOR 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 further 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.

**Security Council resolution 816(1993)**

**31 March 1993**

**Meeting 3191**

**14-0-1**

**6-nation draft (S/25440).**

**Sponsors: France, Morocco, Pakistan, Spain, United Kingdom, United States.**

**Vote in Council as follows:**

**In favour: Brazil, Cape Verde, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, United Kingdom, United States, Venezuela.**

**Against: None.**

**Abstaining: China.**

After the vote, China placed on record its reservations on the invocation of Chapter VII of the Charter to authorize the use of force to ensure compliance with the ban on military flights.

On 9 April<sup>(163)</sup> the Secretary-General informed the Council President that Member States concerned had been coordinating with him and UNPROFOR regarding measures to ensure compliance with the ban. The North Atlantic Council of NATO had adopted necessary arrangements for the operation. The rules of engagement established by the Member States concerned were in conformity with paragraph 4 of resolution 816(1993). Liaison cells had been set up at UNPROFOR headquarters at Zagreb and at Kiseljak in Bosnia and Herzegovina, with an UNPROFOR liaison team to be dispatched to the command headquarters designated by Member States. As requested, UNPROFOR had modified the mechanism referred to in paragraph 3 of resolution 781(1992).

The Secretary-General further informed the Council on 16 April<sup>(164)</sup> that France, the Netherlands, Turkey, the United Kingdom and the United States had offered to make aircraft available; those from France, the Netherlands and the United States had been deployed. He transmitted the further revised guidelines for the authorization of non-UNPROFOR and non-UNHCR flights in the airspace of Bosnia and Herzegovina. The Council took note of the information on 21 April.<sup>(165)</sup>

### Violations

The Secretary-General, in a 10 February report<sup>(166)</sup> stated that the interdiction of military flights in the airspace of Bosnia and Herzegovina had been violated, by the parties to the conflict on nearly 400 occasions since its imposition. However, the frequency of violations had dropped and, in the four weeks to 8 February, averaged about two violations a day.

In addition, by numerous notes verbales addressed to the Security Council President throughout 1993<sup>(167)</sup> the Secretary-General reported all instances of unauthorized flights, as received by UNPROFOR, in apparent violation of the ban.

### Arms embargo: request for exemption

During the general debate held by the Security Council on 19 and 20 April on the situation in Bosnia and Herzegovina, a number of States, invoking Article 51 of the United Nations Charter, called for exempting that country from the 1991 arms embargo on the former Yugoslavia<sup>(49)</sup> to enable it to exercise its right of self-defence.

A draft resolution to that effect<sup>(168)</sup> was submitted for Council consideration in June by 22 nations: Afghanistan, Albania, Algeria, Cape Verde, Comoros, Djibouti, Egypt, Estonia, Indonesia, Iran, Jordan, Latvia, Libya Arab Jamahiriya, Malaysia, Morocco, Pakistan, Senegal, Syrian Arab Republic, Turkey, Tunisia, United Arab Emirates, Venezuela.

By that draft, the Council would have reaffirmed the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, demanded that all hostilities within the country be halted forthwith, and would have decided to exempt the Government of Bosnia and Herzegovina from the arms embargo imposed on the former Yugoslavia by resolution 713(1991) with the sole purpose of enabling it to exercise its inherent right of self-defence.

### SECURITY COUNCIL CONSIDERATION

The Security Council convened on 29 June to consider the draft resolution.

At their request, Afghanistan, Albania, Bangladesh, Bosnia and Herzegovina, the Comoros, Costa Rica, Croatia, Egypt, Estonia, Indonesia, Iran, Jordan, Latvia, the Libyan Arab Jamahiriya, Malaysia, Senegal, Slovenia, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates were invited to participate in the discussion without the right to vote under rule 37.<sup>a</sup> At his request, Dragomir Djokic, Ambassador of Yugoslavia (Serbia and Montenegro), was also invited to address the Council.

Following statements by some 29 States, the Council voted on the draft resolution, which received 6 votes to none, with 9 abstentions.

In favour: Cape Verde, Djibouti, Morocco, Pakistan, United States, Venezuela.

Against: None.

Abstaining: Brazil, China, France, Hungary, Japan, New Zealand, Russian Federation, Spain, United Kingdom.

The draft was not adopted, having failed to obtain the required number of votes.

The United Kingdom stated that it was simply not credible that lifting the arms embargo would result in arms reaching only the Bosnian Government forces; already a substantial proportion of the arms clandestinely destined for the Bosnian Government had fallen into other hands. Lifting the embargo 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, the military threat posed to them by the Bosnian Government forces had been neutralized.

For France, deciding selectively to lift the arms embargo would only interfere with the ongoing negotiating process—a view shared by Japan and the Russian Federation.

The Russian Federation stated that adopting the draft would intensify the fighting, endanger the security of United Nations troops and cause the conflict to spread beyond the country's boundaries. Japan added that ongoing humanitarian assistance could be jeopardized and the possibility of resolving the conflict by peaceful political means would be eliminated.

Hungary wanted to give a last chance to the tireless efforts aimed at achieving a solution to the crisis.

Meeting number. SC 3247.

Subsequently, Bosnia and Herzegovina informed the Secretary-General that it had issued a statement of intention, dated 15 November<sup>(169)</sup> to institute legal proceedings against the United Kingdom before ICJ for violating the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide<sup>(103)</sup> of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination<sup>(170)</sup> and of the other sources of general international law set forth in Article 38 of the ICJ Statute. The application, besides charging the United Kingdom with failure in its affirmative obligation to prevent genocide against the people of Bosnia and Herzegovina, would further charge it, as a permanent Council member, with having illegally maintained an arms embargo on the Republic in violation of Article 51 of the Charter.

The United Kingdom, on 6 December<sup>(171)</sup> rejected the statement as totally without foundation. On 17 December<sup>(172)</sup> Bosnia and Herzegovina notified the Council President of its decision not to proceed with its application.

Earlier, on 27 October<sup>(173)</sup> Yugoslavia (Serbia and Montenegro) drew attention to a 20 October

UNPROFOR report, according to which a commander of the Army of Bosnia and Herzegovina admitted that chemical grenades had been used against the Bosnian Serb forces. In addition to that Army's repeated threats to use chemical weapons, President Izetbegovic was quoted by the Turkish News Agency in June as saying he would not rule out the use of such weapons if the United Nations did not exempt Bosnia and Herzegovina from the arms embargo.

World Conference on Human Rights. The 1993 World Conference on Human Rights (see PART THREE, Chapter X) adopted a special declaration on Bosnia and Herzegovina, in which it urged lifting the embargo against it to enable it to exercise its right to self-defence.

#### GENERAL ASSEMBLY ACTION

In resolution 48/88 of 20 December on the situation in Bosnia and Herzegovina, the General Assembly urged the Security Council to consider exempting Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Council resolution 713(1991). It likewise urged Member States and the international community to cooperate with Bosnia and Herzegovina in exercise of its inherent right of self-defence in accordance with Article 51 of Chapter VII of the Charter.

#### Border control

##### SECURITY COUNCIL ACTION

On 10 June, the Security Council considered a draft resolution relating to the deployment of international observers on the borders of Bosnia and Herzegovina to facilitate implementation of the sanctions regime mandated by Council resolutions 713(1991),<sup>(49)</sup> 757(1992),<sup>(50)</sup> 787(1992),<sup>(51)</sup> 819(1993) and 820(1993), as well as of resolution 752(1992)(174) demanding immediate cessation of all outside interference.

Before the Council were: the 1992 report of the Secretary-General<sup>(175)</sup> presenting three options for such deployment; a 24 May letter<sup>(176)</sup> from France, the Russian Federation, Spain, the United Kingdom and the United States offering to provide jointly, among other assistance, border monitors or technical expertise or aerial surveillance; a 1 June letter from Croatia<sup>(177)</sup> accepting international control of its entire border with Bosnia and Herzegovina; and an 8 June letter from Bosnia and Herzegovina<sup>(178)</sup> supporting the deployment of monitors along its border with Yugoslavia (Serbia and Montenegro) to enable effective control of all border traffic between the two countries.

The Council unanimously adopted resolution 838(1993).

The Security Council,

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

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,

Reiterating the demands in its resolution 752(1992) and subsequent relevant resolutions that all forms of interference from outside the Republic of 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) 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 dated 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), 787(1992) and 820(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),

Taking note of 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 the Republic of Bosnia and Herzegovina provided for in the Vance-Owen Peace Plan,

Bearing in mind paragraph 4 (a) of its resolution 757(1992) concerning the prevention by all States of imports into their territories of all commodities and products originating in or exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) and paragraph 12 of its resolution 820(1993) concerning import to, export from and transshipment through those areas of the Republic 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 Security 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 circum-

stances 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.

Security Council resolution 838(1993)

10 June 1993 Meeting 3234 Adopted unanimously

5-nation draft (S/25798).

Sponsors: France, Russian Federation, Spain, United Kingdom, United States.

Report of the Secretary-General. In response to the Security Council's request, the Secretary-General submitted a further report, dated 1 July<sup>(179)</sup> on options for the deployment of international observers on the borders of Bosnia and Herzegovina, giving priority to its border with Yugoslavia (Serbia and Montenegro) and taking account of the 1993 Council resolutions strengthening the sanctions regime against Yugoslavia (Serbia and Montenegro).

Two options for monitoring were developed by UNPROFOR. One option called for the deployment of international monitors at 48 major crossing points on the borders between Bosnia and Herzegovina and Yugoslavia (Serbia and Montenegro) and at 75 crossing points between Bosnia and Herzegovina and Croatia, in addition to those where the international borders of Croatia coincided with those of the UNPAs, making a total of 123 crossing points along 1,100 kilometres of borderline. The monitoring activity would involve observing and reporting traffic at the crossing points but not checking outgoing and incoming goods. Eight observers and/or troops and four interpreters would be required at each point. For its effectiveness, this option would depend largely on the cooperation of Croatian and Yugoslav customs officers.

The Force Commander suggested dividing the work between UNPROFOR and European Community Monitoring Mission teams, with UNPROFOR in command of arrangements and acting as the sole reporting body to the Council. To reduce military staff requirements and the training time required, the Secretary-General suggested using civilian police monitors and former customs and retired border police officials, to be identified by Member States.

The other option was for full border control, requiring a capability, not only to observe and report, but also to search, to deny passage and to interdict in cases where the borders had been already crossed. UNPROFOR would in effect supersede national authorities in respect of certain national border control functions.

UNPROFOR estimated that such a mission would need an infantry platoon at each crossing point, with a total troop requirement of over 10,000, augmented by a logistics battalion of 1,000 to 1,200 all ranks and a number of civilian police monitors, interpreters, and civilian affairs and administrative personnel. Thus, the total additional essential requirements would range from 10,300 to 10,500 troops and civilian personnel.

The Secretary-General advised that it would be unrealistic for the Council to authorize the second option. As for the first, for which substantial additional observers and equipment would be required, the Council might wish to establish whether Member States would be ready to make available the qualified staff required and to take account of the Organization's precarious financial situation. It might also wish to note that the effectiveness of the first option would depend entirely on the cooperation of the neighbouring countries and the parties concerned in Bosnia and Herzegovina.

In an addendum to his report, dated 13 July<sup>(180)</sup> the Secretary-General estimated that the total cost of the first option would amount to some \$94.8 million for an initial six-month period and approximately \$8.1 million a month thereafter.

The additional costs should be considered an expense of the Organization to be borne by Member States and the assessments to be levied on them should be credited to the UNPROFOR Special Account.

The Council President, on 7 July<sup>(181)</sup> informed the Secretary-General that the Council continued to believe that international observers should be deployed on the borders of Bosnia and Herzegovina, with priority given to the border between it and Yugoslavia (Serbia and Montenegro). The Council invited him to establish whether Member States were ready to make qualified personnel available, to explore all possibilities for implementing of the border monitors concept, and to seek the full cooperation of the neighbouring countries.

#### **Activities of the Co-Chairmen of the ICFY Steering Committee**

Efforts to bring peace to Bosnia and Herzegovina proceeded on the basis of the principles of the Charter of the United Nations, the relevant decisions of the Security Council and the principles adopted by ICFY at its London session in August 1992.<sup>(182)</sup> Since that session, the Co-Chairmen of the ICFY Steering Committee had held intensive negotiations with the three sides to the conflict, namely, the Bosnian Government, the Bosnian Serbs and the Bosnian Croats, as well as with Croatia and Yugoslavia (Serbia and Montenegro).

In seven rounds of talks during 1993 that took place between 2 January and 2 May—three at Geneva, followed by three in New York and one at Athens, Greece—the Co-Chairmen devoted their efforts to hammering out a peace plan for Bosnia and Herzegovina and to getting the three sides to sign the plan. Known as the Vance-Owen peace plan, it included a set of nine constitutional principles, an agreement on military and related issues, a map reflecting the country's organization into 10 provinces, and an agreement on interim governmental arrangements. It was endorsed by EC and by the Secretary-General. Although signed by the three sides by 2 May, the plan was rejected three days later by the "assembly" of the Bosnian Serbs and in a mid-May referendum.

Despite this set-back, the Co-Chairmen continued to search for a peaceful settlement.

#### Vance-Owen peace plan

##### **Report of the Secretary-General (6 January).**

In a 6 January report<sup>(183)</sup> the Secretary-General gave an account of the first of the three rounds of talks at Geneva held from 2 and 4 January. The report stated that it was the first time since September 1992<sup>(1)</sup> that the three sides to the conflict in Bosnia and Herzegovina were represented at the highest political and military levels: Bosnia and Herzegovina was led by President Alija Izetbegovic; the Bosnian Croats by Mate Boban; and the Bosnian Serbs by Radovan Karadzic. Also attending were the delegations of Yugoslavia (Serbia and Montenegro) and of Croatia, led, respectively, by President Dobrica Cosic and by President Franjo Tudjman.

Before the talks adjourned, the Co-Chairmen placed before the delegations a comprehensive package that they believed represented a fair, just and lasting peace in Bosnia and Herzegovina. Referred to as the Vance-Owen peace plan, the package consisted of a draft agreement relating to Bosnia and Herzegovina dealing with the delimitation of provinces in accordance with a map suggesting a future 10-province structure of the republic, with a constitutional framework of 10 principles and with humanitarian issues; and a draft agreement for peace in Bosnia and Herzegovina dealing with the observance and monitoring of the cessation of hostilities, restoration of infrastructure, opening of routes, separation of forces, demilitarization of Sarajevo, monitoring of borders and return of forces to designated provinces. It was explained to the three sides that the two agreements were inextricably linked and that any mutually agreed changes they might propose would be incorporated.

#### SECURITY COUNCIL ACTION

Following the first round of talks at Geneva, the Security Council held consultations on 8 January,

after which it authorized its President to make the following statement:<sup>(184)</sup>

Meeting number. SC 3160.

"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 the Republic 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 the Republic of Bosnia and Herzegovina, despite the recent provocation, to cooperate with the Co-Chairmen in bringing this conflict to an end swiftly.

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

##### **Reports of the Secretary-General (13 January, 2 and 8 February).**

In a 13 January report<sup>(185)</sup> the Secretary-General covered the resumed talks from 10 to 12 January, during which the Co-Chairmen considered eight constitutional principles suggested by Mr. Karadzic and arrived at a new version of nine consolidated principles, on the basis of which a new constitution would be drafted. They reviewed the international monitoring and control arrangements envisaged with regard to: interprovincial thoroughways, a constitutional court, progressive demilitarization of the country, non-discriminatory composition of the police, an international commission of human rights, ombudsmen, and a human rights court.

At the conclusion of the talks, Mr. Boban signed the agreement setting out the constitutional principles together with the provincial map and the agreement on military and related issues. President Izetbegovic accepted the constitutional principles and the agreement on military and related issues, but not the provincial map. Mr. Karadzic stated his agreement with the proposed constitutional principles provided his "assembly" confirmed that agreement within seven days; he did not accept the provincial map and had some questions about the agreement on military and related issues.

In a 2 February report<sup>(186)</sup> the Secretary-General covered the third round of Geneva talks (23 to 30 January). At the end of that round,

devoted to the question of the provincial boundaries, the Co-Chairmen informed the parties of their conclusion that the proposed provincial map proposed should be maintained and invited them to sign it. Mr. Boban reconfirmed his acceptance of the map and signed it. President Izetbegovic maintained his non-acceptance because, in his view, the map had the effect of rewarding the ethnic cleansing that had taken place. Mr. Karadzic stated that he could formally accept the map on the understanding that the populations in certain areas would be democratically consulted—a condition which the Co-Chairmen ruled as tantamount to non-acceptance of the map.

The Co-Chairmen also invited the three sides to sign the agreement on military and related issues. Messrs. Boban and Karadzic signed the agreement. His earlier acceptance notwithstanding, President Izetbegovic declined to sign because he felt that the arrangements on the control of heavy weapons were not strong enough. He was therefore invited to clarify his concerns with the UNPROFOR Commander so as to enable him to sign the agreement.

In addition, the Co-Chairmen submitted for comment to the three sides a working paper on interim arrangements for governing Bosnia and Herzegovina as a whole and each of the provinces during a transitional period until a constitution was drafted and elections held.

The next three rounds of talks took place in New York to take advantage of the Security Council's good offices to help the three sides to overcome their outstanding difficulties. The Secretary-General's report of 8 February,<sup>(187)</sup> on the round held from 3 to 8 February, noted the extensive discussions on 2 February with the Council's President and permanent members, in which the Co-Chairmen explained the process leading up to the peace package and the factors that had influenced its contents.

The Co-Chairmen explained their priorities in terms of the principles laid down by the Council and at the 1992 ICFY London session.<sup>(182)</sup> They also expressed concerns about the danger of the conflict spreading and their view that even a selective lifting of the arms embargo would not be in the interests of peace or human rights, and could lead instead to a devastating conflagration engulfing the Balkan region.

The Co-Chairmen conveyed their assessment that the peace package was enforceable and would require a United Nations force of 15,000 to 25,000 to implement it. They urged the establishment of an international criminal court to try persons accused of grave breaches of international humanitarian law in the former Yugoslavia.

The Co-Chairmen also consulted with the OIC Contact Group and, on 6 and 7 February, briefed

the Minister for Foreign Affairs of Yugoslavia (Serbia and Montenegro).

The possibility of reaching agreed solutions among the three sides was reduced by the refusal of the Bosnian Government side to meet with the other sides or to discuss provincial boundaries. That Government suggested that work should rather concentrate on the drafting of a new constitution and that the interim governmental arrangements should be built around the existing Government of Bosnia and Herzegovina. It proposed that the Serb side immediately place its heavy weapons under international control, offering to do the same.

The Bosnian Serb side continued to express its readiness to accept and sign the map only if the populations of contested areas were consulted and submitted a map suggesting changes in the proposed provincial boundaries. It could not accept interim arrangements based on the premise that the existing Constitution of Bosnia and Herzegovina continued to be valid or that the interim Government—which it preferred to call the "central coordinating body"—would be a continuation of the current Presidency.

The Bosnian Croat side was prepared to entertain some changes to make the proposed provincial boundaries more acceptable to the other two sides. It advanced a number of suggestions, particularly in respect of the eastern border of Travnik and the western border of Posavina provinces. Since the revised map was rejected by the Bosnian Serb side, which also reconfirmed its position on the proposed original map, the Co-Chairmen remained committed to their original proposal.

#### SECURITY COUNCIL ACTION

At its 24 February meeting, the Security Council invited Bosnia and Herzegovina, at its request, to participate in the discussion without the right to vote under rule 37.<sup>a</sup> Following consultations among its members, the President was authorized to make the following statement<sup>(188)</sup> on behalf of the Council:

Meeting number. SC 3176.

"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."

**Report of the Secretary-General (12 March).**

According to the Secretary-General's report of 12 March<sup>(189)</sup> significant progress was achieved during the resumed New York talks from 1 to 6 March. The Bosnian Government signed the agreement on military and related issues. It took this action in the light of the following important developments: a Canadian battalion had been deployed to Sarajevo near the airport; certain countries had indicated their preparedness to help the United Nations implement an agreed peace settlement; discussions had taken place on the matter of implementing a viable agreement containing enforcement provisions, which involved the Secretariat's Department of Peace-keeping Operations, UNPROFOR, NATO and the Supreme Headquarters of the Allied Powers in Europe. Moreover, the UNPROFOR Commander had informed the Co-Chairmen that, once substantial numbers of additional troops arrived in Bosnia and Herzegovina, it would be possible to undertake control of heavy weapons and ensure the physical separation of opposing forces.

As a result of meetings on the legitimacy of the State of Bosnia and Herzegovina, the Bosnian Government side and the Bosnian Croat side on 3 March signed a provisional agreement on interim governmental arrangements, in particular with respect to the interim presidency.

Discussions proceeded on the basis that, until the entry into force of a new constitution and the holding of elections, the current Constitution of Bosnia and Herzegovina should continue in force, except to the extent required to implement the proposed provisions in respect of human rights and the reversal of ethnic cleansing, and of the agreed interim governmental arrangements mentioned above. The current powers of the opstinas (municipalities) would continue, as would their boundaries, except as required to conform to the agreed provisional boundaries, or when changed by consensus.

With the Bosnian Government's signature of the military agreement, seven out of nine signatures required for the conclusion of the peace settlement plan had been obtained. Outstanding was the agreement of the Bosnian Government and Bosnian Serbs to the provincial map.

**SECURITY COUNCIL ACTION**

The Security Council met on 25 March and invited Bosnia and Herzegovina, at its request, to participate in the discussion without the right to vote, in accordance with rule 37.<sup>a</sup> After consultations among its members, the Council author-

ized its President to make the following statement<sup>(190)</sup> on behalf of the Council:

Meeting number. SC 3186.

"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 Security 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."

**Report of the Secretary-General (26 March).**

The Secretary-General's report of 26 March<sup>(191)</sup> covered the round of talks held from 16 to 25 March, at which the interim governmental arrangements were discussed further. The Bosnian Government and the Bosnian Croats felt that Sarajevo province should be increased in size, making it less dominated by Sarajevo City; the province should be governed according to the proportional formula applicable to the other nine provinces and the city itself should be governed by an interim Executive Mayor and Executive Board, under the nominal supervision of the Presidency.

The Bosnian Serb side, whose initial position had been for Sarajevo's governance by Muslims and Serbs on a 50-50 basis, would accept a capital opstina governed equally among the Bosnian Croats, Muslims and Serbs. It continued to argue for the division of Bosnia and Herzegovina into what would effectively be three separate states, taking the view that the nine constitutional principles it had signed were relevant only to the drafting of a new constitution and not applicable for the interim period.

The Bosnian Serb side insisted on the continuation of legislation adopted by its "Republika Sprska". It could not accept the case for any form of interim central government, arguing instead for a central coordinating body with as few functions as possible relating to the coordination of the three peoples' interim constituent structures.

However, the Bosnian Serb side expressed support for the proposed international human rights

monitoring mission, with open access to all provinces. It was not convinced of the case for ombudsmen at the national level but considered that each side should appoint four ombudsmen for its constituent structure. Similarly, any human rights court should operate within each constituent structure.

It was thus clear to the Co-Chairmen that the Bosnian Serb position had hardened appreciably on many of the political aspects of an overall settlement since the January round of negotiations.

The Go-Chairmen considered that the interim arrangements should form part of the peace package. Thus, at the last plenary meeting of this round of talks, they presented for signature the final peace package, consisting of the constitutional principles, the map of the provincial boundaries, the military agreement, and the interim governmental arrangements. All had been signed, with the exception of the provincial map and the agreement on interim arrangements, which lacked the signature of the Bosnian Serb side.

In the circumstances, the Co-Chairmen recommended that any enforcement action of the ban on military flights or toughening of sanctions, or the placing of United Nations military observers around the border of Bosnia and Herzegovina, in Croatia and Yugoslavia (Serbia and Montenegro), should be accompanied by the Security Council's endorsement of the peace package.

The Secretary-General observed that the peace package provided the only mechanism for re-establishing peace, with justice and respect for human rights, in Bosnia and Herzegovina. He strongly urged the Council to approve the whole peace package and to call on the Bosnian Serbs to sign the remaining two parts so that attention might be concentrated on its implementation.

The Secretary-General also recommended the early establishment of an international human rights monitoring mission, which all three sides had accepted.

#### SECURITY COUNCIL ACTION

The Council convened on 17 April in response to two 17 April requests, from France<sup>(192)</sup> and from Cape Verde, Djibouti, Morocco, Pakistan and Venezuela (Council members that were members of the Non-Aligned Movement).<sup>(193)</sup> Before it were the reports of the Secretary-General on the activities of the Co-Chairmen of the ICFY Steering Committee describing developments regarding the peace package for Bosnia and Herzegovina.

Also before the Council were a number of communications, to the effect that there was no alternative to the peace plan worked out by the Co-Chairmen; that, if accepted in full by the Bosnian Serb side, there would be a gradual lifting of the

sanctions in force against Yugoslavia (Serbia and Montenegro), leading to its full readmittance into the international community; otherwise, the strengthened economic sanctions proposed should be adopted as a measure necessary for the immediate acceptance of the peace package and thereafter for its full implementation in good faith. They included an EC declaration<sup>(194)</sup> a statement by France, Spain, the United Kingdom and the United States<sup>(195)</sup> a statement by Cape Verde, Djibouti, Morocco, Pakistan and Venezuela;<sup>(196)</sup> and a letter from Turkey on behalf of the OIC Contact Group<sup>(197)</sup>

At its request, Bosnia and Herzegovina was invited to participate in the discussion without the right to vote, in accordance with rule 37.<sup>a</sup> With the Council's consent, Cyrus Vance (United States), Co-Chairman of the ICFY Steering Committee, was invited under rule 39.<sup>b</sup> Ambassador Dragomir Djokic of Yugoslavia (Serbia and Montenegro), at his request, was also invited to address the Council.

In his address, Mr. Vance stated that he and his Co-Chairman, Lord Owen, hoped that the Council would adopt the draft resolution at hand in order to send the very clear message to the Bosnian Serb side and its supporters that time was running out and the international community would no longer wait. If the measures envisaged in the resolution should fail to achieve the desired effect, they should be followed by additional measures of sterner persuasion. Mr. Vance added that everything possible must be done to bring humanitarian relief and assistance to the suffering communities in Bosnia and Herzegovina.

Following an oral revision to the text, the Council adopted **resolution 820(1993)** by a vote of 13 to none, with 2 abstentions (China, Russian Federation).

The Security Council,

Reaffirming all its earlier relevant resolutions,

Having considered the reports of the Secretary-General on the peace talks held by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

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

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

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

Reaffirming in this regard its resolution 808(1993) in which it decided that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since



1991 and requested the Secretary-General to submit a report at the earliest possible date,

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

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

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

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

#### A

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

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

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

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

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

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

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

8. Declares its readiness to take all the necessary measures to assist the parties in the effective implementation of the peace plan once it has been agreed in full by all the parties, and requests the Secretary-General to submit to the Council at the earliest 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 the Secretary-General's 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 further 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), 787(1992) and the present resolution, shall take steps to prevent diversion to the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products said to be destined for other places, in particular the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;

14. Demands that all parties and others concerned cooperate fully with UNPROFOR in the fulfilment of its immigration and customs control functions deriving from resolution 769(1992);

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

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

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

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

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

20. Welcomes the role of the international Sanctions Assistance Missions in support of the implementation of the measures 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 transshipments through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), when authorized on an exceptional basis by the Committee established by resolution 724(1991), provided that nothing in this paragraph shall affect transshipment on the Danube in accordance with paragraph 15 above;

23. Decides that each State neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) shall prevent the passage of all freight vehicles and rolling stock 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 Com-

mittee established by resolution 724(1991), services whose supply may be necessary for humanitarian or other exceptional purposes;

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

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

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

### C

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

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

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

33. Decides to remain actively seized of the matter.

#### Security Council resolution 820(1993)

17 April 1993 Meeting 3200 13-0-2

9-nation draft (S/25558), orally revised.

Sponsors: Cape Verde, Djibouti, France, Morocco, Pakistan, Spain, United Kingdom, United States, Venezuela.

Vote in Council as follows:

In favour: Brazil, Cape Verde, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Spain, United Kingdom, United States, Venezuela.  
Against: None.  
Abstaining: China, Russian Federation.

Explaining its intention to abstain, the Russian Federation stated that, although it supported the Part A provisions of the text, strengthening sanctions against Yugoslavia (Serbia and Montenegro) was quite untimely. The most reasonable approach would be to delay voting on the draft until 26 April, as previously agreed. It would not, however, hinder adoption of the draft since it would enter into force only nine days after its adoption, thus allowing the Bosnian Serb side to sign the peace plan.

China, while welcoming those elements of the resolution that commended the unremitting efforts of the Co-Chairmen, found it difficult to support the adoption of enforcement measures and

strengthening and expanding existing sanctions against Yugoslavia (Serbia and Montenegro). In China's view, the international community should continue to promote negotiations and avoid taking action that might further complicate the issue.

**Reports of the Secretary-General (30 April and 3 May).** In a 30 April report<sup>(198)</sup> covering the activities of the Co-Chairmen since 26 March, the Secretary-General described their continued efforts to help alleviate the humanitarian situation in Bosnia and Herzegovina, to persuade the Bosnian Serb side to sign the two remaining documents of the peace plan, and to prepare, with the UNPROFOR Commander, for the implementation of the plan upon completion of its signature.

Between 21 and 25 April, Lord Owen, accompanied by Mr. Vance's Special Adviser, led a delegation on behalf of the Co-Chairmen to the area of the former Yugoslavia and held a series of meetings with all the parties at the highest levels at Zagreb and at Belgrade. Despite the urgings of the three Presidents for acceptance of the plan, the Bosnian Serb "assembly", on 26 April, voted against it and decided to put it to a referendum. On 29 April, while continuing efforts to persuade the Bosnian Serb side to sign the outstanding two documents of the peace plan, the Co-Chairmen were informed that the referendum had been superseded by a decision of the "assembly" to hold a fresh meeting on 5 May to reconsider its previous decision against signing the peace plan.

In his report of 3 May<sup>(199)</sup> the Secretary-General reported that, in the light of these developments, the Co-Chairmen, together with Mr. Stoltenberg, Co-Chairman-designate to succeed Mr. Vance, held a further round of talks at Athens on 1 and 2 May with the Presidents of Bosnia and Herzegovina, Croatia, Yugoslavia (Serbia and Montenegro), Serbia and Montenegro, and the leaders of the Bosnian Croats and Bosnian Serbs. Also in attendance were observers from the host Government, EC, the Russian Federation and the United States.

During that meeting Mr. Vance provided additional amplifications on the concept of the northern corridor, consisting of the internationally controlled thoroughway linking the provinces of Banja Luka and Bijeljina and a demilitarized zone extending five kilometres into either side of the thoroughway in the territory of Bosnia and Herzegovina. The status of the explanations and amplifications was confirmed in a letter from the Co-Chairmen to President Izetbegovic and Messrs. Boban and Karadzic.

On 2 May, Mr. Karadzic signed the agreement on interim arrangements and the provisional provincial map, thus completing all signatures required on the peace plan. He also issued a statement, to be made part of the ICFY official docu-

ments, that the signature of the Bosnian Serb side would become invalid, null and void if not supported by the "assembly" of the "Republic of Sprska", scheduled to meet at Pale on 5 May.

Mr. Karadzic's signature was annulled almost immediately by the Bosnian Serb "assembly" at that meeting and by the subsequent referendum on 15 and 16 May, notwithstanding intervention in the plan's favour by Serbia's President and Prime Minister. Immediately after the 5 May meeting, Yugoslavia (Serbia and Montenegro) announced that it was cutting off all but humanitarian supplies to the Bosnian Serbs.

**Statements by the Secretary-General and Security Council.** On 6 May, the spokesman for the Secretary-General issued a statement to the effect that the Secretary-General believed that the last word had not been spoken by the Bosnian Serbs, that there would be more negotiations and efforts would continue to overcome the current difficulties to obtaining agreement on the Vance-Owen peace plan.

Following informal consultations by the Security Council on 7 May, its President made a statement to the press reaffirming that the Vance-Owen peace plan remained the basis for a peaceful solution to the conflict in Bosnia and Herzegovina and that the Bosnian Serbs must return to it. The statement also expressed the conviction that preparatory work for the plan's implementation should continue in the interim.

### Confederation proposals

**Reports of ICFY Steering Committee Co-Chairmen (July-August).** Following the rejection of the Vance-Owen peace plan by the Bosnian Serb "assembly" on 5 May, the Co-Chairmen of the ICFY Steering Committee maintained contact with the different sides to the conflict.

In their 8 July report<sup>(200)</sup> the Co-Chairmen noted that implementation of the Vance-Owen peace plan, in the absence of agreement by the Bosnian Serbs, was premised on, among other things, continued cooperation between the Muslim-led Bosnian Government and the Bosnian Croats. By the second week of May, however, major fighting broke out again between these two sides in central Bosnia.

On 18 May, the Co-Chairmen met with Bosnia and Herzegovina's President Izetbegovic, the Bosnian Croat leader, Mr. Boban, and Croatia's President Tudjman. President Izetbegovic and Mr. Boban reached understandings on: a cessation of hostilities between the Bosnian Croats and the Bosnian Muslims; cooperation in implementing the peace plan in the six predominantly Muslim or Croat provinces; further meetings of the Coordination Body (under the interim arrangements of the Vance-Owen peace plan, the nine-member

body for implementing the peace in Bosnia and Herzegovina); organization of regular meetings of the Presidency; and formation of a Government with agreed allocations of ministries and diplomatic posts.

On 20 and 21 May, the Foreign Ministers of France, Spain, the Russian Federation, the United Kingdom and the United States met to discuss the situation.

In the meantime, the fighting in central Bosnia and Herzegovina increased between the Muslims and Croats as each side tried to contest as much territory as possible, thereby bringing to an end the cooperation that existed between them since the March 1992 referendum.

The Co-Chairmen met with Presidents Milosevic and Tudjman (Belgrade and Zagreb, 9-11 June), who revived the concept of a confederation for Bosnia and Herzegovina. First proposed in March 1992 by Ambassador Jose Cutileiro at Lisbon, Portugal, the concept of a confederal solution had initially been accepted by all three sides; however, from the time President Izetbegovic withdrew his support for the proposal, it had been vigorously opposed by the Bosnian Government side in the context of ICFY.

On 23 June at Geneva, Presidents Milosevic and Tudjman informed the Co-Chairmen that consultations had taken place between the Bosnian Croat and Bosnian Serb leaders, Messrs. Boban and Karadzic, and that a draft providing for the organization of Bosnia and Herzegovina into a confederation of three constituent republics had been prepared, based on the agreed constitutional principles of the Vance-Owen peace plan.

The Co-Chairmen suggested additional elements to the draft, including: establishment of a Confederated Council of Ministers whose Chairman would be Prime Minister, rotating at agreed intervals among the three republics, with a similar rotation for the Foreign Minister; referral of disputes that could not be settled in the Constitutional Court by consensus for binding arbitration by a Chamber of five drawn from ICJ judges; and international monitoring of thoroughways so as to ensure freedom of movement.

Messrs. Boban and Karadzic reconfirmed their acceptance of the Vance-Owen peace plan's military agreement, subject to updating and consequential amendment; they also agreed on texts that maintained key parts of the Vance-Owen agreement on interim arrangements, including those for the protection of human rights. No specific map had been put forward, but the Bosnian Croats and Bosnian Serbs offered to negotiate directly along the lines they had already explained to President Izetbegovic and the collective Presidency.

On 1 July, the Co-Chairmen convened a meeting of the Steering Committee at which they stressed the deteriorating security situation facing UNPROFOR, UNHCR and humanitarian workers; the lack of resources for humanitarian operations; the lack of troops in UNPROFOR to fulfil its various mandates; the importance of continuing the search for negotiated solutions; and the dangers of escalation of the conflict if the parties turned their backs on that search.

The Co-Chairmen circulated the Bosnian Croat-Bosnian Serb revised constitutional principles, military agreements and interim arrangements and gave a detailed presentation on how, as a result of their clarification meetings, a confederation of three republics in Bosnia and Herzegovina might look in terms of territorial boundaries.

In their 3 August report<sup>(201)</sup> which covered negotiations during July, the Co-Chairmen said that, owing to the deteriorating humanitarian situation and the persistence of conflict, they had arranged for a resumption of peace talks, which began on 27 July. Discussions concentrated on securing a cease-fire; humanitarian issues; future constitutional arrangements; and allocation of territory to the constituent entities.

On 30 July, acting on the directives of their respective authorities, the military commanders of the three sides signed an agreement providing for a full cease-fire, a freeze on all military activities and free passage for UNPROFOR and humanitarian aid convoys.

Also on 30 July, all sides agreed to a Constitutional Agreement for a Union of Republics of Bosnia and Herzegovina, to form part of an overall peace settlement. Under consideration were the establishment of an Access Authority (foreseen under the Vance-Owen peace plan) to ensure movement throughout the country; and a map, regarding which the Co-Chairmen were determined to ensure that a Muslim-majority republic should have at least 30 per cent of the territory of Bosnia and Herzegovina and have access to the Sava River and to the sea at Ploce.

The Co-Chairmen's report, transmitted on 6 August<sup>(202)</sup> noted that, in reply to President Izetbegovic's request for clarification of chapter I, article 1, of the Constitutional Agreement, the Co-Chairmen wrote that Bosnia and Herzegovina was already a recognized State Member of the United Nations and, in the spirit of the Charter, the principles of the 1992 London Conference, and those laid down by the Security Council, confirmed their understanding that the meaning of article 1 was that the Union of Republics of Bosnia and Herzegovina would continue as a State Member of the United Nations. They suggested to the Presidency that it could ask the Council to

put the matter beyond doubt, adding that the provisions of the Constitutional Agreement made it legally impossible to dissolve the Union without the free consent of all three Constituent Republics.

In subsequent discussions, the following annexes to the Constitutional Agreement were prepared and were accepted by all three sides: composition and competence of the Human Rights Court, list of human rights instruments incorporated in the Constitutional Agreement, and initial appointment and functions of the Ombudsmen.

All three sides agreed that the name of each Constituent Republic would be determined by the competent authorities of that Republic. They also agreed that the map of the three Constituent Republics would be referred to the Boundary Commission established in accordance with article 1 (b) of the Agreement, which should ensure that the territory of the Republic marked as No. 1 on the map should not be less than 30 per cent of the entire territory of the Union of Republics of Bosnia and Herzegovina.

The three sides reaffirmed their acceptance of the Agreement for peace in Bosnia and Herzegovina, which dealt with the military aspects of implementing a peaceful settlement for the republic, and agreed that the document would be updated by the Mixed Military Working Group under the chairmanship of UNPROFOR. They also agreed on the core areas to be allocated to each of the three Constituent Republics. However, unresolved questions relating to Brcko, eastern Bosnia, the Bihac pocket, Posavina and eastern Herzegovina and Sarajevo remained. The last was the most contentious issue, with positions deeply entrenched.

The report provided details of the responsibilities envisaged for a proposed Implementation Force, to be established by the United Nations.

On 9 August<sup>(203)</sup> Croatia registered its exception to certain passages in the report which it felt could lead to misunderstandings and confusion as to Croatia's position on the peace talks and the conflict in Bosnia and Herzegovina. Bosnia and Herzegovina's objections to the same report were communicated to the Council on 11 August<sup>(204)</sup>

In their report transmitted on 20 August<sup>(205)</sup> the Co-Chairmen stated that, as of that date, the parties had worked out arrangements to place Sarajevo under United Nations administration for a period of up to two years and Mostar under EC administration for a similar period. Detailed arrangements were worked out in respect of demarcations in the town of Brcko and discussions held regarding the towns of Gornji Vakuf, Donji Vakuf, Bugojno and Travnik. The Bosnian Serb side agreed to a special road linking Gorazde and Zepa, which would be part of the territory of, and administered and policed by, the Muslim-majority republic.

In the light of these developments, the parties issued a 20 August statement acknowledging receipt of constitutional papers and a map, based on the constitutional and related documents already worked out and reflecting the discussions that had taken place, and undertaking to go home to explain the map and return to Geneva for a final meeting on Monday, 30 August.

Those constitutional and related papers were reproduced in an addendum to the report<sup>(206)</sup> as was the map indicating the boundaries of the constituent republics, to be incorporated in annex A of the Constitutional Agreement.<sup>(207)</sup>

#### SECURITY COUNCIL ACTION

Following receipt of the August reports of the Co-Chairmen, the Security Council convened on 24 August. At its request, Bosnia and Herzegovina was invited to participate in the discussion without the right to vote under rule 37.<sup>a</sup>

The Council unanimously adopted **resolution 859(1993)**.

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 the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

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,

Noting that the Republic of Bosnia and Herzegovina has continued to be subject to armed hostilities in contravention of Security Council resolution 713(1991) and other relevant Security 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 Security 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 the Republic of Bosnia and Herzegovina, including in and around Mostar, and determined to support in every possible way the efforts by the United Nations Protection Force (UNPROFOR) and the United Nations High Commissioner for Refugees (UNHCR) 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 the Republic of Bosnia and Herzegovina is necessary to achieve meaningful progress in the peace process,

Mindful of its primary responsibility under the Charter of the United Nations 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 the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security,

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

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

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

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

4. Demands also that the safety and operational effectiveness of UNPROFOR and UNHCR personnel in Bosnia and Herzegovina be fully respected by all parties at all times;

5. Notes with appreciation the Secretary-General's letter of 18 August 1993, stating that the United Nations has now the initial operational capability for the use of air power in support of UNPROFOR in Bosnia and Herzegovina;

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

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

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

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

(d) Recognition and respect for the right of all displaced persons to return to their homes in safety and honour;  
 (e) The maintenance of Sarajevo, capital of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and pluri-religious centre;

7. Recalls the principle of individual responsibility for the perpetration of war crimes and other violations of international humanitarian law and its decision in resolution 827(1993) 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.

Security Council resolution 859(1993)

24 August 1993 Meeting 3269 Adopted unanimously

Draft prepared in consultations among Council members (S/26182).

**Further reports of the Co-Chairmen.** The Co-Chairmen's report covering the resumed talks on 31 August and 1 September<sup>(208)</sup> noted that at the end of the talks the Co-Chairmen had put to the parties the peace package distilled from the parties' own ideas. The Bosnian Croat and Bosnian Serb sides were ready to sign the package and collateral agreements, but the Bosnian Government side wanted further consideration of the question of access to the Adriatic Sea and some of the territorial issues.

A report transmitted to the Council on 23 September<sup>(209)</sup> provided an account of deliberations on the HMS *Invincible* in the Adriatic Sea on 20 September. On that occasion, President Izetbegovic and Messrs. Boban and Karadzic met in the presence of the Co-Chairmen; Presidents Bulatovic, Milosevic and Tudjman; and Deputy Foreign Minister Vitaly Churkin (Russian Federation) and Ambassador Charles Redman (United States), who attended as observers. At that meeting, provisions for the promotion and protection of human rights were reconfirmed, as were arrangements for implementing and monitoring a cessation of hostilities. Agreements were also worked out providing the Muslim-majority republic with access to the Adriatic Sea via the Neretva River, giving that republic a 99-year lease on an area for the construction of a port at Ploce (in addition to the use of the port of Rijeka) and assuring freedom of transit between the Union of Republics of Bosnia and Herzegovina and Croatia.

The three sides informed the Co-Chairmen that they would submit the package arrived at on the *Invincible* to their respective assemblies for ratification. The Bosnian Croat and the Bosnian Serb sides subsequently informed the Co-Chairmen that their assemblies had ratified the package; the Bosnian Presidency reported that its expanded assembly did not.

Both the Bosnian Croat and Bosnian Serb sides then informed the Co-Chairmen that they had made

concessions on the HMS *Invincible* conditional on the acceptance of the package by all sides. They therefore intended to withdraw their concessions. The Co-Chairmen appealed to them not to do so and to continue the search for peace.

In their final report of the year, transmitted on 29 December<sup>(210)</sup> the Co-Chairmen described the extensive discussions held with the three sides, as well as with neighbouring countries, between 29 November and 23 December, in a determined push for a peace agreement.

The situation after the meetings held at Geneva and Brussels (Belgium) between 21 and 23 December was summarized by the Co-Chairmen as follows. There was agreement among all three sides (1) that Bosnia and Herzegovina should be organized as a union of three republics and (2) that the Muslim-majority republic should have 33.3 per cent of the territory and the Croat-majority republic, 17.5 per cent. (3) All three leaders accepted the Co-Chairmen's appeal to observe a holiday truce from 23 December 1993 to 15 January 1994 and undertook to instruct their military commanders down to the local level to observe the cease-fire faithfully and (4) agreed to return to Geneva on 15 January 1994 to continue the search for peace. (5) Working groups were set up to help reach agreement, by 15 January, on: the definition of the Mostar City area to be placed under the temporary administration of the European Union (formerly EC); technical arrangements for providing the Muslim-majority republic with road and rail access to Brcko and the Sava River, without prejudice to that republic's continued support for the arrangements agreed on the HMS *Invincible*; access of the Muslim-majority republic to the sea; and continued discussions on territorial delimitation. (6) All three sides were asked to consult their respective "assemblies" beforehand so that any agreement concluded at Geneva would enter into force immediately upon signature.

### Violations of international humanitarian law

#### Mass rape

**Report of EC mission.** In response to a 1992 Security Council request<sup>(211)</sup> Denmark, as representative of the EC Presidency, transmitted to the Council on 2 February 1993 the report<sup>(212)</sup> of the mission dispatched to the former Yugoslavia at the initiative of the EC European Council to investigate reports of massive, organized and systematic detention and rape of Muslim women in the former Yugoslavia.

The mission, headed by Dame Ann Warburton, visited Croatia and Bosnia and Herzegovina from 18 to 24 December 1992 and from 19 to 26 January 1993, meeting with a wide range of interlocutors including leaders of Catholic and Muslim communities, field staff of international agencies, representatives of the Government of Croatia, governmental and non-governmental organizations,

women's groups, gynaecology specialists and mental health experts. It visited refugee centres, shelters for displaced persons, hospitals and food distribution centres. It interviewed victims and eyewitnesses of human rights violations, and examined documentation detailing the process of clearing villages. The mission sought to determine the scale of the problem and whether or not it could be described as systematic.

Reasoned estimates placed the number of victims at around 20,000. Indications were that the rapes had been particularly sadistic in some cases and that, in many, the intention was to make women pregnant and to detain them long enough to make termination of the pregnancy impossible. This raised the problem of adoption of children conceived under those circumstances.

While the majority of victims were Muslim women, the mission also received reports of the rape of Croat and Serb women and children, as well as the sexual abuse of men in detention camps.

The mission concluded that the wide-scale rape of Muslim women and its clearly recognizable pattern suggested that it was an important element of war strategy.

The mission made recommendations calling for coordination of assistance; physical facilities to house the victims of rape; access to psychiatric and counselling services, to gynaecological treatment and to facilities for the termination of pregnancy. Immediate measures included: screening procedures and counselling by cross-disciplinary teams of gynaecological, psychiatric, psychological and other medical expertise; an emergency ambulance service; installation of sanitation and washing facilities at refugee centres; adequate nutrition and health care by mobile medical teams; removal from the refugee camps of the most vulnerable individuals, particularly women victims of trauma and abuse, to better living arrangements. Other recommendations included development of rehabilitation programmes for victims, rapid visa procedures by EC Governments for refugees from Bosnia and Herzegovina, particularly victims of rape, and temporary accommodation of Muslim women needing medical treatment.

Annexed to the report was a Declaration on the follow-up to the mission, adopted at Brussels on 1 February, by which EC Governments stated their intention to implement the mission's recommendations and to urge the parties to the conflict to bring an end to their abhorrent practices. (See also PART THREE, Chapter X.)

## Detainees

### SECURITY COUNCIL ACTION (April)

Following consultations held on 8 April, the President of the Security Council, on behalf of the Council

members, made the following statement to the media<sup>(213)</sup>

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

"The members of the Council, recalling all the relevant resolutions and statements of the Council, remind all the parties that they are responsible at all times for the detainees' safety and that they must not compel detainees to do work of a military nature or destined to serve a military purpose. The ICRC had already repeatedly called on all parties to the conflict in the Republic of 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 Security Council resolution 780(1992) to carry out an investigation of these abominable practices and to make a report."

**Communication.** On 7 September<sup>(214)</sup> Croatia communicated to the Secretary-General an appeal of its President calling on the Bosnian Croats to ensure forthwith humane treatment of all detainees and to allow ICRC free access to detention camps. The appeal also called for the prevention and removal of obstacles to the delivery of humanitarian aid and for every assistance to the United Nations and international humanitarian organizations. It invited the other warring parties in Bosnia and Herzegovina to do the same.

### SECURITY COUNCIL ACTION (September)

The Security Council met on 14 September, inviting Bosnia and Herzegovina, at its request, to participate without the right to vote under rule 37.<sup>a</sup> Following consultations, the Council authorized its President to make the following statement<sup>(215)</sup> on behalf of the Council:

Meeting number. SC 3276.

"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 ICRC has recently been given access to some detainees, but recalls with condemna-



tion the obstacles which the Bosnian Croats have previously placed in the way of 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 violates international humanitarian law. Moreover, as the Council has previously recalled, persons who commit or order the commission of grave breaches of the Geneva Conventions are individually responsible in respect of such breaches.

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

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

"The Council further reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, 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."

### Genocide

In April<sup>(216)</sup> the Secretary-General transmitted to the Security Council an ICJ Order of 8 April indicating provisional measures 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)*). Also in April<sup>(217)</sup> Bosnia and Herzegovina requested the Council to take immediate measures under Chapter VII of the Charter to stop the continuing assault on the country and enforce that Order. On 15 September<sup>(218)</sup> it requested the Council to enforce a further ICJ Order concerning the case, made on 13 September, in view of the continuing aggression and genocide against the country and its people (see PART FIVE, Chapter I).

### Humanitarian assistance

Bosnia and Herzegovina informed the President of the Security Council on 12 January<sup>(219)</sup> that the unsatisfactory conditions surrounding the delivery of humanitarian supplies to destinations within the country—to remedy which the Council had adopted resolution 770(1992)<sup>(220)</sup>—remained unchanged. It drew attention to reports confirmed by the UNHCR Director of Relief Operations in Bosnia and Herzegovina of deaths from cold and starvation, especially in the eastern part of the country. It also attached a report of 11 January from New York Newsday raising concerns warranting an urgent response from

the Council about UNPROFOR's ability to deliver humanitarian aid effectively.

On 18 January<sup>(221)</sup> Bosnia and Herzegovina drew attention to the UNHCR report of the denial by Serbian and Montenegrin military forces of access for food deliveries to Gorazde and Srebrenica in Bosnia and Herzegovina. It asked the Council to issue a statement emphasizing the severity and urgency of the situation, requesting UNPROFOR-participating States fully to invoke resolution 770(1992) in the delivery of humanitarian assistance, and requesting also that air drops of food commence immediately.

#### SECURITY COUNCIL ACTION (25 January and 17 February)

The Security Council met on 25 January and, following consultations among its members, authorized its President to make the following statement below<sup>(222)</sup> on the Council's behalf:

Meeting number. SC 3164.

"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 the Republic of Bosnia and Herzegovina, in particular the efforts of the United Nations Protection Force (UNPROFOR) and the United Nations High Commissioner for Refugees (UNHCR). 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 the Republic 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 the Republic of Bosnia and Herzegovina.

"The Council will remain actively seized of the matter."

The Council met again on 17 February and, after consultations among its members on the same subject, authorized its President to make the following statement<sup>(223)</sup> on the Council's behalf:

Meeting number. SC 3173.

"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 the Republic of Bosnia and Herzegovina and endanger the lives of personnel delivering such supplies. It remains deeply concerned at reports of pressing humanitarian need in the Republic of 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."

**Communication.** Yugoslavia (Serbia and Montenegro) drew to the attention of the Security Council President on 23 February<sup>(224)</sup> information it had received from the United States that it intended to air-drop humanitarian assistance into areas of eastern Bosnia and Herzegovina, citing Council resolution 770(1992)<sup>(220)</sup> as a legal basis for the operation. The United States had stated that the operation was a temporary emergency effort and had warned the Yugoslav Army not to disrupt it in any way. Yugoslavia (Serbia and Montenegro), in reaffirming its support for the delivery of relief supplies to all warring sides, stressed that the decision could have some negative and grave, though possibly unintended, implications for the ICFY negotiations in progress. It pointed out that it could not be held responsible for incidents that might take place over Bosnia and Herzegovina in the wake of that decision.

Yugoslavia (Serbia and Montenegro) assured the Council President that it would not interfere with the air-drops on the understanding that neither its territory nor its airspace would be intruded upon.

#### SECURITY COUNCIL ACTION

At its meeting on 25 February, the Security Council invited Bosnia and Herzegovina to participate without the right to vote under rule 37.<sup>a</sup> Following consultations among its members, the Council authorized its President to make the following statement<sup>(225)</sup> on the Council's behalf:

Meeting number. SC 3177.

"The Security Council, having received a report from the Secretary-General, recalls all its relevant resolutions and its statements of 25 January 1993 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 Security Council deplores the deterioration of the humanitarian situation in the Republic of 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 the Republic of 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 Security Council resolutions, expose the personnel of UNPROFOR and UNHCR 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 the Republic of Bosnia and Herzegovina constitutes a violation of the Geneva Conventions of 1949, and the Security Council is committed to ensuring that individuals responsible for such acts are brought to justice.

"The Security 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 Security Council's decisions in this regard. The Security 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 the Republic 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 the Republic of Bosnia and Herzegovina.

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

#### ICFY Working Group on Humanitarian Issues

The Working Group on Humanitarian Issues met on 16 July at Geneva<sup>(201)</sup> The meeting was attended by the Co-Chairmen and representatives of the region's Governments, ICRC, the United Nations Children's Fund, the World Health Organization and the World Food Programme. Sadako Ogata, United Nations High Commissioner for Refugees and Chairperson of the Group, informed the meeting of the serious obstacles affecting international relief efforts, including the ongoing denial and obstruction of humanitarian access in many areas of Bosnia and Herzegovina and attacks on and harassment of relief staff. She highlighted the dire conditions of the population of Sarajevo and of those populations trapped in many other areas, such as Srebrenica and Mostar in central Bosnia and Herzegovina. She also cited the shortfall in funding for all United Nations relief agencies as a fur-

ther serious obstacle, resulting in cut-backs in various support programmes.

The meeting recognized the need to provide temporary protection for refugees and to ease the burden of refugee-receiving States in the region.

On 18 November, Mrs. Ogata, together with the ICRC President, met with the Foreign Minister of Bosnia and Herzegovina and the leaders of the Bosnian Croats and Bosnian Serbs, Messrs. Boban and Karadzic, in order to seek their commitment to create conditions that would allow the international community to provide the necessary humanitarian assistance to the country's population.

On the same date, Mrs. Ogata and the parties signed a joint declaration ensuring the delivery of humanitarian assistance by suspending hostilities and allowing free and unconditional access by the most effective land routes; ensuring complete and secure freedom of movement for all United Nations personnel and international humanitarian organizations; allowing UNHCR and ICRC to determine the content of humanitarian assistance; ensuring that the humanitarian deliveries reached their intended civilian beneficiaries and were not diverted for military or other uses; releasing all civilians unlawfully detained; and ensuring that the military and civilian administrations at all levels honoured the foregoing and previous commitments regarding respect for the freedom of movement and other human rights, the 1949 Geneva Conventions and other applicable international humanitarian law and principles.

During the year, some 267,763 metric tonnes of humanitarian assistance was provided to Bosnia and Herzegovina.

### Croatia

In 1993, the armed forces of the Government of Croatia launched two incursions into the Serb-controlled UNPAs, one in January and another in September. This undermined efforts by ICFY and the United Nations to nurture a climate of cooperation and confidence between the Government of Croatia and the local Serb authorities in order to get the two parties to implement the United Nations peace-keeping plan for Croatia. The incursions, together with related Government actions regarded by the local Serb authorities as provocations, led to an escalation of the fighting, in particular in September, and, for most of the year at least, to the hardening of what appeared to be irreconcilable positions, putting in doubt the usefulness of UNPROFOR's presence in the country.

By December, however, the Secretary-General was able to report of continuing talks between the parties within the ICFY framework aimed at a comprehensive cease-fire and at implementing the peace-keeping plan.

### UNPAs and pink zones

Although the only major success achieved by UNPROFOR in relation to its basic mandate in Croatia had been the 1992 withdrawal of the Yugoslav People's Army (JNA) forces from Croatian territory<sup>(226)</sup> law and order had been enhanced through the gradual reorganization and redeployment of the local police so that, by the beginning of 1993, the position of minority groups had been stabilized somewhat, both inside and outside the UNPAs.

On 22 January, the Croatian Army launched an offensive on Maslenica and other locations in the southern part of Sector South and the adjacent pink zones, claiming the lives of two UNPROFOR soldiers (France) and injuring four others. The attack was immediately brought to the attention of the President of the Security Council by Yugoslavia (Serbia and Montenegro), claiming that it had taken place in the territory of the so-called Republic of Serb Krajina (also "Republic of Krajina").<sup>(227)</sup>

Croatia explained<sup>(228)</sup> that its action had been aimed at securing the site for the rebuilding of the Maslenica Bridge; it added that, although it had adopted the general amnesty required as a condition for a reinstatement of Croatian authority in the pink zones, neither the process of reintegrating those zones into Croatia's legal, economic and social systems had begun, nor had Croatian authority in those zones been restored and local police forces re-established in proportion to the zones' demographic structure prior to the conflict, in accordance with the peace-keeping plan. Croatia attributed the deteriorating situation in the UNPAs to the decision by the Knin authorities to create new paramilitary forces there and in the pink zones—an action inconsistent with the demilitarization called for by the plan.

### SECURITY COUNCIL ACTION (25 and 27 January)

The Security Council met on 25 January in response to a letter of the same date from France<sup>(229)</sup> requesting an immediate meeting to consider the grave situation in the UNPAs, especially the attacks to which UNPROFOR had been subjected. Yugoslavia (Serbia and Montenegro) had made a similar request the day before.<sup>(230)</sup>

The Council unanimously adopted **resolution 802(1993)**.

The Security Council,

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

Reaffirming in particular its commitment to the United Nations peace-keeping plan,

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

Strongly condemning those attacks which have led to casualties and loss of life in UNPROFOR, 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 UNPROFOR, by the recent seizure by them of heavy weapons under UNPROFOR control, 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 UNPROFOR in the conduct of its duty of protecting civilians in the United Nations Protected Areas and demands their immediate cessation;

3. Demands also that the heavy weapons seized from the UNPROFOR-controlled storage areas be returned immediately to UNPROFOR;

4. Demands that all parties and others concerned comply strictly with the cease-fire arrangements already agreed and cooperate fully and unconditionally in the implementation of the United Nations peace-keeping plan, including the disbanding and demobilization of Serb Territorial Defence units or other units of similar functions;

5. Expresses its condolences to the families of the UNPROFOR personnel 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 UNPROFOR personnel concerned;

8. Calls upon all parties and others concerned to cooperate with UNPROFOR 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.

Security Council resolution 802(1993)

25 January 1993 Meeting 3163 Adopted unanimously

Draft prepared in consultations among Council members (S/25160), orally revised.

On 27 January, the Council, after consultations among its members, authorized its President to make the following statement<sup>(231)</sup> on behalf of the Council, in connection with its consideration of the item entitled "The situation prevailing in and adjacent to the United Nations Protected areas in Croatia":

Meeting number. SC 3165.

"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 Security Council resolutions.

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

"The Security 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 Security Council resolutions are fully implemented."

### Report of the Secretary-General (February).

As reported by the Secretary-General on 10 February<sup>(232)</sup> UNPROFOR made repeated representations with the Croatian Government, the Serb leaders in Zadar and Knin (UNPAs) and with the Government of Yugoslavia (Serbia and Montenegro) aimed at halting hostile activities and encouraging compliance with the cease-fire arrangements, as called for by resolution 802(1993). Croatia informed the Force Commander on 26 January that it would remove its military, but not its police, from the areas it had taken upon Serb compliance with the resolution. The Serb leaders, however, demanded a return of the Croatian forces to their pre-offensive positions before it could consider compliance.

Following the offensive, President Tudjman of Croatia indicated that his Government was prepared to invade the UNPAs if UNPROFOR was unable to fulfil its mandate in Croatia. The Serb leaders had re-armed, reinforced and remobilized their forces. They had also refused to negotiate with the Croats or to return the heavy weapons wrested from storage unless the Croatian armed forces withdrew to their pre-offensive positions, as called for by resolution 802(1993). Croatia categorically rejected such a withdrawal, claiming that the only issue to negotiate was the return of the UNPAs and the pink zones to Croatian control, with the Serb minority enjoying the rights granted to it by the Croatian Constitution, the Constitutional Law on Human Rights and Rights of National and Ethnic Communities of Minorities in the Republic of Croatia (8 May 1992) and other relevant national legislation. The Serb leadership in the UNPAs, however, refused to regard these territories as part of Croatia and rejected talks on this basis, recalling that the peace-keeping plan was explicitly not intended to prejudge a political solution to the Yugoslav crisis. It argued that two parties to the original plan, the President of Serbia and the Federal Yugoslav military authorities at Belgrade, no longer had any *locus standi* in the areas where UNPROFOR was deployed. The UNPROFOR mandate and deployment, they insisted, must be discussed anew with them as the sovereign "Republic of Serb Krajina".

These positions appeared to be irreconcilable and the Secretary-General warned that, unless they were addressed, a sound basis would not exist for renewing the UNPROFOR mandate in Croatia. As he had informed the Council on 27 January, Croatia's unilateral military offensive had seriously undermined confidence, disrupted the negotiation process, affected cooperation between it and the local Serb authorities and had put in doubt a return to the original peace-keeping plan.

In the circumstances, the Secretary-General presented three possible options regarding the UNPROFOR mandate in Croatia: to renew the mandate entrusted to UNPROFOR by resolution 743(1992), to modify it, or to give UNPROFOR no mandate in Croatia. Analysis of those options indicated no clear way forward in a difficult situation not foreseen when the Council established UNPROFOR and attributable to the failure to implement the United Nations peace-keeping plan and to negotiate an agreed settlement to the conflict between Croatia and the Serb populations living in the UNPAs and the pink zones.

The Secretary-General accordingly asked the Co-Chairmen of the ICFY Steering Committee to address these questions so that he could make a substantive recommendation for an extension of the UNPROFOR mandate. As it was unlikely that results could be achieved by the expiration date of the current mandate on 21 February 1993, the Secretary-General recommended that the Council extend the existing mandate for an interim period up to 31 March 1993, in order to give the Co-Chairmen the necessary time.

#### SECURITY COUNCIL ACTION

The Security Council met on 19 February and, acting under Chapter VII of the United Nations Charter, unanimously adopted **resolution 807(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Hewing considered the report of the Secretary-General dated 10 February 1993,

Deeply concerned by the lack of cooperation of the parties and others concerned in implementing the United Nations peace-keeping plan in Croatia,

Deeply concerned also by the recent and repeated violations by the parties and others concerned of their cease-fire obligations,

Determining that the situation thus created constitutes a threat to peace and security in the region,

Taking note in that context of the Secretary-General's request 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 UNPROFOR's mandate could be renewed,

Determined to ensure the security of UNPROFOR and to this end, acting under Chapter VII of the Charter of the United Nations,

1. Demands that the parties and others concerned comply fully with the United Nations peace-keeping plan in Croatia and with the other commitments they have undertaken and in particular with their cease-fire obligations;

2. Demands further that the parties and others concerned refrain from positioning their forces in the proximity of UNPROFOR's units in the United Nations Protected Areas (UNPAs) and in the pink zones;

3. Demands also the full and strict observance of all relevant Security Council resolutions relating to the mandate and operations of UNPROFOR in the Republic of Bosnia and Herzegovina;

4. Demands also that the parties and others concerned respect fully UNPROFOR's unimpeded freedom of movement 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 UNPROFOR's mandate for an interim period terminating on 31 March 1993;

6. Urges the parties and others concerned fully to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in the discussions under their auspices in order to ensure full implementation of the United Nations peace-keeping mandate in Croatia, including *inter alia* through the collection and supervision of heavy weapons by UNPROFOR and the appropriate withdrawal of forces;

7. Invites the Secretary-General to work to achieve the rapid implementation of the United Nations peace-keeping mandate and of relevant Security Council resolutions, including resolution 802(1993), thus to ensure security and stability throughout the UNPAs and the pink zones;

8. Invites further 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 UNPROFOR, 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 UNPROFOR's mandate, including financial estimates for all UNPROFOR's activities as proposed in his report of 10 February 1993;

10. Decides to remain actively seized of the matter.

#### Security Council resolution 807(1993)

19 February 1993 Meeting 3174 Adopted unanimously

Draft prepared in consultations among Council members (S/25306).

**Report of the Secretary-General (March).** In a 25 March report with a later addendum<sup>(233)</sup> the Secretary-General stated that, pursuant to Security Council resolution 807(1993), the Co-Chairmen of the ICFY Steering Committee had held talks in New York and Geneva with representatives of the Government of Croatia and the Serb populations living in the UNPAs and pink zones. While progress had been made, fundamental differences remained between the two sides. More

time was thus needed to bring the negotiations to a meaningful conclusion.

Since a termination of the UNPROFOR mandate in Croatia would very likely result in an outbreak of renewed hostilities, the Secretary-General recommended that it be extended for a further interim period of three months, from 1 April to 30 June 1993. He urged the parties to cooperate with UNPROFOR to resolve any remaining differences. He also asked the ICFY Co-Chairmen to continue their efforts to obtain from the parties a renewed commitment to the elements of the United Nations peace-keeping plan and to the implementation of Security Council resolution 802(1993) and other relevant resolutions.

In the addendum to his report, the Secretary-General estimated the total cost of maintaining UNPROFOR for the period of the extension at \$336.2 million. He recommended that the additional cost should be considered an expense of the Organization to be borne by Member States; the assessments to be levied on them should be credited to the UNPROFOR Special Account.

#### SECURITY COUNCIL ACTION

In the light of the Secretary-General's report, the Security Council convened on 30 March. At its request, Croatia was invited to participate in the discussion without the right to vote under rule 37.<sup>a</sup>

The Council unanimously adopted **resolution 815(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Reaffirming in particular its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Republics where UNPROFOR is deployed,

Having considered the report of the Secretary-General dated 25 March 1993,

Deeply concerned by the continuing violations by the parties and others concerned of their cease-fire obligations,

Determining that the situation thus created continues to constitute a threat to peace and security in the region,

Determined to ensure the security of UNPROFOR 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) and 807(1993);

3. Decides to reconsider one month after the date of this resolution, or at any time at the request of the Secretary-General, UNPROFOR's mandate in 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 UNPROFOR's mandate 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 (UNPAs), 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 Council on how the United Nations Peace Plan for Croatia can be effectively implemented;

7. Decides to remain actively seized of the matter.

Security Council resolution 815(1993)

30 March 1993

Meeting 3189

Adopted unanimously

Draft prepared in consultations among Council members (S/25481).

**Reports of the Secretary-General (April and May).** On 8 April<sup>(234)</sup> the Secretary-General reported that the Croatian Government and the Serb local authorities had signed an agreement at Geneva on 6 April for the full implementation of Security Council resolution 802(1993). The result of negotiations conducted under the auspices of the Co-Chairmen of the ICFY Steering Committee from mid-February was that the agreement would enter into force when the Co-Chairmen received both parties' assurances that neither would station any police in the areas from which the Croatian armed forces were to withdraw and that UNPROFOR would fulfil all police functions in those areas during an interim period. Croatian assurance was given orally at the time of signature, while assurance from the Serb side required approval of its "assembly".

The agreement provided for: a cessation of hostilities by the Croatian armed forces on the fourth day after the agreement's entry into force and, simultaneously, strict compliance by the Croatian Government and the Serb local authorities with the already agreed 1991 cease-fire arrangements<sup>(235)</sup> together with the 1992 implementing accords<sup>(236)</sup> withdrawal of the Croatian armed forces to the lines of confrontation existing before the outbreak of hostilities on 22 January, to be completed within a further five days, and the vacated areas not to be occupied by Serb armed forces; in parallel to that withdrawal, placing all heavy weapons under UNPROFOR supervision; placing the Maslenica Bridge, Zemunik Airport and Peruca Dam, and their facilities, and the roads from Zadar to the bridge and to the airport, from the bridge to Seline via Rovanjaska, and from Sinj to the dam under exclusive UNPROFOR control.

The agreement further provided for the immediate implementation by the parties of the remaining provisions of the peace-keeping plan and of all relevant Council resolutions, including 762(1992);<sup>(237)</sup> to that end, talks between them, under the Co-Chairmen's auspices, would be undertaken no later than 15 days after the agreement's entry into force. UNPROFOR would re-establish and strengthen its

military and police presence in each area from which the Croatian armed forces would withdraw before the area was vacated. The parties would request the United Nations to strengthen UNPROFOR to carry out these functions under the peace-keeping plan.

It was the Force Commander's assessment that, to implement the agreement, UNPROFOR would additionally require two mechanized infantry battalions each of 900 troops all ranks, one engineer company of up to 150 troops all ranks, and 50 military observers. Civilian police requirements would be met by temporary redeployment from existing UNPROFOR resources. The Secretary-General recommended Council approval of the proposed changes.

The Secretary-General's report of 30 April<sup>(238)</sup> on the Co-Chairmen's activities (which also summarized the 6 April agreement) stated that approval of the agreement from the Serb "assembly" had not been received when the parties resumed talks at Geneva on 30 April.

In his May report<sup>(239)</sup> submitted pursuant to Security Council resolution 815(1993), the Secretary-General pointed out that the Council, by that resolution, had explicitly referred to the UNPAs as integral parts of the territory of the Republic of Croatia, thus formally making clear that the international community would not entertain the local Serb authorities' claim to recognition as a sovereign entity (the so-called Republic of Krajina).

That aspiration to sovereignty, the Secretary-General noted, had largely been the reason for the local Serbs' refusal either to demilitarize or to cooperate in the implementation of resolution 769(1992)<sup>(240)</sup> authorizing UNPROFOR to establish border controls at the international borders of the UNPAs. In the absence of such controls, resolution 820(1993), imposing additional sanctions against Yugoslavia (Serbia and Montenegro), established a regime providing that import to, export from, and transshipment through the UNPAs in Croatia, with the exception of humanitarian supplies, was to be permitted only with proper authorization from Croatia. A meeting held on 27 April by UNPROFOR with the local Serb authorities to secure their agreement to resolution 769(1992) resulted in their declaration that, in view of resolution 820(1993), such agreement could not be considered; they regarded the idea of Croatia regulating UNPA commerce and trade as being in direct breach of the peace-keeping plan.

Regarding resolution 802(1993), the ICFY Co-Chairmen had negotiated with both parties to secure endorsement of the 6 April provisional agreement<sup>(234)</sup>. However, an endorsement from the Serb side had still not materialized by 10 May.

Prospects for the amicable coexistence of the two sides had receded and the situation was likely to deteriorate further. The remaining Croats in the UNPAs had been subjected to relentless persecution,

murder, assault, threats, armed robbery and arson. UNPROFOR had had to establish protected villages and relocate several hundred civilians to security in Croatia. UNHCR had put the number of Croatian Serbs who had fled to Serbia as of 19 March at approximately 251,000. Hostilities continued, including repeated shelling of civilian targets by both sides, and reports of further imminent incursions had raised tensions in the UNPAs.

The fighting had also inflicted casualties on UNPROFOR. In addition, the local Serb authorities had imposed greater restrictions on its freedom of movement on the ground and in the air and manifested their hostility towards UNPROFOR. UNPROFOR was thus severely handicapped in the performance of its functions.

The Serb authorities in UNPAs remained unwilling to accept the premises of UNPROFOR's mandate as defined in the Council resolutions. On 30 April, the Secretary-General received a letter from those authorities asking him to clarify whether the original peace-keeping plan still existed, to "relocate" UNPROFOR "along the line of confrontation as it existed in January 1993" and warning of the possible escalation of military conflicts if their demands were not met.

The Secretary-General noted that, although UNPROFOR had succeeded in ensuring the complete withdrawal of JNA, in maintaining peace and reducing the intimidation of civilians in UNPAs, it had not been able to fulfil other aspects of the original peace-keeping plan. The Serbs had failed to demilitarize UNPAs (resolution 743(1992))<sup>(5)</sup> so that little progress had been made towards the return of refugees and displaced persons; they had refused to cooperate with UNPROFOR in returning the pink zones to Croatian authority (resolution 762(1992))<sup>(237)</sup> and to permit establishment of controls at the international borders of UNPAs. Restrictions imposed by them on the freedom of movement of UNPROFOR crippled its monitoring functions. The Croatian side, in turn, had manifested its impatience with the United Nations (June 1992, and January and April 1993), launching military offensives across the lines of confrontation on three occasions. Croatia's view—reiterated in March<sup>(241)</sup> April<sup>(242)</sup> and May<sup>(243)</sup>—was that UNPROFOR should be given enforcement powers to oblige the Serbs to comply with Council resolutions within a fixed timetable. Failing that, Croatia made clear that it would not agree to further extensions of the UNPROFOR mandate.

Given these virtually irreconcilable positions, the Secretary-General presented three options for the future of UNPROFOR in Croatia, together with their advantages and disadvantages. One would be to declare the UNPROFOR mandate unworkable due to Serb non-cooperation and withdraw the Force, or decide that, unless the two sides made progress

in political negotiations before the end of the current mandate, the Force would be withdrawn. A withdrawal would almost certainly lead to a resumption of hostilities that the United Nations would again be called upon to end. A second option would be to accept the Croatian view and approve enforcement action to exact compliance from the Serbs, which would put UNPROFOR at war with the Serbs in the UNPAs and pink zones. A third option would be to keep the Force in place, with no change in mandate but with limited enhancements of its military capacity.

The Secretary-General decided not to recommend any of those options, but to await a report from the newly appointed United Nations Co-Chairman of the ICFY Steering Committee and Special Representative in the former Yugoslavia, Thorvald Stoltenberg, before making any recommendation on UNPROFOR.

The Secretary-General reiterated the requirements for UNPROFOR's reinforcement in the hope that the Serb authorities would endorse the provisional agreement for the implementation of 802(1991). He called for continued negotiations under ICFY auspices and noted that, even if implementation of the cease-fire agreement became feasible, the Secretariat knew of no Member State willing to contribute the infantry battalion required.

In a 25 May addendum<sup>(244)</sup> to his report, the Secretary-General stated that enhancements of UNPROFOR in accordance with the third option mentioned above would require an additional 2,650 troops and 100 military observers costing some \$91.2 million for an initial six-month period. Should the Security Council enlarge the mandate and strength of UNPROFOR as proposed, the related costs should be considered an expense of the Organization to be borne by Member States and the assessments to be levied on them should be credited to the UNPROFOR special account.

On 18 October, the Secretary-General proposed, and on 22 October received the Council's concurrence, to accept Indonesia's offer of 25 military observers in the context of resolution 847(1993).<sup>(245)</sup>

**Communications.** On 27 May<sup>(246)</sup> Croatia informed the Security Council President that local Serb leaders had failed to attend the talks under UNPROFOR's auspices at Zagreb on 26 May, indicating their unwillingness to continue the ongoing dialogue aimed at normalizing the situation in the UNPAs. That meeting had been agreed upon between representatives of Croatia and the local Serbs at a previous meeting (Topusko, 18 May). They had also refused to sign the 6 April agreement on the implementation of resolution 802(1993), scheduled to take effect on 20 May.

Croatia emphasized that it remained open to dialogue with the local Serb leaders and had created a governmental committee to normalize relations

with the Serbian population in Croatia. It would continue to follow strictly the relevant Council resolutions, 815(1993) in particular, emphasizing that the UNPAs were an integral part of the territory of Croatia. Croatia stressed that dialogue between the Government and the Serbian population on Croatian territory was an essential part of restoring peace and stability in the entire Balkan region, but must in no way jeopardize Croatia's sovereignty and territorial integrity.

#### SECURITY COUNCIL ACTION

The Security Council met on 8 June and invited Croatia, at its request, to participate in the discussion under rule 37.<sup>a</sup> Following consultations among its members, the Council authorized its President to make the following statement below<sup>(247)</sup> on the Council's behalf:

Meeting number. SC 3231.

"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) which were to be held in Zagreb on 26 May 1993. It deplors 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 the Republic 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 the Republic of Croatia exercises fully its authority in these Areas."

**Report of the Secretary-General.** Following receipt of advice from his Special Representative, the Secretary-General stated in a 24 June report<sup>(248)</sup> to the Security Council that the renewal of the UNPROFOR mandate would apply to all the republics of the former Yugoslavia in which UNPROFOR was deployed. He reiterated that a sound basis would not exist for renewing the UNPROFOR mandate in Croatia unless two factors were addressed—the fail-



ure of the parties, particularly the Serb side, to permit implementation of the United Nations peace-keeping plan, and their failure to cooperate in establishing a political process that would offer the prospect of an early agreed settlement. He noted, nevertheless, that the presence of UNPROFOR was indispensable to control the conflict. UNPROFOR not only fulfilled a role in respect of the UNPAs, but also played, in both Sector East and Dalmatia, a deterrent and mediating role between Croatia and Yugoslavia (Serbia and Montenegro); it provided an operational link between other areas of Croatia to contiguous areas of Bosnia and Herzegovina; and its logistics bases at Zagreb and Split were essential to the support of its operations within Bosnia and Herzegovina. Consequently, the best option for the moment was to keep UNPROFOR with its current mandate in place, in the hope that a changing international environment would facilitate intensified peacemaking efforts by the ICFY Co-Chairmen, with UNPROFOR support.

Although such an option fell short of Croatia's wish that the mandate have enforcement powers, he would seek Croatia's consent to a limited further extension of three months.

The Secretary-General also said that, should the already unacceptable level of threats to the safety and security of United Nations personnel increase, he would have to conclude that a viable basis for their functioning no longer existed.

In recommending that the Council extend the UNPROFOR mandate by a further three months, to 30 September 1993, the Secretary-General stated that significant progress would be required in the peacemaking efforts of the Co-Chairmen if any further renewal was to be contemplated beyond that date.

#### SECURITY COUNCIL ACTION

The Security Council convened on 30 June and invited Croatia, at its request, to participate in the discussion without the right to vote under rule 37.<sup>a</sup> Before the Council were the Secretary-General's reports of 15 May and 24 June.

Also before the Council was a 25 June letter from Croatia<sup>(249)</sup> indicating acceptance of only a one-month extension of UNPROFOR's mandate. If progress were made during that time, Croatia would be willing to accept the prolongation of UNPROFOR's role in the country under a new mandate to be concluded only between Croatia and the United Nations and separated from the UNPROFOR mandates in Bosnia and Herzegovina and in the former Yugoslav Republic of Macedonia. The new mandate must give UNPROFOR the authority and instructions to enforce and implement all of the relevant Council resolutions within a specific timetable.

The Council unanimously adopted **resolution 847(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Having considered the reports of the Secretary-General of 15 May 1993 and of 25 June 1993,

Having considered also the letter by the President of the Republic of Croatia of 26 June 1993 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 Republics of Croatia and of Bosnia and Herzegovina, and reaffirming its commitment to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia and of the other Member States where UNPROFOR is deployed,

Calling on the parties and others concerned to reach an agreement on confidence-building measures in the territory of the Republic 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 the Republic of Croatia including the United Nations Protected Areas,

Determined to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR in the Republic of Croatia and the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. Approves the report of the Secretary-General of 25 June 1993 and the request for additional resources contained in paragraphs 22, 24 and 25 of his report of 15 May 1993;

2. Requests the Secretary-General to report one month after the adoption of the present resolution on progress towards implementation of the United Nations peace-keeping plan for Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, and decides to reconsider, in the light of that report, UNPROFOR's mandate in the territory of the Republic of Croatia;

3. Decides, in this context, to extend UNPROFOR's mandate for an additional interim period terminating on 30 September 1993;

4. Requests the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of UNPROFOR's mandate;

5. Decides to remain actively seized of the matter.

#### Security Council resolution 847(1993)

30 June 1993 Meeting 3248 Adopted unanimously

Draft prepared in consultations among Council members (S/26014).

The Adriatic oil pipeline mentioned in the resolution was the subject of letters of 30 June from the States participating in the Central European Initiative—Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Italy, Poland,

Slovakia and Slovenia<sup>(250)</sup>—and of 19 July from Ukraine<sup>(251)</sup> In the view of those States, UNPROFOR could play a crucial role in the early reactivation of the pipeline, which had been blocked since September 1991.

**Communications.** Croatia, on 12 July<sup>(252)</sup> informed the Security Council President of its intention to reopen the Maslenica Bridge to traffic on 18 July. Croatia also advised of its determination to reopen nearby Zemunik Airport to civilian traffic. These steps, it said, were essential to normalize living conditions in the country and to facilitate post-war recovery. It would welcome the help of the Council and UNPROFOR to ensure that the reopening of the bridge would not be interrupted.

Those developments and the danger they posed were drawn to the attention of the Council President by the Secretary-General on 14 July<sup>(253)</sup> for appropriate action. The authorities of both the local Serbs and Yugoslavia (Serbia and Montenegro) perceived the planned events as a provocation, said the Secretary-General. On his instructions, the Force Commander had advised Croatia of the need for all concerned to act in a manner conducive to the maintenance of peace, pointing out that the event planned for 18 July was not in keeping with Council resolutions 802(1993) and 847(1993). The Force Commander moreover reminded Croatia that having excluded UNPROFOR from entering the Maslenica area, it could hardly ensure the reopening of the bridge without incident.

#### SECURITY COUNCIL ACTION (15 and 30 July)

The Security Council convened on 15 July 1993 and, after consultations among its members, authorized its President to make the following statement<sup>(254)</sup> on its behalf:

Meeting number. SC 3255.

"The Security Council is deeply concerned at the information contained in the letter of the Secretary-General of 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) and 847(1993) and in particular the demand in the former that all parties and others concerned comply strictly with the cease-fire arrangements already agreed and the call on them in the latter to reach an agreement on confidence-building measures.

"The Security 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 Security Council continues to attach the highest importance to securing the reopening of the Maslenica crossing to civilian traffic. In this context it reaffirms its support for the sovereignty and territorial integrity of the Republic of Croatia. It recognizes the real and legitimate concern of the Government of the Republic of Croatia in such reopening, as set out in the letter of 12 July 1993 from the Permanent Representative of the Republic of Croatia. It also recalls the demand

in its resolution 802(1993) that the Croatian armed forces withdraw from the areas in question.

"The Security 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 the Republic of Croatia to refrain from this action.

"The Security 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."

In the light of information subsequently received from the Special Representative regarding an agreement reached by the parties at Erdut and Zagreb on 15 and 16 July (described below by the Co-Chairmen of the ICFY Steering Committee), the Council convened on 30 July, following which it authorized its President to make the following statement<sup>(255)</sup>

Meeting number. SC 3260.

"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 Security Council reaffirms the presidential statement of 15 July 1993. Following this statement the parties reached an agreement on 15 and 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 Security Council demands that the Croatian forces withdraw forthwith in conformity with the above-mentioned agreement, and that they permit the immediate deployment of UNPROFOR. The Council also demands that the Krajina Serb forces refrain from entering the area. The Council calls for maximum restraint from all the parties, including the observance of a cease-fire.

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

"The Council will remain actively seized of the matter."

**Report of the Co-Chairmen of ICFY Steering Committee.** According to the Co-Chairmen's report, transmitted to the President of the Security Council on 3 August<sup>(201)</sup> an agreement for implementing resolution 802(1993) was signed by the Government of Croatia and the local Serb authorities on 15 and 16 July, following the Co-Chairmen's contacts with Presidents Milosevic and Tudjman and subsequent discussions at Erdut and Zagreb.

The agreement provided that there would be no Croatian armed forces or police in the areas specified in the agreement after 31 July; UNPROFOR would move into those areas. In the villages of Islam Crcki, Smokovic and Kasic, Serb police, together with United Nations civilian police (UNCIVPOL), would be present. With the withdrawal of the Croatian armed forces and police, Maslenica Bridge, Zemunik Airport and Peruca Dam would be under the exclusive control of UNPROFOR. The building of a pontoon bridge could proceed after the agreement had been signed by both parties. They would intensify efforts to reach a negotiated solution to all problems existing between them, starting with a cease-fire to be negotiated by UNPROFOR.

A cease-fire text, prepared by UNPROFOR, was examined by the parties at Vienna. However, the Croatian Government considered the cease-fire as not linked to the Erdut/Zagreb agreement, while the Serbs insisted that they would not sign any cease-fire before the withdrawal of Croatian forces in accordance with that agreement.

On 23 July, the Croatian authorities signed a unilateral undertaking to the agreement to permit UNPROFOR to start deploying in the Zemunik/Maslenica area and to assume full control by 31 July. The undertaking further provided that, from 1 August, UNCIVPOL, together with five Serb police, armed only with side-arms, would establish their presence in each of the three villages named in the agreement.

On 25 July, UNPROFOR obtained an undertaking from the Serb leadership to refrain from all armed hostilities until 31 July and to allow the withdrawal of the Croatian armed forces and police, as stipulated by the agreement. The Croatian authorities failed to comply with the agreement and the Serbs indicated that they would feel free to resume armed hostilities after 31 July.

**Reports of the Secretary-General (August and September).** The Secretary-General, reporting on 16 August 1993 on the implementation of the United Nations peace-keeping plan for Croatia<sup>(256)</sup> stated that, despite determined efforts by the Co-Chairmen of the ICFY Steering Committee for implementing resolutions 802(1993) and 847(1993), the situation had not changed. Subsequent to the 30 July presidential statement, 2,000

UNPROFOR troops moved towards the areas from which the Croatian forces were to withdraw but were unable to deploy because the Croatian military authorities restricted access to the areas concerned and did not cooperate in the planning or reconnaissance of the operation.

Following Serb shelling of the area on 2 August, which sank one of the Maslenica Bridge pontoons, the Co-Chairmen arranged for talks between the parties (Geneva, 12 August) on a cease-fire to include the elements of the Erdut/Zagreb agreement.

Pending the outcome of current efforts to persuade both sides to cooperate with UNPROFOR in implementing the two resolutions above, the Secretary-General withheld recommendation on the future of the UNPROFOR mandate in Croatia. In this connection, he referred to Croatia's 18 June proposal<sup>(257)</sup> elaborated upon on 30 July<sup>(258)</sup> for the separation of the UNPROFOR mandate into three independent mandates, for Croatia, Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia, which he intended to keep under review.

The Secretary-General subsequently reported in September<sup>(259)</sup> that the intensive discussions between the Co-Chairmen and the parties at Geneva, Zagreb and Knin, most recently on 9 and 10 September, produced an agreement to hold a further meeting, aboard a ship on the Adriatic on 12 September, between the parties' military experts.

Meanwhile, in the UNPAs and pink zones, shelling intensified on both sides of the confrontation line, and, on 9 September, the Croatian Army launched a military incursion into the Medak pocket, destroying three Serb villages. Hostilities worsened on 10 and 11 September. The intervention of the Special Representative and the Force Commander, as well as a call from the Security Council (see immediately below), brought about a cease-fire on 15 September. Some 500 to 600 UNPROFOR troops moved into the areas vacated by the withdrawal of Croatian forces. Efforts continued to reschedule the postponed meeting aboard ship on the Adriatic.

#### SECURITY COUNCIL ACTION

Meeting on 14 September, the Security Council invited Croatia, at its request, to participate in the discussion without the right to vote in accordance with rule 37.<sup>a</sup> The President was authorized to make the following statement<sup>(260)</sup> on behalf of the Council, in connection with its consideration on the item entitled "The situation in Croatia":  
Meeting number. SC 3275.

"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 UNPROFOR's proposal of an immediate cease-fire. It calls on the Croatian Government 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."

**Report of the Secretary-General.** In his 20 September report<sup>(259)</sup> the Secretary-General referred to Croatia's proposal 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 Force Commander. The Secretary-General instructed his Special Representative to put such a division into effect, provided there were no additional financial implications and overall command and coordination were not weakened.

He recommended that the Council renew UNPROFOR's mandate for a further six months, to 31 March 1994; demand that the parties in Croatia conclude an immediate cease-fire and cooperate with UNPROFOR, which must be enabled to fulfil the peace-keeping aspects of its mandate; and direct the parties to cooperate with UNPROFOR in restoring water, power, communications and other economic necessities. By 30 November, he would report to the Council on progress made by the Co-Chairmen and UNPROFOR and make further recommendations on the basis of developments during those two months.

In an addendum to his report,<sup>(261)</sup> the Secretary-General stated that the monthly cost of maintaining the Force would be limited initially to the commitment authority contained in General Assembly **resolution 47/210 B** and that he would report on additional requirements.

**Communication.** Croatia, on 24 September<sup>(262)</sup> informed the Security Council President that its Parliament supported the Government decision to terminate the UNPROFOR mandate in Croatia in its current form, for it was undermining Croatia's sovereignty and territorial integrity. The major changes it wanted to the UNPROFOR mandate were based on existing Security Council resolutions and reports of the Secretary-General, including guarantees for the full protection of human rights and minority rights. If these were not incorporated in the resolution extending the UNPROFOR mandate, then, upon the expiration of the current interim extension, Croatia would con-

sider the mandate terminated and would request UNPROFOR's withdrawal by 30 November 1993.

**SECURITY COUNCIL ACTION (30 September, 1 and 4 October)**

In the light of the Secretary-General's 30 September report and of the foregoing letter from Croatia, the Security Council, at its meeting on 30 September, unanimously adopted **resolution 869(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Reiterating its determination to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR 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 UNPROFOR's mandate for an additional period terminating on 1 October 1993;
2. Decides to remain actively seized of the matter.

**Security Council resolution 869(1993)**

**30 September 1993 Meeting 3284 Adopted unanimously**

Draft prepared in consultations among Council members (S/26513).

Before the expiry of the 24-hour extension, the Council met again on 1 October and unanimously adopted **resolution 870(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Reiterating its determination to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR 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 UNPROFOR's mandate for an additional period terminating on 5 October 1993;
2. Decides to remain actively seized of the matter.

**Security Council resolution 870(1993)**

**1 October 1993 Meeting 3285 Adopted unanimously**

Draft prepared in consultations among Council members (S/26525), orally revised.

The Council met again on 4 October, the day before the expiry of the above extension. Acting under Chapter VII of the Charter, the Council unanimously adopted **resolution 871(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Reaffirming also its resolution 713(1991) and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 20 September 1993,

Having also considered the letter of the Minister for Foreign Affairs of the Republic of Croatia dated 24 September 1993,

Deeply concerned that the United Nations peace-keeping plan for the Republic of Croatia, and all relevant Security Council resolutions, in particular resolution 769(1992), have not yet been fully implemented,

Reiterating its determination to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR 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 its paragraph 16;

2. Takes note of the intention of the Secretary-General to establish, as described in his report, three subordinate commands within UNPROFOR—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 the Republic of Croatia, the Republic of Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, where UNPROFOR is deployed;

4. Reaffirms the crucial importance of the full and prompt implementation of the United Nations peace-keeping plan for the Republic of Croatia including the provisions of the plan concerning the demilitarization of the United Nations Protected Areas (UNPAs) and calls upon the signatories of that plan and all others concerned, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in its full implementation;

5. Declares that continued non-cooperation in the implementation of the relevant resolutions of the Security Council or external interference, in respect of the full implementation of the United Nations peace-keeping plan for the Republic of Croatia would have serious consequences and in this connection affirms that full normalization of the international community's position towards those concerned will take into account their actions in implementing all relevant resolutions of the Security Council including those relating to the United Nations peace-keeping plan for the Republic of Croatia;

6. Calls for an immediate cease-fire agreement between the Croatian Government and the local Serb authorities in the UNPAs, 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 resolutions of the Council;

7. Stresses the importance it attaches, as a first step towards the implementation of the United Nations peace-keeping plan for the Republic of Croatia, to the process of restoration of the authority of the Republic of Croatia in the "pink zones", and in this context calls for the revival of the Joint Commission established under the chairmanship of UNPROFOR;

8. Urges all the parties and others concerned to cooperate with UNPROFOR in reaching and implementing an agreement on confidence-building measures including the restoration of electricity, water and communications in all regions of the Republic 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 the Republic of Croatia including the United Nations Protected Areas;

9. Authorizes UNPROFOR, in carrying out its mandate in the Republic of 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 UNPROFOR in the territory of the Republic of Croatia as recommended by the Secretary-General in his report of 20 September 1993;

11. Decides in this context to extend UNPROFOR's mandate for an additional period terminating on 31 March 1994;

12. Requests the Secretary-General to report two months after the adoption of the present resolution on progress towards implementation of the United Nations peace-keeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider UNPROFOR's mandate in the light of that report;

13. Requests further the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of UNPROFOR's mandate;

14. Decides to remain actively seized of the matter.

**Security Council resolution 871(1993)**

**4 October 1993 Meeting 3286 Adopted unanimously**

Draft prepared in consultations among Council members (S/26518).

**Report of the Secretary-General.** On 1 December<sup>(263)</sup> the Secretary-General reported on the continuing (November) talks within the ICFY framework aimed at achieving a comprehensive cease-fire in and around the UNPAs and on UNPROFOR efforts towards implementing the United Nations peace-keeping plan for Croatia.

The talks took account of the Croatian President's "peace initiative" of 2 November<sup>(264)</sup> advancing proposals on the question, and measures to be undertaken by the three parties to the conflict in Bosnia and Herzegovina and by all States in the area of the former Yugoslavia for the permanent consolidation of peace.

Further talks chaired by ICFY were held from 1 to 3 November, at which the parties accepted a three-step strategy: discussion of a cease-fire, consideration of economic reconstruction, and discussion of political questions.

The key elements of a cease-fire agreement were the separation of forces along the confrontation lines, with UNPROFOR interposed between the two

sides and monitoring heavy weapons on either side. In areas of withdrawal, UNPROFOR would be interposed between the forces at the Maslenica Bridge, Zemunik Airport, Peruca Dam and Miljevci Plateau, all of which would remain under Croatian control. Three villages near Maslenica and a key feature overlooking Obrovac would revert to Serb control.

The main areas of economic interest related to infrastructure and communications, energy and water supply. The parties concurred on the establishment of joint commissions to examine and finalize practical arrangements.

The road from Zagreb to Slavonski Brod, via Kucani was a priority for the Croatian side, which indicated that, following a cease-fire, Zemunik Airport and Maslenica Bridge would be opened for use by both sides. The Serb side asked that a route be opened between Western Slavonia and Hungary, as well as road and railway traffic between Western Slavonia and Baranja, via Osijek; it also asked for access to the open sea from Rovnjska harbour and use of a part of Zadar harbour.

After further talks in November, the Croatian side stated that, with one modification, it could sign the cease-fire proposal. Remaining on the table were modifications proposed by the Serb side, without which it stated it could not sign the document. The parties agreed, however, to set up a military joint commission to continue practical work on outstanding areas of dispute on the lines of separation to be used once a cease-fire was in place.

UNPROFOR had reinforced its support to the ICFY-sponsored talks and to promoting measures in the UNPAs to reduce tensions and thereby establish conditions favourable to a comprehensive cease-fire. The Secretary-General did not recommend reconsideration of UNPROFOR's mandate by the Security Council. However, he pointed out that it was essential for the two sides to intensify their efforts for achieving a cease-fire agreement, for the institution of practical measures of economic cooperation and for the negotiation of a lasting political settlement—an observation which the Council shared.<sup>(265)</sup>

### Violations of international humanitarian law

Subsequent to a report brought to the attention of the Security Council in February on the preliminary excavation of a mass grave near Vukovar in northern Croatia (see PART THREE, Chapter X), the Secretary-General, by a letter of 20 August<sup>(266)</sup> informed the Council President that the Netherlands had offered to provide, free of cost to the United Nations, an armed military engineer unit of up to 50 personnel to assist in the excavation of mass grave sites in the UNPAs. The

Secretary-General proposed including the unit in UNPROFOR on a temporary basis, to be deployed in the area for a period of 10 weeks starting on 1 September, subject to the extension of the current UNPROFOR mandate beyond 30 September.

On 27 August<sup>(267)</sup> the Council President conveyed the Council's agreement to the proposal, adding that it was the Council's understanding that UNPROFOR's connection with the engineering unit would be to provide administrative and logistic support and protection.

Earlier, on 2 February, the report of an EC mission that visited Bosnia and Herzegovina and Croatia to investigate massive and systematic detention and rape of women was also brought to the attention of the Council. (See "Mass rape" above, under "Bosnia and Herzegovina".)

### Humanitarian assistance

The overall United Nations humanitarian effort in Croatia was the subject of a report by the Secretary-General in 1993. Based on that report, the General Assembly adopted **resolution 48/204** on 21 December, calling on all States to provide special and other assistance to Croatia and asking the Secretary-General to carry out an assessment of the country's needs for rehabilitation, reconstruction and development (see PART THREE, Chapter III).

### Former Yugoslav Republic of Macedonia

During 1993, the former Yugoslav Republic of Macedonia was admitted to membership in the United Nations, amid differences with Greece over the name of that republic. The Co-Chairmen of the ICFY Steering Committee conducted negotiations with the two countries in order to settle their differences and to promote confidence-building measures between them (see PART ONE, Chapter V).

On 27 August, ICFY<sup>(4)</sup> mediated "Agreed Minutes" between the former Yugoslav Republic of Macedonia and the local Serbs that embodied undertakings and understandings reflecting the requests and complaints put to ICFY by the latter. The Minutes recorded the Government's undertaking to treat the Serbs equally with other nationalities living in the republic, to provide them with instruction in the Serbian language, to guarantee them constitutional religious freedom, to provide equal support to the Serbian-language media, to protect historical monuments and other cultural inheritance of the Serbs in the republic, and to conduct a national census in 1994.

**Communication from the Secretary-General.** The Secretary-General, on 15 June<sup>(268)</sup> drew to the attention of the President of the Security Council an 11 June letter from the United States offer-

ing a reinforced company team of approximately 300 troops to operate with UNPROFOR in the former Yugoslav Republic of Macedonia. The United States stated that its offer was intended to augment the UNPROFOR units already deployed in there, not to replace them.

The Secretary-General estimated that the cost associated with the deployment of the additional troops to reinforce UNPROFOR would amount to some \$10.5 million for an initial six-month period and approximately \$1.5 million per month thereafter. A breakdown of the estimate, by main categories of expenditure, was also provided. The Secretary-General recommended that, should the Council decide to approve the proposed deployment, the related cost should be considered an expense of the Organization to be borne by Member States and the assessment to be levied on them should be credited to the UNPROFOR special account.

#### SECURITY COUNCIL ACTION

On 18 June, the Security Council, having considered the Secretary-General's letter, unanimously adopted **resolution 842(1993)**.

The Security Council,

Reaffirming its resolution 743(1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Recalling in particular resolution 795(1992) of 11 December 1992 which authorized the UNPROFOR presence in the former Yugoslav Republic of Macedonia,

Welcoming the important contribution of the existing UNPROFOR presence in the former Yugoslav Republic of Macedonia to stability in the region,

Seeking to support efforts for a peaceful resolution to the situation in the former Yugoslavia as it relates to the former Yugoslav Republic of Macedonia as provided for in the Secretary-General's report of 10 December 1992 and approved by resolution 795(1992) of 11 December 1992,

Noting with appreciation the offer made by a Member State to contribute additional personnel to the UNPROFOR 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 UNPROFOR presence in the former Yugoslav Republic of Macedonia and decides to expand the size of UNPROFOR accordingly and to authorize the deployment of these additional personnel;

2. Decides to remain seized of the matter.

**Security Council resolution 842(1993)**

**18 June 1993 Meeting 3239 Adopted unanimously**

Draft prepared in consultations among Council members (S/25955).

**Report of the Secretary-General.** In keeping with a 1992 Security Council request<sup>(6)</sup> the Secretary-General reported on 13 July 1993<sup>(269)</sup> on the deployment and activities of UNPROFOR in

the former Yugoslav Republic of Macedonia prior to its reinforcement with United States troops.

The Secretary-General stated that the first UNCIVPOL monitors arrived on 27 December 1992. A Canadian company arrived on 7 January 1993 and remained until 18 February, when its operation was taken over by a 434-man joint battalion from Finland, Norway and Sweden. As at May 1993, there were 18 permanently manned observation posts, 4 along the border with Albania and 14 along the border with Yugoslavia (Serbia and Montenegro). United States troops numbering about 300 arrived during the first two weeks in July.

Since early January, the northern border and the western border north of Debar had been constantly monitored from observation posts and by regular patrols, first by the Canadian company and then by the Nordic battalion, with a view to reporting activities that might increase tension or threaten peace and stability. UNPROFOR military personnel had a number of encounters with Yugoslav soldiers claiming that UNPROFOR had intruded into the territory of Yugoslavia (Serbia and Montenegro). That the border, previously an internal one, had not been definitively delineated was a source of potential conflict. The two Governments had yet to set up a joint border commission to resolve the matter conclusively.

The 19 United Nations Military Observers (UNMOs) covering the western border area south of Debar were based at Ohrid. Eleven were responsible for patrolling the area south of Debar; the remaining eight patrolled the northern border area or served at headquarters near Skopje. In connection with their programme of visits to border villages aimed at gaining the confidence of their inhabitants and assisting in defusing possible inter-ethnic tensions, the UNMOs referred complaints about alleged discriminatory practices against the ethnic Albanian population to the relevant national authorities, to ICFY or to the Commission on Human Rights, as appropriate.

UNCIVPOL regularly patrolled specific crossings and the border areas in general to monitor the work of local border police. They reported two shooting incidents on the border with Albania that occurred on 22 February and 19 April resulting from illegal border crossings. An Albanian national, who was shot in the February incident, was believed to have been involved in smuggling arms into the country.

The Secretary-General observed that UNPROFOR had so far been successful in its preventive mandate in the country. He intended to keep the situation there under close review and would report to the Council, as appropriate, in the months to come.

On 22 July<sup>(270)</sup> the Council President informed the Secretary-General that the Council had taken note of his report; it welcomed the completion of UNPROFOR's reinforcement and the establishment of close coordination with the CSCE mission.

### Yugoslavia (Serbia and Montenegro)

#### CSCE missions

By a 20 July letter<sup>(271)</sup> transmitted by Sweden, the Chairman of the CSCE Council informed the President of the Security Council that, at the end of June, Yugoslavia (Serbia and Montenegro) withdrew its acceptance of the CSCE missions in Kosovo, Sandjac and Vojvodina. As recognized by the Government, the missions—established in September 1992 to promote dialogue between the authorities and communities in the three regions, collect information on human rights violations and promote solutions to such problems—had proved invaluable in promoting stability and counteracting the risk of ethnically motivated violence. Hence, their discontinuance would aggravate existing threats to peace and security in the region.

The CSCE Council Chairman, on 23 July<sup>(272)</sup> underscoring the basic condition as defined by the CSCE Council for the gradual readmittance of Yugoslavia (Serbia and Montenegro) to the international community, called on the Government to revoke its decision and live up to the norms and principles it had accepted as a CSCE participating State.

That Government, responding on 28 July 1993<sup>(273)</sup> said that a normalization of cooperation between it, as an equal partner, and CSCE would facilitate the future acceptance of the CSCE missions in the country. Despite its unjust suspension from CSCE meetings in July 1992, Yugoslavia (Serbia and Montenegro) had continued its CSCE commitments. The Government stressed that its isolation from CSCE activities was not conducive to continued cooperation and was in nobody's interest. It further stressed, on 3 August<sup>(274)</sup> that it was not Yugoslavia (Serbia and Montenegro) that had refused to allow the continued functioning of the CSCE missions, but rather CSCE which had rejected the cooperation offered on a number of occasions. It assured CSCE that the situation in Kosovo, Metohija, Raska and Vojvodina, was under control and posed no danger to international peace and security. It reiterated those views on 9 August<sup>(275)</sup>

#### SECURITY COUNCIL ACTION

The Security Council convened on 9 August, inviting without objection Dragomir Djokic, Ambassador of Yugoslavia (Serbia and Montenegro), to be present at the discussion.

By a recorded vote of 14 to none, with 1 abstention (China), the Council adopted **resolution 855(1993)**.

The Security Council,

Taking note of the letters of 20 July 1993 and 23 July 1993 from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE),

Further taking note of the letters of 28 July 1993 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 CSCE, and have greatly contributed to promoting stability and counteracting the risk of violence in Kosovo, Sandjak 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, Sandjak 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 CSCE 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 (CSCE);

2. Calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the CSCE 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 CSCE;

3. Further 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.

#### Security Council resolution 855(1993)

9 August 1993

Meeting 3262

14-0-1

5-nation draft (S/26263).

Sponsors: France, Hungary, Spain, United Kingdom, United States.

Vote in Council as follows:

In favour: Brazil, Cape Verde, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, United Kingdom, United States, Venezuela.

Against: None.

Abstaining: China.

China was of the view that the issue of Kosovo was an internal affair of Yugoslavia (Serbia and



Montenegro), whose sovereignty, political independence and territorial integrity should be respected in line with the basic principles of the United Nations Charter and international law. China cautioned the Council to exercise extreme prudence and act in strict conformity with the Charter's purposes and principles, especially non-interference in internal affairs of States. The CSCE missions to Kosovo and other areas of Yugoslavia (Serbia and Montenegro) were sent with the consent of that country, and the question of their continuation should be solved through continued dialogue and consultation.

### Yugoslavia (Serbia and Montenegro)-Albania

During 1993, Albania and Yugoslavia (Serbia and Montenegro) addressed a number of communications to the President of the Security Council and the Secretary-General alleging hostile incidents by one against the other along their common border and in the Yugoslav region of Kosovo, whose population included more than 2 million ethnic Albanians.

Albania's concern focused on Kosovo, where it reported, on 24 April<sup>(276)</sup> daily evidence of Serbia's plans for the ethnic cleansing of the Albanians there and asked the Council urgently to take preventive measures, such as deploying United Nations troops, to prevent such an occurrence and armed conflict. On 27 April<sup>(277)</sup> Albania drew attention to two border incidents in the previous two days in which six Albanians were killed when Serb forces opened fire on Albanian villages along the border. On 26 May<sup>(278)</sup> Albania reported a shooting incident at the town of Gillogovc in Kosovo on 22 May, during which two Serbian policemen were killed by unidentified gunmen; as a result, 100 Albanians were arrested and beaten. A series of incidents were also reported on 18 June<sup>(279)</sup> explosions and shootings in the town of Gjakova on 14 June; destructive raids on 12 ethnic Albanian households in the village of Gillanaselle on 17 June under the pretext of an arms search; and, on the same day, an explosion in Pristina (Prishtina) that severely wounded an Albanian woman. In view of what it described as the grave situation in Kosovo, Albania, on 8 July<sup>(280)</sup> expressed concern at the discontinuance of the CSCE mission there.

Albania alleged on 6 August<sup>(281)</sup> that Serbian military forces perpetrated two successive acts of provocation by opening automatic rifle fire in the direction of Albanian territory; in view of the escalating tension on its border with Yugoslavia (Serbia and Montenegro), Albania requested an urgent Council meeting to consider the situation. Another border incident was reported to have taken place on 6 August<sup>(282)</sup> when Yugoslav military forces fired into Albania's territory across the

border near Tropoja in northern Albania, killing an Albanian and wounding another. Albania said that, in the first four months of 1993, 14 Albanian nationals had been shot dead by Serbian border guards at different points along its border with Yugoslavia (Serbia and Montenegro).

Albania also transmitted to the Secretary-General a statement and reports of the "Council for the Protection of Human Rights and Freedoms of the Republic of Kosovo" on 14 September, alleging increased repression by Serbian police in Kosovo.<sup>(283)</sup>

For its part, Yugoslavia (Serbia and Montenegro), on 30 April<sup>(284)</sup> accused Albania of flagrant interference in its internal affairs. In categorically rejecting Albania's allegations with respect to Kosovo, it said that it found it absurd that a sovereign State could be charged with attacking its own territory; Albania's main goal, it said, was to further encourage secessionist and terrorist forces in Kosovo and Metohija by provoking incidents at the common border. A letter of 11 June<sup>(285)</sup> listed 18 incidents of border violations committed by Albanian nationals between 12 January and 30 May. By a 20 August letter<sup>(286)</sup> Yugoslavia (Serbia and Montenegro) condemned the armed ambush and killing of a Yugoslav guard on Yugoslav territory near the border with Albania. On 15 November<sup>(287)</sup> it refuted each and every allegation made by Albania during the 1993 General Assembly debate as part of that country's anti-Yugoslav campaign. It asserted on 19 November<sup>(288)</sup> that Albania's accusations were but a screen to conceal its responsibility for providing support to the Albanian secessionist movement in the former Yugoslav Republic of Macedonia. On 15 December<sup>(289)</sup> Yugoslavia (Serbia and Montenegro) accused the Albanian President of openly expressing territorial claims towards it by calling for a "Greater Albania".

The Co-Chairmen of the ICFY Steering Committee<sup>(4)</sup> raised the situation of ethnic Albanians in Kosovo several times in meetings with President Slobodan Milosevic of Yugoslavia (Serbia and Montenegro) during the year and, in particular, urged a reconsideration of the decision not to renew the mandate of the CSCE mission there. The Government did not attend a meeting scheduled by ICFY at Geneva on 8 September for the resumption of talks on educational problems in Kosovo, claiming that minority issues were internal matters. It had not been possible since then to find a mutually agreeable venue for the parties to meet.

A representative of the ICFY Working Group on Ethnic and National Communities and Minorities travelled to Pristina on 26 August to meet with the local Serb authorities and local Albanian representatives.

## Related questions

### Development of good-neighbourly relations among Balkan States

Within the context of its consideration of disarmament and international security issues, the General Assembly adopted a resolution on the development of good-neighbourly relations among Balkan States, calling for confidence-building measures, particularly within the framework of CSCE; emphasizing the importance of promoting cooperation in various fields, including advancement of democratic processes and promotion of human rights; and stressing their closer engagement in cooperation arrangements as a favourable influence on the political and economic situation in the region.

#### GENERAL ASSEMBLY ACTION

On 16 December, on the recommendation of the First Committee, the General Assembly adopted **resolution 48/84 B** without vote.

#### Developments of good-neighbourly relations among Balkan States

The General Assembly,

Recalling its resolutions 2625(XXV) of 24 October 1970 and 46/62 of 9 December 1991,

Affirming its determination that all nations should live together in peace with one another as good neighbours,

Emphasizing the urgency of the consolidation of the Balkans as a region of peace, security, stability and good-neighbourliness, thus contributing to the maintenance of international peace and security and so enhancing the prospects for sustained development and prosperity for its peoples,

Noting the desire of the Balkan States to develop good-neighbourly relations among themselves and friendly relations with all nations in accordance with the Charter of the United Nations,

1. Calls upon all Balkan States to endeavour to promote good-neighbourly relations and continually to undertake unilateral and joint activities, particularly confidence-building measures as appropriate, in particular within the framework of the Conference on Security and Cooperation in Europe;

2. Emphasizes the importance for all Balkan States to promote mutual cooperation in all fields and, *inter alia*, in trade and other forms of economic cooperation, transport and telecommunications, protection of the environment, advancement of democratic processes, promotion of human rights and development of cultural and sport relations;

3. Stresses that closer engagement of Balkan States in cooperation arrangements on the European continent will favourably influence the political and economic situation in the region, as well as the good-neighbourly relations among Balkan States;

4. Requests the Secretary-General to seek the views of Member States, particularly those from the Balkan region, of international organizations, as well as of competent organs of the United Nations, on the develop-

ment of good-neighbourly relations in the region and on measures and preventive activities aimed at creation of a stable zone of peace and cooperation in the Balkans by the year 2000;

5. Decides to consider the report of the Secretary-General on the subject at its fiftieth regular session.

General Assembly resolution 48/84 B

16 December 1993 Meeting 81 Adopted without vote

Approved by First Committee (A/48/685) without vote, 18 November (meeting 29); draft by the former Yugoslav Republic of Macedonia (A/C.1/48/L.26/Rev.3); agenda item 80.

Meeting numbers. GA 48th session: 1st Committee 3-14, 24-26, 29; plenary 81.

Introducing the first revision to the draft text, the former Yugoslav Republic of Macedonia explained that paragraph 3 had been reworded to make it fully acceptable to all EC members, while paragraph 4 had been rearranged to make it clear that the resolution entailed no financial implications. The former Yugoslavia Republic of Macedonia considered it very important from the standpoint of the maintenance of international security that no efforts be spared to keep at least a minimal light of hope alive in the Balkans.

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In August 1993, the Secretary-General appointed Professor Tommy Koh of Singapore as his Special Envoy to lead a good offices mission to the Russian Federation and the Baltic States. The results of his mission, which visited all four States from 29 August to 9 September, and other related developments were outlined in an October report of the Secretary-General<sup>(1)</sup>

The situation with respect to Lithuania had almost been resolved, as the last Russian combat unit was withdrawn from that country on 31 August, and a few hundred remaining unarmed Russian troops were to be withdrawn shortly. Russian officials confirmed to the Special Envoy their readiness to withdraw their remaining troops from Estonia and Latvia, but stated that there were outstanding problems regarding the terms and conditions of their withdrawal, as well as the satisfactory resolution of some related issues. These included the status and social benefits of retired Russian military personnel in Estonia and Latvia, an agreement on a former Soviet submarine training centre in Estonia, and three strategic facilities in Latvia. Both Estonia and Latvia wished all Russian troops to be withdrawn before the end of the year, but the Russian Federation offered to withdraw them by the end of 1994.

Following the departure of the Special Envoy from the area, further rounds of negotiations were held between Estonia and the Russian Federation on 14 and 15 September, and between Latvia and the Russian Federation on 27 and 28 September. However, no major progress was achieved on the issue of troop withdrawal.

The Secretary-General urged Member States and regional organizations, such as CSCE and the Council of Europe, to continue to take all possible actions to help resolve remaining questions. He commended countries that had joined in a multinational effort to help the Russian Federation build the necessary housing for troops and their families returning from the Baltic States.

During the year, Latvia, Lithuania and the Russian Federation sent communications to the Secretary-General relating to the troop withdrawal.<sup>(2)</sup>

#### GENERAL ASSEMBLY ACTION

On 15 November, the General Assembly adopted without vote **resolution 48/18**.

#### Complete withdrawal of foreign military forces from the territories of the Baltic States

The General Assembly,

Reaffirming its resolution 47/21 of 25 November 1992, Having considered the report of the Secretary-General on the complete withdrawal of foreign military forces from the territories of the Baltic States,

Conscious of the statement in the report of the Secretary-General that "delay in completing the withdrawal of foreign military forces from the territories"

## Baltic States

The Secretary-General kept himself closely informed of the negotiations between the three Baltic States—Estonia, Latvia and Lithuania—and the Russian Federation on the withdrawal of the armed forces of the former Soviet Union from the Baltic States and related issues. The Baltic States had been pressing for the removal from their territories of Soviet, and then Russian, forces since the restoration of their independence in 1991.

of Estonia and Latvia "is rightly a matter of concern to the international community";

Considering that the United Nations, pursuant to the provisions of its Charter, has a major role to play in, and responsibility for, the maintenance of international peace and security,

Mindful that the timely application of preventive diplomacy is the most desirable and efficient means of easing tensions before they result in conflict,

Recalling with particular satisfaction that independence was restored in Estonia, Latvia and Lithuania through peaceful and democratic means,

Recognizing that the stationing of foreign military forces in the territories of Estonia and Latvia without the required consent of those countries is a problem remaining from the past that must be resolved in a peaceful manner,

Welcoming the withdrawal of the military forces of the Russian Federation from the territory of Lithuania, which was completed on 31 August 1993 in accordance with a previously agreed timetable,

Welcoming also the progress achieved in reducing the foreign military presence in Estonia and Latvia,

Concerned that the bilateral talks on the complete withdrawal of foreign military forces from the territories of Estonia and Latvia, initiated in February 1992, have not yet yielded agreements, as called for in resolution 47/21,

Recognizing that the completion of the withdrawal of foreign military forces from the territories of Estonia and Latvia will facilitate the consolidation of their restored independence and the rebuilding of their economies,

Welcoming further the good offices mission that the Secretary-General recently sent to the Baltic States and the Russian Federation in pursuit of the implementation of resolution 47/21,

Recalling the "Helsinki Document 1992 - the Challenges of Change", in particular paragraph 15 of the Helsinki Summit Declaration, agreed upon at the meeting of the Conference on Security and Cooperation in Europe held at Helsinki on 9 and 10 July 1992,

Recognizing also that the Conference on Security and Cooperation in Europe is a regional arrangement, and as such provides an important link between European and global security,

Recognizing further that regional organizations participating in complementary efforts with the United Nations may encourage States outside the region to act supportively,

1. Calls again upon the States concerned, in line with the basic principles of international law and in order to prevent any possible conflict, to conclude without delay appropriate agreements, including timetables, for the early, orderly and complete withdrawal of foreign military forces from the territories of Estonia and Latvia;

2. Reaffirms its support for the efforts made by the States participating in the Conference on Security and Cooperation in Europe to remove the foreign military forces stationed in the territories of Estonia and Latvia without the required consent of those countries, in a peaceful manner and through negotiations;

3. Welcomes the multilateral efforts to help the Russian Federation build housing for troops and their families returning from Estonia and Latvia;

4. Invites the States concerned to avoid any statements or actions that may be provocative or unfriendly;

5. Expresses its appreciation for the efforts of the Secretary-General aimed at the implementation of resolution 47/21,

including the sending of a good offices mission to the Baltic States and the Russian Federation;

6. Urges the Secretary-General to continue to use his good offices to facilitate the complete withdrawal of foreign military forces from the territories of Estonia and Latvia;

7. Requests the Secretary-General to keep Member States informed of progress towards the implementation of the present resolution and to report thereon to the General Assembly at its forty-ninth session;

8. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Complete withdrawal of foreign military forces from the territories of the Baltic States".

General Assembly resolution 48/18

15 November 1993 Meeting 55 Adopted without vote

3-nation draft (A/48/L17/Rev.2); agenda item 32.

Sponsors: Estonia, Latvia, Lithuania.

Introducing the draft, Latvia said there had not been significant progress on the part of the Russian Federation in adhering to a 1992 Assembly request(3) for the early, orderly and complete withdrawal of its troops. In fact, the Russian Federation had put forward several conditions and acted in contradiction to such requirements. Rhetoric regarding the Russian-speaking population in Latvia and the desire to retain some military facilities left room for doubt as to whether the Russian Federation had the political will to remove its troops from Latvia, and gave the impression that it still wanted to keep its military presence in the region. Latvia urged the Russian Federation, other Member States and the international community to continue working towards the withdrawal of foreign military forces from Latvia and Estonia.

The Russian Federation stated that it was making active efforts to build full-fledged good-neighbourly relations with Latvia and Estonia and to ensure the earliest possible settlement of problems in those relations, including the presence of military forces of the former Soviet Union in the two States. The full withdrawal of troops from Lithuania within the agreed time-frame showed Russia's good will. Considerable progress had been achieved in reducing the numbers of Russian troops in Latvia and Estonia, where their numbers had been reduced from 57,000 to 17,000, and from 25,000 to 4,000, respectively. The problem of troop withdrawal from those two countries was not political and the Russian Federation was attempting to complete it as early as technically possible. One serious obstacle to speedy withdrawal was the lack of housing in Russia for returning troops and family members. Another problem was that of approximately 90,000 retired Russian military personnel and family members permanently residing in Latvia and Estonia, whose situation could only be described as tragic. The Russian Federation expected that that acute humanitarian aspect of the problem would soon find a civilized solution.

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## Other States

## Armenia-Azerbaijan

The year 1993 marked over five years of fighting between Armenian and Azerbaijani inhabitants in and around Nagorny Karabakh, an enclave in Azerbaijan. Armenia and Azerbaijan—two newly independent States, admitted to the United Nations in 1992—were involved in the situation, and submitted numerous communications regarding it throughout the year to the Security Council.

Armenia, on 22 January 1993,<sup>(1)</sup> circulated a statement by the Chairman of the Legislature of Nagorny Karabakh, stating that the recognition of the Nagorny Karabakh Republic as a full party to negotiations would help the peace process. Azerbaijan, on 27 January<sup>(2)</sup> protested that that statement, from a citizen of Azerbaijan claiming to be the leader of a non-existent administrative-territorial entity in Azerbaijan, was circulated as a Council document. On the same date<sup>(3)</sup> Armenia warned that its blockade by Azerbaijan turned a critical situation into a catastrophe.

## SECURITY COUNCIL ACTION (29 January)

After Security Council consultations held on 29 January, the President of the Council made a statement to the media on behalf of Council members<sup>(4)</sup>

"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 and 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 CSCE efforts, designed to bring the parties together and achieve peace in the region. They call upon the parties to agree to an immediate cease-fire, and an early resumption of talks within the CSCE framework.

"The members of the Security Council will keep the matter under consideration."

**Communications (February-5 April).** Between February and April, Azerbaijan repeatedly accused Armenia of new attacks against its territory, including seizing seven villages in the northern part of Upper Karabakh on 6 and 7 February,<sup>(5)</sup> and launching an attack on the Kelbadjar district on 27 March<sup>(6)</sup>

Armenia, on 1 April<sup>(7)</sup> denied the accusations, saying that Azerbaijani forces had launched a massive military offensive on 23 March against the Mardakert area in Nagorny Karabakh and the humanitarian corridor in Lachin. Karabakh Self-Defence Forces had been compelled to take decisive countermeasures, while no military forces from Armenia had taken part in any of those actions.

On 5 April<sup>(8)</sup> Azerbaijan charged that Armenian armed forces had virtually completed their occupation of the highland part of Karabakh and the Kelbadjar and Lachin districts of Azerbaijan, and were extending their aggression to the northwest and south of Nagorny Karabakh.

By a joint statement of 16 March<sup>(9)</sup> the Presidents of France and the Russian Federation reaffirmed their strong support for settling the conflict in Nagorny Karabakh, within the framework of the Minsk Conference under the auspices of CSCE, and called on all parties to the conflict to bring about an immediate de-escalation in the fighting and an effective cease-fire.

## SECURITY COUNCIL ACTION (6 April)

On 3 April<sup>(10)</sup> Turkey requested the Security Council urgently to consider the situation between Armenia and Azerbaijan, citing reports of a large-scale offensive by Armenian armed forces in the Azerbaijani district of Kelbadjar. Accordingly, the Council convened on 6 April. Following consultations with the members of the Council, the President made a statement<sup>(11)</sup> on behalf of the Council, in connection with the item entitled "The situation relating to Nagorny Karabakh":

Meeting number. SC 3194.

"The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorny Karabakh conflict, especially the invasion of the Kelbadjar district of the Republic 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 Security Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expresses its support for the CSCE peace process. It

expresses the hope that the recent preliminary agreement reached by the Minsk Group will be expeditiously followed by agreements on a cease-fire, a timetable for the deployment of the monitors, a draft political declaration and the convening, as soon as possible, of the Minsk Conference.

"The Security 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 Security Council requests the Secretary-General, in consultation with 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."

**Communications (7-27 April).** Azerbaijan, in numerous communications, accused Armenia of ignoring the Council's requests and of continuing and escalating its aggression against Azerbaijani territory. On 12 April<sup>(12)</sup> Azerbaijan said troops from Armenia had launched an attack in the Zangelan and Kubadly districts, and continued attacking and bombarding in some other districts. On 20 April<sup>(13)</sup> Azerbaijan said that the armed forces of Armenia had occupied areas in nine Azerbaijani districts and subjected their inhabitants to "ethnic cleansing", and that areas in 11 districts were being systematically subjected to aggression and aerial, artillery and tank bombardment. Also, some 54,000 Azerbaijanis had been the victims of ethnic cleansing in the Nagorny Karabakh area of Azerbaijan. On 29 April,<sup>(14)</sup> Azerbaijan said that a three-day emergency meeting of the Committee of Senior Officials of CSCE had been counter-productive because of Armenia's unyielding position.

On 17 April<sup>(15)</sup> Armenia reported that Azerbaijan had spread its scope of military activity by directing several attacks towards frontier villages on the Armenian side, which were clearly attempts to draw Armenia into the armed confrontation. Several districts in Armenia had been shelled and, on 10 April, Azerbaijani forces had captured the villages of Srashen and Nerkin Hand in the Kapan region of Armenia, but were driven away the next day. Attacks had also taken place against Nagorny Karabakh. Armenia said that Turkey had followed unfriendly statements with some practical actions, including delivering weapons to Azerbaijan and cutting completely the flow of humanitarian shipments destined for Armenia.

Turkey, on 16 April<sup>(16)</sup> said allegations of weapons shipment to Azerbaijan, as well as of transportation from Turkey of servicemen dis-

guised as civilians to Nakhichevan, were totally unfounded and deliberately fabricated by the Armenian authorities.

EC, in a 7 April statement<sup>(17)</sup> urged Armenia to use its influence on the Nagorny Karabakh forces for an immediate withdrawal from the Azeri territory in the Kelbadjar and Fizuli areas, and requested all parties not to withdraw from the negotiations of the Minsk Group.

**Report of the Secretary-General (14 April).**

In accordance with the Security Council's request of 6 April, the Secretary-General, on 14 April, submitted a report<sup>(18)</sup> in connection with the situation relating to Nagorny Karabakh. He reported that he had instructed the heads of the United Nations Interim Offices in Armenia and Azerbaijan to undertake field missions to the areas of conflict, which took place between 6 and 12 April.

The United Nations representative in Azerbaijan stated that authorities in the district of Ganja indicated that Azeri forces had lost control over the entire Kelbadjar district, and the fighting in Kelbadjar had led to the displacement of 40,000-50,000 residents. The town of Fizuli appeared to be under military attack. At Koubatly, the mission was told that shelling had occurred from the territory of the Republic of Armenia, as well as from the Lachin corridor and Nagorny Karabakh itself.

In Armenia, the acting United Nations representative reported that there was evidence of substantial destruction, resulting from mortar shelling, in several villages near the Azeri border. Also, a shell exploded near a United Nations vehicle in the town of Khndzorsk, and the mission had to leave the village of Korndzor when tank fire began, apparently from the territory of Azerbaijan. A helicopter reconnaissance of the border between Armenia and the Kelbadjar district of Azerbaijan saw no sign of hostilities, military movements or presence of the armed forces of Armenia.

In his observations, the Secretary-General said 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 peace and security in the entire Transcaucasus region. He strongly urged all parties to cease fighting and return to the negotiating table within CSCE's Minsk process.

**SECURITY COUNCIL ACTION (30 April)**

On 30 April, the Security Council convened to consider the Secretary-General's report. The Council invited Armenia and Azerbaijan to participate in the discussion without the right to vote under rule 37<sup>a</sup> of its provisional rules of procedure. The Council unanimously adopted **resolution 822(1993)**.

The Security Council,

Recalling the statements of the President of the Security Council of 29 January 1993 and of 6 April 1993 concerning the Nagorny Karabakh conflict,

Taking note of the report of the Secretary-General dated 14 April 1993,

Expressing its serious concern at the deterioration of the relations between the Republic of Armenia and the Republic of Azerbaijan,

Noting with alarm the escalation in armed hostilities and, in particular, the latest invasion of the Kelbadjar district of the Republic 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 cease-fire, 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 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 of the Conference, 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.

Security Council resolution 822(1993)

30 April 1993 Meeting 3205 Adopted unanimously

Draft prepared in consultations among Council members (S/25695).

Communications (1 May-27 July). Armenia accused Azerbaijan several times of aggression against it, including shelling of border areas and penetrating into Armenian territory in May,<sup>(19)</sup> and an air attack on the city of Vardenis in July.<sup>(20)</sup> On 22 July<sup>(21)</sup> Armenia countered what it said was disinformation about the capture of the

city of Agdam, stating that Azerbaijani forces had attacked the Karabakh Self-Defence Forces from near Agdam, and that the Karabakh forces had then gone on a counter-offensive to repel the adversary.

Azerbaijan also repeatedly charged Armenia with continued acts of aggression, including: seizing villages in the Kazakh district in May<sup>(22)</sup> beginning an offensive, including air attacks, in the direction of the Agdam and Agjabedi districts in Azerbaijan in June<sup>(23)</sup> and occupying the city of Agdam on 23 July, and bombarding villages where refugees from Agdam were settled in tent encampments<sup>(24)</sup>

An outline of the diplomatic efforts of CSCE was contained in a 27 July report<sup>(25)</sup> by the Chairman of the Minsk Conference of CSCE on Nagorny Karabakh. He said that both the President of Armenia and the acting President of Azerbaijan had reconfirmed their support for the Minsk Group's timetable of steps to implement Security Council resolution 822(1993), but that the attitude of local Armenian community leaders in Nagorny Karabakh appeared to be rigid and governed by military rather than diplomatic considerations. The Chairman convened a meeting of the nine countries of the Minsk Group in Rome on 22 and 23 July. While the meeting was in process, news was received of the seizure of the Azerbaijani city of Agdam, which prompted a statement unanimously endorsed by the nine States. They strongly condemned the seizure, calling it an unacceptable act, and stated that it was in the interest of the Armenian community of Nagorny Karabakh to withdraw immediately from territories recently seized by force.

#### SECURITY COUNCIL ACTION (29 July)

In response to requests of Azerbaijan<sup>(26)</sup> and Turkey<sup>(27)</sup> the Security Council convened on 29 July to consider the situation relating to Nagorny Karabakh. The Council invited Armenia, Azerbaijan and Turkey to participate in the discussion without the right to vote under rule 37<sup>a</sup> of its provisional rules of procedure. It unanimously adopted resolution 853(1993).

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 (CSCE),

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 the Azerbaijani Republic,

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 the Azerbaijani Republic and at the serious humanitarian emergency in the region,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic 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. Further 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 the Azerbaijani Republic;

4. Calls on the parties concerned to reach and maintain durable cease-fire 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 CSCE 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 CSCE monitor mission with a timetable for its deployment, as well as consideration within CSCE of the proposal for a CSCE 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 of CSCE, 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 the Azerbaijani Republic with its resolution 822(1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group of CSCE;

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 CSCE 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.

**Security Council resolution 853(1993)**

**29 July 1993 Meeting 3259 Adopted unanimously**

Draft prepared in consultations among Council members (S/26190), orally corrected.

**Communications (14 August).** Azerbaijan, on 14 August<sup>(28)</sup> said that despite Armenia's stated commitment to implement resolution 853(1993), Armenian armed forces had considerably stepped up their military operations in the territory of Azerbaijan, including seizing six populated areas in the Agdam district. Armenia, also on 14 August<sup>(29)</sup> said Azerbaijani armed forces had bombarded towns in the Tavush and Ijevan regions in the north-eastern part of Armenia with unprecedented intensity.

**SECURITY COUNCIL ACTION (18 August)**

On 17 August<sup>(30)</sup> Azerbaijan requested a convening of the Security Council, accusing Armenia of continuing aggression and of ignoring previous Council resolutions. Turkey, on the same date<sup>(31)</sup> also charged Armenia with continuing its aggression and occupying more Azerbaijani territory, namely in the Fizuli, Djabrail and Agdam districts. Armenia, on 18 August<sup>(32)</sup> requested an urgent meeting of the Council to assess the most recent evidence of Azerbaijani aggression and to condemn Azerbaijan's continuing policy of expanding its war against Nagorny Karabakh to the borders of Armenia.

The Council convened accordingly on 18 August. Following consultations with the members of the Council, the President made the following statement<sup>(33)</sup> on behalf of the Council:

**Meeting number. SC 3264.**

"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 the Republic of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with its resolutions 822(1993) and 853(1993).

"The Council also expresses its deep concern at the recent intensification of fighting in the area of Fizuli. The Council condemns the attack on the Fizuli region from the Nagorny Karabakh region of the Azerbaijani Republic, just as it has previously condemned the invasion and seizure of the districts of Kelbadjar and Agdam of the Azerbaijani Republic. 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 the Azerbaijani Republic. The Council calls upon the Government of the Republic 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 have 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 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 the Azerbaijani Republic. The Council calls upon the Government of the Republic 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 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 Security 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."

#### **Communications (1 September-8 October).**

On 1 September<sup>(34)</sup> Armenia notified the Security Council that Azerbaijan and the Republic of Nagorny Karabakh had signed a cease-fire on 31 August and that their leaders had agreed to meet by 10 September. By a statement of 6 September<sup>(35)</sup> EC condemned the recent offensives by local Armenian forces in Nagorny Karabakh, which were making deeper and deeper incursions into Azerbaijani territory.

On 1 October<sup>(36)</sup> the Chairman of the Minsk Conference reported on efforts for a peaceful settlement of the Nagorny Karabakh conflict. He said contacts between the parties to the conflict in Moscow on 12 and 13 September and again

around 24 September resulted in the cease-fire of 31 August being extended to 5 October. The consultations had led to the creation of an adjusted timetable of urgent steps to implement Council resolutions 822(1993) and 853(1993) between 18 October and 18 November. Those steps included: the announcement by the Nagorny Karabakh leadership of readiness to withdraw from all recently occupied areas of Azerbaijan, and subsequent gradual withdrawal of forces; the reopening of the main gas pipeline from Azerbaijan into Armenia and Nakhichevan; the reopening of communications and transportation; and the exchange of hostages and prisoners of war. Those and other steps were to be verified by a CSCE mission.

Armenia, on 6 October<sup>(37)</sup> said the adjusted timetable was acceptable, while Azerbaijan, on 8 October<sup>(38)</sup> said it could not agree to the timetable as it stood, citing, among other things, the following reasons: it introduced prior conditions for a withdrawal of forces from the occupied areas of Azerbaijan, in violation of the Council's demand for unconditional withdrawal; it did not mention the Lachin district or occupied areas in the Zangezan and Kazakh districts, or measures for the liberation of localities in the Nagorny Karabakh region in Azerbaijan; and it did not provide for measures to solve the problem of refugees and displaced persons in Azerbaijan.

#### **SECURITY COUNCIL ACTION (October/November)**

In accordance with an understanding reached in prior consultations, the Security Council convened on 14 October to consider the situation relating to Nagorny Karabakh and unanimously adopted **resolution 874(1993)**.

The Security Council,

Reaffirming its resolutions 822(1993) of 30 April 1993 and 853(1993) of 29 July 1993, and recalling the statement read by the President of the 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 (CSCE) 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,

Taking note of 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 the Azerbaijani Republic 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 the Azerbaijani Republic,

1. Calls upon the parties concerned to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group;

2. Reiterates again its full support for the peace process being pursued within the framework of CSCE, and for the tireless efforts of the CSCE 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 CSCE 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 CSCE Minsk process;

5. Calls for the immediate implementation of the reciprocal and urgent steps provided for in the CSCE 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 CSCE Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict as provided for in the timetable, in conformity with the 24 March 1992 mandate of the CSCE Council of Ministers;

7. Requests the Secretary-General to respond favourably to an invitation to send a representative to attend the CSCE 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 CSCE;

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 also the Secretary-General, the Chairman-in-Office of CSCE and the Chairman of the CSCE 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 CSCE and the United Nations in this regard;

13. Decides to remain actively seized of the matter.

**Security Council resolution 874(1993)**

**14 October 1993 Meeting 3292 Adopted unanimously**

Draft prepared in consultations among Council members (S/26582).

On 8 November<sup>(39)</sup> in connection with the consideration of the situation in Georgia, the President of the Council, in a statement on behalf of the Council, noted the effects of the continuing disorder in the Republic of Georgia on the humanitarian situation in neighbouring Armenia and Azerbaijan (see below).

Azerbaijan, on 26 October<sup>(40)</sup> charged that the armed forces of Armenia had violated the cease-fire agreement and launched a massive attack in the Djebrail, Fizuli, Zangelan and Kubatly districts of Azerbaijan, and had reached the frontier between Azerbaijan and Iran. Turkey, on 27 October,<sup>(41)</sup> requested the Council to convene urgently in order to take effective enforcement measures to stop the Armenian aggression. Iran, on 28 October,<sup>(42)</sup> also requested an urgent Council meeting, as fresh Armenian military offensives close to Iran's northern border endangered peace and security in the entire area and threatened the national security of Iran.

On 9 November,<sup>(43)</sup> the Chairman-in-Office of the Minsk Conference transmitted a declaration by the nine countries of the Minsk Group, condemning the most recent cease-fire violation and seizure of additional territory by force. He also presented a package proposal resulting from a meeting of the Group from 2 to 8 November. The proposal contained a new version of the adjusted timetable of urgent steps to implement Council resolutions 822(1993) and 853(1993) (see above), to which the parties were required to reply by 22 November.

In accordance with the above requests, the Council convened on 12 November. It invited Armenia, Azerbaijan, Iran and Turkey to participate in the discussion without the right to vote under rule 37 of its provisional rules of procedure.<sup>44</sup> The Council unanimously adopted **resolution 884(1993)**.

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 (CSCE), and for the tireless efforts of the CSCE Minsk Group,

Taking note of the letter dated 9 November 1993 from the Chairman-in-Office of the 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.

Noting with alarm the escalation in armed hostilities as consequence of the violations of the cease-fire 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 the Azerbaijani Republic,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic 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 cease-fire 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 the Azerbaijani Republic 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 CSCE Minsk Group and commends the proposals contained therein for unilateral cease-fire 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 the Azerbaijani Republic in accordance with the "Adjusted timetable of urgent steps to implement Security Council resolutions 822(1993) and 853(1993)" as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;

5. Strongly urges the parties concerned to resume promptly and to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group, and to continue to seek a negotiated settlement of the conflict within the context of the CSCE Minsk process and the "Adjusted timetable" as amended by the CSCE Minsk Group meeting in Vienna 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 CSCE and the Chairman of the CSCE 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 CSCE and the United Nations in this regard;

9. Decides to remain actively seized of the matter.

Security Council resolution 884(1993)

12 November 1993 Meeting 3313 Adopted unanimously

Draft prepared in consultations among Council members (S/26719).

## Georgia

### Report of the Secretary-General (January).

On 28 January,<sup>(44)</sup> the Secretary-General reported on developments in Abkhazia, in the north-western part of Georgia, where armed conflict had broken out in 1992.<sup>(45)</sup> He said the situation in Abkhazia had further deteriorated since he reported to the Security Council in November 1992.<sup>(46)</sup> An agreement resulting from a meeting between the President of the Russian Federation and the Chairman of the State Council of the Republic of Georgia on 3 September 1992<sup>(47)</sup> still offered the best basis for a resumption of the peace process.

The main military confrontation lines between the Georgian and Abkhaz forces had remained virtually unchanged since early October 1992, despite intensified fighting in some areas. The unabated fighting in Abkhazia had led to the displacement of tens of thousands of civilians and created a serious humanitarian situation which had been aggravated by the winter season. The Georgian authorities had expressed concern that some of the Russian military units stationed in Abkhazia were supporting the Abkhaz forces. In order to assess the situation, the Secretary-General considered dispatching a new mission.

### SECURITY COUNCIL ACTION (January)

In accordance with an understanding reached in prior consultations and in response to a request by Georgia contained in a letter of December 1992,<sup>(46)</sup> the Security Council convened on 29 January to consider the situation in Georgia, including the Secretary-General's 28 January report. At its request, the President of the Council invited Georgia under rule 37 of the Council's provisional rules of procedure.<sup>3</sup> The President made a statement on behalf of the Council:<sup>(48)</sup>

Meeting number. SC 3169.

"The Security Council notes with appreciation the report of the Secretary-General 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, which provides for a cease-fire and the commitment by the parties not to resort to the use of force, and which 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 cease-fire, to the return of refugees and to work out a political settlement; and 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 it stresses the need to ensure effective coordination between the activities of the United Nations and those of 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 cease-fire, 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 the allegation 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 cease-fire and for an overall political settlement."

**Communications and report of the Secretary-General (May and July).** On 5 May,<sup>(49)</sup> the Secretary-General notified the President of the Security Council that in view of the further deterioration of the situation in Abkhazia, he found the dispatch of another visiting mission an inadequate approach to revive the peace process and had decided to appoint Edouard Brunner of Switzerland as his Special Envoy for Georgia. His tasks would be to: obtain a cease-fire agreement; 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 for those objectives. The Council members welcomed the Secretary-General's decision, according to a letter of 11 May from its President.<sup>(50)</sup>

In a 1 July report,<sup>(51)</sup> the Secretary-General described the first mission of his Special Envoy to Georgia from 20 to 25 May, as well as intensified efforts of the United Nations to seek a settlement of the conflict in Abkhazia. He characterized the situation in Georgia as deteriorating and as having a devastating effect on the country's economy.

A cease-fire agreement, which came into effect on 20 May, held for two weeks or so, but later was violated daily, especially by Abkhaz shelling of Sukhumi, the capital of Abkhazia, which was still held by forces loyal to the Government. Civilian casualties were on the rise, and Eduard Shevardnadze, Georgia's head of State, feared an imminent assault on Sukhumi across the river Gumista, which constituted a no-man's land between the opposing forces to the north of the city itself.

The Special Envoy met with Georgian officials at Tblisi, the capital of Georgia, and Sukhumi, and with Abkhaz leaders at Gudauta, the seat of the Abkhaz party. In Moscow, he met with Russian leaders, and at Stockholm, with the Minister for Foreign Affairs of Sweden, who was Chairman-in-Office of CSCE. Those consultations revealed that the Georgian Government and its supporters at Sukhumi supported the Secretary-General's approach of a solution along three tracks: consolidation of the cease-fire, the launching of a political negotiating process, and support for those processes by neighbouring countries, pre-eminently the Russian Federation. The Abkhaz side favoured a United Nations-sponsored peace conference, but not the deployment of military observers, while the Russian side favoured such deployment, but had reservations about a conference.

In view of the urgent need to get the conflict under control, the Secretary-General 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: discourage further escalation of the conflict; use its good offices to reinstate the cease-fire agreement; report cease-fire violations and endeavour to restore the status quo; and attempt to establish communications between the two sides to forestall violations.

On 7 July<sup>(52)</sup> the Secretary-General, describing a serious deterioration in the military situation in and around Sukhumi, said that it would not be wise to proceed with the actual deployment of 50 military observers until the cease-fire was re-established and was being respected.

#### SECURITY COUNCIL ACTION (July and August)

On 2 July<sup>(53)</sup> Georgia requested an emergency meeting of the Security Council, citing intense artillery bombardment of the residential areas of Sukhumi, causing civilian casualties at a catastrophic rate. Abkhazian separatists had commenced a wide-scale offensive along the entire front, Georgia said, and, in the coastal area controlled by frontier troops of the Russian Federation, assault forces were landing, consisting primarily of citizens of the Russian Federation.

Following consultations with the members of the Council, the President made the following statement on 2 July<sup>(54)</sup> on behalf of the Council:

Meeting number. SC 3249.

"The Security Council has considered the letter dated 2 July 1993 from the Head of State of the Republic of Georgia concerning the situation in Abkhazia, Republic of Georgia. The Council expresses its deep concern at the reports of increased fighting around Sukhumi. The Council calls on all the parties to cease military action immediately, and to respect the cease-fire 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."

On 9 July, the Council convened again to consider the situation in Georgia, including the Secretary-General's July report. The Council invited Georgia to participate in the discussion without the right to vote under rule 37 of its provisional rules of procedure.<sup>3</sup> The Council adopted unanimously **resolution 849(1993)**.

The Security Council,

Having considered the report of the Secretary-General of 1 July 1993,

Recalling the statements made by the President of the Security Council on 10 September 1992, 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 Secretary-General's letter of 5 May 1993 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, which called in particular on all parties to respect the cease-fire 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 cease-fire and a peace process with the effective involvement of the United Nations,

1. Notes with appreciation the observations contained in the Secretary-General's report;

2. Requests the Secretary-General to send his Special Envoy to the region to assist in reaching agreement on the implementation of the cease-fire; 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 50 military observers to Georgia once the cease-fire is implemented;

3. Further requests the Secretary-General to notify the Council, for its decision, when the cease-fire 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.

**Security Council resolution 849(1993)**

**9 July 1993 Meeting 3252 Adopted unanimously**

Draft prepared in consultations among Council members (S/26053), orally revised.

On 2 August<sup>(55)</sup> Georgia stated that an agreement on a cease-fire in Abkhazia had been signed. On 4 August<sup>(56)</sup> the Secretary-General informed the Council that he had dispatched a planning team to Abkhazia on 19 July, which returned to New York on 27 July. In view of the fact that the cease-fire agreement of 27 July took effect on 28 July and conditions now permitted the immediate deployment of observers, he proposed to dispatch an advance team of 5-10 observers to the conflict area as soon as possible.

The Council convened on 6 August, in accordance with an understanding reached in prior consultations, to consider the Secretary-General's 4 August letter. It unanimously adopted **resolution 854(1993)**.

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 cease-fire,

Welcoming the signing on 27 July 1993 of the agreement establishing the cease-fire in Abkhazia, Republic of Georgia,

1. Approves the Secretary-General's proposal as contained in his letter of 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 cease-fire as envisaged in the cease-fire 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.

**Security Council resolution 854(1993)**

**6 August 1993 Meeting 3261 Adopted unanimously**

Draft prepared in consultations among Council members (S/26258), orally revised.

**Report of the Secretary-General (August).** On 6 August<sup>(57)</sup> the Secretary-General reported on the efforts of his Special Envoy and an international planning team to prepare for the deployment of military observers in the light of the 27 July cease-fire agreement, which was annexed to the report. He described his concept of operation for a military observer mission to be known as the "United Nations Observer Mission in Georgia" (UNOMIG) which, he said, would provide a major stabilizing effect for the observance of the cease-fire. After considering the findings of the planning team, the Secretary-General reached the conclusion that the dispatch of 50 military observers would not be sufficient to cope with the situation that had developed since the 27 July agreement, so he suggested that its mandate be expanded to include 88 military observers and supporting staff.

#### SECURITY COUNCIL ACTION (August and September)

The Security Council convened on 24 August to consider the Secretary-General's report and unanimously adopted **resolution 858(1993)**.

The Security Council,

Recalling its resolution 849(1993) of 9 July 1993, which reserved to the Council a decision on the deployment of observers, following implementation of a cease-fire,

Welcoming the signing of the cease-fire 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 the Council approved the deployment of an advance team of observers for a period of three months,

Having considered the Secretary-General's report,

Reaffirming previous statements which underscored the vital importance of the maintenance of cease-fire 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 Secretary-General's report of 6 August 1993;

2. Decides to establish a United Nations Observer Mission in Georgia (UNOMIG) in accordance with the above-mentioned report, comprising up to eighty-eight military observers, plus minimal staff necessary to support UNOMIG, with the following mandate:

(a) To verify compliance with the cease-fire agreement of 27 July 1993 with special attention to the situation in the city of Sukhumi;

(b) To investigate reports of cease-fire 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 cease-fire agreement;

3. Decides that UNOMIG 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 re-

view by the Council based on a report from the Secretary-General 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 UNOMIG;

5. Decides to keep under constant review the operational arrangements to implement the mandate contained in this 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 cease-fire, 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 Cease-fire Agreement of 27 July 1993 and to cooperate fully with UNOMIG and ensure the safety of all United Nations personnel and all other peace-keeping 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 UNOMIG;

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.

#### Security Council resolution 858(1993)

**24 August 1993 Meeting 3268 Adopted unanimously**

Draft prepared in consultations among Council members (S/26348).

On 16 September<sup>(58)</sup> Georgia requested an urgent Council meeting to discuss what it called a full-scale offensive by the Gudauta grouping of Abkhazia against the cities of Sukhumi and Ochamchira.

The Council convened accordingly on 17 September. Following consultations among its members, the President of the Council made the following statement<sup>(59)</sup> on behalf of the Council:

Meeting number. SC 3279.

"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 cease-fire agreement of 27 July 1993, which was mediated by the Russian Federation and welcomed by the Security 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 cease-fire 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 cease-fire 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."

**Report and communications (September and October).** On 7 October<sup>(60)</sup> the Secretary-General reported on the initial efforts to implement the mandate of UNOMIG and the efforts to start a political process in view of the collapse of the cease-fire and the military advances by the Abkhaz party.

UNOMIG had been in its early stages of deployment when the cease-fire broke down on 16 September and Abkhaz forces launched attacks on Sukhumi and Ochamchira. Patrols and further deployment of both civilian and military staff were suspended, with the strength of the mission standing at 12 military observers. On 27 September, Sukhumi was occupied by Abkhaz forces, and all efforts by Georgian forces to defend their remaining positions in Abkhazia ceased on 1 October.

It was evident that UNOMIG's mandate had been invalidated as a result of the general breakdown of the cease-fire and the collapse of the tripartite machinery responsible for its implementation. The Secretary-General proposed to maintain the current strength of UNOMIG at Sukhumi, where the Chief Military Observer had established contact with officials that arrived with the Abkhaz forces.

Expressing sadness at the suffering inflicted by the fighting on civilians, the Secretary-General said he was particularly shocked by the deliberate attacks on Georgian aircraft on three consecutive days, which had resulted in a heavy toll on human life, and by the large number of displaced persons. There were also alarming reports of atrocities and allegations of ethnic cleansing. He called on the Abkhaz leadership to exercise maximum restraint regarding the civilian population remaining at Sukhumi and elsewhere in Abkhazia.

Georgia sent several communications to the Council after the breakdown of the cease-fire, including a statement of 23 September<sup>(61)</sup> accusing Abkhaz forces of carrying out a massacre in the village of Akhaldaba and of shooting down two ci-

vilian aircraft with the loss of 67 lives. On 2 October<sup>(62)</sup> Georgia said that the Gudauta separatists continued hostilities in the direction of Ochamchira and Gali, even as the defenders of Sukhumi had left the city, and over 100,000 refugees were seeking shelter in the mountainous region of Svaneti.

#### SECURITY COUNCIL ACTION (19 October)

In response to a request by Georgia<sup>(63)</sup> the Security Council convened on 19 October to consider the situation there. The Council again invited Georgia to participate in the discussion without the right to vote under rule 37 of its provisional rules of procedure.<sup>a</sup> The Council unanimously adopted **resolution 876(1993)**.

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 Security 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 from the Chairman of the Parliament, head of State of the Republic of Georgia, dated 12 October 1993,

Having also considered the Secretary-General's report 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 cease-fire 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";

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 (UNOMIG), and welcomes his intention to provide a further report both on the future of UNOMIG 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.

Security Council resolution 876(1993)

19 October 1993 Meeting 3295 Adopted unanimously  
Draft prepared in consultations among Council members (S/26592).

**Report of the Secretary-General (27 October).**  
A report of the Secretary-General dated 27 October<sup>(64)</sup> updated his political efforts and those of his Special Envoy, as well as the status of UNOMIG. The Special Envoy had discussions at Geneva with the Abkhaz side on 6 and 7 October and with Georgian representatives on 17 and 18 October. In view of the expressed willingness of both sides to meet, the Secretary-General 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. The mandate of UNOMIG having been invalidated by the military developments of 16 to 27 September, he recommended that the Mission be continued at its current military strength of five observers with minimal support staff for a further three months.

#### SECURITY COUNCIL ACTION (November)

The Council convened on 4 November to consider the Secretary-General's report. It invited Georgia to participate in the discussion without the right to vote under rule 37 of its provisional rules of procedure.<sup>a</sup>

It unanimously adopted resolution 881(1993).

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) of 24 August 1993, in which the Council decided to establish a United Nations Observer Mission in Georgia (UNOMIG),

Having considered the Secretary-General's report of 27 October 1993 concerning the situation in Abkhazia, Republic of Georgia,

Noting with concern that the original mandate of UNOMIG has been overtaken by the military developments of 16 to 27 September 1993,

Expressing its serious concern that continuation of the conflict in Abkhazia, Republic of Georgia, threatens peace and stability in the region,

1. Welcomes the Secretary-General's report 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 the Republic of Georgia in this regard;

4. Approves the continued presence of UNOMIG 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 UNOMIG 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 UNOMIG;

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 UNOMIG 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.

Security Council resolution 881(1993)

4 November 1993 Meeting 3304 Adopted unanimously  
Draft prepared in consultations among Council members (S/26688).

At an 8 November meeting, the President made the following statement on behalf of the Council:<sup>(39)</sup>

Meeting number. SC 3307.

"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 Security 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 the Republic of 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 the Republic of Georgia.

"The Security Council appeals to the international community to continue its efforts to provide emergency humanitarian assistance to the population of the Republic of Georgia.

"The Security Council will remain seized of the matter, and asks to be kept informed of developments by the parties concerned on a regular basis."

**Report of the fact-finding mission.** On 17 November<sup>(65)</sup> the Secretary-General submitted a report of a fact-finding mission he dispatched to investigate the situation of human rights violations in Abkhazia, Georgia, including allegations of "ethnic cleansing". The mission visited the area from 22 to 30 October, interviewing authorities, as well as victims and witnesses to human rights violations, in Abkhazia and Tbilisi.

The mission concluded that numerous and serious human rights violations had been committed and continued to be committed in Abkhazia since the outbreak of the armed conflict between Georgian government forces and Abkhazian forces in August 1992. Violations of the right to life had taken place on a large scale; the victims were mainly civilians, but also many combatants had been wounded or captured. Other human rights violations included torture and ill-treatment, property rights violations and forced displacements. Both Georgian government forces and Abkhazian forces, as well as irregulars and civilians, had been responsible for such human rights violations, and the victims included members of all ethnic groups inhabiting Abkhazia. The conflict had led to almost complete devastation of huge areas of the country and a massive displacement of population.

In its recommendations, the mission said that investigations should be carried out by both parties to the conflict into all allegations of human rights violations, with a view to clarifying the circumstances and identifying those responsible. Compensation should be granted to the victims or, in the case of extrajudicial executions, to their families, and all illegally occupied houses should be restored to their owners. The right of displaced persons to return to Abkhazia should be ensured. Measures should be taken to ensure that, in carrying out their tasks, the security forces fully respected human rights and observed, in particular, the restrictions on the use of force and fire-

arms as set out in international human rights instruments.

#### SECURITY COUNCIL ACTION (December)

By a letter to the Security Council President dated 16 December<sup>(66)</sup> the Secretary-General stated that a Memorandum of Understanding between the parties, signed at Geneva on 1 December, manifested encouraging progress towards lasting peace in the area. Therefore, he was seeking from the Council a contingent authority to deploy up to 50 additional military observers. The Memorandum of Understanding, signed in the presence of representatives of the United Nations, the Russian Federation and CSCE, was appended to a 9 December letter from Georgia.<sup>(67)</sup>

The Council convened on 22 December to consider the Secretary-General's letter. It invited Georgia to participate in the discussion without the right to vote, under rule 37 of its provisional rules of procedure,<sup>8</sup> and adopted unanimously **resolution 892(1993)**.

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 Secretary-General's letter of 16 December 1993 concerning the situation in Abkhazia, Republic of Georgia,

Noting the letter of 9 December 1993 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General, transmitting the Memorandum of Understanding between the Georgian and Abkhazian sides signed in Geneva on 1 December 1993,

Welcoming the signature of the Memorandum of Understanding,

Taking note 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,

Taking note also of the first expert-level talks held between the parties in Moscow on 15 and 16 December 1993 and of 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 that encouraging progress has been achieved in the negotiations between the parties, which justifies the deployment of additional United Nations military observers,

Noting also the decisions of the ministerial meeting of the Conference on Security and Cooperation in Europe (CSCE) held in Rome on 30 November and 1 December 1993, and welcoming further the continuing cooperation between the United Nations and CSCE in this matter,

Deeply concerned at the humanitarian situation in Georgia, in particular at the number of displaced persons and refugees,

1. Welcomes the Secretary-General's letter of 16 December 1993;

2. Authorizes the phased deployment of up to 50 additional United Nations military observers to UNOMIG as recommended by the Secretary-General in his letter to perform the functions described in paragraph 4 of Security Council 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 on the duties of new observers as additional deployments beyond the initial 10 referred to in the Secretary-General's letter are undertaken;

3. Notes the intention of the Secretary-General to plan and prepare for a possible further expansion of UNOMIG 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 UNOMIG 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; this report should cover, *inter alia*, the specific activities UNOMIG will undertake, prospects for the mission, and anticipated costs, in the 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 also the parties to take all steps necessary to ensure the security of UNOMIG personnel and welcomes the readiness of the Government of the Russian Federation to assist the Secretary-General in this regard;

7. Urges also 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. Urges also 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.

**Security Council resolution 892(1993)**

22 December 1993 Meeting 3325 Adopted unanimously

Draft prepared in consultations among Council members (S/26909).

**UN Observer Mission in Georgia**

The United Nations Observer Mission in Georgia was established in August 1993 by Security Council **resolution 858(1993)**, with a threefold mandate: to verify compliance with the cease-fire

agreement of 27 July 1993, with special attention to the situation in the city of Sukhumi; to investigate and attempt to resolve cease-fire violations; and to report to the Secretary-General on the implementation of its mandate (see above).

UNOMIG was to establish its headquarters at Sukhumi and maintain three sector headquarters (at Sukhumi and Ochamchira, and at the Psou River) and a liaison office at Tbilisi.

When the cease-fire in Abkhazia broke down on 16 September, UNOMIG consisted of the Chief Military Observer, 10 military observers and 11 civilian staff. The Secretary-General noted that, as a result of the breakdown, UNOMIG's mandate was invalidated, and further deployment of both military and civilian staff was suspended.

On 27 October, the Secretary-General, noting ongoing efforts towards a political settlement of the conflict in Abkhazia, recommended the continuation of UNOMIG for a further three months. The Council, by **resolution 881(1993)** of 4 November, approved the continued presence of UNOMIG in Georgia until 31 January 1994, comprising up to five military observers, with the following interim mandate: to maintain contacts with both sides to the conflict and military contingents of the Russian Federation; and to monitor the situation and report to United Nations Headquarters, with particular reference to any developments relevant to United Nations efforts to promote a comprehensive political settlement. The Council also decided that the mandate of UNOMIG would not be extended beyond 31 January 1994 unless the Secretary-General reported that substantial progress had been made towards a lasting peace or that the peace process would be served by the prolongation of its mandate.

In response to a 27 August letter by the Secretary-General<sup>(68)</sup> the Security Council, on 31 August<sup>(69)</sup> agreed with his proposal to appoint Brigadier-General John Hvidegaard of Denmark as Chief Military Observer of UNOMIG. On 3 September<sup>(70)</sup> the Council agreed to the Secretary-General's 1 September proposal<sup>(71)</sup> that the military observers of UNOMIG come from the following States: Austria, Bangladesh, the Czech Republic, Denmark, Germany, Greece, Poland, Sierra Leone, Sweden and Switzerland.

**Financing of UNOMIG**

On 7 July<sup>(72)</sup> the Secretary-General estimated the total cost of UNOMIG at \$9,005,000 gross for an initial six months. He said that he would recommend to the General Assembly that the costs relating to UNOMIG be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assess-

ments to be levied on Member States be credited to a special account to be established for that purpose.

On 7 August<sup>(73)</sup> the Secretary-General estimated that an operation consisting of 88 instead of 50 military observers would cost \$16,195,000 gross for a six-month period, and \$1,950,000 gross per month after that. On 3 November<sup>(74)</sup> he stated that the cost of the continuation of UNOMIG at its then current strength—consisting of the Chief Military Observer, four military observers and six international staff—would amount to \$612,000 gross for a further three months, with monthly costs thereafter of \$204,000 gross.

In a 6 December report to the Assembly<sup>(75)</sup> on the financing of UNOMIG, as well as in a 9 December report to the Fifth Committee on the financing of 17 peace-keeping operations<sup>(76)</sup> the Secretary-General stated that the cost of UNOMIG from its inception in August 1993 to 31 January 1994 would amount to \$2,278,800 gross (\$2,198,400 net). Should the Council decide that UNOMIG be maintained beyond 31 January 1994, its monthly maintenance cost was estimated at \$252,800 gross (\$240,900 net); consequently the cost of the Mission from inception to 30 April 1994 would amount to \$3,037,200 gross (\$2,921,100 net). ACABQ, also in December<sup>(77)</sup> recommended that the Assembly authorize the commitment and assessment of that amount.

#### GENERAL ASSEMBLY ACTION

In December, the General Assembly adopted without vote **decision 48/475**.

#### Financing of the United Nations Observer Mission in Georgia

At its 87th plenary meeting, on 23 December 1993, the General Assembly, on the recommendation of the Fifth Committee, in accordance with the framework set out in its resolution 48/227 of 23 December 1993, having considered the report of the Secretary-General on the financing of seventeen peace-keeping operations and the related report of the Advisory Committee on Administrative and Budgetary Questions, and concurring with the observations of the Advisory Committee:

(a) Authorized the Secretary-General, on an exceptional basis, to enter into commitments up to the amount of 2,786,600 United States dollars gross (2,680,100 dollars net) for the United Nations Observer Mission in Georgia for the period from 24 August 1993 to 31 March 1994, should the Security Council extend the mandate beyond 31 January 1994, and requested the Secretary-General to establish a special account for the Observation Mission;

(b) Decided at that time to apportion, as an ad hoc arrangement, the amount of 2,536,200 dollars gross (2,439,300 dollars net) for the period ending 31 January 1994 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 De-

ember 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992 and its decision 48/472 of 23 December 1993, and taking into account the scale of assessments for the years 1992, 1993 and 1994 as set out in Assembly resolutions 46/221 A of 20 December 1991 and 48/223 A of 23 December 1993 and its decision 47/456 of 23 December 1992;

(c) Also decided that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there should be set off against the apportionment among Member States, as provided for in subparagraph (b) above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 96,900 dollars for the period from 24 August 1993 to 31 January 1994.

#### General Assembly decision 48/475

#### Adopted without vote

Approved by Fifth Committee (A/48/823) without vote, 22 December (meeting 46); draft by Chairman (A/C.5/48/L.26); agenda item 162. Meeting numbers. GA 48th session: 5th Committee 44, 46; plenary 87.

### Republic of Moldova

In 1993, the Republic of Moldova addressed letters to the Secretary-General concerning the presence of Russian troops in the country. On 19 February<sup>(78)</sup> it said that the fourteenth Army of the Russian Federation had started large-scale military manoeuvres, ignoring Moldova's opposition to such action. On 16 June<sup>(79)</sup> Moldova declared unacceptable a proposal of the President of the Russian Federation regarding the possible creation of military bases on the territories of some former Soviet republics, but considered his second proposal to withdraw Russian military forces from all former Soviet republics a realistic and just solution. On 16 September<sup>(80)</sup> Moldova reported that the Commander of the Fourteenth Russian Army had been elected a member of the so-called parliament of the self-proclaimed Dniester Moldovan Republic, an act which Moldova considered a new attempt by certain forces in Russia for a de facto recognition of the Dniester Republic, as well as a clear signal of the unwillingness of the Russian side to withdraw its military units.

### Tajikistan

The United Nations Mission of Observers in Tajikistan (UNMOT) became operational on 21 January 1993. It provided the Secretary-General with up-to-date information on the conflict in Tajikistan, and was instrumental in coordinating the international community's response to the humanitarian situation in the country, the Secretary-General said in a 26 April letter<sup>(81)</sup> to the President of the Security Council.

In that letter, he also announced his decision to appoint Ismat Kittani as his Special Envoy for Tajikistan, with the mandate to: obtain agreement on a cease-fire and make recommendations on an

international monitoring mechanism; ascertain the positions of all the concerned parties and make good offices available to help establish negotiations for a political solution; and enlist the help of neighbouring countries and others concerned in achieving the above objectives.

The Secretary-General stated that recent reports from UNMOT had led him 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 cease-fire and start a political dialogue. He suggested an extension of the mandate of UNMOT for another three months.

The Secretary-General's proposals were welcomed by the members of the Security Council, as stated in a letter of 29 April of its President<sup>(82)</sup>

On 30 April<sup>(83)</sup> the Russian Federation informed the Secretary-General that it had agreed to make available up to 500 men to participate in the military contingent of joint forces for the maintenance of peace in Tajikistan, together with Kazakhstan, Kyrgyzstan and Uzbekistan.

In statements of 13<sup>(84)</sup> and 15 July<sup>(85)</sup> Tajikistan said that, on 13 July, anti-government troops, supported by Afghan mujahidin and subunits under the Ministry of Defence of Afghanistan, had attacked the frontier village of Sarigor in the Shurabad district, resulting in loss of life and injury. Terrorist groups had entrenched themselves in Afghanistan, threatening the situation in Tajikistan as it was healing from its civil war and welcoming returning refugees. On 14 July<sup>(86)</sup> the Russian Federation protested to Afghanistan about the 13 July attack on Sarigor and the twelfth frontier post of the Moscow border detachment of the Russian border troops in Tajikistan. The Russian Federation regarded that attack launched from Afghan territory as an act of aggression against its troops and against Tajikistan. (See also PART TWO, Chapter III, on Afghanistan-Tajikistan situation.)

On 4 August<sup>(87)</sup> Tajikistan said it had just concluded an operation to rout anti-government guerrillas and Afghan mujahidin from one border area, but the build-up of Tajik armed opposition forces and Afghan mujahidin was continuing in Afghanistan along the frontier with Tajikistan.

The heads of State of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan, at a 7 August meeting, adopted a declaration on the inviolability of frontiers; an announcement of measures for the normalization of the situation on the Tajik-Afghan border; and a message of the five countries to the Secretary-General<sup>(88)</sup> in which the Foreign Ministers stated that, recently, specific military operations had been undertaken aimed at breaching the frontier and stirring up armed conflict in Tajikistan. The five countries—in accordance with the Treaty on Col-

lective Security that 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 United Nations Charter—had decided to provide Tajikistan with emergency supplementary assistance, including military assistance.

Report of the Secretary-General (August). On 16 August<sup>(89)</sup> the Secretary-General reported on the efforts of his Special Envoy for Tajikistan and on developments in that country. The Special Envoy arrived at Dushanbe, the capital of Tajikistan, on 14 May, where he held talks with the President and other officials. At Khorog, the regional capital of Gorno-Badakhshan, he had discussions with various groups, including the field commanders of the major groups opposing the central Government. He also visited neighbouring and other concerned States for talks with their leaders.

In outlining the background to the situation, the Secretary-General said the conflict in Tajikistan had resulted in thousands of deaths and more than 400,000 refugees and displaced persons. The political and economic structures of the country were disrupted by the disintegration of the Soviet Union, resulting in a struggle between different clans for a redistribution of power. Some members of the Islamic clergy were active in the opposition to the current Government, much of which was based in northern Afghanistan, where there were approximately 60,000 Tajik refugees. As for the latest developments, the Secretary-General said the most serious one was a large-scale attack on 13 July by fighters who crossed in from Afghanistan and occupied a Russian military border post, resulting in 27 deaths.

A solution to the problems of Tajikistan, as emphasized by the Special Envoy, could come about only through peaceful reconciliation with the widest possible participation of all political groups and regions of the country. Given the escalating crisis on the Tajik-Afghan border, the Secretary-General asked the Special Envoy to visit Kabul for discussions with government leaders there. The situation in Tajikistan contained the seeds of a major threat to peace and security for Central Asia and beyond, and required a concerted effort to persuade the Government and the opposition to accept the need for a political solution and to participate in a negotiating process.

#### SECURITY COUNCIL ACTION

The Security Council convened on 23 August to consider the situation in Tajikistan and along the Tajik-Afghan border. It invited Tajikistan, at its request, to participate in the discussion without the right to vote, in accordance with rule 37

of the Council's provisional rules of procedure.<sup>a</sup> Following consultations with the Council members, the President made a statement on their behalf: <sup>(80)</sup>

Meeting number. SC 3266.

"The Security 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 cease-fire and eventual national reconciliation with the widest possible participation of all political groups and all the regions 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 (CSCE).

"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 7 August 1993 Moscow summit of heads of State and Government from the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan, at the initiative of the Russian Federation, and the 6-7 July 1993 Istanbul summit of the Economic Cooperation Organization, and their decisions aimed at peaceful solutions to the problems on the border between Tajikistan and Afghanistan. Furthermore, it welcomes the efforts of CSCE. 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 UNHCR 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 Secretary-General's report of 16 August 1993 and welcomes the Secretary-General's 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 Security Council will remain seized of the matter."

**Communications (August-October).** On 24 August<sup>(91)</sup> Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan announced an agreement of that date concerning the situation on the Tajik-Afghan border, concluded at a joint meeting of the Ministers for Foreign Affairs and the Ministers of Defence of the States members of CIS in Moscow. The agreement provided for the establishment of coalition defence forces in Tajikistan, which was viewed as a regional arrangement concluded in accordance with the purposes and principles of Chapter VIII of the Charter. The text of the agreement and other documents relating to the coalition forces were contained in a 20 October letter<sup>(92)</sup> from the Russian Federation.

On 7 October<sup>(93)</sup> Afghanistan said it had not taken nor would it take armed action against Tajikistan. It assured the Secretary-General of its full cooperation with his Special Envoy. On 25 October, the Secretary-General expressed his appreciation for such assurances.

The establishment in Tajik territory of coalition forces from five States members of CIS was an important step in the de-escalation of the conflict, Tajikistan said on 27 October<sup>(94)</sup> There was continued tension along the Tajik-Afghan border, but Tajikistan appreciated the efforts of the Afghan authorities to improve the situation.

In a 10 September letter to the Security Council President<sup>(95)</sup> the Secretary-General discussed the outcome of discussions that his Special Envoy had with leaders in Afghanistan, Iran, Pakistan and Tajikistan from 17 to 26 August. All the Afghan leaders stated that the conflict in Tajikistan was a purely internal matter that should be resolved through discussions between the Tajik Government and opposition. The Tajik opposition leaders said they too favoured a peaceful solution through negotiations, but wanted to hold discussions with the Russian Federation before they would consider discussions with the Tajik Government. The Government of Tajikistan indicated that it wanted a peaceful settlement and supported the idea of negotiations with opposition leaders who

accepted the existence and structures of the State of Tajikistan, and did not wish to impose an Islamic State on it.

The Secretary-General stated that the Minister for Foreign Affairs of the Russian Federation had expressed the belief that the United Nations and the Russian Federation could cooperate closely together to bring about a political settlement in Tajikistan. The Secretary-General welcomed the Russian initiative and stated that it was clear that a consensus was emerging on the need for a political settlement.

Report of the Secretary-General (November). In a 14 November report<sup>(96)</sup> the Secretary-General stated that recent developments in Tajikistan and the neighbouring region gave grounds both for hope for a political solution of the conflict and for serious concern about the risk of further deterioration of the situation.

Fighting, however, continued to escalate. Cross-border infiltration by armed opposition groups from Afghanistan and fighting between them and government and CIS forces occurred almost on a daily basis, and the armed confrontation inside Tajikistan was intensifying, particularly in Khatlon and Gorno-Badakhshan regions.

The Secretary-General said he hoped that the implementation of the decision to establish CIS coalition peace-keeping forces in Tajikistan could contribute to the achievement of early agreement on political dialogue, cessation of hostilities and national reconciliation.

Concerted efforts were needed to overcome the remaining difficulties and persuade the Government as well as the major opposition groups to start a serious negotiation process without further delay. The Secretary-General stood ready to respond to any reasonable request by the parties and to recommend to the Security Council an international monitoring mechanism to help implement any agreement concluded by them. In those circumstances, he added, he had decided to extend the mandate of his Special Envoy for a further five months, until 31 March 1994.

On 22 December<sup>(97)</sup> the Security Council welcomed the Secretary-General's decision, transmitted in a 16 December letter<sup>(98)</sup> to appoint Ramiro Piriz-Ballon as Mr. Kittani's successor as Special Envoy for Tajikistan.

### Ukraine

Responding to a request by Ukraine<sup>(99)</sup> the Security Council convened on 20 July to discuss a complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol.

In forwarding its request, Ukraine said the Ukrainian city of Sevastopol alleged so-called

"Russian federal status" for the city and entrusted the Government of the Russian Federation with the task of working out a State programme to ensure the city's status. That, Ukraine said, was a flagrant disregard of international law and overt encroachment on its territorial inviolability. Implementation by Russian authorities of the Decree would have led to adequate actions by Ukraine in defence of its sovereignty and territorial integrity.

The Russian Federation<sup>(100)</sup> on 19 July, transmitted a statement by its Ministry of Foreign Affairs stating that the Decree departed from the policy followed by the President and the Government in upholding Russian interests with regard to matters relating to the Black Sea fleet and in maintaining bases for the Russian Navy on the territory of Ukraine, in the Crimea and Sevastopol. It impeded the already difficult task of reaching a settlement; any problem could be settled only through political dialogue.

After consultations among the Security Council members, the President made a statement on their behalf:<sup>(101)</sup>

Meeting number. SC 3256.

"The Security Council has considered the letter dated 13 and 16 July 1993 from the Permanent Representative of Ukraine to the President of the 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 Security Council has also considered the letter dated 19 July 1993 from the Permanent Representative of the Russian Federation, circulating a statement by the Ministry of Foreign Affairs of the Russian Federation concerning the aforementioned Decree.

"The Security 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 Security Council reaffirms in this connection its commitment to the territorial integrity of Ukraine, in accordance with the Charter of the United Nations. The Security 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 of the United Nations, and without effect.

"The Security 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 Security Council will remain seized of the matter."

### United Nations interim offices

During the year, United Nations interim offices were established in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Ukraine and Uzbekistan for the purpose of coordinating operational development activities of the Organization in those countries (see PART THREE, Chapter II; see also PART ONE, Chapter V, for the funding of those offices).

As reported by the Secretary-General in November<sup>(96)</sup> Tajikistan had requested him to establish a United Nations integrated office at Dushanbe to provide advice and assistance in developing the country's economic and social infrastructure, as well as to coordinate the humanitarian efforts of the international community. The Government had also sought United Nations advisory services in the field of human rights and democratic institutions. Pending a decision by the General Assembly, a small team of United Nations officials would continue to perform their functions until the establishment of an integrated office.

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### Other questions relating to Europe

#### Cooperation with CSCE

Pursuant to a 1992 General Assembly request<sup>(1)</sup> the Secretary-General submitted in November 1993 a report<sup>(2)</sup> on cooperation between the United Nations and the Conference on Security and Cooperation in Europe, including a practical division of labour. Thus, CSCE had taken the lead in peacemaking efforts in Nagorny Karabakh, Moldova and South Ossetia, Georgia, while the United Nations had the lead in Tajikistan and Abkhazia, Georgia. In the former Yugoslav

via, cooperation had taken place between the two organizations in the former Yugoslav Republic of Macedonia, and CSCE long-term missions in Kosovo, Sandjak and Vojvodina provided the only international presence at the governmental level.

The text of a framework for cooperation and coordination between the United Nations Secretariat and CSCE, signed on 26 May, was annexed to a letter to the Secretary-General from Sweden<sup>(3)</sup>

#### GENERAL ASSEMBLY ACTION

On 16 November, the General Assembly adopted without vote **resolution 48/19**.

#### Cooperation between the United Nations and the Conference on Security and Cooperation in Europe

The General Assembly,

Recalling its resolution 47/10 of 28 October 1992 on cooperation between the United Nations and the Conference on Security and Cooperation in Europe,

Welcoming its resolution 48/5 of 13 October 1993 on observer status for the Conference on Security and Cooperation in Europe in the General Assembly,

Welcoming also the declaration at the 1992 Helsinki Summit by the heads of State or Government of the participating States of the Conference on Security and Cooperation in Europe of their understanding that the Conference is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations, and as such provides an important link between European and global security,

Recalling also the documents of the Conference, in particular the Final Act signed at Helsinki on 1 August 1975, the Charter of Paris for a New Europe, the Prague Document on Further Development of the Institutions and Structures of the Conference on Security and Cooperation in Europe, the Vienna Document 1992 on Confidence and Security-building Measures, the Helsinki Document 1992 and the Summary of Conclusions of the Third Meeting of the Council of the Conference on Security and Cooperation in Europe, held at Stockholm on 14 and 15 December 1992,

Noting the crucial role of the Conference in the efforts to forestall aggression and violence in the Conference area by addressing the root causes of problems and to prevent, manage and settle conflicts peacefully by appropriate means,

Noting also the comprehensive character of the commitments of the Conference and its concept of indivisible security; its role in promoting human rights, the rule of law and democratic values; its increased capabilities in early warning, conflict prevention, crisis management and security cooperation, including the appointment of the High Commissioner on National Minorities of the Conference; planning for peace-keeping operations and initiatives for further enhancing mechanisms for the peaceful settlement of disputes,

Noting further that the new tasks before the Conference are of an evolving character and require enhanced coordination and cooperation with international organizations, in particular with the United Nations,

Noting with satisfaction the concrete results in the field already yielded as a result of the framework for cooper-

ation and coordination between the United Nations Secretariat and the Conference, signed on 26 May 1993,

Taking note of the report of the Secretary-General on the cooperation between the United Nations and the Conference on Security and Cooperation in Europe,

1. Reiterates the need for enhanced cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe;

2. Endorses the Framework for cooperation and coordination between the United Nations Secretariat and the Conference;

3. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on cooperation and coordination between the United Nations and the Conference;

4. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Cooperation be-

tween the United Nations and the Conference on Security and Cooperation in Europe".

General Assembly resolution 48/19

16 November 1993 Meeting 56 Adopted without vote

43-nation draft (A/48/L.18 & Add.1); agenda item 26.

Sponsors: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

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(2)A/48/549. (3)A/48/185.