

## Chapter I

**Africa**

During 1994, while Africa made notable advances towards peace and democracy, it also experienced some serious set-backs. On the positive side, through United Nations efforts, apartheid South Africa was transformed into a united, democratic and non-racial society with the coming into force in April of the new interim constitution, which guaranteed universal adult suffrage to all South Africans. The country held its first democratic general elections in April, which were won by the African National Congress, whose leader, Nelson Mandela, on 10 May became the first President of a new, non-racial South Africa. The question of the elimination of apartheid, which had been on the General Assembly's agenda since 1946, was accordingly removed and the Special Committee against Apartheid dissolved. The Security Council terminated the mandatory arms embargo and ended all other measures it had imposed against South Africa. It also terminated the mandate of the United Nations Observer Mission in South Africa. The General Assembly welcomed South Africa's return to the community of nations and called on specialized agencies and related organizations of the United Nations system to re-establish full membership of South Africa.

Significant progress was also made to settle other regional conflicts. In Angola, a peace agreement, the Lusaka Protocol, was signed between the Government and the National Union for the Total Independence of Angola on 20 November, marking a significant step towards lasting peace and national reconciliation. In Mozambique, the peace process came to a successful conclusion, with the holding of elections in October, leading to the election of Joaquim Chissano as President and the inauguration of the new National Assembly. As a result, the United Nations Operation in Mozambique began a phased withdrawal. The territorial dispute between Chad and the Libyan Arab Jamahiriya over the "Aouzou Strip" was settled by a 3 February Judgment of the International Court of Justice, and the United Nations monitored the peaceful withdrawal of the Libyan administration and forces from the area. Cameroon and Nigeria referred their territorial dispute over the sovereignty of the Bakassi Peninsula to the Court for resolution. The General Assembly urged the Secretary-General to make available his good offices in the search for a peaceful negotiated solution to the question of the Comorian island of Mayotte.

The situation in other parts of Africa remained bleak and deteriorated. Indeed, 1994 marked one

of the worst years for peace and security in Africa and severely strained the United Nations peace-keeping capacity and its humanitarian efforts as conflicts erupted and escalated in Burundi and Rwanda. The Rwandan conflict especially created one of the worst humanitarian crises of the century in Africa. Thousands of the country's population were the victims of systematic genocide and gross human rights violations and over 2 million people fled from the continued violence and insecurity. The dimension of the crisis caused the Security Council to authorize a multinational force, led by France, to create a humanitarian protection zone. The Council also established an International Tribunal for the prosecution of persons responsible for gross violations of international humanitarian law in Rwanda.

The Security Council recognized that the lack of progress in the peace process and in national reconciliation in Somalia, in particular the lack of sufficient cooperation from the Somali parties over security issues, had fundamentally undermined United Nations objectives there. In those circumstances, the Council could not justify continuation of the United Nations Operation in Somalia beyond March 1995. It therefore extended its mandate for a final period until 31 March 1995 and authorized its military forces to protect the Mission and the withdrawal of its personnel and assets. In Liberia, despite the signing of the Akosombo Agreement on 12 September for the restoration of the civil Government, disarmament and national reconciliation, the security situation deteriorated with no sign of an early end to the civil war.

In December, the General Assembly noted the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity (OAU) and efforts to strengthen that cooperation. It urged the United Nations to help OAU strengthen its conflict resolution capacity and ensure the implementation of the United Nations New Agenda for the Development of Africa in the 1990s.

### **South Africa and the end of apartheid**

The elimination of apartheid and the establishment of a non-racial democratic society in South

Africa in 1994 finally closed a long chapter of United Nations efforts against the apartheid system. In January, the Security Council expanded the mandate and size of the United Nations Observer Mission in South Africa (UNOMSA), which coordinated a core group of electoral observers. By 24 March, all 2,120 United Nations observers and support staff had been deployed, constituting the largest electoral mission ever mounted by the United Nations.

On 22 February, the Multi-party Negotiating Process adopted amendments to the Interim Constitution, negotiated in 1993,<sup>(1)</sup> which were voted into law by the South African Parliament on 2 March. On 25 April, the Parliament adopted further amendments to the Interim Constitution to incorporate agreements reached between the African National Congress (ANC), the South African Government, Zulu King Goodwill Zwelithini and Chief Mangosuthu Buthelezi, on behalf of the Inkatha Freedom Party (IFP). On 27 April, the Interim Constitution, which was to remain in effect for the whole five-year transition period, came into force.

The first ever all-race, multi-party elections were held as scheduled from 26 to 28 April, and extended to 29 April because of delays stemming from reported violations of electoral rules, particularly in KwaZulu-Natal. An estimated 16 million blacks, 3 million whites, 1.8 million Coloureds and 650,000 Indians made up the approximately 22.7 million eligible voters. Some 200,000 voting personnel officers were deployed in 9,000 polling stations across the country. The elections were observed by 6,000 international observers, including 2,120 from the United Nations.

The final outcome of the elections was announced on 6 May by the Independent Electoral Commission (IEC) Chairman. ANC obtained 62.6 per cent of the vote and the majority of seats in seven of the nine provincial legislatures. The National Party (NP) obtained 20.4 per cent of the national vote and a majority in the provincial legislature of the Western Cape, and IFP obtained 10.5 per cent and the majority in the KwaZulu-Natal provincial legislature. In May, IEC proclaimed the elections as "sufficiently free and fair", which was endorsed by the international observer mission. Nelson Mandela, leader of ANC, was inaugurated President of South Africa on 10 May. The Secretary-General underscored the United Nations continued support to the achievement of dignity, equal rights and social progress for all the people of South Africa.

On 25 May, the Security Council terminated the mandatory arms embargo and all other measures against South Africa. The Council also dissolved its Committee concerned with the question of South Africa and removed the item from its

agenda. In June, the General Assembly removed from its agenda the item on the elimination of apartheid and establishment of a united, democratic and non-racial South Africa and welcomed South Africa back to the community of nations. In September, the United Nations, in cooperation with the Commonwealth Secretariat and the United Nations Development Programme (UNDP), convened an international donors' conference on human resources development for post-apartheid South Africa.

**Activities of the Special Committee against Apartheid.** In its final report covering the period November 1993 to 10 June 1994,<sup>(2)</sup> the Special Committee against Apartheid, established by the General Assembly in 1962,<sup>(3)</sup> reviewed the political process which culminated in the holding of elections as well as the international response to developments. In accordance with its mandate and guidelines set out by the Assembly in 1989,<sup>(4)</sup> the Committee promoted international assistance in helping South Africans overcome the negative social and economic consequences of apartheid and undertake activities aimed at supporting the political process of peaceful change.

The Committee co-sponsored with the Centre for the Study of the South African Economy and International Finance of the London School of Economics and Political Science a seminar in London (22-24 January) on sustainable economic growth and development in South Africa: policy priorities for the early years of a democratic Government. From 28 February to 1 March, the Committee also co-sponsored, with the Liaison Group of Anti-Apartheid Movements in the European Union, an international briefing in Brussels, Belgium, on South Africa's first democratic and non-racial election. On 3 March,<sup>(5)</sup> the Acting Chairman of the Committee, in a letter to the Secretary-General, included a statement he made at the briefing, as well as those by the Chairman of IEC and the President of the British Anti-Apartheid Movement.

The Special Committee undertook a high-level fact-finding mission to South Africa, led by its Chairman, between 28 February and 6 March<sup>(6)</sup> to underline its support of efforts to bring all parties into the political process. The mission gathered information relating to the general arrangements for the elections, voter education, location of and safety conditions at the polling stations, evaluation of the role of the international election observers and monitors, violence and the role of the peace structure, as well as the role of the international community after the elections.

The mission visited Cape Town, Johannesburg, Pretoria, East London and Port Elizabeth and was briefed by and met with UNOMSA representatives, the Secretary-General's Special Representative,

the leaders of other international observer teams, including the Chairman and several members of IEC, and representatives of other relevant organizations. The mission also followed the proceedings of the Transitional Executive Council (TEC) and attended the parliamentary session at which additional amendments to the Interim Constitution were presented and adopted.

On 21 March, as in previous years, the Special Committee held a meeting in observance of the International Day for the Elimination of Racial Discrimination, marking the anniversary of the killing of 69 people in Sharpeville in 1960.

The Special Committee undertook a second fact-finding mission to South Africa from 6 to 10 June to hold consultations with the new Government of National Unity, as well as with the leaders of the four main political parties (ANC, NP, IFP and the Pan Africanist Congress of Azania (PAC)), church leaders, senior media representatives and foreign diplomats, who emphasized the question of development assistance to South Africa. President Mandela met with the mission on 7 June and praised the Special Committee's work as a tremendous contribution to the elimination of apartheid. He also stated that South Africa needed the assistance of the international community, especially for socio-economic programmes. The mission said that the United Nations should continue to be the catalyst for support and development assistance and recommended that, in consultation with the Government, a high-level coordinator be appointed for all United Nations development activities in South Africa for the next five years. The Committee's final report stressed, among other things, the vital importance of assistance to ensure the stable and peaceful development of post-apartheid South Africa and to address its socio-economic disparities.

The Art against Apartheid Collection, set up in 1981 with the Special Committee as the main contributor to the initial funding, had played an important role in raising awareness of and rallying international opposition to apartheid. With the end of apartheid, the collection, based in Paris, should be handed over to South Africa.

The Special Committee noted that it had fulfilled its mandate and concluded its work.

#### GENERAL ASSEMBLY ACTION

On 23 June, the Assembly adopted **resolution 48/258 A** without vote.

#### Work of the Special Committee against Apartheid

The General Assembly,

Recalling its resolutions S-16/1 of 14 December 1989, 46/79 A of 13 December 1991, 47/116 A of 18 December 1992, 48/1 of 8 October 1993, 48/159 A of 20 December 1993 and 48/233 of 21 January 1994, which were all adopted by consensus,

Also recalling its resolution 1761(XVII) of 6 November 1962, by which it established the Special Committee against Apartheid, and its resolutions 47/116 B of 18 December 1992 and 48/159 B of 20 December 1993 on the programme of work of the Special Committee, which were adopted by consensus,

Taking note with appreciation of the final report of the Special Committee against Apartheid, submitted in accordance with paragraph 4 (e) of resolution 48/159 B,

Also taking note with appreciation of the report of the Chairman of the Special Committee against Apartheid on his missions to South Africa, together with a delegation of the Special Committee, from 28 February to 5 March and from 6 to 10 June 1994, as reflected in the final report of the Special Committee,

Recalling the contributions over the decades of the United Nations, its Special Committee against Apartheid, Member States of the United Nations, regional and non-governmental organizations and the international community as a whole to the efforts leading to the end of apartheid,

Also recalling Security Council resolution 919(1994) of 25 May 1994,

Noting with great satisfaction that South Africa, having resumed its rightful place in the international community, intends to participate in the work of the United Nations in accordance with the purposes and principles of the Charter of the United Nations,

1. Expresses its profound satisfaction at the entry into force of South Africa's first non-racial and democratic constitution on 27 April 1994, the holding of one-person/one-vote elections from 26 to 29 April, the convening of South Africa's new parliament on 5 May and the installation on 10 May of its State President and the Government of National Unity;

2. Congratulates all South Africans and their political leaders on their success in bringing apartheid to an end and in laying, through broad-based negotiations, the foundations for a new, non-racial and democratic South Africa with equal and guaranteed rights for each and all;

3. Notes the importance of actions taken by the General Assembly and the Security Council, which have contributed significantly to the end of apartheid and the establishment of a democratic and united, non-racial South Africa;

4. Commends the Secretary-General for the successful implementation and conclusion of the mandates entrusted to him by relevant Security Council and General Assembly resolutions, in particular Council resolutions 765(1992) of 16 July 1992, 772(1992) of 17 August 1992 and 894(1994) of 14 January 1994, through the efforts of his Special Representative, and Assembly resolution 48/159 A of 20 December 1993 relating to the United Nations Observer Mission in South Africa;

5. Commends the Organization of African Unity, the Commonwealth and the European Union for their important contributions, inter alia, through their observer missions, as well as the Movement of Non-Aligned Countries, for their support to the process of peaceful change culminating in the elections;

6. Expresses its appreciation to the Special Committee against Apartheid for the important role it has played as a focal point for international action in support of the efforts to eliminate apartheid in South Africa and to establish a non-racial and democratic society in that country;

7. Welcomes South Africa back to the community of nations as represented in the General Assembly of the United Nations, and calls upon specialized agencies and related organizations of the United Nations system to take all necessary actions to re-establish full membership of South Africa;

8. Decides to consider, as an exceptional measure, that the arrears of South Africa that have accrued to date were due to conditions beyond its control and, accordingly, that the question of the applicability of Article 19 of the Charter of the United Nations related to the loss of voting rights in the General Assembly in this respect will not arise;

9. Considers, as stated in the final report of the Special Committee against Apartheid, that the mandate of the Special Committee has been successfully concluded, and decides to terminate it as at the date of adoption of the present resolution;

10. Requests the Secretary-General to facilitate the transfer and installation of the Art against Apartheid Collection at an institution agreed on with designated representatives of the Government of South Africa;

11. Strongly appeals to Member States and the international community to provide generous assistance to the Government and people of South Africa in the implementation of the reconstruction and development programmes of their country, and requests the Secretary-General to consider the appointment, in consultation with the Government of South Africa, of a high-level coordinator for United Nations development activities in that country;

12. Decides to remove from the provisional agenda of its forty-ninth session the item entitled "Elimination of apartheid and establishment of a united, democratic and non-racial South Africa".

#### **General Assembly resolution 48/258 A**

23 June 1994

Meeting 95

Adopted without vote

Draft by Nigeria (A/48/L.58); agenda item 38.

Following the termination of the mandate of the Special Committee against Apartheid, the Secretary-General, in December,<sup>(7)</sup> submitted revised estimates relating to the redeployment of some resources not required for activities related to apartheid. The revised estimate for the 1994-1995 biennium totalled \$1,397,300, a decrease of \$2,815,300 out of an original appropriation of \$4,212,600.

The Advisory Committee on Administrative and Budgetary Questions<sup>(8)</sup> said that, in view of the late submission of the Secretary-General's report, it intended to examine the proposals in detail in 1995. In the meantime, the Secretary-General should proceed with the redeployment of staff that had been affected by the termination of the Special Committee, to vacant posts wherever available.

The General Assembly, by resolution 49/219, section IV, decided to consider the Secretary-General's proposal at its resumed forty-ninth session in 1995.

### **Transition to democracy**

The Economic and Social Council, by decision 1994/242 of 22 July, approved the request of the Commission on Human Rights to its Special Rap-

porteur to undertake two missions to South Africa in 1994 to gain further insight into the whole process of transition to democracy.

### **Transitional Executive Council**

The Transitional Executive Council, established by the Multi-Party Negotiating Council (MPNC) in 1993,<sup>(9)</sup> oversaw preparations for the elections. It selected the 11 South Africans for IEC, which determined and certified the results of the elections, replacing the discredited election directorate. In January, Ciskei joined the 20 political parties, homeland governments and the Government of South Africa that made up TEC. However, the Freedom Alliance (FA)—the Conservative Party, the Afrikaner Volksfront and IFP—and the homeland governments of Bophuthatswana and KwaZulu (also members of FA) continued to refuse. PAC also refused to join, but on 16 January announced a unilateral suspension of its armed struggle.

In January, TEC appointed senior military officers to form the Command Council of the joint National Peace-keeping Force (NPKF) and decided on the activities of the South African Police and homeland police, including the deployment of the South African Defence Force (SADF) in the East Rand townships outside Johannesburg, as well as on the setting up of a task force to investigate the activities of alleged "hit squads" and the KwaZulu police in Natal province. In March and April, TEC decided to give voting rights to prisoners and to reincorporate the homelands. The Independent Media Commission oversaw the equitable treatment of political parties by the media in the run up to the elections and, on 16 March, TEC named members of the board of the Independent Broadcasting Authority, which would regulate broadcasting on a permanent basis.

### **Registration of political parties**

On 3 February,<sup>(10)</sup> the South African Minister for Foreign Affairs drew the Secretary-General's attention to a 1993 General Assembly resolution<sup>(11)</sup> on the financial provision in the budget of the United Nations to enable ANC and PAC to participate in relevant United Nations bodies until the situation of the two organizations as political parties had been regularized. He said TEC had changed the date for the commencement of South Africa's elections from 27 April to 26 April; on 2 February, President F. W. de Klerk had proclaimed 26 to 28 April as the election dates. In addition, the Electoral Act provided that all parties intending to contest the elections should register not later than 10 days after the proclamation. Consequently, ANC and PAC would register as official parties on or before 12 February. Since the requirement of the Assembly's 1993 resolution had been met, he assumed that its provisions would be implemented immediately.

### Political violence

Political violence continued in 1994, even as South Africa approached the April elections. On 28 March, a public march in Johannesburg, organized by IFP followers to demand that Zulu King Goodwill Zweletheni have a role in the Interim Constitution, ended in bloodshed, with over 50 people dead and 250 wounded.<sup>(12)</sup>

On 29 March, following informal consultations, the President of the Security Council made a statement on behalf of the Council members, deploring the previous day's violence in the strongest possible terms. He said that intimidation, violence and provocation were clearly aimed at derailing the South African transition process and could not be permitted to deny the South African people their opportunity to join the community of democratic States. He called on South Africans to eschew violence and hoped that all parties would participate peacefully in the elections. He reiterated the importance the Council placed on keeping to previously agreed dates for the elections.

The Secretary-General's Special Representative and the heads of the missions of OAU, the Commonwealth and the European Union also made a joint statement on 29 March, stating that the failure of political leaders and security forces to prevent a senseless slaughter was inexcusable. They urged political leaders not to permit marches that were not properly planned and in which supporters carried weapons. The violence frustrated the work of IEC, already straining to establish the infrastructure needed to put the vote within reach of all South Africans. They called on President de Klerk, Mr. Mandela and Chief Buthelezi, in their meeting on 30 March, to find a way out of the crisis, and appealed to local and provincial leaders to consider the lives of their people before embarking on any action that could lead to further violence.

However, with the political impasse, violence escalated phenomenally, particularly in KwaZulu-Natal. There were 311 deaths in March, an increase of 73 per cent from the previous month, and violence continued after the declaration of a state of emergency on 31 March, with 259 further deaths by 25 April.<sup>(2)</sup> With no breakthrough after a summit meeting on 8 April between President de Klerk, Mr. Mandela, Chief Buthelezi and King Zweletheni, violence by vigilantes and frenzied mobs continued to escalate against innocent people and electoral workers. However, the number of casualties in that region dropped dramatically after 19 April, when Chief Buthelezi announced that IFP would participate in the elections.

In the East Rand region, in mid-April, the newly formed NPKF was unable to prevent renewed violence; subsequently SADF again took over the policing duties. Further violence included a series of 40 bomb attacks against ANC offices, railway lines and

power pylons in right-wing rural strongholds of the Western Transvaal and the Orange Free State. A powerful car bomb exploded in downtown Johannesburg on 25 April, just a block away from ANC headquarters, killing nine people, including an ANC candidate for the regional assembly, and injuring over 100. Another bomb at a taxi stand in Germiston killed 10 people and injured 41.

In March, the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation (Goldstone Commission) released a 100-page interim report on criminal violence by elements within the South African Police, the KwaZulu Police and IFP, which disclosed the involvement of their senior officers in a conspiracy to destabilize the elections. President de Klerk denied that the Government had prior knowledge of the activities, suspended the named officers and agreed to ANC's call for an international investigation. Also in March, the Human Rights Commission of South Africa said that IFP members were receiving military training at the Mlaba Camp in Natal with funds provided by the KwaZulu Legislative Assembly. In April, security forces raided the camp, seized weapons and arrested persons suspected of being members of "hit squads".

### Multi-party negotiations

The Secretary-General, in an April report on the question of South Africa,<sup>(13)</sup> highlighted the preparations for the elections and updated UNOMS activities to monitor violence and defuse tension. He said that after three years of protracted negotiations, the multi-party process had produced the transitional structures which were operational and had pressed ahead with their tasks. However, the major problem facing them was the non-participation of some political parties on the grounds that the Interim Constitution was not acceptable to them. Attempts were therefore made to ensure the participation of those parties which formed FA (particularly IFP and white right-wing parties) in the transitional process and the April elections. Those efforts were aimed at helping to level the political playing-field and create conditions for free and fair elections.

On 24 February,<sup>(14)</sup> South Africa submitted a situation report of 22 February on constitutional negotiations. The report stated that although the Constitution was passed by Parliament in 1993, further negotiations were conducted in January and early February between FA, the Government and ANC to settle outstanding constitutional differences and to ensure the participation of the FA in the transitional process and the April elections. The trilateral talks, however, failed to achieve a settlement. On 21 February, MPNC was convened to consider and approve a package of proposals presented by the Government, which included amendments clarifying the powers and functions of provinces, their tax-

ing competence, provisions regarding their own constitutions relating to legislative and executive structures, provisions to prevent the powers and functions of provinces from being diminished by the final Constitution, changing the name of Natal to KwaZulu-Natal, amendment of the Electoral Act to provide for two ballot papers, one for the National Assembly and one for the provincial legislatures and the extension to 4 March of the date for parties to register for the elections. Those amendments were approved by MPNC and were to be put before Parliament for deliberation.

The Bophuthatswana administration, a member of FA, repeatedly rejected participation in the elections. This resulted in a popular uprising, with many people killed and extensive property damage culminating in the regime's overthrow. Negotiations were also held between the member parties of FA until it disintegrated after its ill-fated military intervention in Bophuthatswana on 10 March. The Alliance then registered as a new party, the Freedom Front, which signed an accord with the Government of South Africa and ANC on 23 April.

Negotiations were also held regarding the participation of KwaZulu-Natal and IFP in the elections. Following rioting at a rally of several thousand armed supporters of IFP, in which 53 people were killed and several hundred wounded, IFP demanded that elections be postponed and a settlement negotiated on the question of Zulu sovereignty. The following day, King Zwelithini declared sovereignty, which marked a further upsurge in violence between ANC and IFP. On 31 March, President de Klerk, in consultation with TEC, declared a state of emergency, deploying 3,000 SADF troops in Natal. Chief Buthelezi called it "an invasion".

IEC, the KwaZulu government and the Government of South Africa agreed that elections could not be held in KwaZulu in the current political climate. However, ANC categorically ruled out a deferral either at the national level or in Natal. On 8 April, a summit with Mr. Mandela, President de Klerk, Chief Buthelezi and King Zwelithini failed to satisfy the King's demands for sovereignty. An offer that the King, who would receive a royal stipend and royal guard, could preside over a chamber of tribal chiefs of the provincial parliament and that the provincial legislature would have the right to name the province KwaZulu-Natal was rejected by the King and Chief Buthelezi.

A nine-member team of international mediators, led by Henry Kissinger and Lord Carrington, arrived on 12 April, but left before even beginning its mediation. The team recognized the ANC and government positions and rejected Chief Buthelezi's demand that the date of the elections be changed. This recognition led Chief Buthelezi and King Zwelithini to reassess their positions.

On 16 April, the King called on his people to end the violence, and IFP called off a march through central Johannesburg. On 19 April, an agreement was reached in which IFP would participate in both national and provincial elections, while the other parties agreed to recognize and protect the institution, status and role of the Zulu King and the kingdom of KwaZulu-Natal. The Interim Constitution was amended accordingly.

#### SECURITY COUNCIL ACTION

The Security Council met on 19 April to consider the report of the Secretary-General,<sup>(13)</sup> with South Africa participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(15)</sup>

The Security Council has noted with appreciation the Secretary-General's report of 14 April 1994 on the question of South Africa, as well as the oral information received from the Secretariat on the latest developments in the electoral process.

The Council welcomes the agreement reached on 19 April 1994 between the Inkatha Freedom Party (IFP), the African National Congress (ANC) and the Government of South Africa following which IFP has decided to participate in the forthcoming elections in South Africa. It commends all the parties involved for the statesmanship and goodwill which they have displayed in reaching this result.

The Council expresses the hope that this agreement will bring an end to the violence which has scarred South Africa and that it will promote lasting reconciliation among the people of South Africa. It calls upon all parties to contribute to the conduct of free and fair elections in which all South Africans will be able to participate peacefully.

The Council commends the positive contribution by the United Nations Observer Mission in South Africa (UNOMSA) and the international community to the transitional process in South Africa and reiterates its determination to support the process of peaceful democratic change for the benefit of all South Africans. It calls upon all parties to respect the safety and security of the international election observers and to assist them to carry out their mandate.

The Council looks forward to the successful completion of the electoral process in South Africa and to the establishment of a democratic, non-racial and united South Africa that will take its place in the international community.

Meeting number. SC 3365.

<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 Council in accordance with Article 35(1) of the Charter."

### UN Observer Mission in South Africa

In 1994, UNOMSA, established by the Security Council in 1992<sup>(16)</sup> and initially deploying 50 observers to South Africa,<sup>(17)</sup> expanded in its scope of operations and strengthened its personnel.

**Report of the Secretary-General (January).** In January,<sup>(18)</sup> the Secretary-General reported on the activities of UNOMSA. Responding to one of the closing acts of South Africa's MPNC, ratified by the Management Committee of TEC at its first session, he proposed that the mandate of UNOMSA be expanded to include observation of the elections.

For the two to three months preceding the elections, he proposed that UNOMSA be required to observe the actions of IEC and verify their compatibility with the conduct of a free and fair election as set forth in the Electoral Acts. UNOMSA activities would include observing measures taken to ensure political parties and alliances freedom of organization, movement, assembly and expression; monitoring compliance of the security forces with the requirements of relevant laws and decisions of TEC; and verifying the implementation of the dispositions of the Independent Media Commission and the Independent Broadcasting Authority Acts. It would verify the efforts of the electoral authorities and other interested parties to inform voters adequately on the meaning of the vote and its procedural aspects.

On election days, it would verify that voting occurred in an environment free of intimidation and in conditions which ensured free access to voting stations and the secrecy of the vote. Proper transportation and custody of ballots, security of the vote count and timely announcement of results would also be verified. UNOMSA would coordinate the activities of observers from international governmental organizations and foreign Governments and establish effective cooperation with South African and foreign non-governmental organizations (NGOs).

UNOMSA would be headed by the Secretary-General's Special Representative, supported by a Deputy Special Representative and assisted by a Senior Advisory Committee comprised of distinguished personalities, and supported by two Senior Advisers, four Professional staff and support staff. UNOMSA would comprise two operating arms. The first was the Peace Promotion Division with nine regional offices that would continue UNOMSA's previous work of following rallies and other public events and investigating instances of intimidation and related complaints; it would expand its network of contacts to include the monitoring branch of IEC. The Secretary-General proposed an expansion of the number of observers in this Division to 500 by March. The second arm was the Electoral Division covering four areas (logistical, electoral, voter education and media)

as well as a small component of statistical and research officers. Two electoral officers would be posted in each region and, while under the overall coordination and guidance of the regional coordinators, they would maintain a functional liaison with the Electoral Division at headquarters in Johannesburg.

The total number of international observers, including those representing foreign NGOs and other groups, was expected to exceed 5,000. However, the Secretary-General outlined the resource and personnel requirements necessary for the deployment of 2,840 observers from the United Nations, OAU, the Commonwealth, the European Union and Member States during the election period. The United Nations planned to provide 1,778 of those observers, but ultimately provided 2,120 of them.

The Secretary-General estimated the cost of the expanded mandate to observe the elections at \$33,597,000.

### SECURITY COUNCIL ACTION

On 14 January, the Security Council met to consider the report of the Secretary-General. At its request, it invited South Africa to participate in the discussion under rule 37<sup>a</sup> of the provisional rules of procedure. At the request of Djibouti, Nigeria and Rwanda,<sup>(19)</sup> it invited a representative of ANC to participate under rule 39.<sup>b</sup> The Council adopted unanimously **resolution 894(1994)**.

The Security Council,

Reaffirming its resolutions 765(1992) of 16 July 1992 and 772(1992) of 17 August 1992,

Having considered the report of the Secretary-General on the question of South Africa dated 10 January 1994,

Welcoming the further progress made in establishing a democratic, non-racial and united South Africa, and in particular the establishment of the Transitional Executive Council and the Independent Electoral Commission, and the agreement on the Interim Constitution,

Noting that the legal framework of the electoral process in South Africa leading to the elections to be held on 27 April 1994 is defined by the Independent Electoral Commission (IEC) and the Electoral Acts, the Independent Media Commission Act and the Independent Broadcasting Authority Act,

Commending the positive contribution already made by the United Nations Observer Mission in South Africa (UNOMSA) to the transitional process in South Africa and to efforts to curb violence,

Commending also the positive contribution of the Organization of African Unity, the Commonwealth and the European Union in this regard,

Reiterating its determination to continue to support the process of peaceful democratic change in South Africa for the benefit of all South Africans,

<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."

Recalling the statement made by the President of the Security Council on 23 November 1993, in which the Security Council invited the Secretary-General to accelerate contingency planning for a possible United Nations role in the election process, including coordination with the observer missions of the Organization of African Unity, the Commonwealth and the European Union, to enable expeditious consideration of a request to the United Nations for such assistance,

Noting General Assembly resolutions 48/159 A of 20 December 1993 and 48/230 of 23 December 1993, in which the General Assembly, *inter alia*, requested the Secretary-General to accelerate planning for a United Nations role in the election process, in consultation with the Security Council and in coordination with the observer missions of the Organization of African Unity, the Commonwealth and the European Union,

Having considered the request of the Transitional Executive Council that the United Nations provide a sufficient number of international observers to monitor the electoral process and to coordinate the activities of the international observers provided by the Organization of African Unity, the Commonwealth and the European Union as well as those provided by Governments, and accepting the need to respond urgently to this request,

1. Welcomes with appreciation the report of the Secretary-General of 10 January 1994 and agrees with the proposals contained therein concerning the mandate and size of UNOMSA, including the proposals for the coordination of the activities of the international observers provided by the Organization of African Unity, the Commonwealth and the European Union as well as those provided by any other intergovernmental organizations or Governments;

2. Urges all parties in South Africa, including those which did not participate fully in the multi-party talks, to respect agreements reached during the negotiations, to adhere to democratic principles and to take part in the elections;

3. Calls upon all parties in South Africa to take measures to end the violence and intimidation and thus contribute to the conduct of free and fair elections, and expects that anyone who seeks to disrupt the elections will be held accountable for such actions;

4. Calls also upon all parties in South Africa to respect the safety and security of the international observers and to facilitate the carrying out of their mandate;

5. Welcomes the intention of the Secretary-General to set up a special trust fund to finance the participation of additional observers from Africa and other developing countries and urges States to contribute generously to this fund;

6. Decides to remain seized of the matter until a democratic, non-racial and united South Africa is established.

Security Council resolution 894(1994)

14 January 1994 Meeting 3329 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/28).

#### GENERAL ASSEMBLY ACTION

On 21 January, the General Assembly adopted **resolution 48/233** without vote.

#### Democratic and non-racial elections in South Africa

The General Assembly,

Recalling its resolution 48/159 A, adopted by consensus on 20 December 1993, as well as its resolution 48/230 of 23 December 1993,

Recalling also Security Council resolutions 765(1992) of 16 July 1992 and 772(1992) of 17 August 1992,

Welcoming the agreement reached within the framework of multi-party negotiations to hold the first democratic elections in South Africa on 27 April 1994,

Welcoming also the adoption by Parliament, on 22 December 1993, of the Constitution for the Transitional Period as well as the Electoral Bill, and encouraging the efforts of all parties, including ongoing talks among them, aimed at the widest possible agreement on the arrangements for the transition to a democratic order,

Noting the request by the Transitional Executive Council to the United Nations for the provision of a sufficient number of international observers to monitor the electoral process, which also called upon the United Nations to coordinate, in close cooperation with the Independent Electoral Commission, the activities of the international observers provided by the Organization of African Unity, the Commonwealth and the European Union, as well as those provided by Governments,

Taking note with appreciation of the report of the Secretary-General of 10 and 17 January 1994 on the question of South Africa,

1. Commends the Secretary-General for his prompt response to the requests contained in paragraphs 18 and 19 of its resolution 48/159 A, and welcomes the proposals contained in his report;

2. Takes note with satisfaction of Security Council resolution 894(1994), adopted on 14 January 1994, in which the Council accepted the need to respond urgently to the request by the Transitional Executive Council and agreed with the proposals contained in the report of the Secretary-General concerning the mandate and size of the United Nations Observer Mission in South Africa, including the proposals for the coordination of the activities of the international observers provided by the Organization of African Unity, the Commonwealth and the European Union, as well as those provided by other intergovernmental organizations or Governments;

3. Encourages Member States to respond positively to the request of the Secretary-General for election observers;

4. Urges all parties in South Africa, including those which did not participate fully in the multi-party talks, to respect agreements reached during the negotiations, to adhere to democratic principles and to take part in the elections;

5. Expresses its grave concern at the threat of the ongoing violence to the process of peaceful change, and calls upon all parties to promote the full participation of all South Africans in the democratic process in all parts of South Africa by exercising restraint and by refraining from acts of violence and intimidation;

6. Calls upon the South African authorities, including the Independent Electoral Commission, under the supervision and guidance of the Transitional Executive Council, to take the necessary measures to protect the rights of all South Africans to organize and participate in peaceful public manifestations and political rallies,



to run for election and to participate in the polls in all parts of South Africa, including the "homelands", free of intimidation;

7. Calls upon all parties in South Africa to respect the safety and security of the international observers and to facilitate the carrying out of their mandate;

8. Welcomes the intention of the Secretary-General to set up a special trust fund to finance the participation of additional observers from African and other developing countries, and urges States to contribute generously to this fund.

**General Assembly resolution 48/233**

21 January 1994 Meeting 88 Adopted without vote

Draft by Nigeria (A/48/L.52); agenda item 38.

**Report of the Secretary-General (April).** In his April report on the question of South Africa,<sup>(13)</sup> the Secretary-General highlighted preparations for the elections and updated UNOMSA activities to monitor violence and defuse tension.

Following approval of the budget by the General Assembly for the financing of the expanded UNOMSA (see below), high priority was given to the deployment of observers and support staff, as well as logistic improvements, including transport, communications and accommodation. By 24 March, 611 international staff, including 200 United Nations Volunteers, were deployed in nine provinces and 56 subprovinces of South Africa. An additional 1,278 United Nations electoral observers were trained before being deployed to the provinces two days before the elections. UNOMSA offices were established to correspond with the seven provincial and two subprovincial centres of IEC, and there were also UNOMSA offices in Johannesburg and Durban. The Electoral Division of UNOMSA developed strategies and plans for execution during the elections. The monitoring of voter education, laws relating to the media and the legal processes relating to the election were handled centrally.

UNOMSA was in constant contact with IEC, which had representatives at many meetings of the Coordinating Committee and the Technical Task Force. IEC invariably responded positively to concerns and suggestions raised by UNOMSA regarding the electoral process and informed UNOMSA of its own concerns. There were concerns, for example, regarding the identification of voting stations, thus the gazettement of proposed voting sites was deferred and detailed planning by IEC of polling logistics and staff deployment was hampered.

The report also identified delays in the production of comprehensive plans for the secure consolidation, packing, warehousing and distribution of critical electoral equipment and materials, and secure movement and storage of ballot boxes and other sensitive equipment and materials in the course of the polling and immediately prior to the counting. In addition, the Government and its security departments and the political parties did not give IEC all

the help and cooperation needed in formulating a comprehensive and appropriate contingency plan for the security of voting stations, voters, monitors and international governmental and foreign non-governmental observers.

The Public Information and Media Analysis Section of UNOMSA, with the assistance of provincial officers, monitored from Johannesburg the major national, regional and local press in English and Afrikaans, and concluded that, within recognized constraints, the media in South Africa could be considered fair.

Final report of the Secretary-General (June). On 16 June, the Secretary-General submitted his last report on the question of South Africa as regards the work of UNOMSA and the transitional process.<sup>(13)</sup> The report outlined the prescribed election procedures and made observations on the electoral process, including voter education, the issuing of temporary voter cards, the conduct of the polling and of the counting, observation of the media and the adjudication by IEC of complaints.

The report noted that, on 26 April, observers visited 2,960 of the 8,478 voting stations and reported on the numerous problems encountered; on 27 and 28 April, they visited 7,430. The most striking problem was the short supply of election materials, including ballot boxes, ballot papers, ultraviolet lights and invisible ink. The pattern of inadequacy was uneven: the province of Northern Transvaal was conspicuously the worst overall, with considerable variations within the provinces of Western Cape and Eastern Cape, and the East Rand of the Pretoria-Witwatersrand-Vereeniging (PWV) proved to be a particular problem area. Observers provided frequent oral reports regarding problems through UNOMSA's communications system, many of which were fed directly to the IEC crisis centre for prompt remedial action. United Nations observers also monitored 119 foreign voting stations in 57 countries, only 24 per cent of which reported minor problems.

The Adjudication Section of UNOMSA observed that, although IEC dealt with complaints relating to the violation of the Electoral Act somewhat too rigidly, the process worked reasonably well. IEC reported 1,013 cases of alleged intimidation, 177 cases of violence against people, 147 cases of violence against property, 322 cases of obstruction or interference with canvassing, 267 cases of destruction of posters, 143 cases of illegal identity cards, 206 cases of illegal temporary voter cards, 298 cases relating to the violation of the Electoral Code of Conduct, 115 cases relating to voter education, 540 cases of various voting infringements, 106 cases of undue influence, bribery, impersonation, interference with election materials, interference with canvassing, failure to comply with the law, etc., and 688 undefined. The largest number of complaints was registered in KwaZulu-Natal with 741, followed by Western

Cape with 475 and PWV with 409. Northern Cape had the lowest number at 44.

After the vote, on 30 April, the Secretary-General's Special Representative and the heads of the observer missions of the Commonwealth, the European Union and OAU issued an interim assessment of the process up until the end of voting but before the counting was complete. They said that despite major administrative and logistical problems, the South African people were able to participate freely in the voting. The widely predicted and feared escalation of violence did not happen; they commended IEC and the many thousands of well trained IEC voting officials, members of the army and police for their professional approach and the many thousands of peace monitors for their contribution.

With regard to the counting of votes, problems were manifest that had been identified well before the elections. Inadequate planning for the arrival of ballot boxes and other materials at counting centres caused confusion and delay. At the 458 counting stations from which reports were received, broad systemic problems were revealed, with 84.06 per cent having insufficient staff and facilities to ensure uninterrupted counting, only 78.82 per cent maintaining prescribed procedures for the delivery of materials, and only 74.45 per cent adhered to official ballot paper reconciliation procedures. In many cases, reconciliation of ballot papers found in ballot boxes to ballot papers provided to voting stations proved difficult or impossible. Also, in certain parts of the country, allegations of fraudulent interference with ballot materials emerged, though UNOMSA was unable to make independent judgements on those allegations.

The final results were not announced until 5 May because counting took longer than expected. IEC pronounced the elections substantially free and fair, and the following day the Secretary-General's Special Representative and the heads of the observer missions of the Commonwealth, the European Union, and OAU issued a joint final statement. They said that, as with the voting, there were administrative and logistical problems in the counting process, with serious inadequacies in the control and accounting of sensitive election materials and evidence of irregularities. They urged IEC to proceed diligently with the mediation and adjudication of outstanding disputes and that any criminal investigation be pursued. However, while taking into account these and other difficulties, they shared the collective view that the outcome of the elections reflected the will of the people of South Africa. On the same day, the Secretary-General issued a statement welcoming IEC's declaration that the elections were substantially free and fair and expressed his warm congratulations to the people of South Africa and all their leaders.

Observers were repatriated within 12 days after the elections but a limited number of support staff re-

mained. The Secretary-General said that UNOMSA's achievements, as well as its mistakes and shortcomings, would be recalled in the planning of similar missions in the future. He asked the various departments directly concerned to cooperate with senior UNOMSA staff so that the United Nations could draw lessons from its South African experience.

#### SECURITY COUNCIL ACTION

On 27 June, the Security Council adopted **resolution 930(1994)** unanimously.

The Security Council,

Recalling its resolutions 772(1992) of 17 August 1992 and 894(1994) of 14 January 1994,

Noting with great satisfaction the establishment of a united, non-racial and democratic Government of South Africa,

Welcoming General Assembly resolutions 48/13 C and 48/258 A of 23 June 1994,

1. Welcomes the final report of the Secretary-General on the United Nations Observer Mission in South Africa (UNOMSA);

2. Commends the vital role played by the Special Representative of the Secretary-General and UNOMSA, together with the Organization of African Unity, the Commonwealth and the European Union, in support of the establishment of a united, non-racial and democratic South Africa;

3. Decides that, with the successful completion of its mandate, UNOMSA is terminated forthwith;

4. Also decides that it has concluded its consideration of the item entitled "The question of South Africa" and hereby removes this item from the list of matters of which the Council is seized.

Security Council resolution 930(1994)

27 June 1994 Meeting 3393 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/752).

#### UNOMSA financing

In a January report on financing for the expansion of UNOMSA,<sup>(20)</sup> the Secretary-General presented revised estimates for the period 1 January to 31 July amounting to \$42,435,000, reflecting a proposed additional requirement of \$33,440,900. He therefore requested the appropriation of that additional sum to cover the expanded mandate and size of UNOMSA up to 31 July.

In February,<sup>(21)</sup> the Advisory Committee on Administrative and Budgetary Questions (ACABQ) recommended that the amount of \$30,040,900 be approved for the expansion of UNOMSA for the period 1 January to 31 July.

#### GENERAL ASSEMBLY ACTION (February)

On 14 February, the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee, adopted **resolution 48/230 B** without vote.

### **Financing for the expansion of the United Nations Observer Mission in South Africa**

The General Assembly,

Having considered the report of the Secretary-General on financing for the expansion of the United Nations Observer Mission in South Africa and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Authorizes the Secretary-General to enter into commitments not to exceed 30,040,900 United States dollars for the expansion of the United Nations Observer Mission in South Africa;
2. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a performance report on the Observer Mission;
3. Decides that additional appropriations for the Observer Mission shall be considered in the light of the report to be submitted by the Secretary-General.

#### **General Assembly resolution 48/230 B**

14 February 1994 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/48/811/Add.1) without vote, 10 February (meeting 47); oral proposal by Chairman; agenda item 123.

In a December report on financing for the expanded UNOMSA,<sup>(22)</sup> the Secretary-General stated that the unencumbered balance for the mandate period was \$10,774,900. An additional appropriation of \$19,266,000 was required. ACABQ stated that the performance report of the Secretary-General was incomplete because there was no indication in its supplementary information as to why estimated expenditures differed from the total amounts authorized in various areas.

#### **GENERAL ASSEMBLY ACTION (December)**

**On 23 December, the General Assembly, on the recommendation of the Fifth Committee, adopted resolution 49/219, section I, without vote.**

### **Financing for the expansion of the United Nations Observer Mission in South Africa**

[The General Assembly]

1. Approves an appropriation of 19,266,000 United States dollars under section 4 (Peace-keeping operations and special missions) of the programme budget for the biennium 1994-1995, and an appropriation of 1,464,200 dollars under section 28 (Staff assessment), to be offset by income in the same amount under income section 1 (Income from staff assessment);
2. Requests the Secretary-General to submit to the General Assembly a full final performance report relating to the final expenditures of the United Nations Observer Mission in South Africa and to the activities budgeted and implemented;
3. Also requests the Secretary-General to include in the next report detailed financial statements of the Observer Mission and an inventory of assets, including information concerning their final disposition, and to assess the experiences and budget performance of the Mission with a view to formulating recommendations for similar future operations;

#### **General Assembly resolution 49/219, section I**

23 December 1994 Meeting 95 Adopted without vote

Approved by 5th Committee (A/49/822) without vote, 16 December (meeting 33); oral proposal by Chairman; agenda item 107.

### **Inauguration**

The first session of the National Assembly was held 9 May and it unanimously proclaimed Nelson Mandela President of South Africa. Thabo Mbeki was elected First Deputy President and former President F. W. de Klerk was elected Second Deputy President. Frene Ginwala was elected Speaker.

On 10 May, Mr. Mandela took the oath of office as South Africa's first democratically elected President, in a ceremony witnessed by more than 100,000 South Africans and some 5,000 international dignitaries, including the Secretary-General. President Mandela called for the continued support of the international community as South Africa tackled the challenges of building peace, prosperity, non-sexism, non-racialism and democracy. On 11 May, 27 cabinet ministers and 13 deputy ministers took the oath of office in the new Government of National Unity. South Africa's 90-member Senate met for the first time on 20 May and elected Cobic Coetse as its President.

### **Lifting of sanctions**

In 1993,<sup>(23)</sup> following an appeal by ANC President Mandela, the General Assembly had lifted all economic sanctions against South Africa. On 23 May 1994,<sup>(24)</sup> South Africa submitted to the Security Council President a letter of 18 May from its President, Mr. Mandela, stating that the successful conclusion of the electoral process and political change in South Africa had brought an end to the need for international sanctions to be imposed on it. He called on the Council to revoke all the remaining sanctions still enforced against South Africa to allow it to resume its rightful place in the international community.

#### **SECURITY COUNCIL ACTION**

The Security Council met on 25 May to consider the request of the President of South Africa. At their request, the Council invited Algeria, Bosnia and Herzegovina, Botswana, the Congo, Egypt, Greece, India, Kenya, Malaysia, Morocco, Senegal, Sierra Leone, South Africa, Tunisia, the United Republic of Tanzania, Zambia and Zimbabwe to participate in the discussion under rule 37<sup>a</sup> of the Council's provisional rules of procedure. At the request of Nigeria,<sup>(25)</sup> it also invited a representative of the World Campaign against Military and Nuclear Collaboration with South Africa, under rule 39.<sup>b</sup>

**The Council adopted resolution 919(1994) unanimously.**

The Security Council,

Recalling its resolutions on the question of South Africa, in particular resolutions 282(1970), 418(1977), 421(1977), 558(1984) and 591(1986),

Welcoming the first all-race multi-party election and the establishment of a united, democratic, non-racial Government of South Africa, which was inaugurated on 10 May 1994,

Taking note of the letter of 18 May 1994 from President Nelson R. Mandela of the Republic of South Africa,

Stressing the urgent need to facilitate the process of re-integration of South Africa in the international community, including the United Nations system,

1. Decides, acting under Chapter VII of the Charter of the United Nations, to terminate forthwith the mandatory arms embargo and other restrictions related to South Africa imposed by resolution 418(1977) of 4 November 1977;

2. Decides also to end forthwith all other measures against South Africa contained in resolutions of the Security Council, in particular those referred to in resolutions 282(1970) of 23 July 1970, 558(1984) of 13 December 1984 and 591(1986) of 28 November 1986;

3. Decides further to dissolve the Committee of the Security Council established by resolution 421(1977) concerning the question of South Africa, in accordance with rule 28 of the provisional rules of procedure of the Security Council, effective from the date of the adoption of the present resolution;

4. Invites all States to consider reflecting the provisions of this resolution as appropriate in their legislation.

Security Council resolution 919(1994)

25 May 1994 Meeting 3379 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/610).

## Other aspects

### Economic and social conditions

The year 1994 saw the end of the longest recession experienced by South Africa in the twentieth century, with a recovery in agriculture and an improvement in world gold prices. The domestic financial situation also showed signs of improvement with declines in the rate of inflation, and confidence of foreign investors was expected to receive a boost from the conclusion of negotiations over a final rescheduling of the country's debt standstill and the normalization of its relationship with the International Monetary Fund (IMF).

Renewed access to international financial facilities, however, had not significantly stemmed the outflow of capital. The country's foreign exchange reserves were reduced to 7.9 billion rand (R) by the end of March, which prevented the monetary authorities from taking advantage of falling inflation to reduce interest rates.

Public finances were vulnerable in the short term with revenue shortfalls having resulted in an accumulated public debt; efforts were made, however, to cut the budget deficit to 7 per cent of gross domestic product. The measures were aimed at maintaining fiscal discipline and meeting the re-

quirements that TEC agreed to in its "letter of intent" to IMF.

Tremendous pressure was expected on the new Government for additional expenditure to finance social upliftment and job-creation programmes, with nearly half the work force not formally employed. The economic upswing had somewhat alleviated the situation in certain sectors, but was not expected to bring a comprehensive solution to the structural problem of unemployment. The new Government also faced pressing socio-economic problems in the critical areas of education, health, housing and land.

### Economic plan

In April, ANC unveiled the final draft of its reconstruction and development programme, outlining a vision of a "mixed economy" and advocating measures to redistribute income through an integrated system of education, a public works programme to build 1 million new houses, electrify 2.5 million homes and provide clean water, sanitation and health care to all South Africans. ANC pledged to redistribute 30 per cent of farmland within five years and included proposals for new antitrust laws and regulations to break up powerful conglomerates and to reclaim mineral rights from private companies to the State.

The cost of reconstruction, estimated by ANC at R39 billion over five years, would be covered by cuts to the defence budget, savings generated by the dismantling of apartheid structures and the establishment of a reconstruction fund. The overall tax burden and borrowing by the Government would not be raised, according to ANC's proposal. The tax system would, however, be made more progressive and more efficient. Personal income tax would be reviewed and company tax breaks rationalized, though basic goods would be exempted from value added tax. The bulk of public funding would be generated through increased efficiency of government services.

A number of analysts and politicians criticized the cost estimates of R39 billion and thought it would reach at least R100 billion over 10 years. Nevertheless, criticisms against the programme by members of the business community and other political parties were relatively mild. As a result, a so-called "economic compromise zone" emerged, in which ANC recognized the need to maintain macroeconomic stability, while the private sector and other parties recognized the need for reconstruction to rectify the inequities of the past.

### Women and children under apartheid

In response to a 1993 Economic and Social Council request,<sup>(26)</sup> the Secretary-General submitted a report<sup>(27)</sup> in February 1994 to the Commission on the Status of Women concerning

women and children living under apartheid. The report examined the issue of violence, women's participation in the political process and a Women's Charter to protect their rights. The Ministry of Justice of South Africa had published three draft bills covering the promotion of equal opportunities, the prevention of domestic violence and the abolition of discrimination against women. A rape and child molestation court was established in Cape Town to address specifically the increasing problems of domestic violence, child abuse and rape in the area. In the townships, violence was one of the most important issues mobilizing women, and signs of organization against violence were already emerging, involving "Women for Peace", church organizations, Manyano, the Women's National Coalition and Black Sash.

At the political level, although women made up 54 per cent of South Africa's voting population, they represented only 2 per cent of those in power. In accordance with its undertaking that at least one third of its candidates for election to the Constituent Assembly in April would be women, ANC proposed 67 women for election out of its list of 200 candidates. Since a high percentage of women did not understand the electoral process, there was a greater need among women as compared to men for voter education. In the rural areas, where there was a high concentration of women, travel costs, time and difficulties in accessing participants were likely to pose problems. Among the economically active African women, 64.2 per cent were found in service occupations and in farming and farm-related activities, while only 12.1 per cent were found in managerial, executive and administrative occupations.

The Women's National Coalition, which launched a campaign for a Women's Charter to ensure that South African women were recognized, protected and granted legal equality by the new democratic Government, released a summary research report on women's issues for such a Charter.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

The Commission on the Status of Women, in March 1994 (see PART THREE, Chapter XIII), recommended for adoption by the Economic and Social Council a draft resolution entitled "Women and children in the process of the elimination of apartheid and the establishment of a democratic South Africa".<sup>(28)</sup> The Council would have demanded the release of any remaining political prisoners and detainees, among whom were women and children, appealed to all countries and United Nations bodies to increase support for educational, health and vocational training and employment opportunities for women and children in addressing the legacy of apartheid, and requested the international community to provide resources to South

African women for special programmes and projects geared towards women's integration and advancement currently and in post-apartheid South Africa.

On 26 July, the Council, on the proposal of Algeria (on behalf of the Group of 77 and China), took no action on the draft resolution proposed by the Commission.

#### **Relations with South Africa**

South Africa continued to normalize its diplomatic relations with the international community at a rapid pace, as a number of South African embassies opened in various parts of the world and foreign embassies opened in Pretoria. On 1 March, South Africa handed over Walvis Bay to the Government of Namibia. To support South Africa's democratic process and anticipated role in terms of economic growth in the region, many Governments decided to grant assistance to South Africa and others sought to increase their commitments. These included humanitarian aid, academic exchanges, projects financing vocational training, small loans to commercial and rural sectors and construction of low-cost housing.

To help reverse the legacies of apartheid and improve the economic well-being of all South Africans, NGOs actively campaigned for foreign businesses planning to invest in South Africa to do so in a constructive and creative partnership with organizations active in disadvantaged communities. Companies were urged to ensure that their operations included the development of training and education for workers, upheld workers' rights, offered consumer and environmental protection and supported businesses owned by blacks.

#### **Aid programmes and inter-agency cooperation**

In 1994, South Africa resumed full participation in several United Nations agencies, which redirected the focus of their assistance to the development of a post-apartheid South Africa. In February, UNDP announced that it would transfer its liaison office in Zambia to South Africa, to provide, *inter alia*, support to the South African National Planning Committee responsible for the International Donors' Conference on Human Resources Development in a Post-Apartheid South Africa, scheduled for June in Johannesburg. The Office of the United Nations High Commissioner for Refugees announced a \$1.2 million programme to be funded by Japan, for the training and rehabilitation of returned political exiles. Under the programme, some 500 to 600 returnees would be selected for training in 1994 and a similar number in 1995. The International Labour Organization pledged \$1 million in assistance to South Africa. The United Nations Conference on Trade and Development prepared a technical coopera-

tion programme on investment and related matters designed to suit the needs of a new South Africa.

### UN Trust Fund for South Africa

Five grants totalling \$2,130,500 were made in 1994 from the United Nations Trust Fund for South Africa, established in 1965<sup>(29)</sup> to provide legal, relief and educational assistance to persons persecuted under the country's repressive and discriminatory legislation, as well as relief to South African refugees.

According to a June report of the Secretary-General,<sup>(30)</sup> the Fund had received, since his October 1993 report,<sup>(31)</sup> \$111,660 in voluntary contributions from three Member States. Total income of the Fund since its inception, including interest, was \$50,409,850, and the total amount of grants was \$49,981,474, including those made in 1994.

In the light of developments in South Africa, the Committee of Trustees on 31 May recommended to the General Assembly that the balance in the Trust Fund be transferred to the United Nations Educational and Training Programme for Southern Africa.

#### GENERAL ASSEMBLY ACTION

On 23 June, the General Assembly adopted **resolution 48/258 B** without vote.

#### United Nations Trust Fund for South Africa

The General Assembly,

Recalling its resolutions on the United Nations Trust Fund for South Africa, in particular resolution 48/159 D of 20 December 1993,

Recalling also its resolution 48/160 of 20 December 1993 on the United Nations Educational and Training Programme for Southern Africa,

Having considered the report of the Secretary-General of 13 June 1994 on the United Nations Trust Fund for South Africa,

Recognizing the valuable work carried out over the years by the Secretary-General and the Committee of Trustees of the United Nations Trust Fund for South Africa in rendering legal, educational and relief assistance to persons persecuted under repressive and discriminatory legislation in South Africa and their dependants and to former political prisoners and returning exiles in order to facilitate their reintegration into South African society,

Taking note of the recommendations in the final report of the Special Committee against Apartheid,

Recognizing the valuable assistance rendered by the United Nations Educational and Training Programme for Southern Africa to disadvantaged students in South Africa, its support for institution-building in that country and the measures it has taken to ensure that commitments made with regard to educational and training assistance can be met in full,

Recognizing also that the legacies of apartheid will continue to affect disadvantaged South Africans for years to come,

1. Expresses its satisfaction at the successful holding, from 26 to 29 April 1994, of the first non-racial and

democratic elections in South Africa, the establishment of the Government of National Unity and the coming into effect of a non-racial and democratic constitution for the transitional period;

2. Agrees with the view of the Committee of Trustees of the United Nations Trust Fund for South Africa, expressed in the annex to the report of the Secretary-General, that the Fund has now fulfilled its mandate;

3. Endorses the recommendations of the Committee of Trustees that remaining funds of the Trust Fund be transferred to the United Nations Educational and Training Programme for Southern Africa to be used for the purposes of that Programme and that residual administrative matters relating to the programme of the Trust Fund be handled by the Secretariat unit responsible for the administration of the Programme;

4. Also endorses the recommendation of the Committee of Trustees that its functions be discontinued;

5. Expresses its appreciation to the Governments, organizations and individuals that have made generous contributions to the Trust Fund and to the voluntary agencies that have been engaged in rendering legal, educational and relief assistance to the victims of apartheid in South Africa over the years;

6. Expresses its gratitude to the Secretary-General and to the Committee of Trustees for their persistent humanitarian efforts in South Africa;

7. Appeals to Member States to offer financial and material support to the reconstruction and development efforts of the new Government of National Unity of South Africa and to continue to assist civic society in that country.

#### General Assembly resolution 48/258 B

**23 June 1994                      Meeting 95                      Adopted without vote**

32-nation draft (A/48/L.59 & Add.1); agenda item 38.

Sponsors: Angola, Antigua and Barbuda, Argentina, Australia, Austria, Botswana, Canada, Chile, Costa Rica, Denmark, Finland, Germany, Greece, Iceland, India, Ireland, Japan, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Spain, Sweden, Turkey, Ukraine, United Republic of Tanzania, Zimbabwe.

#### UN Educational and Training Programme for Southern Africa

Scholarship awards under the United Nations Educational and Training Programme for Southern Africa reached 2,630 in 1993/94 compared to 2,553 in 1992/93, according to a report of the Secretary-General covering the period from 1 September 1993 to 31 August 1994.<sup>(32)</sup> The Programme was administered by the Secretary-General in consultation with the Advisory Committee on the Programme and financed from a trust fund made up of voluntary contributions from Member States, organizations and individuals. Scholarship assistance was granted to 2,568 students from South Africa, as well as to 62 from Namibia who had enrolled prior to 31 December 1992. New awards were granted only to disadvantaged South Africans.

During the period, a total of \$1,898,329 in contributions was received from nine countries. In addition, pledges for 1994 from four countries totalling \$1,401,423 were outstanding. The 1994 contributions and pledges totalled \$3,229,752.

The Advisory Committee on the Programme held three meetings to consider the development of the

Programme in the light of the changing circumstances in South Africa. It noted the need for intensive educational and training assistance to disadvantaged South Africans to facilitate the country's transition and the decisions to transfer the administration of the Programme to the Department for Development Support and Management Services and to transfer to the Programme the balance of funds from the United Nations Trust Fund for South Africa.

In accordance with a 1993 Assembly resolution,<sup>(35)</sup> co-sponsorships and other arrangements inside South Africa were consolidated and expanded with a number of universities, technikons and NGOs. As the Programme increased the focus of its educational and training activities to South Africa, particular attention was given to distance education and training programmes to enhance institution-building and contribute to South Africa's human resource needs during the transition period and beyond. Some graduate studies were carried out abroad with special emphasis on such fields of study as public administration and planning, management and accounting, as requested by the new Government. The Programme's administrative costs were maintained at a minimum through group arrangements with educational institutions in South Africa.

The Secretary-General appealed to all States, institutions, organizations and individuals to offer generous financial and other support to the Programme, since it was recognized that a large trained cadre of black South Africans, especially at the high- and middle-management levels, would play an important role in the economic and social development of South Africa.

#### GENERAL ASSEMBLY ACTION

On 23 November, the General Assembly adopted **resolution 49/17** without vote.

#### **United Nations Educational and Training Programme for Southern Africa**

The General Assembly,

Recalling its resolutions on the United Nations Educational and Training Programme for Southern Africa, in particular resolution 48/160 of 20 December 1993,

Also recalling its resolution 48/159 A of 20 December 1993 on international efforts towards the total eradication of apartheid and support for the establishment of a united, non-racial and democratic South Africa,

Having considered the report of the Secretary-General of 7 October 1994 containing an account of the work of the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa and the administration of the Programme for the period from 1 September 1993 to 31 August 1994,

Recognizing the valuable assistance rendered by the Programme to the peoples of South Africa and Namibia,

Bearing in mind that, in order to address the priority needs of disadvantaged South Africans, the Programme is continuing to allocate a higher proportion of resources

for the purpose of institution-building in South Africa, in particular by strengthening the historically black and other institutions of higher learning, through programmes for staff and students,

Recalling the Conference on Human Resource Development held at Cape Town from 26 to 28 October 1994, sponsored by the United Nations Development Programme, the Commonwealth Secretariat and the Government of South Africa,

Noting that the South African authorities have emphasized human resources development as a major pillar of the reconstruction and development programme,

1. Endorses the report of the Secretary-General on the United Nations Educational and Training Programme for Southern Africa;

2. Commends the Secretary-General and the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa for their efforts to adjust the Programme so that it can best help meet the needs evolving from changing circumstances in South Africa, to promote generous contributions to the Programme and to enhance cooperation with governmental, intergovernmental and non-governmental agencies involved in educational and technical assistance to South Africa;

3. Welcomes the transfer to the United Nations Educational and Training Programme for Southern Africa, in accordance with General Assembly resolution 48/258 B of 23 June 1994, of the residual funds of the United Nations Trust Fund for South Africa;

4. Also endorses the activities of the Programme aimed at contributing to South Africa's human resource needs during this critical period of development by:

(a) Expanding arrangements for co-sponsored training in sectors previously neglected for the disadvantaged majority;

(b) Continuing to utilize the catalyst function of the Programme to arrange co-sponsorships to maximize the potential multiplier effect of the graduates of the Programme by strengthening institutional financial, managerial and educational skills;

(c) Engaging educational institutions, non-governmental organizations, foundations and the private sector in arrangements for tuition waivers, co-sponsorships, job placement of graduates and fund-raising;

5. Encourages further contacts and consultations on the Programme between the Chairman and the Vice-Chairman of the Advisory Committee and the relevant South African ministries;

6. Expresses its appreciation to all those who have supported the Programme by providing contributions, scholarships or places in their educational institutions;

7. Appeals to all States, institutions, organizations and individuals to offer such financial and other assistance to the Programme as will enable it to carry out its programmed activities;

8. Invites the Secretary-General, in the light of the changed political circumstances in South Africa, having consulted with the Advisory Committee, to make recommendations to the General Assembly at its fiftieth session on the future role of the Programme.

General Assembly resolution 49/17

23 November 1994 Meeting 65 Adopted without vote  
42-nation draft (A/49/L.27 & Add.1); agenda item 41.

Sponsors: Angola, Austria, Belarus, Belgium, Benin, Botswana, Brazil, Chile, Congo, Ethiopia, Finland, France, Germany, Greece, Guyana, Iceland, India, Indonesia, Ireland, Italy, Japan, Luxembourg, Madagascar, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Norway, Portugal, Romania, Russian Federation, South Africa, Spain, Thailand, Turkey, Uganda, United Republic of Tanzania, United States, Zambia, Zimbabwe.

By resolution 49/91, the Assembly decided that the one student remaining under the United Nations Fund for Namibia be, for administrative purposes, transferred to the Programme until completion of his programme in 1996.

#### REFERENCES

(<sup>1</sup>)YUN 1993, p. 235. (2)A/48/22/Add.1. (<sup>3</sup>)YUN 1962, p. 99, GA res. 1761(XVII), 6 Nov. 1962. (<sup>4</sup>)GA res. S-16/1, annex, 14 Dec. 1989. (5)A/48/895-S/1994/261. (<sup>6</sup>)A/48/921-S/1994/383. (<sup>7</sup>)A/C.5/49/44. (<sup>8</sup>)A/49/7/Add.4. (<sup>9</sup>)YUN 1993, p. 229. (<sup>10</sup>)A/48/871-S/1994/160. (<sup>11</sup>)YUN 1993, p. 228, GA res. 48/159 B, 20 Dec. 1993. (<sup>12</sup>)S/1994/717. (<sup>13</sup>)S/1994/435. (<sup>14</sup>)A/48/881-S/1994/213. (<sup>15</sup>)S/PRST/1994/20. (<sup>16</sup>)YUN 1992, p. 160, SC res. 772(1992), 17 Aug. 1992. (<sup>17</sup>)Ibid., p. 164. (<sup>18</sup>)A/48/845-S/1994/16 & Add.1. (<sup>19</sup>)S/1994/33. (<sup>20</sup>)A/C.5/48/67. (<sup>21</sup>)A/48/7/Add.5. (<sup>22</sup>)A/C.5/49/38. (<sup>23</sup>)YUN 1993, p. 241, GA res. 48/1, 8 Oct. 1993. (<sup>24</sup>)S/1994/606. (<sup>25</sup>)S/1994/618. (<sup>26</sup>)YUN 1993, p. 239, ESC res. 1993/13, 27 July 1993. (<sup>27</sup>)E/CN.6/1994/7. (<sup>28</sup>)E/1994/27. (<sup>29</sup>)YUN 1965, p. 115, GA res. 2054 B (XX), 15 Dec. 1965. (<sup>30</sup>)A/48/523/Add.1. (<sup>31</sup>)YUN 1993, p. 244. (<sup>32</sup>)A/49/491 & Add.1 & Add.1/Corr.1. (<sup>33</sup>)YUN 1993, p. 245, GA res. 48/160, 20 Dec. 1993.

## UN peace-keeping and peacemaking

### Central Africa

#### Burundi

In an October report,<sup>(1)</sup> the Secretary-General stated that by January the situation in Burundi had stabilized, particularly with the resumption of the work of the legislature and the appointment by the Parliament of an interim President, Cyprien Ntaryamira. As requested by the Security Council,<sup>(2)</sup> he had dispatched a fact-finding mission to Burundi to investigate the attempted coup d'état of October 1993 and subsequent massacres. However, on 6 April, President Ntaryamira and President Juvenal Habyarimana of Rwanda were killed in a plane crash when returning from a regional peace conference held in the United Republic of Tanzania at the invitation of its President. That summit (Dar es Salaam, 6 April), on the situation in Burundi and Rwanda, was also attended by the President of Uganda, the Vice-President of Kenya and the Secretary-General of OAU. In their communiqué<sup>(3)</sup> issued at the end of the summit, the leaders noted with concern that Burundi had once again been plunged into ethnically motivated political turmoil and resolved to support the Government of National Consensus. They reaffirmed the role of OAU, including the emplacement of its military component to assist in the restoration of confidence and the smooth functioning of State institutions, and called

for urgent reform of the army and other security services.

On 12 April,<sup>(4)</sup> the African Group at the United Nations transmitted its statement of 11 April to the Security Council President on the situation in Rwanda and Burundi, expressing concern at the gravity of the situation in both countries following the deaths of their respective Presidents and appealing to the international community to increase humanitarian assistance.

The events in Rwanda (see below) had a negative impact on neighbouring Burundi, particularly on its political situation and security conditions. Although the situation in Burundi itself was still fragile, it was not explosive. Since 6 April, political life revolved around the selection of a president, but negotiations on a successor encountered obstacles even though the political parties agreed to install a new president by the constitutional deadline of 12 July. The negotiations were characterized by constant manoeuvres by the political parties of the opposition—mainly Tutsi—and the inflexibility of the political parties supporting the essentially Hutu majority. Extremist elements on both sides played a destabilizing role, contributing to the deterioration of the security situation in the country. To avoid a political vacuum, the Constitutional Court, on 11 July, extended by three months the interim period which was due to expire the following day. A Forum of the Negotiations, comprising recognized political parties and representatives of civilian society, was established to examine the questions of power-sharing and the modalities for the election and appointment of a president.

#### SECURITY COUNCIL ACTION (July)

On 29 July, the Security Council convened to consider the situation in Burundi. It invited Burundi, at its request, to participate in the discussion under rule 37<sup>a</sup> of the provisional rules of procedure. The President, after consultations among Council members, issued the following statement on behalf of the Council:<sup>(5)</sup>

For the last few months, the Security Council has been following closely the tense and volatile situation in Burundi, based on briefings by the Secretariat. The Council appreciates the efforts made in Burundi to maintain peace in the country under very difficult circumstances and, in this context, commends the civilian and military authorities concerned.

The Security Council welcomes the ongoing cooperation between the Organization of African Unity and the United Nations to assist in maintaining peace in Burundi. In this connection, the Security Council encourages the Secretary-General to continue using his good offices through his Special Representative.

The Security Council is deeply concerned by the humanitarian problems created as a result of the arrival of tens of thousands of refugees in the northern Burundi provinces.



The Security Council supports the ongoing political dialogue in Burundi aimed at reaching an early agreement on presidential succession. It calls on all parties to reach rapidly a settlement based on democratic principles.

The Council condemns those extremist elements who continue to reject the ongoing negotiations and seek to block progress towards a peaceful settlement. In this context, the Council is alarmed by the recent violence in Bujumbura and reiterates the terms of its statements of 25 October 1993 and 16 November 1993. The Council demands that all parties cease immediately any incitement to violence or ethnic hatred.

The Council encourages all those who support a peaceful solution to persist in their efforts. It further calls upon all Burundians, especially political, military and religious leaders, to do their utmost for the success of the ongoing political dialogue.

The Security Council looks forward to reports on Burundi from the Secretary-General and will remain actively seized of the matter.

Meeting number. SC 3410.

**Further developments.** As the situation deteriorated, the Security Council on 11 August decided to send a fact-finding mission to Burundi. The mission, led by Ibrahim A. Gambari (Nigeria), visited Burundi on 13 and 14 August. The mission reported<sup>(6)</sup> that on 12 August agreement was reached between the political parties that negotiations on a presidential successor would be completed by 26 August or shortly thereafter. Meanwhile, the actions of extremist elements on both sides had resulted in serious civil unrest, further delaying the negotiations. With basically no government administration in Burundi outside Bujumbura, despite some power-sharing agreement reached early in July, the country remained divided along ethnic lines. The opposition administered Bujumbura and six other provinces, while the majority kept nine provinces under their administrative control.

With respect to the security of the country, the majority favoured reform and reorganization of the armed forces to give it a true national character, while the opposition was against it. The opposition was also against any United Nations presence in Burundi through the deployment of foreign troops, while the majority was open to a larger involvement of the international community.

The security situation throughout Burundi was characterized by a general breakdown of law and order. This was further affected by transborder broadcasts from Rwanda inciting hatred. Ethnically motivated crime and other serious violations of the law remained unpunished and there was an increase in criminal activities. The judicial system had virtually ceased to exist, creating a serious impediment to progress in the political negotiations and to the easing of political and ethnic tensions. Of serious concern was the transborder flow of

refugees and the existence of large numbers of displaced persons. The presence of armed militia and former soldiers of the Rwandese government forces among the refugees and along the Burundi border, as well as in the camps in Zaire, further aggravated the security situation. That was also true of the presence of armed activist groups. Although the Government was able to disarm some of those groups, suspicion and mistrust remained. Foreigners, including the diplomatic community in Bujumbura, became the target of attacks by extremists. On 13 August, a fieldworker of the Office of the United Nations High Commissioner for Refugees (UNHCR) was killed.

The dimension of the humanitarian crisis facing Burundi was daunting. There were some 1.3 million persons in need of assistance in Burundi and its vicinity, including some 250,000 Hutu refugees from Rwanda, some 270,000 refugees on the Zairian side of the border and another 270,000 persons from Burundi in southern Rwanda. To avoid a repetition of the tragic events that had engulfed Rwanda, an operational airlift capability was to be established at Bujumbura airport for humanitarian relief efforts to Burundi, eastern Zaire and southern Rwanda.

The mission recommended that the international community encourage the establishment of democratic institutions in Burundi, including the nomination of a president, and an operational airlift capability; convene an international conference on the crisis and the problems of the subregion; provide immediate assistance to restore the judicial system; induce the Zairian authorities to disarm former Rwandese government forces and remove them from the border with Burundi; deploy human rights observers throughout the country; bring to justice the perpetrators of the October 1993 coup d'etat and subsequent massacres; and investigate violations of international humanitarian law.

#### SECURITY COUNCIL ACTION (August)

The Security Council met on 25 August and invited Burundi, at its request, to participate in the discussions under rule 37<sup>a</sup> of the provisional rules of procedure. Following consultations among Council members, the President made a statement on behalf of the Council:<sup>(7)</sup>

The Security Council considered the oral report of its fact-finding Mission to Burundi which visited Bujumbura on 13-14 August 1994 and subsequent briefing by the Secretary-General of the United Nations. The Council takes note of the observations and recommendations contained therein.

The Security Council welcomes the ongoing negotiations in Burundi aimed at reaching an early agreement on presidential succession, overcoming the long-lasting constitutional crisis and establishing stable

democratic institutions in the country. The Council urges all parties to these negotiations to display maximum political will for a speedy settlement of existing differences and to make every effort to accomplish this objective by the scheduled date of 26 August 1994.

The Security Council follows closely the current negotiations and deplores the attempts of any party to block progress towards political settlement which is essential for stability in the country and for the prevention of outbreaks of violence.

The Security Council reaffirms its condemnation of those extremist elements who attempt to undermine the national reconciliation. The Council calls upon all the parties in Burundi to reject any undemocratic or extremist solutions in the settlement of their political differences.

The Security Council considers that impunity from justice is one of the most serious problems which contributes to the deterioration of the security situation in Burundi. For this reason, it attaches importance to the strengthening of the national judicial system. The Security Council also attaches importance to the deployment in Burundi of civilian observers responsible for monitoring the establishment of a more secure environment.

The Security Council is alarmed at the extent of the humanitarian crisis in Burundi. It is concerned with recent attacks against foreigners in Burundi, including those involved in humanitarian relief operations and belonging to the diplomatic community. It calls upon the authorities and all parties in Burundi to provide safety and security for all personnel involved in the relief efforts and other international personnel.

The Council encourages the Secretary-General to continue to keep under close review ways and means of using available resources to sustain and enhance the international humanitarian efforts in Burundi and to promote national reconciliation there. It likewise encourages the Organization of African Unity and Member States of the United Nations to redouble their efforts in this regard, including through political contacts.

The Security Council commends the Secretary-General and his Special Representative in Burundi, as well as the High Commissioner for Human Rights and the High Commissioner for Refugees, for their tireless efforts within their respective competences, to contribute to the resolution of political, humanitarian and other problems of this country.

The Council will remain actively seized of the matter.

Meeting number. SC 3419.

**Report of the Secretary-General.** In an October report on the situation in Burundi,<sup>(1)</sup> the Secretary-General said that on 10 September the Forum of the Negotiations reached agreement on power-sharing; 10 of the 13 political parties signed a Convention of Government, which made provision, as soon as a new president was chosen, for a Government of 25 members (55 per cent from the Hutu majority) appointed by the President; a four-year transitional period; the appointment of a Prime Minister from the opposition who

would countersign the President's decisions; and the creation of a National Security Council of 10 members, equally divided between the two sides. Decisions on the opposition's demands—for the creation of a post of Vice-President, who was to be selected from among its ranks and who would hold the defence and security portfolios, and for the establishment of a Council of State to counterbalance the President's powers—were to be decided by a National Conference scheduled for early 1995.

On 18 September, the Forum agreed on the modalities for the appointment of a new President, nominations for which had to be filed by 22 September. By that date, three candidates had done so, namely, the interim President, Sylvestre Ntibantunganya; the President of L'Union pour le progrès national (UPRONA), Charles Mukasi; and an independent candidate, later to be joined by three more independent candidates. Also on 22 September, the National Assembly endorsed amendments to the Constitution, incorporating the Convention of Government and its annex on the modalities for the appointment of a new president. On 30 September, the National Assembly elected Mr. Ntibantunganya as President, who was sworn in the following day. Anatole Kanyenkiko was confirmed as Prime Minister on 3 October, and on 5 October the new coalition Government was constituted according to the provisions of the Convention of Government.

The security situation remained very unstable, with clashes between security forces and armed Hutu rebels in a number of provinces. Armed attacks on notables, especially Hutus, were common; the population fled to the United Republic of Tanzania or Zaire or hid in the marshes and forests to avoid being found by the security forces or taken hostage by radicals of their own ethnic group. Foreign workers had been urged by their Governments to return home, while those remaining had evacuated their families. A delegation of the Burundi Government visited Zaire to discuss the transfer of Rwandese refugees from Bukavu to Uvira as well as the threat caused by the presence at the Zairian border of the former Minister of the Interior, known for his extremist positions.

In the area of humanitarian assistance, the World Food Programme (WFP) established five regional offices to deal with the approximately 1 million people in need. It encouraged refugees to return home by giving them food rations, together with farming implements. The Secretary-General dispatched a mission to the area to find the framework of a comprehensive political solution and a regional approach to the problem of refugees and the repatriated.

With regard to human rights, although the country was relatively calm, violations, originat-

ing in ethnic radicalism, for the most part went unpunished. To strengthen the protection of human rights and fundamental freedoms, the High Commissioner for Human Rights and the United Nations Centre for Human Rights established an office in Bujumbura to implement a technical assistance programme covering education and training in human rights.

The Secretary-General observed that the international community was morally obliged to ensure that the tragic events in Rwanda were not repeated in Burundi. As preventive measures, he recommended the maintenance in Zaire, with its agreement, of a military presence capable of intervening rapidly if the situation in Burundi deteriorated; the deployment of a contingent of guards to protect humanitarian organization teams; stepping-up technical assistance for reconstruction; deployment of human rights observers to facilitate national reconciliation; strengthening the office of his Special Representative to help the Government prepare the national debate in 1995; organization of a regional summit; and increased visits by eminent persons to Burundi as a show of support by the international community.

In terms of the reconstruction of the country, the Secretary-General noted that the meeting of donor countries (Paris, 28 September) had decided to co-ordinate investment efforts and had reiterated the desire to help Burundi revive its economy, solve its budgetary problems and encourage the return of refugees and displaced persons.

In a letter of 26 October<sup>(8)</sup> to the Secretary-General, Burundi said it welcomed the suggestion to establish a "Humanitarian base" at Bujumbura airport, but that consideration should be given to those persons already displaced and to the question of coordinating of humanitarian aid. Concerning the proposal to maintain a military presence in Zaire, it expressed confidence in its own ability to deal with any eventuality and said that such a presence in Zaire should be designed to help that Government to maintain peace and security in the Zairian province of Kivu, disarm armed bands and deter any subversive elements from moving towards Burundi and Rwanda. Burundi rejected the deployment of a contingent of guards to protect humanitarian teams since the OAU international observer mission in Burundi and the security forces were capable of doing so. While it did not object to strengthening of the office of the Special Representative, it preferred such action to focus on logistical aspects and leave the human contribution to missions. Burundi, however, agreed to the proposal to deploy civilian human rights observers.

#### SECURITY COUNCIL ACTION (October)

The Security Council met on 21 October to consider the Secretary-General's report, with Burundi

participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(9)</sup>

The Security Council has considered the situation in Burundi, on the basis of the Secretary-General's report. It recalls its earlier statements on this subject, most recently that made by the President of the Council on 25 August 1994. It warmly welcomes the election and swearing in of the President, the confirmation in office of the Prime Minister, and the formation of the new coalition Government. It believes that this represents an important step forward in the stabilization of the situation in Burundi. It calls upon all parties in Burundi to cooperate in the work of re-establishing democracy and stability.

The Security Council remains concerned that, despite the important political progress that has been made, much remains to be done if the climate of insecurity described by the Secretary-General in his report is to be dispelled and the country set firmly on the path of reconciliation and reconstruction. The Council deplores the fact that extremist elements continue to threaten national reconciliation, including through the operation of a clandestine radio station inciting ethnic hatred and violence. It reaffirms the importance of bringing to justice those responsible for the coup of 21 October 1993 and subsequent inter-ethnic massacres and other violations of international humanitarian law. In this regard, it also encourages the Secretary-General to pursue his suggestion that United Nations assistance be provided to the Government of Burundi in strengthening its judicial system.

The Security Council commends the role played by the Special Representative of the Secretary-General, including in helping the new coalition Government to organize a national debate early in 1995 on the problems of relations between the two communities. The Council attaches importance to the success of this initiative. In this regard, it welcomes the Secretary-General's intention to strengthen the office of the Special Representative.

The Security Council believes the international community must continue to give priority to the restoration of stability and the promotion of national reconciliation in Burundi. In this context, it recognizes the work of the High Commissioner for Human Rights and the office he has established in Burundi, and notes the important role human rights monitors might play. It welcomes the recent increase in the number of Organization of African Unity (OAU) military observers in Burundi. It encourages OAU, United Nations agencies and Member States to continue their involvement in Burundi and to intensify political contacts and visits. It notes the importance of increased technical assistance from the international community as the coalition Government tackles the critical tasks of reconciliation and reconstruction.

The Council remains deeply concerned at the plight of refugees and displaced persons in Burundi. It commends the continuing efforts of the High Commissioner for Refugees and other humanitarian bodies to address this problem. It welcomes the Secretary-General's sending of a Special Envoy to study the refu-

gee crisis from a regional perspective and looks forward to any recommendations that the Secretary-General may have as a result of that initiative.

The Council calls on the authorities and all parties in Burundi to ensure the safety and security of all personnel involved in the relief efforts and other international personnel.

In the statement made by the President of the Security Council on 14 October on the situation in Rwanda, the Council encouraged the Secretary-General to pursue consultations as to how the United Nations can assist in the preparation and convening of an international conference to look into the problems of the subregion. The Council believes that the holding of such a conference would be of real value in the context of Burundi.

The Security Council stands ready to consider further any detailed proposals which the Secretary-General may have. The Security Council will remain actively seized of the matter.

Meeting number. SC 3441.

#### GENERAL ASSEMBLY ACTION

In introducing a draft resolution on the situation in Burundi on behalf of the African Group and others, the Gambian representative said that following the events in Burundi that led to thousands of lives lost, political turmoil and instability, the time had come to assess the contribution of the international community. He characterized the events in Rwanda leading to refugee overspill to neighbouring countries as "too little, too late". He recalled that the African heads of State and Government of OAU at their meeting in Tunisia (6-11 June) had recognized the necessity of a concerted solution to alleviate the adverse consequences of ethnic turmoil in Rwanda and Burundi. The needs of the refugees, returnees and displaced persons in the Great Lakes region had never been properly addressed and the time had come to tackle this critical problem in a more global and human way.

On 25 October, the Assembly adopted **resolution 49/7** without vote.

#### **Regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region**

The General Assembly,

Having again considered the item entitled "The situation in Burundi",

Recalling its resolution 48/17 of 3 November 1993 concerning the situation in Burundi,

Recalling also the measures taken by the Security Council, in particular the dispatch of a mission to Burundi, and the statements of the President of the Council of 25 October and 16 November 1993 and 29 July, 25 August and 21 October 1994,

Noting the effective action taken by the Secretary-General and his Special Representative for Burundi,

Noting also the important role played by the Secretary-General of the Organization of African Unity and his Special Representative for Burundi,

Welcoming the deployment in Burundi of an international observer mission under the procedures of the Organization of African Unity for the prevention, management and settlement of conflicts in Africa,

Noting with satisfaction that Burundi's registered political parties have resolved to have recourse to dialogue and negotiation in the search for lasting solutions to the institutional problems, based on equity, justice and law and an unshakeable will to live in peace,

Also noting with satisfaction the signing, on 10 September 1994 at Bujumbura, of the Agreement embodying a Convention on Governance between the forces for democratic change (presidential majority) and the opposition political parties,

Profoundly concerned about the large-scale and uncontrolled population movements, including armed groups, which constitute a serious threat to the peace and security of the whole subregion,

In pursuance of resolution 48/118 of 20 December 1993, which advocates assistance to refugees, returnees and displaced persons in Africa,

Concerned about the continuing violence and violations of human rights in the country,

Welcoming in this connection the action of the United Nations High Commissioner for Human Rights and of the office which he has established in Burundi,

Taking duly into account resolution CM/Res.1527(LX) on the holding of a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, adopted by the Council of Ministers of the Organization of African Unity at its sixtieth regular session, held at Tunis from 6 to 11 June 1994, and endorsed by the heads of State and Government of the Organization of African Unity,

Gratified by the generous offer made to the Organization of African Unity by the Government of Burundi to host this regional conference in order to study all the aspects of this problem which is disrupting the plans and programmes for political stabilization of the Great Lakes region,

Gratified also by the dispatch by the Secretary-General of a mission to the region headed by Ambassador Dillon, which aims to facilitate the preparation and holding of an international conference on the subregion's problems, and welcoming the support given to this initiative by the Security Council in the statement of its President of 21 October 1994,

Convinced that an agreed solution to the problems would help to ward off the spectre of the conflicts which have afflicted the region in general and Burundi in particular and would be an important step for peace, freedom, development and democracy,

1. Expresses profound satisfaction to the Government and people of Burundi for their commitment to national reconciliation, and invites the parties concerned to continue their efforts to re-establish peace and democracy in the country;

2. Congratulates the political leaders of Burundi on the happy conclusion of the negotiations on the re-establishment of the normal functioning of institutions, and urges all the parties to comply scrupulously with the provisions of the Convention on Governance signed on 10 September 1994 and its subsequent additional protocols;

3. Encourages the new coalition Government of Burundi to continue relentlessly to fight against war-

mongers and to disarm the people's militias and other extremist groups which are threatening the country's security;

4. Requests Member States, the bodies of the United Nations system and intergovernmental and non-governmental organizations to provide the people of Burundi with:

(a) Assistance in the reconstruction of the country and emergency assistance for its social and economic recovery, the revitalization of the economy and the resumption of development;

(b) Support for the national programmes to restore confidence among the various elements of the people of Burundi, especially by deploying civilian human rights observers to back up the local administration;

(c) Appropriate financial and technical assistance to strengthen the capacity of the country's judicial system in order to break the cycle of impunity and enable the Burundi authorities to bring to justice the perpetrators of the attempted coup d'état of October 1993 and of the subsequent ethnic massacres;

(d) Assistance in the dismantling of the secret pirate radio station "Rutomorangingo", which is inciting ethnic hatred and violence, and of any other instrument of propaganda which is undermining the patient efforts to achieve national reconciliation;

5. Endorses fully the wish of the heads of State and Government of African countries to convene a regional conference for assistance to refugees, returnees and displaced persons in the Great Lakes region;

6. Invites the competent bodies of the United Nations system to take part in the implementation of such an initiative;

7. Requests Member States to furnish generous assistance for the implementation of the initiative;

8. Expresses appreciation to all the States, United Nations bodies and intergovernmental and non-governmental organizations which have provided emergency humanitarian assistance to Burundi since the beginning of the crisis and invites them to redouble their efforts during the forthcoming phase of reconstruction and economic recovery;

9. Invites the international community to become fully involved by providing substantial technical and financial support for the early implementation of the plan of action which will be produced by a regional conference;

10. Encourages the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to continue their efforts to normalize the situation in Burundi, which remains precarious and worrisome;

11. Requests the Secretary-General of the United Nations, in close collaboration with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to mobilize resources for that purpose, to ensure the implementation of the present resolution and to report to the General Assembly at its fiftieth session.

General Assembly resolution 49/7

25 October 1994 Meeting 43 Adopted without vote

38-nation draft (A/49/L.10 & Add.1); agenda item 25.

Sponsors: Algeria, Austria, Belgium, Benin, Burkina Faso, Burundi, Cambodia, Congo, Côte d'Ivoire, Denmark, Eritrea, Finland, France, Gabon, Gambia, Germany, Greece, Guinea, Guinea-Bissau, Ireland, Italy, Kenya, Luxembourg, Mali, Mauritania, Netherlands, Nigeria, Norway, Portugal,

Senegal, Spain, Sweden, Togo, Tunisia, Uganda, United Kingdom, Zambia, Zimbabwe.

On 2 December, the Assembly, in **resolution 49/21 C**, invited States, United Nations institutions and NGOs to provide Burundi with economic, financial, material and technical assistance for economic recovery and for the reconstruction of the various infrastructures damaged during the crisis.

#### SECURITY COUNCIL ACTION (December)

The Security Council convened on 22 December to consider the situation in Burundi. Following consultations among its members, the President issued the following statement on behalf of the Council:<sup>(10)</sup>

The Security Council continues to follow closely developments in Burundi. It is concerned about the escalation of violence in Burundi, both in Bujumbura and in the countryside, which threatens to further destabilize an already fragile situation and could endanger the stability of the subregion. It calls on all those concerned to refrain from violence. It supports fully the efforts of the Burundi authorities in seeking to ensure that those committing or inciting the commitment of acts of violence are held accountable for their actions and that the militias that are still operating both in Bujumbura and in the countryside are disarmed.

The Security Council encourages the Government, the National Assembly, the political parties and all others concerned in Burundi, and in particular the army, to respect and give support to the Convention of Government of 10 September 1994 and thus avoid jeopardizing the delicate balance and relative stability in place since its implementation.

The Security Council welcomes the continuing efforts being made to bring about further political progress in Burundi and underlines the importance of continuing to resolve all outstanding issues through dialogue on the basis of the agreements reached thus far by the political parties. It urges all sides to reject confrontational tactics, violence or extremism, and to work towards compromise and conciliation in a spirit of national unity which transcends ethnic origins.

The Security Council commends the Secretary-General for his efforts and expresses appreciation for the work done by his Special Representative, and the Organization of African Unity, the High Commissioner for Refugees and the High Commissioner for Human Rights, for their efforts within their respective competences, to contribute to the resolution of the problems of Burundi.

The Security Council requests the Secretary-General to keep it fully informed of developments in Burundi.

The Council will remain actively seized of the matter.

Meeting number. SC 3485.

#### Rwanda

During 1994, efforts continued to promote the implementation plan of the Arusha peace agree-

ment<sup>(11)</sup> signed in August 1993 between the Government of Rwanda and the Rwandese Patriotic Front (RPF). Towards that end, the incumbent head of State, Major-General Juvénal Habyarimana, was sworn in as President of Rwanda on 5 January 1994, but no agreement was reached by the parties on the installation of the transitional Government and National Assembly. This not only delayed the completion of phase I of the implementation plan but also contributed to the deterioration of the security situation. While the cease-fire was generally holding, there were violent demonstrations, assassinations of political leaders and murders of civilians during January and February.

On 14 June,<sup>(12)</sup> the Security Council welcomed the Secretary-General's proposal<sup>(13)</sup> of 8 June to appoint Shahryar M. Khan to succeed Jacques-Roger Booh-Booh as his Special Representative for Rwanda as of 1 July.

#### SECURITY COUNCIL ACTION (February)

The Security Council met on 17 February to consider the situation concerning Rwanda. Following consultations among its members, the President made the following statement on behalf of the Council:<sup>(14)</sup>

The Security Council, which welcomed the conclusion of the Arusha peace agreement and the political will demonstrated by the Rwandese parties in implementing it, remains deeply concerned by the delays in establishing the broad-based transitional Government which is one of the key points in the agreement. The absence of such a government is an impediment to progress under that agreement and the functioning of institutions of the State. Furthermore, it is having adverse effects on the humanitarian situation in the country, the deterioration of which is of profound concern to the international community. The speedy installation of a broad-based transitional Government would facilitate the provision of more effective assistance to the populations in need.

The Security Council, taking note of the fact that the President of Rwanda has been sworn in as the interim head of State, encourages him, in the context of that responsibility, to continue his efforts for the speedy installation of the other transitional institutions, in conformity with the Arusha peace agreement.

The Security Council calls on all the parties concerned to overcome their differences and cooperate fully with the Special Representative of the Secretary-General of the United Nations and the Organization of African Unity in order to advance the process of national reconciliation. It strongly urges the establishment, without delay, of the provisional institutions provided for in the Arusha peace agreement.

The Security Council is also deeply concerned at the deterioration in the security situation, particularly in Kigali. In this connection, it reminds the parties of their obligation to respect the weapon-free zone established in and around the city.

The Security Council calls the attention of the parties to the consequences for them of non-compliance with

that provision of the Agreement. It notes that the United Nations Assistance Mission for Rwanda will be assured of consistent support only if the parties implement the Arusha peace agreement fully and rapidly.

Meeting number. SC 3337.

**Further developments.** Repeated delays in the establishment of the transitional Government obstructed disarmament and demobilization programmes and led to heightened tensions. On 5 April (**resolution 909(1994)**), the Security Council, concerned about the deteriorating security situation in Rwanda, particularly in Kigali, extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 29 July. However, the situation in Rwanda deteriorated rapidly following the plane crash at Kigali airport on 6 April that killed President Habyarimana of Rwanda and President Ntaryamira of Burundi, leading to widespread killings with both ethnic and political dimensions in Kigali and other parts of the country.

#### SECURITY COUNCIL ACTION (7 April)

The Security Council met on 7 April. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(15)</sup>

The Security Council is deeply disturbed by the tragic incident that resulted in the deaths of the Presidents of Burundi and Rwanda on 6 April 1994 and the ensuing violence. The Council expresses regret at the incident. It invites the Secretary-General to collect all available information with all means at his disposal and report to the Council as soon as possible.

The Security Council is following with great concern the situation as described by the Secretariat in its oral report. There has been considerable loss of lives, including the deaths of government leaders, many civilians and at least ten Belgian peace-keepers as well as the reported kidnapping of others. The Council strongly condemns these horrific attacks and their perpetrators, who must be held responsible.

The Council strongly condemns all these acts of violence and in particular these attacks against United Nations personnel and urges the Rwandese security forces and military and paramilitary units to put an end to these attacks and to cooperate fully with UNAMIR in the implementation of its mandate. It further demands that all measures be taken to provide security throughout the country and particularly in Kigali and the demilitarized zone. Furthermore, the Council expresses its extreme concern at the implications for United Nations personnel and requests the Secretary-General to report on and take measures necessary to ensure their safety and security. The Council also demands that free access to the airport be restored in order to allow those who wish to enter or leave the country to do so.

The Council appeals to all Rwandese and to all parties and factions to desist from any further acts or threats of violence and to maintain the positions they

held before the incident. It urges respect for the safety and security of the civilian population and of the foreign communities living in Rwanda as well as of UNAMIR and other United Nations personnel.

The Security Council earlier this week renewed the mandate of the United Nations Operation in Rwanda for a further four months, with a six-week review provision on the understanding that progress would be made in establishing all the transitional institutions under the Arusha peace agreement. It reaffirms its commitment to the Arusha peace agreement and urges all parties to implement it fully and in particular to respect the cease-fire.

The Council will remain seized of the matter.

Meeting number. SC 3361.

**Communications (April).** In a letter of 13 April to the President of the Security Council,<sup>(16)</sup> Rwanda said it remained committed to the search for a political solution within the framework of the Arusha peace agreement and wanted to pursue discussions with RPF for the establishment of broad-based transitional institutions. It emphasized the need for an immediate cease-fire, the creation of a climate conducive to the implementation of the Arusha peace agreement and an expanded UNAMIR presence.

An annexed note explained that RPF had rejected the cease-fire request of the Crisis Committee, established by the high command of the Rwandese army and the gendarmerie, and had begun hostilities on the northern front, attacking positions of the Rwandese army in the Mutara area, at Byumba and Ruhengeri. A transitional Government, headed by Jean Kambanda, took the oath of office on 9 April and Theodore Sindikubwabo, under the provisions of the 1991 Constitution, assumed the office of President. However, the interim Government left the capital on 12 April as fighting between the Rwandese armed forces and RPF intensified.

On 14 April,<sup>(17)</sup> the OAU Secretary-General submitted to the President of the Security Council a statement of the same date of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, which met in Addis Ababa, Ethiopia, to consider the grave situation prevailing in Rwanda. The Central Organ expressed concern at the killings and massacres that continued unabated and the resumption of armed hostilities between the forces of the Rwanda Government and those of RPF. It called for an end to the violence and hostilities to enable humanitarian relief and medical assistance to be provided. It appealed to the international community for urgent humanitarian assistance for the Rwandese people.

On 27 April,<sup>(18)</sup> the United Republic of Tanzania submitted a press release of 24 April, issued following informal consultations among the Secretary-General of OAU, RPF, the Special

Representative of the United Nations Secretary-General and the Deputy Force Commander of UNAMIR on ways to bring about the cessation of hostilities in Rwanda. The consultations reviewed proposals for the establishment and maintenance of a cease-fire and the convening of a meeting to discuss the immediate implementation of the Arusha peace agreement.

The Secretary-General, on 29 April,<sup>(19)</sup> reported a further deterioration of the situation in Kigali and other parts of the country. He noted that the capital was effectively divided into sectors controlled by the Rwanda government forces and RPF respectively. There were reports of evidence of preparations for further massacres and of several large concentrations of unprotected civilians fearing for their lives. In the countryside, massacres continued on a large scale, especially in the south. In the circumstances, the Secretary-General proposed that the Security Council re-examine its decision of 21 April (**resolution 912(1994)**) to extend UNAMIR's mandate and consider what action it could authorize Member States to take to restore law and order and to end the massacres (see below, under "UN Assistance Mission for Rwanda").

#### SECURITY COUNCIL ACTION (30 April)

The Security Council met on 30 April. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(20)</sup>

The Security Council is appalled at continuing reports of the slaughter of innocent civilians in Kigali and other parts of Rwanda, and reported preparations for further massacres. It endorses the concern expressed by the Central Organ for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU) that the massacres and wanton killings have continued unabated in a systematic manner in Rwanda. It recalls that such killings have already been condemned by the Security Council in its resolution 912(1994) of 21 April 1994.

Attacks on defenceless civilians have occurred throughout the country, especially in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda. The Security Council demands that the interim Government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control. It calls on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such attacks are prosecuted and punished.

The Security Council condemns all these breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible. In this context, the Security Council recalls that the kill-

ing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law.

The Security Council reiterates the demand in its resolution 912(1994) for an immediate cease-fire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front. It commends the efforts by the Special Representative of the Secretary-General and the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) to mediate such an outcome, and requests them to continue their efforts in liaison with countries of the region and OAU. It also commends the courage and determination of UNAMIR personnel in affording protection to civilians who sought refuge with UNAMIR.

The Security Council welcomes the efforts that have been made by countries of the region, with the assistance of the Organization of African Unity, to bring about an end to the fighting and the killings in Rwanda. It also commends the efforts of States, United Nations agencies, and non-governmental organizations to provide emergency humanitarian assistance to the suffering people of Rwanda.

The Security Council is deeply concerned at the situation of the many thousands of refugees and displaced persons who have been forced to flee the fighting and killings in Rwanda.

The Security Council calls on all States to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States. The Council calls on States bordering Rwanda, working with OAU, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

The Security Council calls on all Rwandan parties to guarantee the protection of displaced persons and refugees in Rwanda and refugees outside Rwanda and to ensure safe passage for humanitarian assistance.

The Security Council underlines the urgent need for coordinated international action to help bring peace to Rwanda and to alleviate the suffering of the Rwandan people. It requests the Secretary-General, in consultation with the Secretary-General of OAU and countries of the region, to take appropriate measures to ensure that international efforts to assist the situation in Rwanda are carried out in an effective and coordinated manner, and to ensure that all relevant parties are kept fully informed.

The Security Council emphasizes the importance of Kigali airport for the provision of international relief efforts to Rwanda, as well as for the requirements of UNAMIR. It calls on the parties to allow the airport to be kept open at all times for such purposes.

The Security Council stresses the importance of ensuring that the situation in Rwanda does not affect adversely the security and stability of neighbouring countries.

The Security Council warns that the situation in Rwanda would be further seriously aggravated if either of the parties were to have access to additional arms. It appeals to all States to refrain from providing arms or any military assistance to the parties to

the conflict. It states its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

The Security Council reaffirms its commitment to preserving the unity and territorial integrity of Rwanda. It reiterates its conviction that the Arusha peace agreement remains the only viable framework for the resolution of the Rwanda conflict and serves as the basis for peace, national unity and reconciliation in the country. It calls again on the parties to renew their commitment to this agreement.

The Security Council requests the Secretary-General:

(a) in consultation with the Secretary-General of OAU, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons;

(b) to work with UNHCR, OAU and countries of the region to take such preventive diplomatic steps as may be necessary to prevent the spread of violence and atrocities to neighbouring countries;

(c) to explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons;

(d) to consult UNHCR on measures to provide humanitarian assistance to those displaced persons congregated along the borders with Tanzania, Uganda, Zaire and Burundi;

(e) to bring to its attention any information that he might receive concerning arms flows into Rwanda, and to consult the countries of the region and OAU about the practical implementation of an arms embargo on Rwanda; and

(f) to make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

The Security Council states its intention to consider urgently the letter of the Secretary-General dated 29 April 1994 and further recommendations that the Secretary-General may provide.

Meeting number. SC 3371.

**Communications (May).** On 3 May,<sup>(21)</sup> the Secretary-General, in a letter to the Security Council President, reported that, in response to the Council's request that he take action to restore law and order in Rwanda, he had consulted with the Chairman and Secretary-General of OAU and several African countries, asking them to contribute troops to a regional effort towards that end. Based on their responses, he would submit recommendations to the Council on how the United Nations could help the efforts of the countries of the region.

In a letter of 6 May to the Secretary-General,<sup>(22)</sup> the Council President said that the members of the Council had agreed that urgent and effective action be considered in view of the unabated killings and that the Secretary-General provide indicative contingency planning for the delivery of humanitarian assistance and support to displaced persons in Rwanda. Depending on



how the situation developed, the Council might request further indications as to the logistics and financial implications of an expanded United Nations or international presence in Rwanda and/or neighbouring countries capable of assisting the parties in Rwanda, monitoring a cease-fire and contributing to the resumption of the peace process.

**Report of the Secretary-General (13 May).** In a report<sup>(23)</sup> of 13 May, the Secretary-General said that the situation in Rwanda remained unstable and insecure, with widespread violence and continuing combat between the Rwanda government forces and RPF, with the former controlling the west and south-western parts and the latter controlling the northern and eastern parts as well as areas in the south-east of the country. The capital, Kigali, remained divided between the two sides. Efforts so far to bring about a cease-fire agreement had been of no avail.

As a result of the hostilities, Rwanda faced a major humanitarian crisis. An estimated 2 million displaced persons sought safer places in Kigali, in various regions of the country and in border areas in neighbouring countries, principally the United Republic of Tanzania. In Kigali itself, some 30,000 persons took refuge in public places and religious sanctuaries, where they were running out of food, water and basic medical supplies. UNHCR estimated that 80,000 of the original 272,000 refugees from Burundi remained in Rwanda. The situation was further complicated by some 1.2 million drought-affected people in the south who, prior to the war, had been identified as requiring emergency food assistance. In neighbouring countries, the Rwandese refugee population was estimated at more than 300,000 and an estimated 1,500 continued to arrive daily in the United Republic of Tanzania. To deal with the crisis, the United Nations Department of Humanitarian Affairs, in collaboration with UNDP, the United Nations Children's Fund, UNHCR, WFP, the World Health Organization and the Food and Agriculture Organization of the United Nations, established the United Nations Rwanda Emergency Office, located in Nairobi, Kenya, to coordinate humanitarian relief activities. An advance humanitarian assistance team was positioned in Kigali and an appeal covering immediate emergency assistance needs totalling some \$16 million was issued on 25 April. Despite the difficulties, limited emergency operations were initiated by humanitarian organizations operating in Rwanda, including the International Committee of the Red Cross, while UNHCR responded to the needs of refugees in neighbouring countries.

Responding to the Council's request for more effective means to deal with the situation, the Secretary-General proposed that UNAMIR's man-

date be expanded, with the new UNAMIR II to provide security assistance to humanitarian organizations for the distribution of relief supplies and to establish access to sites of concentration of displaced persons and refugees and assure their protection. Those sites would include areas inside Rwanda and along the border with neighbouring States and would be patrolled and monitored by UNAMIR II in cooperation with local authorities. UNAMIR II would provide escorts to relief convoys and security to United Nations installations, monitor border crossing points and the deployment of the parties in conflict, and establish lines of communication and supply routes by land through neighbouring countries. The report outlined the rules of engagement, structure of the force, its deployment schedule, logistics, command and control and financial requirements. The 5,500-strong UNAMIR II would be deployed in three phases at an estimated cost of \$115 million for a six-month period. The Secretary-General recommended that the Council approve the phased expansion of UNAMIR accordingly, on the understanding that it be reviewed following an agreement on a cease-fire.

#### SECURITY COUNCIL ACTION (17 May)

The Security Council met on 17 May to consider the report of the Secretary-General and adopted **resolution 918(1994)**. Section B of the resolution was adopted by 14 votes to 1; the rest of the resolution was adopted unanimously.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872(1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), its resolution 909(1994) of 5 April 1994 which extended the mandate of UNAMIR until 29 July 1994, and its resolution 912(1994) of 21 April 1994 by which it adjusted the mandate of UNAMIR,

Recalling the statements made by the President of the Council on 7 April 1994 and 30 April 1994,

Having considered the report of the Secretary-General dated 13 May 1994,

Reaffirming its resolution 868(1993) of 29 September 1993 on the security of United Nations operations,

Strongly condemning the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

Stressing the importance of the Arusha peace agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation,

Commending the efforts of the Organization of African Unity (OAU) and its organs, as well as the efforts of the Tanzanian Facilitator, in providing diplomatic, political and humanitarian support for the implementation of the relevant resolutions of the Council,

Deeply concerned that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the internal displacement of a significant percentage of the Rwandan population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

Expressing once again its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Strongly urging all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

Recalling also its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Recalling further that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

Underlining the urgent need for coordinated international action to alleviate the suffering of the Rwandan people and to help restore peace in Rwanda, and in this connection welcoming cooperation between the United Nations and OAU as well as with countries of the region, especially the facilitator of the Arusha peace process,

Desiring in this context to expand the mandate of UNAMIR for humanitarian purposes, and stressing the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Recognizing that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

Deeply disturbed by the magnitude of the human suffering caused by the conflict and concerned that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

#### A

1. Demands that all parties to the conflict immediately cease hostilities, agree to a cease-fire and bring an end to the mindless violence and carnage engulfing Rwanda;

2. Welcomes the report of the Secretary-General dated 13 May 1994;

3. Decides to expand UNAMIR's mandate under resolution 912(1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. Authorizes in this context an expansion of the UNAMIR force level up to 5,500 troops;

6. Requests the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the UNAMIR military observers currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. Further requests the Secretary-General to report as soon as possible on the next phase of UNAMIR's deployment including, *inter alia*, on the cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. Encourages the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of OAU, to obtain from Member States the necessary personnel to enable deployment of the expanded UNAMIR to proceed urgently;

9. Invites Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the UNAMIR expanded force level and its support in the field;

10. Strongly urges all parties in Rwanda to cooperate fully with UNAMIR in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and further calls upon them to treat Kigali airport as a neutral zone under the control of UNAMIR;

11. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance and urges others to provide such assistance;

#### B

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

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

13. Decides that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. Decides also to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. Calls upon all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of this resolution;

16. Decides that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to UNAMIR and UNOMUR;

17. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

#### C

18. Requests the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. Invites the Secretary-General and his Special Representative, in coordination with OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha peace agreement;

20. Decides to keep the situation in Rwanda under constant review and requests the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of this resolution and again in good time before the expiration of the current mandate of UNAMIR;

21. Decides to remain actively seized of the matter.

#### Security Council resolution 918(1994)

17 May 1994 Meeting 3377 14-1 (section B)  
Adopted unanimously (remainder)

6-nation draft (S/1994/571).

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

Vote in Council as follows:

In favour: Argentina, Brazil, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Spain, United Kingdom, United States.

Against: Rwanda.

Before the vote, Rwanda said that it was willing to conclude a cease-fire with RPF immediately that would allow the two armies to resume the positions they held prior to 6 April. In addition, the RPF battalion that was in Kigali to protect its leaders should not be reconstituted. It called on the Council to establish an international buffer zone by expanding and strengthening UNAMIR.

#### Special miss/on

**Report of the Secretary-General.** In a May report<sup>(24)</sup> on the situation in Rwanda, the Secretary-

General indicated that a special mission, comprising the Assistant Secretary-General for Peace-keeping Operations, Iqbal Riza, and Major-General J. Maurice Baril, the Secretary-General's Military Adviser, visited Rwanda from 22 to 27 May for the purpose of moving the parties towards a cease-fire, getting their views and intentions on implementation of resolution 918(1994) and reviewing the modalities of the concept of operations proposed by the Secretary-General for an expanded UNAMIR. The special mission reported that an estimated 250,000 to 500,000 persons, out of Rwanda's population of 7 million, had been killed, with tens of thousands more maimed or wounded. According to information received by the mission, those responsible for the killings included elements of the Rwandan government forces, particularly the Presidential Guard and the youth militia. It found that the zones controlled by RPF were virtually empty, while in those controlled by the Rwandan government forces there were increasing numbers of displaced persons who had fled or were fleeing the RPF advance. The exodus was also due in part to radio broadcasts from Rwandan government forces inciting the elimination of RPF supporters. Refugee columns and concentrations were screened for RPF supporters by Rwandan government forces.

For its part, RPF said that its military offensive was to rescue those persons in danger of their lives in the Rwandan government forces zones and to seize those responsible for the massacres.

RPF forces were at that time controlling about half of the country, including positions in and around Kigali and the areas bordering Burundi, Uganda and the United Republic of Tanzania. The rest of the country was still in government hands, mainly the areas west and south of the capital and in the north-west, where fighting continued. Kigali itself was devoid of normal activity, as RPF strengthened its hold on it and refugees streamed out towards the west and south. Rwandan government forces had also been withdrawn and redeployed in the Gitarama area and other positions in the west and south. At the initiative of the mission, talks on a cease-fire were held on 30 May and were to resume on 2 June.

Neither United Nations agencies nor NGOs were able to commence an effective programme of assistance to the population afflicted, the greater numbers of whom were in zones controlled by the Rwandan government forces. In the RPF zones, more systematic assistance had begun, but under strict RPF controls.

With respect to UNAMIR's expanded mandate, the mission was able to secure assurances of cooperation from both parties, subject to the level of control they both exercised over their troops and armed elements. The mission was able to secure agreement from RPF, currently in control of Kigali air-

port, to a strengthened UNAMIR presence at the airport under the terms of the Arusha peace agreement and to the airport's reactivation, and that it would cooperate in ensuring the safety of flights. During phase 1 of the operation, UNAMIR would strengthen its position in Kigali, including at the airport, establish a mobile reserve for emergency deployment and security for major humanitarian supply depots and provide escorts for convoys. Phase 1 was not expected to be operational for another four to six weeks depending on the delivery of resources required. In view of this projected delay, phase 2 was to be initiated in conjunction with phase 1. However, deployment of the two battalions envisaged in phase 3 would depend on the establishment of a cease-fire. During all three phases, flexible contingency plans would be in place to respond to demands of the situation.

The prospects for peace in Rwanda, in the view of the interim Government, largely depended on a negotiated power-sharing formula under the Arusha agreement, guaranteeing the rights of both the minority and the majority. For its part, RPF declared that the interim government was illegal and wished no contact with it. RPF did not seek to impose a military solution and would enter into negotiations, under the Arusha agreement, only with representatives of political parties. Meanwhile, it would agree to cease-fire talks, on the condition that the Rwandan government forces halted the killings in zones controlled by them.

The Secretary-General observed that the continuing hostilities prevented full investigation of the killings which constituted genocide, and United Nations procedures did not lend themselves to immediate action. However, the High Commissioner for Human Rights, Jose Ayala Lasso, had visited Rwanda and the Commission on Human Rights had designated René Degni-Ségui as Special Rapporteur for Rwanda (see PART THREE, Chapter X). The Secretary-General said it was essential that the arms embargo imposed by the Security Council be respected and he intended to assess the possibility of integrating UNAMIR with the United Nations Observer Mission Uganda-Rwanda (UNOMUR), which monitored the border with Uganda. He recommended that the Council renew the expanded UNAMIR mandate for six months, with the anticipation of at least another six months if required. He intended to establish a special trust fund to support rehabilitation programmes and, in the light of the inadequate response of the international community to the crisis, to review the entire United Nations system to strengthen its reactive capacity.

#### SECURITY COUNCIL ACTION

The Security Council met on 8 June to consider the Secretary-General's report. It adopted **resolution 925(1994)** unanimously.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912(1994) of 21 April 1994 and 918(1994) of 17 May 1994, which set out the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR),

Having considered the report of the Secretary-General dated 31 May 1994,

Bearing in mind the statement made by the President of the Council on 3 May 1994,

Reaffirming its resolution 868(1993) of 29 September 1993 on the security of United Nations operations,

Noting with concern that, to date, the parties have not ceased hostilities, agreed to a cease-fire, or brought an end to the violence and carnage affecting civilians,

Noting with the gravest concern the reports indicating that acts of genocide have occurred in Rwanda and recalling in this context that genocide constitutes a crime punishable under international law,

Reiterating its strong condemnation of the ongoing violence in Rwanda and, in particular, the systematic killing of thousands of civilians,

Expressing its outrage that the perpetrators of these killings have been able to operate and continue operating within Rwanda with impunity,

Noting that UNAMIR is not to have the role of a buffer force between the two parties,

Noting also that UNAMIR's expanded military component will continue only as long as and to the extent that it is needed to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda and to provide security, as required, to humanitarian relief operations,

Underscoring that the internal displacement of some 1.5 million Rwandans facing starvation and disease and the massive exodus of refugees to neighbouring countries constitute a humanitarian crisis of enormous proportions,

Reiterating the importance of the Arusha peace agreement as the basis for the peaceful resolution of the conflict in Rwanda,

Commending the countries which have provided humanitarian assistance to Rwandan refugees, as well as emergency aid to alleviate the sufferings of the Rwandan people, and those countries which have contributed troops and logistical support to UNAMIR, and reiterating the urgent need for coordinated international action in this respect,

Welcoming the cooperation between the United Nations and the Organization of African Unity (OAU) and the contributions of the countries of the region, especially that of the facilitator of the Arusha peace process, and encouraging them to continue their efforts,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights,

Noting the appointment, pursuant to resolution S-3/1 of 25 May 1994 adopted by the United Nations Commission on Human Rights, of a Special Rapporteur for Rwanda,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

1. Welcomes the Secretary-General's report of 31 May 1994;
2. Endorses the Secretary-General's proposals contained therein for the deployment of the expanded UNAMIR, in particular:

(a) The immediate initiation of the deployment of the two additional battalions in phase 2 in close synchronization with phase 1;

(b) The continuation of urgent preparations for the deployment of the two battalions envisaged for phase 3; and

(c) Flexible implementation of all three phases to ensure effective use of available resources to accomplish the tasks listed in paragraphs 4 (a) and (b) below;

3. Decides to extend the mandate of UNAMIR, expiring on 29 July 1994, until 9 December 1994;

4. Reaffirms that UNAMIR, in addition to continuing to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire, will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; and

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

5. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

6. Demands that all parties to the conflict cease hostilities, agree to a cease-fire and immediately take steps to bring an end to systematic killings in areas under their control;

7. Welcomes the assurances of both parties to cooperate with UNAMIR in carrying out its mandate, recognizes that such cooperation will be essential to the effective implementation of the mandate, and demands that both parties adhere to those assurances;

8. Demands further that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred;

9. Urges Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional UNAMIR forces;

10. Requests the Secretary-General to ensure that UNAMIR extend the close cooperation it has with the Department of Humanitarian Affairs and the United Nations Rwanda Emergency Office also to the Special Rapporteur for Rwanda appointed by the United Nations Commission on Human Rights;

11. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. Emphasizes the necessity that, *inter alia*:

(a) All appropriate steps be taken to ensure the security and safety of the operation and personnel engaged in the operation; and

(b) The security and safety arrangements undertaken extend to all persons engaged in the operation;

13. Commends the efforts of States, United Nations agencies, international organizations and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

14. Welcomes the intention of the Secretary-General to establish a special trust fund for Rwanda and invites

the international community to contribute generously to it;

15. Commends the tireless efforts of the UNAMIR Force Commander to prevent more innocent lives from being lost, and to bring about a cease-fire between the parties;

16. Commends also the efforts of the Secretary-General and his Special Representative to achieve a political settlement in Rwanda within the framework of the Arusha peace agreement, invites them, in coordination with OAU and countries in the region, to continue their efforts, and demands that the parties undertake serious efforts to bring about political reconciliation;

17. Decides to keep the situation in Rwanda and the role played by UNAMIR under constant review and, to that end, requests the Secretary-General to report to the Council as appropriate, and in any case no later than 9 August 1994 and 9 October 1994, on progress made by UNAMIR in the discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation;

18. Decides to remain actively seized of the matter.

Security Council resolution 925(1994)

8 June 1994

Meeting 3388

Adopted unanimously

Draft prepared in consultations among Council members (S/1994/684).

**Communication.** On 19 June, the Secretary-General, in a letter<sup>(25)</sup> to the Security Council President, reported that as of 18 June UNAMIR consisted of a total force of 503 all ranks under the command of Major-General Romeo A. Dallaire. He had so far received offers from 14 countries, five of which had indicated an interest in supplying equipment and troops for the expanded UNAMIR. On the basis of those offers, the United Nations expected to complete the deployment of the first phase of UNAMIR in the first week of July. However, it could not determine the deployment schedule for the second phase since confirmations for the required resources had not been received from the Governments concerned. This meant that UNAMIR would not be in a position for about three months to undertake fully the tasks entrusted to it by the Security Council.

Meanwhile, the situation in Rwanda continued to deteriorate. No agreement had been reached on a cease-fire in talks under UNAMIR auspices, and the one agreed to at the OAU summit (Tunis, Tunisia, 14 June) was not being respected. The Secretary-General therefore suggested that the Council might wish to consider the offer of France to undertake a French-commanded multinational operation under Chapter VII of the Charter, to assure security and protect displaced persons and civilians at risk in Rwanda. If it authorized such an operation, the Governments concerned would be required to commit themselves to remaining in Rwanda until UNAMIR was brought up to the necessary strength to take over. The activities of the multinational force and UNAMIR would be closely coordinated by the respective force commanders.

### "Operation Turquoise"

In June,<sup>(26)</sup> France and Senegal requested the authorization of the Security Council to mount a multinational humanitarian mission in Rwanda. In its letter of 20 June addressed to the Secretary-General, France said the cease-fire was not being respected and the massacres of civilians continued on a large scale. It noted that despite the mandate given to UNAMIR to intervene, it would take some time for UNAMIR to be operational. This delay was liable to cost thousands more lives in Rwanda and expand the area affected by the tragedy. In the circumstances, France and Senegal were prepared to send a force in without delay, to maintain a presence pending the arrival of the expanded UNAMIR and with the same objectives assigned to UNAMIR. The two Governments were therefore seeking a mandate under Chapter VII of the Charter to act until UNAMIR was deployed. The interim force should be able to withdraw towards the middle of August at the latest, after handing over to UNAMIR.

#### SECURITY COUNCIL ACTION (June)

On 22 June, following its consideration of France's request<sup>(27)</sup> for authorization to lead a multinational operation in Rwanda, the Security Council adopted **resolution 929(1994)** by recorded vote.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912(1994) of 21 April 1994, 918(1994) of 17 May 1994 and 925(1994) of 8 June 1994, which set out the mandate and force level of the United Nations Assistance Mission for Rwanda (UNAMIR),

Determined to contribute to the resumption of the process of political settlement under the Arusha peace agreement and encouraging the Secretary-General and his Special Representative for Rwanda to continue and redouble their efforts at the national, regional and international levels to promote these objectives,

Stressing the importance of the cooperation of all parties for the fulfilment of the objectives of the United Nations in Rwanda,

Having considered the letter of the Secretary-General of 19 June 1994,

Taking into account the time needed to gather the necessary resources for the effective deployment of UNAMIR, as expanded in resolutions 918(1994) and 925(1994),

Noting the offer by Member States to cooperate with the Secretary-General towards the fulfilment of the objectives of the United Nations in Rwanda, and stressing the strictly humanitarian character of this operation which shall be conducted in an impartial and neutral fashion, and shall not constitute an interposition force between the parties,

Welcoming the cooperation between the United Nations, the Organization of African Unity and neighbouring States to bring peace to Rwanda,

Deeply concerned by the continuation of systematic and widespread killings of the civilian population in Rwanda,

Recognizing that the current situation in Rwanda constitutes a unique case which demands an urgent response by the international community,

Determining that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region,

1. Welcomes the Secretary-General's letter dated 19 June 1994 and agrees that a multinational operation may be set up for humanitarian purposes in Rwanda until UNAMIR is brought up to the necessary strength;

2. Welcomes also the offer by Member States to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, on the understanding that the costs of implementing the offer will be borne by the Member States concerned;

3. Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 2 above using all necessary means to achieve the humanitarian objectives set out in subparagraphs 4 (a) and (b) of resolution 925 (1994);

4. Decides that the mission of Member States cooperating with the Secretary-General will be limited to a period of two months following the adoption of the present resolution, unless the Secretary-General determines at an earlier date that the expanded UNAMIR is able to carry out its mandate;

5. Commends the offers already made by Member States of troops for the expanded UNAMIR;

6. Calls upon all Member States to respond urgently to the Secretary-General's request for resources, including logistical support, in order to enable the expanded UNAMIR to fulfil its mandate effectively as soon as possible and requests the Secretary-General to identify and coordinate the supply of the essential equipment required by troops committed to the expanded UNAMIR;

7. Welcomes, in this respect, the offers already made by Member States of equipment for troop contributors to UNAMIR and calls on other Members to offer such support, including the possibility of comprehensive provision of equipment to specific troop contributors, to speed UNAMIR's expanded force deployment;

8. Requests Member States cooperating with the Secretary-General to coordinate closely with UNAMIR and also requests the Secretary-General to set up appropriate mechanisms to this end;

9. Demands that all parties to the conflict and others concerned immediately bring to an end all killings of civilian populations in areas under their control and allow Member States cooperating with the Secretary-General to implement fully the mission set forth in paragraph 3 above;

10. Requests the States concerned and the Secretary-General, as appropriate, to report to the Council on a regular basis, the first such report to be made no later than fifteen days after the adoption of this resolution, on the implementation of this operation and the progress made towards the fulfilment of the objectives referred to in paragraphs 2 and 3 above;

11. Also requests the Secretary-General to report on the progress made towards completing the deployment

of the expanded UNAMIR within the framework of the report due no later than 9 August 1994 under paragraph 17 of resolution 925(1994), as well as on progress towards the resumption of the process of political settlement under the Arusha peace agreement;

12. Decides to remain actively seized of the matter.

Security Council resolution 929(1994)

22 June 1994 Meeting 3392 10-0-5

Draft by France (S/1994/737).

Vote in Council as follows:

In favour: Argentina, Czech Republic, Djibouti, France, Oman, Russian Federation, Rwanda, Spain, United Kingdom, United States.

Against: None.

Abstaining: Brazil, China, New Zealand, Nigeria, Pakistan.

Following the vote, New Zealand expressed concern that the operation would not achieve its humanitarian objective. The experience in Somalia had shown that with the best humanitarian intentions, if the right means were not employed, tragedy would result. In addition, running two separate operations with different command arrangements did not work and there was clear evidence that the initiative was having a negative impact on UNAMIR.

On 23 June,<sup>(28)</sup> Ghana called for a credible initiative that would have an immediate impact on the situation in Rwanda. The neutrality and acceptability of such a mission should be assured and it should proceed under the mandate of the Security Council and with the support of OAU.

Further developments. On 2 July,<sup>(29)</sup> the Secretary-General transmitted to the Security Council President a letter of 1 July from France, which the President brought to the attention of the Council,<sup>(30)</sup> on the deterioration of the situation in Rwanda and the danger of a further humanitarian tragedy. France said that fighting outside the capital, which had spread to the south in the region of Butare and the west in the direction of Kibuye, had resulted in an influx of tens of thousands of fleeing inhabitants, adding to the several hundred thousand displaced persons. The continued fighting had created a humanitarian situation in south-west Rwanda that was becoming uncontrollable. The entire country risked being the scene of major outbreaks of violence, with the movement of hundreds of thousands of persons fleeing in complete desperation. France wanted to alert the international community that, if a cease-fire was not brought about immediately, it would be obliged to either withdraw from Rwanda or organize a safe humanitarian zone. France was requesting the support of the Security Council in establishing such a zone, which would comprise the districts of Cyangugu and Gikongoro and the southern half of the district of Kibuye, including the Kibuye-Gitarama road as far as the N'Daba pass.

Report on Operation Turquoise (July). In its first report on Operation Turquoise,<sup>(31)</sup> France said that the troop contingent for the Operation

consisted of 2,300 French and 32 Senegalese soldiers. It also consisted of elements of the air force and navy. Initially installed in Goma and Bukavu on 22 June, the Force subsequently reconnoitred the main routes from Goma to Kibuye and the N'daba pass in the north and from Bukavu as far as Gikongoro and Butare in the south. The humanitarian mission was proving to be delicate especially in the centre and the south of the areas reconnoitred by the Force. Until 2 July, the Force had operated without incident within the government zone from the Zairian towns of Goma and Bukavu. An RPF advance led to a further flow of refugees, resulting in the Force defining a safe humanitarian zone within the Cyangugu-Kibuye-Gikongoro triangle. The humanitarian problem in that zone was considerable, with hundreds of thousands of Tutsi and Hutu persons requiring emergency assistance. The Force was also providing protection for the camps of Nyarushishi with some 8,000 persons and Biserero with 1,000. The report stated that since the arrival of the "Turquoise" Force in Rwanda, the refugees, spread out in more than 50 camps in the government-controlled zone, were estimated at 850,000. In the south of the country, many refugees were moving west towards Gikongoro and south towards Burundi.

The Force had established a rapid-intervention military medical unit and had distributed humanitarian aid in the Kibuye and Gikongoro regions. Flagrant violations of human rights had been directly observed by French soldiers and reported by the civilian population, and the Force had discovered mass graves in the Cyangugu and Kibuye regions and bodies likely to be persons of Tutsi origin were found near Biserero. France stated that while the contingent served to deter the militias and armed forces in the conflict, it was still insufficient in view of the number of displaced persons to be assisted. It called on Member States to ensure that the deployment of the reinforced UNAMIR was speedily carried out.

#### SECURITY COUNCIL ACTION (July)

On 14 July,<sup>(32)</sup> France requested an immediate meeting of the Security Council in view of the rapid deterioration of the situation in Rwanda resulting from the exodus of the civilian population, which, it said, might lead to further humanitarian disaster and threaten peace and security in the region.

Following consultations among members, the President made the following statement on behalf of the Council:<sup>(33)</sup>

The Security Council is alarmed by the continuation of fighting in Rwanda, which is causing a massive exodus of the population. This situation may lead

very quickly to a further humanitarian disaster and endanger the stability of the region, since the flow of these refugees is seriously affecting the neighbouring countries.

In the light of this grave situation, the Security Council:

- Demands an immediate and unconditional cease-fire and invites the parties to report to the Force Commander of the United Nations Assistance Mission in Rwanda (UNAMIR) on their actions in this respect;
- Urges the resumption of the political process in the framework of the Arusha peace agreement and calls upon the countries of the region, the Secretary-General, his Special Representative and the Organization of African Unity to contribute actively to it;
- Reaffirms the humanitarian nature of the secure area in the south-west of Rwanda and demands that all concerned fully respect this. It will keep the matter under close review;
- Urges also Member States, United Nations agencies and non-governmental organizations to mobilize all available resources in order urgently to provide humanitarian assistance to the civilian population in distress;
- Calls upon Member States to provide the necessary contributions in order to ensure the deployment of the expanded UNAMIR in the immediate future.

The Security Council is determined to follow very closely the development of the situation in Rwanda and remains actively seized of the matter.

Meeting number. SC 3405.

On 15 July,<sup>(34)</sup> France informed the Council of the presence of the President of the interim Government of Rwanda and four of his Ministers in Cyangugu in the safe humanitarian area in south-west Rwanda. French authorities had given official notice that they would not tolerate any political or military activity in that area and would ensure compliance with the rules applicable to the area. France would support any decision of the Council relating to the persons in question.

On 17 July,<sup>(35)</sup> France reported that the situation in Goma, where the humanitarian aid operation was based, had seriously deteriorated. Artillery bombardments by RPF forces had left some 60 civilians dead and many wounded. The humanitarian lifeline from the Goma airport established by the United Nations with the assistance of French forces had to be immediately suspended, threatening directly the already tragic refugee situation. France also reported that RPF forces attempted to enter the humanitarian safe area in south-west Rwanda. The French Government would ensure that the area was respected and its forces would continue to oppose the entry of all armed persons.

**Reports on Operation Turquoise (August and September). In its report on Operation Turquoise**

for the period 10 to 25 July,<sup>(36)</sup> France said that as at 25 July the troop contingent consisted of 2,555 French soldiers and 339 from five African countries. Since then another 174 had joined the Operation. It continued to ensure security of the humanitarian zone, assist displaced persons and rescue persons at risk. It also provided assistance to refugees, collected and buried bodies of victims of epidemics or starvation and distributed water and food in Zaire and in the safe humanitarian zone. France said that as RPF forces gained control of the country, eventually reaching the Zairian frontier, the Rwandese armed forces fled to Zaire. As the fighting progressed, about 1.2 million people from the north and centre of the country headed in large numbers towards Zaire and another 1.5 million to the safe humanitarian zone. Participants in this uncontrolled exodus were ravaged by cholera in Goma and by exhaustion and malnutrition in camps in Zaire and in the safe zone.

Since 21 July, almost 100,000 displaced persons from the Kibuye and Musange regions had left the safe zone, while some 10,000 refugees had returned from Goma as of 25 July and more had since done so. In terms of human rights, abuses were noted in the safe humanitarian zone, despite the apparent calm. Flagrant human rights violations continued to be observed by French soldiers and reported by civilians.

France declared that Operation Turquoise had successfully ensured the security of the area assigned to it without major difficulties. However, at the humanitarian level, the Force was not sufficiently large to cope with the massive flows of refugees. Because international organizations and NGOs had been slow to react, the situation had become catastrophic. France said its forces had begun to disengage and were being replaced by UNAMIR II forces in the Gikongoro sector.

On 8 August,<sup>(37)</sup> France requested the Security Council President to bring to the attention of Council members the fact that Rwandan authorities were sovereign throughout the entire territory of Rwanda; as such, France was prepared to facilitate their entry in the humanitarian protected zone and ensure overall security in the zone, thereby providing its support during such visits.

In its final report of 27 September,<sup>(38)</sup> France said that Operation Turquoise, which eventually had 3,060 troops, including 508 foreign troops from seven nations, concluded on 21 August and began its first withdrawals on 29 July. With the departure of French units from the safe humanitarian zone, the situation remained stable. However, some 1.4 million displaced persons and refugees remained in the zone. Of that total, about 50,000 moved to Zaire in the final days before the departure of French troops. The Force had



made it possible to conduct international humanitarian activities and to gather reports of abuses against the population in the safe humanitarian zone.

**Report of the Secretary-General** (August). In a report of 3 August<sup>(39)</sup> on the situation in Rwanda, the Secretary-General stated that the situation had been transformed and RPF had established military control over most of the country. Between 4 and 14 July, RPF forces took control of Kigali, Butare, the second largest city, and Ruhengeri, the former Government's stronghold. The retreating Rwandese government forces concentrated in the north-west withdrew in disarray into Zaire, where most of the personnel reportedly were disarmed by the Zairian authorities. However, there were reports that those forces were trying to prevent refugees from returning to Rwanda. On 17 July, RPF took Gisenyi in the north-west and the following day unilaterally declared a cease-fire, effectively ending the civil war.

Only the "humanitarian protected zone" established by Operation Turquoise did not come under the control of RPF. The swift RPF advance caused large numbers of civilians to take flight from the areas of combat. Deliberate inflammatory broadcasts from radio stations controlled by the "interim Government" caused panic, resulting in a massive stampede of refugees across the border into Zaire in the north-west, overwhelming humanitarian agencies and NGOs. Out of a population of 7 million, there were some 3 million displaced internally and more than 2 million who had fled to neighbouring countries. The Secretary-General said that, given the conditions in the refugee camps and the need to harvest the crops within the next two weeks, it was essential to promote and facilitate the early return of Rwandese to their homes, but he was disturbed by reports of refugees being intimidated in the Goma camps to prevent their return to Rwanda. Action was needed to restore electricity, water supply and telecommunications as well as the capacity of the Government to carry out its responsibilities. It was also necessary to ensure the capacity of UNAMIR to take over responsibility in the humanitarian protected zone in south-west Rwanda and increase the humanitarian presence and activities to prevent an outflow of the 2 million internally displaced from that area. Refugees had already started to return to Rwanda and the new Government had indicated its commitment to encouraging and protecting them. United Nations humanitarian organizations on 22 July launched a Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda totalling \$434.8 million to cover emergency and rehabilitation needs until the end of the year.

In the light of the changed situation on the ground, UNAMIR had adjusted its operational plans to ensure stability and security in the north-

west and south-west regions; stabilize the situation in all regions and encourage the return of refugees; provide security and support for humanitarian assistance operations; and promote national reconciliation. It had deployed a company along the border near Goma and placed observers there and in the zone controlled by Operation Turquoise. There was concern over the presence of former Rwandese government forces and militia as well as extremists elements among the refugees in Zaire and in the French-protected zone. The new Rwandese Government indicated that it would not insist on taking control of this latter area after the French withdrawal, provided UNAMIR ensured its stability. It was therefore imperative that UNAMIR be able to deploy the three battalions intended for that sector.

At the political level, RPF installed a broad-based Government of National Unity on 19 July for a transitional period of five years. However, it excluded the former governing party, the *Mouvement révolutionnaire national pour le développement* and the *Coalition pour la défense de la République*. The post of President was allocated to Pasteur Bizimungu of RPF and that of Vice-President to Major-General Paul Kagame, the military commander of RPF, who was also Minister of Defence. The Prime Minister was Faustin Twagiramungu of the *Mouvement démocratique républicain* and the Deputy Prime Minister, Colonel Alexis Kanyarengwe of RPF. Other portfolios were allocated to all the other parties in the previous transitional Government. Since taking office, President Bizimungu had met with President Mobutu of Zaire<sup>(40)</sup> and President Mwinyi of the United Republic of Tanzania,<sup>(41)</sup> as well as with the Presidents of Uganda and Burundi. The Rwandese leadership had publicized assurances encouraging the return of refugees and guaranteeing their protection and legal rights.

The Secretary-General observed that it was incumbent on the international community to alleviate the suffering in the refugee camps in Burundi, Uganda, Tanzania and Zaire and enable the refugees to return to their homes or other safe areas. At the same time, the newly installed Government bore the responsibility for bringing its people together again in national reconciliation. He called on Governments to assist the Rwandan Government, not only in providing assistance for humanitarian needs, reconstruction and rehabilitation, but in re-establishing systems of administration, justice, police, finance, education and health and other government responsibilities.

#### SECURITY COUNCIL ACTION (August)

On 10 August, the Security Council met to consider the Secretary-General's report. Following consultations among its members, the President

made the following statement on behalf of the Council:<sup>(42)</sup>

The Security Council remains extremely concerned at the situation, as described in the report of the Secretary-General on Rwanda and oral briefings by the Secretariat, in Rwanda and in the countries of the region where millions of displaced persons and refugees are concentrated in extremely precarious conditions from the standpoint of both food and sanitation.

Bearing in mind the extreme seriousness of this situation, the Security Council considers that at present the most immediate task is to respond to the massive humanitarian crisis created by the population movements. To this end, the Council expresses its appreciation to all Member States, United Nations agencies, non-governmental organizations and individuals who responded to this humanitarian challenge and encourages them to continue and intensify their efforts, in particular in Rwandan territory with a view to alleviating to the best of their ability the situation of all those who have fled from their homes and villages.

The Security Council believes, furthermore, that the rapid return of the refugees and displaced persons to their homes is essential for the normalization of the situation in Rwanda. In this regard, the Council strongly condemns attempts to intimidate refugees carried out by those who are seeking to prevent them from returning to Rwanda. It urges the former leadership of Rwanda and those who have assumed political responsibility in the refugee camps to cooperate with representatives of the current Government in reconciliation and repatriation efforts and cease forthwith attempts and propaganda campaigns directed at destabilizing the situation in Rwanda and inducing refugees to stay in exile.

The Security Council, moreover, welcomes the declared readiness of the new Government of Rwanda to encourage the return of the refugees and displaced persons, ensure their protection and their legal rights and allow aid to reach those who require it anywhere in the country. It considers that the new Government of Rwanda is responsible for the rapid implementation of these commitments, which are essential for speeding up the return of refugees to Rwanda.

The Security Council also calls upon the Government of Rwanda to ensure that there are no reprisals against those who wish to return to their homes and resume their occupations. To this end, the Council encourages the Government of Rwanda to cooperate with the United Nations, in particular with the Commission of Experts established by the Council in its resolution 935(1994), in ensuring that those guilty of the atrocities committed in Rwanda, in particular the crime of genocide, are brought to justice through an appropriate mechanism or mechanisms which will ensure fair and impartial trials in accordance with international standards of justice. In this connection, the Council welcomes the recent statement by the new Government of Rwanda supporting the establishment of an international tribunal and welcomes the report of the Secretary-General of 26 July 1994 on the establishment of the Commission of Experts and the appointment of its members, and urges the Commission to submit its conclusions as soon as possible.

The Security Council welcomes the Secretary-General's intention to adapt the practical tasks of the United Nations Assistance Mission for Rwanda (UNAMIR) to the evolving situation within the framework of Security Council resolution 925(1994). The Council underlines that the full deployment of UNAMIR will be important to establish a more secure environment in order to accelerate the process of return of refugees and displaced persons and to prevent further population movements, in particular from the secure humanitarian area, which might exacerbate the situation in neighbouring countries. For this reason, it is essential that the contingents that are to be part of UNAMIR are deployed without further delay and that the technical assistance that they require for this purpose is provided to them as soon as possible.

The Security Council also notes the importance of the deployment in Rwandan territory of civilian observers responsible for monitoring the establishment of a more secure environment, and in this regard welcomes the measures envisaged by the High Commissioner for Human Rights, within his mandate, with the assistance of certain Member States.

The Security Council reaffirms, as the Secretary-General emphasizes in his report of 3 August 1994, that the Arusha peace agreement constitutes an appropriate frame of reference for promoting national reconciliation in Rwanda. The Council reminds the Government of Rwanda of its responsibility for bringing its people together again in national reconciliation. In this context, the Council commends the countries neighbouring Rwanda and the Organization of African Unity for their commitment and assistance towards the solution of the conflict in Rwanda, and encourages them to continue to promote stability in the country and the entire region. The Council believes that, for their part, the neighbouring countries are also responsible for ensuring that their territories are not used for further destabilization of the situation.

Meeting number. SC 3414.

On 25 August,<sup>(43)</sup> the Council decided to address the timing of the Presidency of the Council by Rwanda later, which it did on 16 September<sup>(44)</sup> (see PART ONE, Chapter V).

#### Refugee situation

**Communications.** Rwanda transmitted a statement of 28 September to the President of the Security Council on the question of refugees and security in Rwanda.<sup>(45)</sup> It said its major preoccupation was to see that all refugees returned to their country and had taken steps in that direction. However, those efforts were frustrated by a number of factors, including intimidation and coercion of Rwandese refugees in the camps by criminal elements of the former regime to prevent them from returning home. Rwanda requested the assistance of the international community to reinforce its own efforts.

On 15 November,<sup>(46)</sup> Zaire transmitted to the Secretary-General the text of a tripartite agreement on the repatriation of Rwandese refugees

from Zaire, signed in Kinshasa on 24 October between Rwanda, Zaire and UNHCR. In a communique issued that day, the two countries appealed to the international community to assist in removing from proximity to the common borders former Rwandese soldiers and dignitaries and in creating conditions for the reintegration of Rwandese refugees, in particular by setting up intake centres in Rwanda.

**Report of the Secretary-General.** In November,<sup>(47)</sup> the Secretary-General submitted a report to the Security Council in response to the Council's 14 October<sup>(48)</sup> statement (see below, under "UN Assistance Mission for Rwanda") in which it expressed concern over the plight of the millions of Rwandese refugees and displaced persons. The Secretary-General said that the estimated 1.2 million people who had fled Rwanda in mid-July to the Kivu region of Zaire were living in camps that sprawled over miles and were overcrowded, chaotic and increasingly insecure. The camps were controlled by former Rwandese political leaders, government forces and militia who were determined to prevent by force repatriation of the refugees. The former political leaders exerted a hold on the refugees through intimidation and the support of military personnel and militia members in the camps. The militia itself had a significant presence in the camps in the Goma area and controlled access to them, intimidating and stopping refugees who were inclined to return to Rwanda. They were well armed and equipped and made it difficult for relief agencies to operate in the camps. It was also believed they were stockpiling and selling food distributed by the agencies in preparation for an armed invasion of Rwanda. Security was further undermined by general lawlessness, extortion, banditry and gang warfare between groups fighting for control of the camps. This situation had led to the withdrawal of NGOs. In early September, an estimated 200,000 refugees returned to Rwanda, but this movement, interrupted by former Rwandese militia and political leaders, fell to a trickle. Fear of reprisals by the Government seemed to be another reason for the hesitancy among refugees about returning to Rwanda.

The Secretary-General referred to the conclusion of his Special Representative that separating political leaders, former Rwandese government forces and militia from the rest of the refugee population would be the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda. A joint Zairian/United Nations working group was established to address the problems associated with such a complex undertaking as well as logistics and other requirements.

The Secretary-General outlined several options for establishing secure conditions in the camps, including assistance in the initial stages to the Zairian

security forces to protect humanitarian operations in the camps. UNHCR in that regard was already assisting the United Republic of Tanzania to strengthen security in the camps. However, to achieve the objective of separating the former political leaders, military and militia from the rest of the refugee population, an operation under Chapter VII of the Charter would have to be undertaken, requiring a force of some 10,000 to 12,000 to prepare new camps, while ensuring the security of international relief workers and distribution of humanitarian assistance in the existing camps.

The Secretary-General was of the view that a United Nations peace-keeping operation would be the most realistic way of improving the security in the camps. He said that establishing security was only the first step in an overall strategy to establish long-term security and durable peace in Rwanda, including help for the Government to create the conditions for large-scale repatriation and reintegration of refugees and internally displaced. He appealed to the international community to provide immediate assistance to the Government. The Secretary-General said that once progress had been achieved in establishing secure conditions in the camps and providing the Government with financial and technical assistance, he intended to work with OAU on addressing the wider problems of the subregion. The first step in that direction would be the convening in Bujumbura, Burundi, of an OAU regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region. He said that a broader conference should be convened later by the United Nations and OAU to address long-term solutions to ensure peace, security and development in the subregion.

#### SECURITY COUNCIL ACTION

The Security Council met on 30 November to consider the Secretary-General's report. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(49)</sup>

The Security Council has considered carefully the report of the Secretary-General dated 18 November 1994 on the security in the Rwandese refugee camps, particularly those located in Zaire. It is gravely concerned at the situation described in the Secretary-General's report.

The Security Council condemns the actions being taken by the former Rwandan leaders, and by former government forces and militias to prevent, in some cases by force, the repatriation of the refugees in the camps. It also condemns the ongoing interference by these groups and individuals in the provision of humanitarian relief, and is deeply concerned that this interference has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps.

The Security Council is alarmed at the indications that these same groups and individuals may be preparing for an armed invasion of Rwanda. It deplores the fact that food distributed by relief agencies for those in the camps is apparently being misappropriated for this purpose. The Council condemns all such actions. It warns these persons, many of whom may have been implicated in the genocide and other serious violations of international humanitarian law which were unleashed on Rwanda in April 1994, that their actions will only reinforce the determination of the international community to ensure that such persons are brought to justice. The Council also stresses once again the responsibilities of neighbouring countries for ensuring that their territories are not used to destabilize the situation inside Rwanda.

The Security Council notes the statement in the Secretary-General's report of 18 November 1994 that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to reduce intimidation of prospective returnees and to improve security in the Rwandese refugee camps, especially those in Zaire. The Security Council attaches equal importance to the Secretary-General's observation that any operation to achieve this would be futile without parallel efforts to promote national reconciliation and reconstruction in Rwanda. The Council stresses the imperative of reinvigorating the political process to provide a framework for any action taken to address security in the camps and the repatriation of Rwandese refugees to Rwanda. The framework should include a mechanism for sustaining a dialogue between the Government of Rwanda, refugee representatives and the United Nations.

The Security Council considers that the options described in the Secretary-General's report raise complex issues which require further elucidation. The Council requests the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peace-keeping operation modelled along the lines described in paragraphs 18 to 25 of the Secretary-General's report, namely to create secure areas within large camp sites, providing safe conditions for the refugees in those areas. The Council requests the Secretary-General to provide a detailed description of the objectives, rules of engagement and costs of such an operation as soon as possible. The Council further requests the Secretary-General to continue to explore as appropriate all possible means of addressing the problems in the camps. The Council will be giving further urgent consideration of this question in the light of the additional information it receives from the Secretary-General.

The Security Council encourages the Secretary-General to assess the taking, on an interim basis, of initial measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contract arrangements, to train and monitor the local security forces. The Council also requests the Secretary-General to consider what steps need to be taken to address the question of security in the refugee camps in Tanzania and Burundi. However, the Council is concerned that the

use of local security forces without international involvement may not prove to be an effective approach to the security problems in the camps.

The Security Council recognizes that, in the wake of the events that have overtaken Rwanda, the Government needs immediate and major financial assistance, particularly in the establishment of security conditions inside the country, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese.

The Security Council notes the deployment of 60 human rights officers in the country and the steps taken by UNAMIR to promote the re-establishment of civil administration throughout the country and looks forward to full deployment. The Council also welcomes the fact that procedures are being instituted, with the cooperation of the Government of Rwanda, to make operational the International Tribunal for Rwanda established in resolution 955(1994).

The Security Council reminds States that, in accordance with resolution 925(1994), the Secretary-General has established a trust fund which could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda. It calls upon the international community to provide the resources needed for the Rwanda Emergency Normalization Plan, the forthcoming UNDP-sponsored round-table meeting and the consolidated inter-agency appeal.

The Security Council welcomes the Secretary-General's intention to work with the Organization of African Unity (OAU) to address the wider problems of the subregion.

The Security Council notes that preparations are under way for the convening in Bujumbura in the near future of a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, sponsored by OAU and endorsed by the General Assembly in resolution 49/7. It also notes the Secretary-General's view that the United Nations and OAU should jointly convene at a later stage a broader conference to address a range of political and other issues, including national reconciliation, in order to identify long-term solutions to ensure peace, security and development in the subregion. Given the urgent need to take forward the political process as part of an overall strategy, including action on security in the camps and conditions inside Rwanda, the Council requests the Secretary-General to consider how preparations for this conference can be accelerated.

The Security Council will remain seized of the matter.

Meeting number. SC 3472.

#### GENERAL ASSEMBLY ACTION

On 2 December, the General Assembly adopted **resolution 49/23** on emergency assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda. On the same date, the Assembly adopted **resolution 49/24**, expressing concern at the grave social, economic, health and ecological impact of the

massive and unexpected presence of refugees in countries which were neighbours of Rwanda and urged that they be provided with all possible financial, technical and material assistance.

On 23 December, the Assembly adopted resolution 49/174 on assistance to refugees, returnees and displaced persons in Africa.

### Commission of Experts

Following the massacres in Rwanda, sparked off by the deaths of the Presidents of Burundi and Rwanda, the Security Council in April<sup>(20)</sup> condemned all breaches of international humanitarian law, particularly those perpetrated against the civilian population, and recalled that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constituted a crime punishable under international law. It requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law committed in Rwanda and to report as soon as possible (resolution 918(1994)).

In a May report,<sup>(24)</sup> the Secretary-General indicated that the special mission he had dispatched to Rwanda had reported that an estimated 250,000 to 500,000 persons, out of Rwanda's population of 7 million, had been killed, with tens of thousands more maimed or wounded. The killings had continued in a systematic manner throughout the country and only a proper investigation could establish the facts and define culpability. The Secretary-General said that evidence suggested that the killings constituted genocide, but continuing hostilities impeded full investigation. He also noted that the High Commissioner for Human Rights had visited Rwanda and the Commission on Human Rights had designated a Special Rapporteur for Rwanda. The Special Rapporteur had submitted his report to the General Assembly and the Council.<sup>(30)</sup>

### SECURITY COUNCIL ACTION (July)

The Security Council met on 1 July to consider the Secretary-General's May report. It adopted resolution 935(1994) unanimously.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Reaffirming, in particular, resolutions 918(1994) and 925(1994), which expanded the United Nations Assistance Mission for Rwanda (UNAMIR), and stressing in this connection the need for early deployment of the expanded UNAMIR to enable it to carry out its mandate,

Recalling the statement by the President of the Security Council of 30 April 1994 in which the Security Council, *inter alia*, condemned all breaches of international humanitarian law in Rwanda, particularly those

perpetrated against the civilian population, and recalled that persons who instigate or participate in such acts are individually responsible,

Recalling also the requests it addressed to the Secretary-General in the statement by the President of the Security Council of 30 April 1994 and in resolution 918(1994), concerning the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict,

Having considered the report of the Secretary-General of 31 May 1994, in which he noted that massacres and killings have continued in a systematic manner throughout Rwanda and also noted that only a proper investigation can establish the facts in order to enable the determination of responsibility,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights and noting the appointment, pursuant to resolution S-3/1 of 25 May 1994 adopted by the United Nations Commission on Human Rights, of a Special Rapporteur for Rwanda,

Expressing once again its grave concern at the continuing reports indicating that systematic, widespread and flagrant violations of international humanitarian law, including acts of genocide, have been committed in Rwanda,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice,

1. Requests the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission of Experts may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide;

2. Calls upon States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to grave violations of international humanitarian law, including breaches of the Convention on the Prevention and Punishment of the Crime of Genocide, committed in Rwanda during the conflict, and requests States, relevant United Nations bodies and relevant organizations to make this information available within thirty days of the adoption of the present resolution and as appropriate thereafter, and to provide appropriate assistance to the Commission of Experts referred to in paragraph 1;

3. Requests the Secretary-General to report to the Council on the establishment of the Commission of Experts, and further requests the Secretary-General, within four months from the establishment of the Commission of Experts, to report to the Council, on the conclusions of the Commission and to take account of these conclusions in any recommendations for further appropriate steps;

4. Also requests the Secretary-General and as appropriate the High Commissioner for Human Rights through the Secretary-General to make the information

submitted to the Special Rapporteur for Rwanda available to the Commission of Experts and to facilitate adequate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur in the performance of their respective tasks;

5. Urges all concerned fully to cooperate with the Commission of Experts in the accomplishment of its mandate, including responding positively to requests from the Commission for assistance and access in pursuing investigations;

6. Decides to remain actively seized of the matter.

**Security Council resolution 935(1994)**

1 July 1994 Meeting 3400 Adopted unanimously

8-nation draft (S/1994/775).

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

**Reports of the Secretary-General.** In response to the Security Council's request of 17 May (**resolution 918(1994)**), the Secretary-General presented on 21 July his report on the investigation of serious violations of international humanitarian law committed in Rwanda.<sup>(51)</sup> He stated that the Centre for Human Rights of the Secretariat had received reports of serious violations of human rights, including large-scale and extremely grave violations of the right to life and physical integrity, the right to freedom of movement, property rights and breaches of the right to humanitarian aid and assistance. In the Kigali area, roadblocks were set up to identify passers-by and persons of Tutsi origin were reportedly killed. Members of the Presidential Guard, units of the Rwandese armed forces, political party militias and gangs of armed civilians were said to have gone from house to house, killing thousands of civilians. Some were witnessed using pre-established lists and maps to find their victims.

While many of the several hundreds of thousands were said to have lost their lives caught up in combat or during indiscriminate attacks against civilian settlements, large-scale killings of civilians by government forces were reported from areas far remote from the hostilities between the latter and RPF. The evidence available strongly suggested that killings were carried out in a planned and concerted manner, and in many instances the two radio stations close to the Government were reported to have incited violence and extrajudicial killings. Reports were also received concerning summary or arbitrary executions carried out by RPF forces in acts of revenge. Concerns were expressed about the low number of prisoners and it was feared that most of those captured might have been killed.

Large numbers of people were restricted in their movement, both in government-controlled areas and those under RPF control. Reports were also received of the impossibility of providing humanitarian aid and assistance to those in need. Humanitarian personnel were attacked or prevented

from reaching them, while others were detained and threatened by the militias when distributing food. There were reports of torture, often preceding killings, mutilation of victims and large-scale rape of women, especially young girls. Massive looting was said to have taken place and houses invaded after their lawful owners were either killed or forced to flee.

The report also described the action taken by the Commission on Human Rights for investigating serious violations of humanitarian law in Rwanda (see PART THREE, Chapter X).

On 26 July,<sup>(52)</sup> the Secretary-General reported on the establishment of the Commission of Experts authorized by resolution 935(1994). The work of the Commission would be in two stages: Members of the Commission would first review and update available information and carry out its own investigations to complement those already undertaken by the Special Rapporteur; in the second stage, the Commission would draw up its conclusions, on the basis of which identification of those responsible for violations could be made. In the light of those conclusions, the Commission would examine the question of the jurisdiction, international or national, before which such persons should be brought to trial. The Commission would be composed in the first instance of three members, serving in their own capacity. It would be located in Geneva and would rely on the resources already made available by the Special Rapporteur. The Secretary-General also intended to establish a trust fund to receive voluntary contributions to assist the Commission of Experts in carrying out its work.

On 29 July,<sup>(53)</sup> the Secretary-General informed the Security Council President that he had decided to appoint the following members of the Commission: Atsu-Koffi Amega (Togo) (Chairman), Habi Dieng (Guinea) and Salifou Fomba (Mali).

**Commission report.** On 1 October,<sup>(54)</sup> the Secretary-General submitted the preliminary report of the independent Commission of Experts covering the period from 6 April to 15 July. The Commission reviewed information from States, organs of the United Nations, intergovernmental bodies, NGOs, both sides in the armed conflict and individuals. It reviewed the facts and considered issues of law relating to individual responsibility in international law, attribution (imputability) and questions relating to criminal jurisdiction. The Commission also established a projected plan of work for investigating particular cases with a view to forwarding them to an international or national prosecutor, as the case may be.

The Commission concluded that, on the basis of ample evidence, individuals from both sides to the armed conflict in Rwanda between 6 April and 15 July had perpetrated serious breaches of inter-

national humanitarian law, in particular of obligations set forth in article 3 common to the four Geneva Conventions of 12 August 1949 concerning cases of "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties" and in Protocol II additional to the Geneva Conventions and relating to the protection of victims of non-international armed conflicts, of 8 June 1977. Both sides had perpetrated crimes against humanity and overwhelming evidence existed to prove that acts of genocide against the Tutsi group were perpetrated by Hutu elements in a concerted, planned, systematic and methodical way, within the meaning of article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.<sup>(55)</sup> So far, the Commission had not discovered any evidence to indicate that Tutsi elements perpetrated acts with intent to destroy the Hutu ethnic group within the meaning of that Convention. The Commission considered that to enhance the fair and consistent interpretation, application and adjudication of international law on individual responsibility for serious violations and to effect the most efficient allocation of resources, the jurisdiction of the International Criminal Tribunal for the former Yugoslavia should be expanded to permit cases concerning the situation in Rwanda to be brought under it.

Accordingly, the Commission recommended that the Security Council ensure that individuals responsible for the serious violations of human rights in Rwanda were brought to justice before an independent and impartial international criminal tribunal; accord them a fair trial according to international standards of law and justice; and amend the Statute of the International Criminal Tribunal for the former Yugoslavia to ensure that its jurisdiction covered crimes committed in Rwanda. It undertook to submit a final report by 30 November.

#### SECURITY COUNCIL ACTION (November)

The Security Council met on 8 November to consider the establishment of an international tribunal for Rwanda. In letters dated 31 October<sup>(56)</sup> and 7 November,<sup>(57)</sup> respectively, Uganda and Zaire objected to certain provisions of the draft resolution before the Council. The Council adopted **resolution 955(1994)** by recorded vote.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the reports of the Secretary-General pursuant to paragraph 3 of resolution 935(1994) of 1 July 1994, and having taken note of the reports of the Special Rapporteur for Rwanda of the United Nations Commission on Human Rights,

Expressing appreciation for the work of the Commission of Experts established pursuant to resolution 935(1994),

in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the Secretary-General's letter of 1 October 1994,

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

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

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

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

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

Stressing also the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935(1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

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

1. Decides hereby, having received the request of the Government of Rwanda, to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

2. 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 28 of the Statute, and requests States to keep the Secretary-General informed of such measures;

3. Considers that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the Statute;

4. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

5. Requests the Secretary-General to implement this resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal, including recommendations to the Council as to possible locations for the seat of the International Tribunal at the earliest time and to report periodically to the Council;

6. Decides that the seat of the International Tribunal shall be determined by the Council having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy, and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions; and decides that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

7. Decides to consider increasing the number of judges and Trial Chambers of the International Tribunal if it becomes necessary;

8. Decides to remain actively seized of the matter.

### ANNEX

#### Statute of the International Tribunal for Rwanda

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

#### Article 1

##### Competence of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute.

#### Article 2

##### Genocide

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

#### Article 3

##### Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation;
- (e) Imprisonment;
- (f) Torture;
- (g) Rape;
- (h) Persecutions on political, racial and religious grounds;
- (i) Other inhumane acts.

#### Article 4

##### Violations of article 3 common to the Geneva Conventions and of Additional Protocol II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

- (a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) Collective punishments;
- (c) Taking of hostages;
- (d) Acts of terrorism;
- (e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) Pillage;
- (g) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;
- (h) Threats to commit any of the foregoing acts.

#### Article 5

##### Personal jurisdiction

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.



Article 6  
Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute shall be individually responsible for the crime.

2. The official position of any accused person, whether as head of State or Government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

Article 7  
Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

Article 8  
Concurrent jurisdiction

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the rules of procedure and evidence of the International Tribunal for Rwanda.

Article 9  
Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international

humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

(a) The act for which he or she was tried was characterized as an ordinary crime; or

(b) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10  
Organization of the International Tribunal for Rwanda  
The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(b) The Prosecutor; and

(c) A Registry.

Article 11  
Composition of the Chambers  
The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12  
Qualification and election of judges  
1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

#### Article 13

##### Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

#### Article 14

##### Rules of procedure and evidence

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

#### Article 15

##### The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

#### Article 16

##### The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

#### Article 17

##### Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations ex officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

#### Article 18

##### Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

#### Article 19

##### Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

#### Article 20

##### Rights of the accused

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(g) Not to be compelled to testify against himself or herself or to confess guilt.

#### Article 21

##### Protection of victims and witnesses

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

#### Article 22

##### Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of its judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

#### Article 23

##### Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

#### Article 24

##### Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

(a) An error on a question of law invalidating the decision; or

(b) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

#### Article 25

##### Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

#### Article 26

##### Enforcement of sentences

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment shall be in accordance with

the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

#### Article 27

##### Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

#### Article 28

##### Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

- (a) The identification and location of persons;
- (b) The taking of testimony and the production of evidence;
- (c) The service of documents;
- (d) The arrest or detention of persons;
- (e) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

#### Article 29

##### The status, privileges and immunities of the International Tribunal for Rwanda

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat or meeting place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

#### Article 30

##### Expenses of the International Tribunal for Rwanda

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

#### Article 31

##### Working languages

The working languages of the International Tribunal shall be English and French.

#### Article 32

##### Annual report

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

#### Security Council resolution 955(1994)

8 November 1994

Meeting 3453

13-1-1

7-nation draft (S/1994/1168).

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

Vote in Council as follows:

In favour: Argentina, Brazil, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Spain, United Kingdom, United States.

Against: Rwanda.

Abstaining: China.

Explaining its negative vote, Rwanda said that although it supported the establishment of a Tribunal, it was not satisfied with the fact that the Statute did not take into account acts of genocide committed prior to 1 January 1994; the composition and structure of the Tribunal; the Tribunal proposed prosecuting crimes under the jurisdiction of internal tribunals; the proposal to imprison those condemned outside Rwanda; the disparity in the proposed sentences, since the Statute ruled out capital punishment; and the seat of the Tribunal being outside Rwanda.

On 9 December,<sup>(8)</sup> the Secretary-General submitted the final report of the Commission of Experts. It said that it was unable to uncover evidence to indicate that the killings of Hutus perpetrated by RPF soldiers were systematic, sponsored or even approved of by government officials or army commanders; however, it was recommending that investigations continue and to that end would submit all relevant files to the Secretary-General.

On 23 December, the General Assembly, in **resolution 49/206**, welcomed the establishment of the International Criminal Tribunal for Rwanda and urged States to cooperate fully with it.

#### UN Assistance Mission for Rwanda

In October 1993,<sup>(9)</sup> the Security Council established for an initial period of six months the United Nations Assistance Mission for Rwanda to assist in the implementation of the Arusha peace agreement signed by the Government of Rwanda and RPF in August 1993.<sup>(11)</sup> On 5 January 1994,<sup>(6)</sup> the Security Council agreed to the Secretary-General's proposal<sup>(61)</sup> that Romania be added to the list of countries contributing military personnel to UNAMIR. The following day,<sup>(62)</sup> the Council informed the Secretary-General that it had reviewed his December 1993 report on UNAMIR,<sup>(63)</sup> in which he had recommended that the Council proceed with the deployment of the second phase of UNAMIR.

#### SECURITY COUNCIL ACTION (January)

The Security Council met on 6 January and adopted **resolution 893(1994)** unanimously.

The Security Council,

Reaffirming its resolution 872(1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR),

Recalling its resolutions 812(1993) of 12 March 1993, 846(1993) of 22 June 1993 and 891(1993) of 20 December 1993,

Having examined the report of the Secretary-General of 30 December 1993, in the context of the review called for in its resolution 872(1993), as well as his previous report of 24 September 1993,

Welcoming the conclusion, on 5 November 1993, of an agreement on the status of UNAMIR and its personnel in Rwanda,

Taking note of the progress described in the Secretary-General's report of 30 December 1993 in implementing the Arusha peace agreement,

Welcoming further the valuable contribution to peace made in Rwanda by UNAMIR,

Noting with concern the incidents of violence in Rwanda and the consequences for Rwanda of the situation in Burundi, and urging all concerned to reaffirm their commitment to peace,

Welcoming also the joint statement made by the parties in Kinyihira on 10 December 1993 concerning the implementation of the Arusha Peace Agreement and, in particular, the prompt establishment of a broad-based transitional government,

1. Reaffirms its approval of the Secretary-General's proposal concerning the deployment of UNAMIR as outlined in his report of 24 September 1993, including the early deployment of the second battalion to the demilitarized zone as indicated in paragraph 30 of his report of 30 December 1993;

2. Strongly urges the parties to cooperate fully in furthering the peace process, to comply fully with the Arusha peace agreement, on which the schedule contained in the Secretary-General's report of 24 September 1993 is based, and in particular to establish a broad-based transitional government at the earliest opportunity in accordance with this agreement;

3. Stresses that continued support for UNAMIR will depend upon the full and prompt implementation by the parties of the Arusha peace agreement;

4. Welcomes the continued efforts by the Secretary-General and his Special Representative to help promote and enhance dialogue among all the parties concerned;

5. Commends the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance and urges others to provide such assistance;

6. Commends in particular the efforts of the Organization of African Unity, its member States and agencies in providing diplomatic, political, humanitarian and other support for the implementation of resolution 872(1993);

7. Reiterates its request to the Secretary-General to continue to monitor the size and cost of UNAMIR to seek economies;

8. Decides to remain actively seized of the matter.

**Security Council resolution 893(1994)**

**6 January 1994 Meeting 3326 Adopted unanimously**

*Draft prepared in consultations among Council members (S/1994/11).*

Report of the Secretary-General (March). UNAMIR continued to assist in the efforts to facilitate

and advance the full and effective implementation of the Arusha peace agreement, said the Secretary-General in a March report on UNAMIR.<sup>(64)</sup> On 5 January, the incumbent head of State, Major-General Juvenal Habyarimana, was sworn in as President of Rwanda. However, continuing difficulties between the parties prevented the installation of the broad-based Government and the Transitional National Assembly. That delayed completion of phase I of the implementation plan of the Arusha peace agreement and contributed to a deterioration of the security situation. The Prime Minister-designate, Faustin Twagiramungu, on 18 March announced the proposed composition of the broad-based transitional Government. The following day, the Prime Minister of the current Government announced the names of deputies for the Transitional National Assembly. However, the President of Rwanda issued a communique on 21 March outlining concerns addressed to him concerning the choice of candidate for Minister of Justice and his own concerns regarding the list of deputies. Ceremonies for the installation of the transitional institutions that were scheduled for 25 March had to be cancelled because of the number of issues still outstanding.

The persistent stalemate also delayed the start of phase II operations of UNAMIR for the disengagement, demobilization and integration of the armed forces of the parties and of the gendarmerie. UNAMIR forces were, however, in place and ready to begin operations at short notice. Preparations for phase III, involving the actual disengagement, demobilization and integration process, were well advanced. As of 22 March, UNAMIR had a strength of 2,539 military personnel from 24 nations. UNAMIR, whose operations were divided into five sectors under the implementation plan, established a sixth sector in February to cover requirements arising from the situation in neighbouring Burundi (see above). The report outlined the major developments in the six sectors, including the establishment of the southern-sector headquarters in Butane, covering the sensitive and tense area resulting from the influx of refugees from Burundi, cross-border activities, heightened ethnic tensions, increasing reports of paramilitary training and arms distribution, famine and the continuing volatility of the overall political situation in both Burundi and Rwanda. The planning of a demining programme was well advanced and a mine-clearing coordination centre established. UNAMIR's civilian police contingent, with its authorized strength of 60 civilian police monitors, was able to deploy and operate only in Kigali.

The humanitarian situation had also deteriorated due to massive population movements as a result of the conflict, the continuing drought in parts of the country and the shortage of seeds for planting, increasing the threat of famine to hundreds of thousands of Rwandese.

The Secretary-General stated that the United Nations should support the current initiatives to resolve the remaining differences in order to complete phase I of the implementation plan and facilitate phase II operations. He recommended that the Council extend UNAMIR's mandate for six months, subject to review.

#### SECURITY COUNCIL ACTION (5 April)

The Security Council met on 5 April to consider the Secretary-General's report. It adopted **resolution 909(1994)** unanimously.

The Security Council,

Reaffirming its resolution 872(1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR), as well as its resolution 893(1994) of 6 January 1994,

Recalling its resolutions 812(1993) of 12 March 1993, 846(1993) of 22 June 1993 and 891(1993) of 20 December 1993,

Recalling also its statement dated 17 February 1994,

Having considered the report of the Secretary-General dated 30 March 1994,

Welcoming the valuable contribution to peace being made in Rwanda by UNAMIR,

Expressing its deep concern at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly,

Emphasizing that the Security Council, in resolution 893(1994) of 6 January 1994, authorized the deployment of a second battalion to the demilitarized zone as recommended by the Secretary-General in his report of 30 December 1993, and that the international community has thus done its part in ensuring that conditions exist for implementing the Arusha peace agreement,

Considering that the fact that the transitional institutions have not been established constitutes a major obstacle to the implementation of the Arusha peace agreement,

Concerned at the deterioration in security in the country, particularly in Kigali,

Concerned also at the deterioration of the humanitarian and health situation,

1. Welcomes the report of the Secretary-General on Rwanda dated 30 March 1994;

2. Decides to extend the mandate of UNAMIR until 29 July 1994, on the understanding that the Security Council will, within the next six weeks, review the situation in Rwanda, including the role played in that country by the United Nations, if the Secretary-General informs it in a report that the transitional institutions provided for under the Arusha peace agreement have not been established and that insufficient progress has been made for the implementation of phase II of the Secretary-General's plan contained in his report of 24 September 1993;

3. Regrets the delay in the implementation of the Arusha peace agreement, and urges the parties to resolve their latest differences without delay with a view to the immediate establishment of those transitional institutions still required for the continuation of the process, and particularly the implementation of phase II;

4. Welcomes the fact that, despite the difficulties encountered in implementing the Arusha Peace Agreement, the cease-fire has been respected, and commends in this respect the essential contribution made by UNAMIR;

5. Recalls nevertheless that continued support for UNAMIR, including the provision of an additional 45 civilian police monitors as described in paragraph 38 of the Secretary-General's report, will depend upon full and prompt implementation by the parties of the Arusha peace agreement;

6. Welcomes the continued efforts by the Secretary-General and his Special Representative to help promote and facilitate dialogue between all parties concerned;

7. Commends the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and again urges others to provide such assistance;

8. Commends in particular the efforts of the Organization of African Unity and its agencies, as well as those of the Tanzanian facilitator, in providing diplomatic, political, humanitarian and other support for the implementation of the relevant resolutions of the Council;

9. Reiterates its request to the Secretary-General to continue to monitor the size and cost of UNAMIR to seek economies;

10. Decides to remain actively seized of the question.

Security Council resolution 909(1994)

5 April 1994

Meeting 3358

Adopted unanimously

Draft prepared in consultations among Council members (S/1994/391).

**Communications.** In a letter of 13 April<sup>(65)</sup> to the Security Council President, Belgium said that the widespread massacres following the death of the Presidents of Rwanda and Burundi had been compounded by the military conflict between the forces of the Rwandan Government and RPF. Belgium had had to organize a humanitarian operation to evacuate foreign nationals, including United Nations personnel. The departure of the Rwandese Government from the capital had confirmed the rapid deterioration of the situation and seriously jeopardized implementation of the Arusha peace agreement. Under those conditions, the continuation of UNAMIR under its current mandate had become pointless. Moreover, the continued presence of the Belgian contingent, which had lost 10 of its soldiers and was the object of an anti-Belgium campaign, would expose UNAMIR to unacceptable risks and impede its action. The activities of UNAMIR forces should therefore be suspended until such time as conditions permitted a resumption of the peace process. Only on humanitarian grounds could a United Nations presence in Rwanda be justified.

On 15 April,<sup>(66)</sup> Belgium submitted letters of that date to the Council President and the Secretary-General, reiterating its position in respect of the continued presence of UNAMIR in Rwanda and its intention to withdraw its contingent.

**Report of the Secretary-General (April).** In a special report on UNAMIR,<sup>(67)</sup> the Secretary-General said it had become impossible for UNAMIR to continue the tasks under its mandate. It had responded to the security and humanitarian crises by trying to secure agreement on a cease-fire; protect United Nations civilian staff and foreign and Rwandese nationals; negotiate a truce with the two parties to enable the evacuation of expatriates; provide escorts for evacuation convoys; rescue those persons trapped in the fighting; and provide humanitarian assistance to the displaced persons under its protection. Efforts by UNAMIR to secure a cease-fire were fruitless, as both sides adopted rigid positions. The violence continued, with mortar attacks on concentrations of displaced civilians under UNAMIR's protection. Its headquarters was also attacked on 19 April. With the departure of the Belgian contingent and non-essential personnel from other contingents, the reduced military strength stood as of 20 April at a total of 1,705. The remaining personnel could not be left at risk indefinitely.

Under those circumstances, the Secretary-General stated that a decision had to be made on how the United Nations would maintain its efforts in Rwanda. He offered three alternatives for the Council's consideration: a massive reinforcement of UNAMIR, requiring several thousand additional troops, and a change in its mandate to coerce the opposing forces into a cease-fire, restore law and order, put an end to the killings and facilitate the provision of humanitarian assistance in all parts of the country; a small group headed by the Force Commander, supported by a staff of about 270, to bring about agreement on a cease-fire within a period of about two weeks; or complete withdrawal of UNAMIR, with a commitment from both sides to ensure the safety of civilians in the areas under their respective control.

Further communications. On 21 April,<sup>(68)</sup> Bangladesh requested that its contingent in UNAMIR be relocated to a neighbouring country until a peace accord was signed, if the situation did not permit the safe stay of UNAMIR elements in Rwanda. On the same day,<sup>(69)</sup> Uganda appealed to the Council to maintain UNAMIR's presence in Rwanda to provide humanitarian assistance, facilitate mediation between the warring factions and continue the search for a lasting peace.

#### SECURITY COUNCIL ACTION (21 April)

The Security Council met on 21 April to consider the special report of the Secretary-General. It adopted resolution 912(1994) unanimously.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872(1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR),

Recalling its resolution 909(1994) of 5 April 1994, which extended the mandate of UNAMIR until 29 July 1994 with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha peace agreement between the Government of Rwanda and the Rwandese Patriotic Front,

Recalling also its statement of 7 April 1994 which, *inter alia*, reaffirmed its commitment to the Arusha peace agreement and urged all parties to implement it fully,

Having considered the report of the Secretary-General dated 20 April 1994,

Stressing that the Arusha peace agreement remains central to the peace process in Rwanda,

Expressing deep regret at the failure of the parties to implement fully the provisions of the Arusha peace agreement, particularly those provisions relating to the cease-fire,

Recognizing the initiatives made by the late Presidents of Rwanda and Burundi towards resolving the problems in their countries through peaceful means and in collaboration with regional leaders,

Shocked at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994,

Appalled at the ensuing large-scale violence in Rwanda, which has resulted in the death of thousands of innocent civilians, including women and children, the displacement of a significant number of the Rwandese population, including those who sought refuge with UNAMIR, and the significant increase in refugees to neighbouring countries,

Deeply concerned by continuing fighting, looting, banditry and the breakdown of law and order, particularly in Kigali,

Stressing the need for all countries to avoid any action that might exacerbate the situation in Rwanda,

Expressing its deep concern for the safety and security of UNAMIR and other United Nations personnel, and personnel of non-governmental organizations who are assisting in implementing the peace process and in distributing humanitarian relief,

1. Takes note of the report of the Secretary-General dated 20 April 1994;

2. Expresses regret at the tragic incident in which the Presidents of Rwanda and Burundi lost their lives, and reiterates its invitation to the Secretary-General to report to the Council as requested in its statement of 7 April 1994;

3. Expresses regret also at the ensuing violence which has claimed the lives of the Prime Minister, Cabinet Ministers, Government officials and thousands of other civilians;

4. Condemns the ongoing violence in Rwanda, particularly in Kigali, which endangers the lives and safety of the civilian population;

5. Strongly condemns the attacks against UNAMIR and other United Nations personnel leading to the deaths of and injury to several UNAMIR personnel and calls upon all concerned to put an end to these acts of violence and to respect fully international humanitarian law;

6. Demands an immediate cessation of hostilities between the forces of the Government of Rwanda and the Rwandese Patriotic Front and for an end to the mindless violence and carnage which are engulfing Rwanda;

7. Commends the active role of the Special Representative of the Secretary-General and of the Force Commander to bring about a cease-fire and to mediate between the parties in order to bring about the earliest resolution of the Rwandan crisis;

8. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR as follows:

(a) To act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire;

(b) To assist in the resumption of humanitarian relief operations to the extent feasible; and

(c) To monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with UNAMIR, and authorizes a force level as set out in paragraphs 15 to 18 of the Secretary-General's report of 20 April 1994 for that purpose;

9. Decides to keep the situation in Rwanda under constant review and states its readiness to consider promptly any recommendations which the Secretary-General may make concerning the force level and mandate of UNAMIR in the light of developments;

10. Reiterates the crucial importance of the full implementation of the Arusha peace agreement to the settlement of the Rwandan conflict and invites the Organization of African Unity (OAU) to continue to cooperate fully with the United Nations in this regard;

11. Commends the efforts made by the leaders of the subregion at finding a solution to the crisis in Rwanda and calls on the leaders of the region, especially the facilitator to the Arusha peace process, to persevere and intensify their efforts, in cooperation with OAU and the United Nations;

12. Reaffirms that the Arusha peace agreement remains the only viable framework for the resolution of the Rwandan conflict and serves as the basis for peace, national unity and reconciliation in the country and calls on the parties to renew their commitment to this agreement;

13. Calls also upon the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all in need throughout Rwanda and in this regard appeals to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda;

14. Affirms its commitment to preserving the unity and territorial integrity of Rwanda;

15. Invites the Secretary-General to continue to monitor the events in Rwanda and to report fully to the Council on the evolving situation not later than fifteen days after the adoption of this resolution;

16. Decides to remain actively seized of the matter.

Security Council resolution 912(1994)

21 April 1994 Meeting 3368 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/488).

**Further developments.** Following the adoption of the resolution reducing the size of UNAMIR to 270 persons, the Secretary-General, in a letter of 29 April,<sup>(6)</sup> informed the Council of a further deterioration of the situation in Kigali and other parts of Rwanda. He said the revised mandate given to UNAMIR on 21 April did not enable it to put an end to the massacres. He therefore urged

the Council to re-examine its decision and consider what action it could take or authorize Member States to take to restore law and order and stop the massacres.

On 2 May,<sup>(7)</sup> Rwanda said that stabilization of the situation required the strengthening of UNAMIR, and requested the Council to authorize an increase in its resources. It also called for the United Nations Observer Mission Uganda-Rwanda (UNOMUR) to be strengthened.

On 17 May, by **resolution 918(1994)**, the Council expanded UNAMIR's mandate to include the protection of displaced persons, refugees and civilians at risk and support for the distribution of relief supplies and humanitarian relief operations. It also authorized expansion of the force level up to 5,500 troops.

On 8 June, by **resolution 925(1994)**, the Council endorsed the Secretary-General's proposal for the simultaneous deployment of the first and second phases of the expanded operation of UNAMIR and for urgent preparation for the deployment of the third phase. It also extended the UNAMIR mandate until 9 December.

In a 19 June letter<sup>(25)</sup> to the Security Council President, the Secretary-General recalled that although some Member States had offered to contribute troops, they had failed to provide promptly the resources necessary to implement UNAMIR's expanded mandate. As the situation continued to deteriorate and no cease-fire agreement was in sight, he suggested that the Council might wish to consider the offer of France,<sup>(26)</sup> in conjunction with other States, to undertake a multinational operation under Chapter VII of the Charter to assure the security and protection of displaced persons. The Council by **resolution 929(1994)** of 22 June approved that initiative until UNAMIR was brought up to the necessary strength.

The Secretary-General, on 1 August,<sup>(71)</sup> informed the Council that two and a half months after the Council had given its authorization, UNAMIR was far from attaining the required strength of 5,500 troops. Less than 500 were on the ground as at 25 July, due to the complication of matching troops from one country with equipment from another, bureaucratic delays within the Secretariat and the reluctance of Governments possessing the required resources to make them available. The Secretary-General reiterated his request for reinforcements for UNAMIR. He requested Governments with fully equipped units to make them available temporarily until contingents offered were properly equipped and deployed.

The Central Organ of OAU on the deployment of African troops in Rwanda (Sousse, Tunisia, 3 and 4 August) adopted a resolution requesting the Secretary-General to deploy troops from Ethiopia, Nigeria and Tunisia by 21 August and all other



African troops by 15 September.<sup>(72)</sup> It appealed to the international community to provide logistical support to facilitate their deployment.

In August,<sup>(73)</sup> the Secretary-General sought and received the agreement of the Security Council to his proposal to add the following countries to the list of those contributing troops to UNAMIR: Australia, Ethiopia, Guinea, Guinea-Bissau, Ireland, Jordan, Kenya, Sweden and the United Kingdom.<sup>(74)</sup> as well as Chad, the Congo, the Niger and Senegal.<sup>(75)</sup> Additional equipment for the Mission was also offered by Belgium,<sup>(76)</sup> Germany,<sup>(77)</sup> the Netherlands<sup>(78)</sup> and the Republic of Korea.<sup>(79)</sup>

Report of the Secretary-General (October). Reporting on UNAMIR in October,<sup>(80)</sup> the Secretary-General said that, since the cease-fire was declared on 18 July, fighting had ceased and the new broad-based Government, which now controlled the whole of the national territory, had been encouraging the over 2 million refugees to return to Rwanda. Civilian administrative structures were being put in place, but the Government faced the task of rebuilding the social and physical infrastructure in a country where mistrust continued to prevail between the various political and ethnic groups. Some 360,000 refugees had returned to Rwanda since the cease-fire. UNAMIR was installing at Kigali an FM broadcasting capability with a 20-kilometre range to provide factual information concerning its mandate, humanitarian programmes and the general situation in the country.

The Secretary-General instructed his Special Representative for Rwanda to explore with the United Republic of Tanzania and Zaire the situation created by the presence in the refugee camps of former members of the Rwandese government forces and its destabilizing effect on security. A number of violent incidents had occurred and refugees favouring a return to Rwanda were frequently attacked. In Zaire, where the problem was more acute, it was agreed to separate the political leaders and the military elements from the rest of the refugee population through the efforts of a joint Zairian/United Nations working group, supported by a technical team from UNAMIR.

With relative calm returning to Rwanda following the 18 July cease-fire, UNAMIR assumed on 21 August full responsibility for the zone controlled by "Operation Turquoise". It also coordinated the Government's take-over of the south-western zone. The rapid reinforcement of UNAMIR in early August contributed to the improvement of the security situation. Its activities shifted from purely military security-related tasks to supporting humanitarian operations and facilitating the return of refugees and displaced persons. By 3 October, its troop strength was 4,270 all ranks and was expected to exceed its authorized level during the

period from November 1994 to January 1995. UNAMIR also responded to the Government's request that it assist in establishing a new, integrated, national police force by initiating a training programme with 103 students selected from different ethnic and social groups. The Secretary-General recommended that the Council authorize UNAMIR to pursue those efforts.

Assistance to Rwanda had shifted from emergency relief to rehabilitation. The Rwanda Emergency Normalization Plan, which outlined initial financial and technical assistance needs, was distributed among donor countries, agencies and NGOs. UNDP and other organizations had begun projects to support capacity-building. As a result of those efforts, the infrastructure was improving and essential services were being restored. Contributions to the United Nations Consolidated Appeal for Persons Affected by the Crisis in Rwanda, as at 1 September, reached \$384 million of the \$552 million required.

The Secretary-General urged the international community to provide bridging assistance to Rwanda to enable it to re-establish its administration, and appealed to bilateral donors to help resolve the problem of Rwanda's arrears with the World Bank so that it could secure access to that institution's resources. He also urged Member States to contribute to the Trust Fund he had established to finance humanitarian relief and rehabilitation programmes. He supported the recommendation of the Commission of Experts for an international tribunal to investigate breaches of international humanitarian law, crimes against humanity and genocide (see above).

#### SECURITY COUNCIL ACTION (October)

On 14 October, following consultations among Council members, the President made the following statement on behalf of the Security Council:<sup>(48)</sup>

The Security Council has considered the Secretary-General's progress report on the United Nations Assistance Mission for Rwanda (UNAMIR). The Council stresses the importance it attaches to the role of UNAMIR, whose neutral and independent presence is crucial to creating conditions of security. It welcomes the Secretary-General's revised deployment schedule for UNAMIR which is intended to promote security in all sectors of the country and create conditions conducive to the return of refugees. It also welcomes the assistance being provided by UNAMIR to the Government of Rwanda's efforts to establish a new integrated police force. It encourages UNAMIR to continue that assistance and asks the Secretary-General to provide it with detailed information on this programme.

The Security Council remains extremely concerned at the plight of the millions of refugees and displaced persons in Rwanda and the countries of the region. It reiterates its view that their return to their homes is essential for the normalization of the situation in

Rwanda and for the stabilization of the region. It deplores the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home. It welcomes the commitment of the Governments of Zaire, Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the international personnel providing humanitarian assistance to the refugees.

The Security Council notes the view expressed in the report that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese government forces (RGF) soldiers and militias from the rest of the refugee population, and looks forward to receiving a further report from the Secretary-General on this issue, as soon as possible, based inter alia on the findings of the United Nations team participating in the joint Zairian/United Nations working group. It stresses once again the responsibilities which fall upon the neighbouring countries, including that of ensuring that their territories are not used to destabilize the situation.

The return of refugees is also crucially dependent upon the situation within Rwanda itself, including the existence of a climate of confidence and the establishment of a more secure environment. The Security Council notes the important role human rights monitors and their speedy deployment will have in this context and notes also the importance of cooperation between them and UNAMIR. The Security Council stresses the importance it attaches to UNAMIR having an effective broadcasting service to provide objective information. It hopes that the Government of Rwanda will assist in enabling the proposed United Nations radio station to come into operation as soon as possible.

The Security Council welcomes the efforts being made by the Rwandan Government to facilitate the return of refugees and to begin the difficult process of national reconciliation and reconstruction in the country. It notes with concern reports that some reprisals may have occurred and affirms the importance it attaches to the avoidance of reprisals against returnees and to the safeguarding of their property rights. It welcomes the speed with which the United Nations and the Government of Rwanda responded to allegations that some Rwandese Patriotic Army soldiers might have been responsible for systematic killings. It underlines the importance it attaches to the thorough and expeditious investigation of these allegations.

The Security Council welcomes the assurance given to Council members by President Bizimungu of his Government's commitment to achieving national reconciliation and promoting respect for the fundamental rights of individuals. The Security Council stresses the importance it attaches to the Government of Rwanda implementing this commitment. In this context it endorses the Secretary-General's call to the Government of Rwanda to maintain an open dialogue with all political interest groups in Rwanda in an effort to achieve genuine reconciliation between all elements of Rwandan society, within the frame of reference of the Arusha peace agreement. In partic-

ular, the Security Council encourages the Rwandan Government to continue its efforts to invite members of the Mouvement républicain national pour le développement who were not involved in the massacres to participate in the Government and to absorb members of the former RGF into the new army.

The Security Council reaffirms its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice. It stresses that persons involved in such acts cannot achieve immunity from prosecution by fleeing the country and notes that the provisions of the Convention relating to the status of refugees do not apply to such persons. In this context, the Council is currently considering the recommendations of the Commission of Experts in respect of the establishment of an international tribunal and will act expeditiously in the matter.

The Security Council commends the assistance given by the international community, the United Nations agencies and non-governmental organizations in response to the crisis in Rwanda. It calls on them to maintain their support during the difficult transition period and to begin to redirect their support from relief to rehabilitation and reconstruction. It endorses the Secretary-General's views as to the importance of immediate and coordinated assistance, in particular to the restoration of civil administration and the reconstruction of the social and economic infrastructure of the country.

The Security Council agrees with the Secretary-General that developments in Rwanda strengthen the case for a broader approach to the question of national reconciliation and other key aspects of the crisis. It encourages him to continue his consultations on how the United Nations can assist in the preparation and convening of an international conference to look into the problems of the subregion.

The Security Council will remain seized of the matter.

Meeting number. SC 3436.

### **Report of the Secretary-General (November).**

In a November report on UNAMIR,<sup>(81)</sup> the Secretary-General said that while unstable and insecure conditions still prevailed in Rwanda, there were some signs of progress. Private-sector activities were being revived and schools were reopening. However, reactivation of the public sector remained constrained by the severe lack of resources, particularly cash reserves to meet salaries and other essential payments. As a result, the army continued to staff civilian sectors of governance. In terms of national reconciliation, over 2,000 soldiers of the former Rwandese government forces were incorporated into the Rwandese Patriotic Army. Almost all the appointed prefects of the provinces were civilians, including two from the former administration. The President had assured that the Government would be made more inclusive and would invite members of the Mouvement républicain national pour le développement to participate.

The return of refugees, which since mid-July numbered some 400,000, had created the problem of land tenure and rival claims to property rights. On 7 November, the Minister of Information stressed the Government's resolve to protect individual property, distribute land to new returnees and ensure their orderly resettlement.

The security situation in the refugee camps continued to worsen as the Secretary-General had already reported<sup>(47)</sup> previously (see above, under "Refugee situation"). The situation caused some NGOs to withdraw, as militia activity made the distribution of relief supplies virtually impossible. There were also indications that the former Government and militia soldiers were stockpiling relief supplies for their own purposes and the former Rwandese army was actively recruiting and training troops from the camps. In addition, the former army and militia had intensified their propaganda campaign against the new Government.

The human rights field operation launched by the High Commissioner for Human Rights had established seven regional offices and, by mid-November, 60 of the planned total of 147 observers had arrived and another 40 were expected by the end of December. Their presence had had a positive effect in the communities where they were deployed. The Secretary-General said he was completing arrangements for the effective functioning of the International Tribunal, established by the Security Council on 8 November (resolution 955(1994)), to prosecute persons responsible for genocide and other serious violations of humanitarian law.

UNAMIR, whose strength stood at 5,606 all ranks at mid-November, continued to assist with the transport of refugees and internally displaced persons voluntarily returning to their homes. It was working with the humanitarian agencies and the Government on a strategy to close gradually the displaced persons camps in Rwanda by ensuring the voluntary return of the occupants to their homes. Eighty of the 90 authorized civilian police observers had been deployed and the civilian police component of UNAMIR continued to train candidates for service in the gendarmerie and the police and to help restore and reform the penal system.

As the humanitarian crisis continued, the Special Representative, in collaboration with the Government, and through the United Nations Emergency Relief Coordinator, was finalizing an integrated humanitarian response to the problem of the internally displaced in order to initiate settlement programmes before the rainy season. However, both returnee programmes and recovery activities continued to be hampered by the presence of land-mines. Efforts were being made to identify the areas for assistance and to inten-

sify mine-awareness campaigns. UNDP was organizing a round-table meeting on 14 and 15 December at which the international donor community was expected to reach agreement on an overall policy framework for assistance to Rwanda and consider basic rehabilitation requirements.

The Secretary-General observed that the situation in Rwanda remained critical and, although he was encouraged by efforts to stabilize it, new threats and challenges continued to emerge to complicate an already difficult problem. He called on the Government to ensure that all Rwandans played a part in the reconciliation and nation-building process through open dialogue among all groups. He recommended that the Security Council extend UNAMIR's mandate for six months, until 9 June 1995, during which time it would strengthen its good offices role to facilitate more expeditious movement towards peace and national reconciliation.

#### SECURITY COUNCIL ACTION (November)

The Security Council met on 30 November and adopted resolution 965(1994) unanimously.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872(1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912(1994) of 4 April 1994, 918(1994) of 17 May 1994 and 925(1994) of 8 June 1994, which set out the mandate of UNAMIR,

Having considered the progress report of the Secretary-General on UNAMIR dated 25 November 1994,

Noting the report of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994,

Recalling its resolution 955(1994) of 8 November establishing the International Tribunal for Rwanda,

Stressing the importance of achieving genuine reconciliation between all elements of Rwandan society within the frame of reference of the Arusha peace agreement,

Noting the deployment of human rights officers to Rwanda by the High Commissioner for Human Rights in order to monitor the ongoing human rights situation, to help redress existing problems and prevent possible human rights violations from occurring, to help foster a climate of confidence and the establishment of a more secure environment and thus facilitate the return of refugees and displaced persons, and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice,

Noting also that the widespread dispersal of land-mines is causing hardship to the civilian population and is hampering the return of refugees and displaced persons and other humanitarian relief efforts,

Welcoming the establishment by the Secretary-General of a Trust Fund pursuant to resolution 925(1994) of 8 June 1994,

1. Decides to extend the mandate of UNAMIR until 9 June 1995;

2. Reaffirms that UNAMIR will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

(c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha peace agreement;

3. Decides to expand UNAMIR's mandate to include the following additional responsibilities within the limits of the resources available to it:

(a) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;

(b) Assist in the establishment and training of a new, integrated, national police force;

4. Strongly urges the Government of Rwanda to continue its cooperation with UNAMIR in the implementation of its mandate and in particular in ensuring unimpeded access to all areas of Rwanda by UNAMIR forces, personnel of the International Tribunal for Rwanda, and human rights officers;

5. Welcomes UNAMIR's efforts to increase its radio broadcasting capabilities so as to reach the refugee camps in neighbouring countries and expresses the hope that it will soon be possible for the Government of Rwanda to conclude appropriate arrangements with UNAMIR in this regard, including the allocation of a radio frequency;

6. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and encourages them to continue and increase such assistance, particularly in Rwanda;

7. Requests the Secretary-General to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine clearance programme in Rwanda;

8. Calls upon the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the Trust Fund established pursuant to resolution 925(1994) of 8 June 1994;

9. Requests the Secretary-General, following the usual consultations, to inform the Council should he consider that the additional tasks in paragraph 3 require consideration of an adjustment in the logistic and personnel requirements of UNAMIR;

10. Decides to keep under review the situation in Rwanda and the role played by UNAMIR and, to that end, requests the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995, on UNAMIR's discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees;

11. Commends the efforts of the Secretary-General, his Special Representative and his Special Humanitarian Envoy to coordinate the United Nations response to the various aspects of the crisis in Rwanda;

12. Decides to remain actively seized of the matter.

Security Council resolution 965(1994)

30 November 1994 Meeting 3473 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1360).

### UN Observer Mission Uganda-Rwanda

In June 1993,<sup>(82)</sup> the Security Council established the United Nations Observer Mission Uganda-Rwanda to verify that no military assistance reached Rwanda across their common border. Later that year,<sup>(83)</sup> the Council approved the Secretary-General's proposal to integrate the Mission within UNAMIR for administrative purposes only, with its mandate remaining the same.

**Communications.** In April 1994,<sup>(84)</sup> Rwanda complained that Uganda continued to commit aggression against it using RPF as a cover. It requested, among other things, that the Security Council increase the logistic and human resources of UNOMUR to enable it to monitor the Rwanda-Uganda border to prevent Uganda from supplying troops and war materiel to RPF. Uganda refuted those accusations,<sup>(85)</sup> contending that UNOMUR had not reported any movement of troops or weapons from the Ugandan side of the border. Both Rwanda<sup>(86)</sup> and Uganda<sup>(86)</sup> requested a meeting of the Security Council so that their respective positions could be presented.

**Report of the Secretary-General (June).** The Secretary-General reported that, as at 3 June, UNOMUR consisted of 81 military officers from eight countries, in addition to 11 international civilian and seven local staff.<sup>(87)</sup> Its monitoring activities, which mainly covered two major and three secondary crossings on the Uganda side of the border, were affected by the drastic change in the overall situation in Rwanda following the death on 6 April of the Presidents of Burundi and Rwanda. With RPF gaining control of the entire border with Uganda following the resumption of the civil war in Rwanda, UNOMUR on 14 May extended its monitoring activities along the whole length of the border. To meet the increased operational requirements, it operated seven observation posts and checkpoints as opposed to two previously. The Secretary-General stated that UNOMUR had reported no evidence of any movement of armaments or armed personnel, despite the resumption of hostilities in Rwanda. He said that since the issue of arms flow was a major area of concern in the cease-fire talks between the Rwandese parties, UNOMUR should continue its activities until a cease-fire had been established. He recommended that its mandate be renewed for three months, during which time there would be a phased reduction of the military observers, leading to the closure of the entire operation.

## SECURITY COUNCIL ACTION

The Security Council met on 20 June and adopted **resolution 928(1994)** unanimously.

The Security Council,

Reaffirming its resolutions 812(1993) of 12 March 1993, 846(1993) of 22 June 1993 and 891(1993) of 20 December 1993,

Recalling its resolution 872(1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR), as well as its resolutions 893(1994) of 6 January 1994, 909(1994) of 5 April 1994, 912(1994) of 21 April 1994, 918(1994) of 17 May 1994 and 925(1994) of 8 June 1994,

Having examined the Secretary-General's report on the United Nations Observer Mission Uganda-Rwanda (UNOMUR) dated 16 June 1994,

Welcoming the extension, as of 14 May 1994, of UNOMUR's observation and monitoring activities to the entire Uganda/Rwanda border,

Stressing the need for the observance and strict monitoring of the general and complete embargo of all deliveries of weapons and military equipment to Rwanda, as described in paragraph 13 of its resolution 918(1994),

Considering that the issue of arms flows is one of the major areas of concern in the cease-fire talks currently being held between the Rwandese parties under the auspices of UNAMIR,

1. Welcomes the Secretary-General's report;
2. Decides to extend the mandate of UNOMUR for a final period of three months until 21 September 1994 and agrees that during this period the number of military observers should be reduced by phases;
3. Requests the Secretary-General to report to the Council on the termination of UNOMUR before the completion of its mandate;
4. Expresses appreciation to the Government of Uganda for the cooperation and support it has extended to UNOMUR;
5. Stresses the importance of continued cooperation between the Ugandan authorities and UNOMUR;
6. Decides to remain actively seized of the matter.

Security Council resolution 928(1994)

20 June 1994 Meeting 3391 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/723).

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

In September,<sup>(88)</sup> the Secretary-General said that cross-border traffic from Uganda to Rwanda remained unchanged. The Mission, however, had played an important role in supporting the build-up of UNAMIR forces and coordinating humanitarian activities even after the declaration of a cease-fire on 18 July. The phased reduction of UNOMUR began on 15 August and was to be completed by the mandate date of 21 September.

### Financing of UNOMUR-UNAMIR

In March,<sup>(89)</sup> ACABQ noted that the amount of \$4,392,900 gross, which the Secretary-General had proposed to appropriate for the period 22 June to 21 December 1993 for UNOMUR, had been revised downwards to an amount of \$3,642,300, reflect-

ing savings of \$750,600. ACABQ concurred with the proposed revision and recommended that \$3,642,300 gross (\$3,557,400 net) be appropriated for that period.

In a report on the financing of UNAMIR, which also contained the cost estimates for UNOMUR for the period beyond 21 December 1993, the Secretary-General stated that the total cost of UNAMIR for the period 5 October 1993 to 4 April 1994 was revised downwards from \$48,413,800 gross (\$47,818,000 net) to \$45,896,200 gross (\$45,379,600 net). Cost estimates for the period 5 April 1994 to 4 April 1995 were increased to \$109,130,400 gross (\$106,683,300 net) from \$98,422,500 gross (\$96,110,400 net).

In March,<sup>(89)</sup> ACABQ recommended that the Assembly appropriate \$45,826,700 gross for UNAMIR for the period from 5 October 1993 to 4 April 1994, inclusive of the \$4.6 million it had already authorized. It also recommended that, should the Security Council extend UNAMIR's mandate beyond 4 April 1994, the Secretary-General be authorized to enter into commitments at a monthly rate not to exceed \$9,082,600 gross, subject to the concurrence of ACABQ as to the actual amount, until 31 October 1994.

### GENERAL ASSEMBLY ACTION (April)

On 5 April, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 48/245** without vote.

### Financing of the United Nations Observer Mission Uganda-Rwanda

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission Uganda-Rwanda and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 846(1993) of 22 June 1993, in which the Council established the Observer Mission for an initial period of six months, until 21 December 1993, subject to review every six months,

Bearing in mind also Security Council resolution 872(1993) of 5 October 1993, by which the Council established the United Nations Assistance Mission for Rwanda and approved the proposal of the Secretary-General that the Observer Mission be integrated within the Assistance Mission,

Bearing in mind further Security Council resolution 891(1993) of 20 December 1993, in which the Council decided to extend the mandate of the Observer Mission for a period of six months until 21 June 1994 and noted that the integration of the Observer Mission within the Assistance Mission was purely administrative in nature and that it would in no way affect the mandate of the Observer Mission as set out in Council resolution 846(1993),

Recalling its decision 48/476 of 23 December 1993 on the financing of the Observer Mission,

Recognizing that the costs of the Observer Mission 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,

Recognizing also that, in order to meet the expenditures caused by the Observer Mission, 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,

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

1. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents in time in order to allow for a proper and thorough review and approval by the General Assembly of the budgets before their implementation;

2. Notes with satisfaction an improvement in the compliance by the Secretariat with certain resolutions of the Assembly with regard to the form of budget documents concerning peace-keeping operations;

3. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the Assembly in the budget process;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee;

5. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Observer Mission Uganda-Rwanda promptly and in full;

6. Affirms that it expects that it will not be asked to take any future decisions on budgets for peace-keeping operations retroactively;

7. Decides that the special accounts for the Observer Mission and the United Nations Assistance Mission for Rwanda shall be integrated for purely administrative purposes;

8. Decides also to appropriate to the Special Account for the United Nations Assistance Mission for Rwanda a total amount of 3,642,300 United States dollars gross (3,557,400 dollars net) for the operation of the Observer Mission for the period from 22 June to 21 December 1993;

9. Decides further, as an ad hoc arrangement, to apportion the amount of 3,642,300 dollars gross (3,557,400 dollars net) for the period from 22 June to 21 December 1993 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 A 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 Assembly decision 47/456 of 23 December 1992;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 84,900 dollars for the period from 22 June to 21 December 1993 approved for the Observer Mission;

11. Invites voluntary contributions to the Observer Mission 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 Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991.

#### General Assembly resolution 48/245

5 April 1994 Meeting 92 Adopted without vote

Approved by Fifth Committee (A/48/825/Add.1) without vote, 31 March (meeting 60); draft by Chairman based on informal consultations (A/C.5/48/L.54); agenda item 164.

Meeting numbers. GA 48th session: 5th Committee 57, 60; plenary 92.

Also on 5 April and on the Fifth Committee's recommendation, the Assembly adopted **resolution 48/248** without vote.

#### Financing of the United Nations Assistance Mission for Rwanda

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Assistance Mission for Rwanda and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 872(1993) of 5 October 1993, by which the Council established the Assistance Mission for a period of six months, until 4 April 1994, subject to the proviso that it would be extended beyond the initial ninety days only upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress had been made towards the implementation of the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993,

Bearing in mind also that in the same resolution the Council approved the proposal of the Secretary-General that the United Nations Observer Mission Uganda-Rwanda, established by the Council in resolution 846(1993) of 22 June 1993, be integrated within the Assistance Mission,

Noting that the integration of the Observer Mission within the Assistance Mission is purely administrative in nature and that it will in no way affect the mandate of the Observer Mission as set out in Security Council resolution 846(1993),

Bearing in mind further Security Council resolution 893(1994) of 6 January 1994, in which the Council reaffirmed its approval of the proposal of the Secretary-General concerning the deployment of the Assistance Mission as outlined in his report of 24 September 1993, including the early deployment of the second battalion to the demilitarized zone as indicated in his report of 30 December 1993,

Recalling its decision 48/479 of 23 December 1993 on the financing of the Assistance Mission,

Recognizing that the costs of the Assistance Mission 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,

Recognizing also that, in order to meet the expenditures caused by the Assistance Mission, 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,

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

1. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents in time in order to allow for a proper and thorough review and approval by the General Assembly of the budgets before their implementation;

2. Notes with satisfaction an improvement in the compliance by the Secretariat with certain resolutions of the Assembly with regard to the form of budget documents concerning peace-keeping operations;

3. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the Assembly in the budget process;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that the United Nations Assistance Mission for Rwanda is administered with a maximum of efficiency and economy and, in particular, to implement fully the economy, financial and efficiency measures to be approved during the resumed forty-eighth session, but no later than 1 May 1994, and to report on the implementation of such measures in the context of the performance report relevant to the period;

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

7. Affirms that it expects that it will not be asked to take any future decisions on budgets for peace-keeping operations retroactively;

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

9. Decides to appropriate to the Special Account referred to in its decision 48/479 an amount of 45,826,700 United States dollars gross (45,317,600 dollars net), inclusive of the amount of 4.6 million dollars previously authorized by the Advisory Committee, authorized and apportioned in accordance with that decision for the maintenance of the Assistance Mission for the period from 5 October 1993 to 4 April 1994;

10. Decides also, with regard to the period beyond 4 April 1994, to authorize the Secretary-General to enter into commitments at a monthly rate not to exceed 9,082,600 dollars gross for the period from 5 April to 31 October 1994, in connection with the maintenance of the Assistance Mission, subject to the decision of the Security Council to extend the mandate of the Assistance Mission beyond 4 April 1994, the said amount to be apportioned 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 A 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 Assembly decision 47/456 of 23 December 1992;

11. Decides further that there shall be set off against the assessments on Member States for the maintenance of the Assistance Mission beyond 4 April 1994 an amount of 5,293,300 dollars gross (5,160,400 dollars net), representing the balance of the apportionment made in accordance with decision 48/479;

12. Requests the Secretary-General to submit, no later than 31 August 1994, the performance report for the mandate period ending 4 April 1994 and the budget estimates corresponding to any new mandate period the Security Council may decide on;

13. Invites voluntary contributions to the Assistance Mission 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 Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

14. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Financing of the United Nations Assistance Mission for Rwanda".

#### **General Assembly resolution 48/248**

**5 April 1994                      Meeting 92                      Adopted without vote**

Approved by Fifth Committee (A/48/828/Add.1) without vote, 31 March (meeting 60); draft by Chairman based on informal consultations (A/C.5/48/L.55); agenda item 173.

Meeting numbers. GA 48th session: 5th Committee 57, 60; plenary 92.

In August,<sup>(91)</sup> the Secretary-General presented further revised cost estimates for UNAMIR for the period 5 April to 30 September 1994 of \$99,549,200 gross (\$99,011,400 net), including additional requirements totalling \$37,182,100 gross (\$38,043,200 net) in excess of the commitment authority approved by the Assembly in April. This additional amount was to meet immediate operational requirements following the Security Council's decision (resolutions 918(1994) and 925(1994)) to expand UNAMIR's mandate and enlarge the strength of its force, pending the Secretary-General's report of the financing of UNAMIR to the forty-ninth session of the Assembly. The Secretary-General therefore proposed that he be

authorized to enter into additional commitments in the amount of \$37,182,100 gross (\$38,043,200 net) for the period.

On 14 September, the General Assembly approved the Secretary-General's request (decision 48/479 B).

In a September report on the financing of UNOMUR-UNAMIR,<sup>(92)</sup> the Secretary-General stated that, as at 31 August 1994, total outstanding assessments due from Member States were \$65,354,522. Cost estimates for UNAMIR for the period 5 April to 9 December amounted to \$185,024,300 gross (\$183,387,700 net).

In an addendum to that report,<sup>(93)</sup> the Secretary-General presented the financial performance reports of the two Missions, showing the unencumbered balance for UNOMUR for the period from 22 June to 21 December 1993 to be \$1,288,200 gross (\$1,258,900 net) and that for UNAMIR from 5 October 1993 to 4 April 1994 amounting to \$10,531,600 gross (\$10,633,200 net).

In October,<sup>(94)</sup> ACABQ recommended that the General Assembly appropriate \$163,101,700 gross for UNAMIR for the period 5 April to 9 December, inclusive of the \$57,063,960 gross already authorized.

#### GENERAL ASSEMBLY ACTION (November)

On 29 November, the General Assembly, on the recommendation of the Fifth Committee, adopted resolution 49/20 A without vote.

#### Financing of the United Nations Observer Mission Uganda-Rwanda and the United Nations Assistance Mission for Rwanda

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission Uganda-Rwanda and the United Nations Assistance Mission for Rwanda and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 846(1993) of 22 June 1993 and 872(1993) of 5 October 1993, by which the Council established, respectively, the United Nations Observer Mission Uganda-Rwanda and the United Nations Assistance Mission for Rwanda, as well as Council resolutions 925(1994) of 8 June 1994 and 928(1994) of 20 June 1994, by which the Council further renewed the mandates of the Assistance Mission and the Observer Mission, respectively,

Recalling also its resolution 48/245 of 5 April 1994 on the financing of the Observer Mission, and its resolution 48/248 of 5 April 1994 and its decisions 48/479 A of 23 December 1993 and 48/479 B of 14 September 1994, on the financing of the Assistance Mission,

Reaffirming that the costs of the Observer Mission and the Assistance Mission 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 decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission and the Assistance Mission, 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 operations,

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,

Mindful of the fact that it is essential to provide the Observer Mission and the Assistance Mission with the necessary financial resources to enable them to fulfil their responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission Uganda-Rwanda and to the United Nations Assistance Mission for Rwanda as at 31 October 1994, including the contributions outstanding in the amounts of 670,906 United States dollars for the Observer Mission and 17,648,382 dollars for the Assistance Mission, and urges all Member States concerned to make every possible effort to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peace-keeping activities, particularly as regards the reimbursement of troop contributors, due to overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission and to the Assistance Mission promptly and in full;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that the Assistance Mission is administered with a maximum of efficiency and economy;

6. Decides to appropriate to the Special Account for the United Nations Assistance Mission for Rwanda a total amount of 163,101,700 dollars gross (161,515,400 dollars net) for the operation of the Assistance Mission for the period from 5 April to 9 December 1994, inclusive of the amount of 57,063,960 dollars gross (55,812,760 dollars net) authorized under the provisions of General Assembly resolution 48/248;

7. Decides also, as an ad hoc arrangement, to apportion the additional amount of 100,744,440 dollars gross (100,542,240 dollars net) for the period from 5 April to 9 December 1994, taking into account the amount of 62,357,260 dollars gross (60,973,160 dollars net) already apportioned in accordance with resolution 48/248, 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 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 A 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 Assembly decision 47/456 of 23 December 1992;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 202,200 dollars approved for the Assistance Mission for the period from 5 April to 9 December 1994;

9. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the unencumbered balances of 1,288,200 dollars gross (1,258,900 dollars net) in respect of the Observer Mission for the period from 22 June to 21 December 1993 and 10,531,600 dollars gross (10,633,200 dollars net) in respect of the Assistance Mission for the period from 5 October 1993 to 4 April 1994;

10. Decides also, with regard to the period beyond 9 December 1994, to authorize the Secretary-General to enter into commitments for a four-month period, at a monthly rate not to exceed 15 million dollars gross, in connection with the maintenance of the Assistance Mission (provided that any amount above 10.5 million dollars per month should be designated for military personnel costs and specifically justified to the General Assembly through the Advisory Committee), the amount of 30 million dollars to be apportioned, in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Assistance Mission beyond 9 December 1994;

11. Authorizes the Secretary-General, with respect to the recommendations made by the Advisory Committee in paragraph 26 of its report, to maintain the positions of Senior Political Adviser and Assistant to the Senior Political Adviser;

12. Invites the Secretary-General to adjust as may be required by the changing nature of the Assistance Mission the staffing levels, especially those relating to Humanitarian Assistance Officers, if necessary, within existing staffing levels;

13. Decides to undertake, beginning on 28 February 1995, a detailed review of the financing of the Assistance Mission for the period 10 December 1994 to 9 June 1995 and of the performance report contained in the addendum to the report of the Secretary-General, and requests the Secretary-General and the Advisory Committee to arrange their work programmes so as to ensure that the appropriate budget estimates and reports are available to Member States no later than 20 February 1995;

14. Expresses its deep concern that the contract for services to the Assistance Mission has been renewed without international competitive bidding as outlined in paragraphs 40 to 44 of the report of the Advisory Committee;

15. Urges the Secretary-General to obtain as soon as possible all contractual services for the Assistance Mission through international competitive bidding in order to award all those services to the lowest acceptable bidder in accordance with the Financial Regulations and Rules of the United Nations, and requests him to sub-

mit, in the context of his next budget proposals, substantial written explanations for granting the exceptions to the rule of international competitive bidding;

16. Requests the Secretary-General to submit to it, for consideration at its current session, information pertaining to the question of procurement of contractual services for peace-keeping operations and an initial explanation of the reasons for granting any exception to financial rule 110.18 regarding the provision of those services in the course of the execution of a number of peace-keeping operations since January 1994, in order to allow it to take appropriate and prompt action in this regard;

17. Invites voluntary contributions to the Assistance Mission 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;

18. Decides to include in the provisional agenda of its fiftieth session the item entitled "Financing of the United Nations Assistance Mission for Rwanda".

#### General Assembly resolution 49/20 A

29 November 1994 Meeting 70 Adopted without vote

Approved by Fifth Committee (A/49/687) without vote, 21 November 1994 (meeting 21; draft by Chairman based on informal consultations (A/C.5/49/L.5); agenda items 127 and 130.

Meeting numbers: GA 49th session: 5th Committee 8, 21; plenary 70.

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## The Horn of Africa

### Somalia

United Nations efforts continued in 1994 to end the clan-based civil war in Somalia, which broke out in January 1991, and to promote reconciliation among the various factions. However, no po-

litical agreement was reached among the warring factions, resulting in a deterioration of the security situation and the withdrawal of several countries from the United Nations Operation in Somalia (UNOSOM II). The Security Council, recognizing that UNOSOM II could no longer fulfil its mandate, decided to withdraw it from Somalia by March 1995.

**Report of the Secretary-General (January).** In response to a 1993 Security Council request,<sup>(1)</sup> the Secretary-General reported, in January 1994,<sup>(2)</sup> on the situation in Somalia. He observed that, while progress had been made, UNOSOM II's mandate was far from being achieved. The main focus of its activities in the future would be on promoting Somali initiatives in the political, security and nation-building process. It would endeavour to create a sustainable momentum in the task of political reconciliation, establishment of a Somali police and justice system and laying the foundation for an effective system of civil, financial and economic administration at all levels. However, it was doubtful whether the required level of resources would be available after 31 March 1994, by which time UNOSOM's military strength, which stood at 25,945 as at 1 January, would be down to 19,700 or less. In addition to the United States, Germany, Italy, Norway and Turkey had given notice of the withdrawal of their contingents before the end of March. The Secretary-General had approached several Member States for contributions to UNOSOM's military component, but so far no positive response had been received.

The Secretary-General recalled the three options he had proposed to the Council regarding the mandate and functioning of UNOSOM II: a continuation of its mandate, with the addition of an extra brigade; voluntary disarmament and the deployment of about 16,000 troops to protect ports, convoys and refugees; or the deployment of only 5,000 troops, which would keep control over Mogadishu and other ports and airports. He recommended the second option, which he said would rely on the cooperation of the Somali parties. In the event that inter-clan fighting resumed, UNOSOM would have the capability of defending its personnel. Under that option, UNOSOM would protect important ports, airports and infrastructure, keep open main supply routes between Mogadishu and other areas, reorganize the police and judicial systems, and help with the repatriation of refugees. It would also continue to provide emergency relief supplies and support programmes of assistance of the international community.

#### SECURITY COUNCIL ACTION (February)

The Security Council met on 4 February to consider the Report of the Secretary-General. At its request, Somalia was invited to participate under rule 37<sup>a</sup> of the Council's provisional rules of

procedure. The Council adopted **resolution 897 (1994)** unanimously.

The Security Council,

Recalling its resolution 733(1992) of 23 January 1992 and all subsequent relevant resolutions,

Reaffirming the decision taken in resolution 886(1993) of 18 November 1993 to continue UNOSOM II up to 31 May 1994,

Having considered the report of the Secretary-General of 6 January 1994,

Stressing the importance the Council attaches to the Somali parties fulfilling in good faith all obligations and agreements to which they commit themselves, and affirming once again that the General Agreement signed in Addis Ababa on 8 January 1993 and the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia signed on 27 March 1993 ("the Addis Ababa Agreements") constitute the basis for the resolution of the problems in Somalia,

Bearing in mind respect for the sovereignty and territorial integrity of Somalia in accordance with the Charter of the United Nations and recognizing that the people of Somalia bear the ultimate responsibility for setting up viable national political institutions and for reconstructing their country,

Expressing serious concern at reports that Somali factions are re-arming and that a troop build-up is taking place in some regions of Somalia,

Condemning the continued incidents in Somalia of fighting and banditry and in particular condemning violence and armed attacks against persons engaged in humanitarian and peace-keeping efforts,

Emphasizing the crucial importance of disarmament by all parties in achieving lasting peace and stability in Somalia,

Paying tribute to the peace-keepers and humanitarian personnel of several countries killed or injured while serving in Somalia and, in this context, re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping throughout Somalia,

Affirming the importance of the establishment, by the Somali people, of representative district and regional councils and of a transitional national council, as well as the importance of a re-established police force and a judicial system for the restoration of public order throughout Somalia,

Welcoming the efforts made at the Fourth Humanitarian Conference at Addis Ababa and reaffirming the commitment of the international community to assist the Somali people to attain political reconciliation and reconstruction,

Welcoming also political contacts and consultations between representatives of various parties in Somalia with a view to finding solutions to outstanding matters and disputes among them and promoting the process of political reconciliation,

Commending and supporting the ongoing diplomatic efforts being made by international and regional organizations and Member States, in particular those in the region, to assist United Nations efforts to persuade Somali parties to reach a political settlement,

Reaffirming the objective that UNOSOM II complete its mission by March 1995,

Determining that the situation in Somalia continues to threaten peace and security and having regard to the exceptional circumstances, including in particular absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. Welcomes the report of the Secretary-General;  
2. Approves the Secretary-General's recommendation for the continuation of UNOSOM II, as set out in particular in paragraph 57 of his report, with a revised mandate for the following:

(a) Encouraging and assisting the Somali parties in implementing the "Addis Ababa Agreements", in particular in their cooperative efforts to achieve disarmament and to respect the cease-fire;

(b) Protecting major ports and airports and essential infrastructure and safeguarding the lines of communications vital to the provision of humanitarian relief and reconstruction assistance;

(c) Continuing its efforts to provide humanitarian relief to all in need throughout the country;

(d) Assisting in the reorganization of the Somali police and judicial system;

(e) Helping with the repatriation and resettlement of refugees and displaced persons;

(f) Assisting also in the ongoing political process in Somalia, which should culminate in the installation of a democratically elected government;

(g) Providing protection for the personnel, installations and equipment of the United Nations and its agencies, as well as of non-governmental organizations providing humanitarian relief and reconstruction assistance;

3. Authorizes the gradual reduction of UNOSOM II to a force level of up to 22,000, and necessary support elements, such force level to be reviewed at the next renewal of the mandate;

4. Underlines, in this context, the vital importance of placing at the disposal of UNOSOM II the necessary material means and military assets required to enable it to discharge its responsibilities in an effective manner as well as effectively to defend its personnel in case of armed attack;

5. Approves also giving priority to directing international reconstruction resources to those regions where security is being re-established and to local Somali institutions which are prepared to cooperate with the international community in setting development priorities in accordance with the Declaration of the Fourth Humanitarian Conference in Addis Ababa as set forth in paragraphs 23 and 24 of the Secretary-General's report;

6. Underlines the importance that the Council attaches to demining and requests the Secretary-General to make arrangements to ensure the start of demining operations as soon as possible wherever conditions permit;

7. Calls upon all parties in Somalia to cooperate fully with UNOSOM II and respect the cease-fire arrangements and other commitments entered into by them;

8. Demands that all Somali parties refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peace-keeping work in Somalia;

9. Reaffirms the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733(1992);

10. Commends the Secretary-General, his Special Representative and the personnel of UNOSOM II for their efforts in improving the conditions of the Somali people and in encouraging the process of political reconciliation, rehabilitation and reconstruction;

11. Expresses its appreciation to those Member States which have contributed troops or provided logistical or other assistance to UNOSOM II or have offered to do so, and encourages those who are in a position to do so to contribute, on an urgent basis, troops, civilian personnel, equipment, and financial and logistical support so as to enhance UNOSOM II's capability to carry out its mandate;

12. Expresses also its appreciation to those States which have contributed humanitarian assistance or have supported the Somali Justice Programmes and encourages further such contributions on an urgent basis;

13. Requests the Secretary-General to consider, in consultation with the Organization of African Unity and the League of Arab States, establishing contacts with the Somali parties with the view to arriving at an agreed timetable for implementing the "Addis Ababa Agreements" including the objective of completing the process by March 1995;

14. Further requests the Secretary-General to submit to it, as soon as the situation warrants, and in any case in good time before 31 May 1994, a report on the situation in Somalia and the implementation of this resolution;

15. Decides to remain actively seized of the matter.

Security Council resolution 897(1994)

4 February 1994 Meeting 3334 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/115).

On 6 March,<sup>(3)</sup> following a meeting with the Egyptian President, Hosni Mubarak, in Cairo, the group of 12 Somali political factions issued a communique on a programme of action for settling the Somali problem. The programme called for the establishment of a 17-member Salvation Council comprising all 15 factions and including General Mohamed Farah Aidid of the Somali National Alliance (SNA); the formation of an interim Government and establishment of the National Transitional Council; and the Salvation Council to carry through the transitional stage and supervise the building of institutions of the State. Consultations were to take place with the Somali National Movement (SNM) and SNA on their participation in implementing the programme.

**Report of the Secretary-General (May).** In May,<sup>(4)</sup> the Secretary-General said that the political process for national reconciliation in Somalia had gained new impetus. His Acting Special Representative, Lansana Kouyate, who took over from Special Representative Admiral Jonathan Howe on 8 March, launched an initiative to normalize the relationship between UNOSOM II and SNA, while maintaining contacts with the Somali Salvation Alliance or Group of 12. He persuaded the Somali leaders, including General Aidid of SNA and Ali Mahdi, spokesman of the Group of

12, to meet in Nairobi on 15 March for consultations on a cease-fire and a solution to the problems of Lower Juba. The two sides signed a declaration in Nairobi on 24 March, in which they agreed to restore peace throughout Somalia and to convene a National Reconciliation Conference on 15 May to elect a President and Vice-Presidents, appoint a Prime Minister and establish local authorities and an independent judiciary. They also agreed to hold a meeting of the signatory factions of the 1993 Addis Ababa agreement and SNM to discuss participation in the conference and the establishment of the National Legislative Assembly. The conference was thereafter postponed due to disagreements among the factions. Concerning the situation in the Lower Juba, SNA and the Somali Patriotic Movement (SPM) signed an agreement on 27 March calling for a Lower Juba Reconciliation Conference in Kismayo on 8 April. The faction leaders were to observe a cease-fire from 27 March, pull out the militias and restrict them to agreed locations and establish a mechanism for restoring property. That Conference opened on 24 May in Kismayo, but was threatened by fighting among two sub-clans.

Despite the political reconciliation efforts, the security situation continued to deteriorate. In anticipation of an eventual withdrawal of UNOSOM II, political factions resumed construction of combat vehicles known as "technicals", and a number of them tried to regain control of the Lower Juba Valley. SNA also sought to improve its position before the National Reconciliation Conference. Information indicated that all factions were rearming, and SNA militia were on the offensive in southern Somalia and in full control of south Mogadishu. Personnel from UNOSOM II, United Nations organizations and NGOs continued to be attacked. On 16 May, five Nepalese soldiers were killed and a wounded soldier kidnapped.

Contingents from 12 countries, including the United States, had completed their withdrawal from UNOSOM. Deficiencies in its capacity resulting from the withdrawal of United States forces were not made up in full. With its strength at 19,000, out of an authorized strength of 22,000, UNOSOM II was stretched very thin. The size of the Quick Reaction Force had been reduced and seven strong points and checkpoints closed in Mogadishu. However, in cooperation with the International Criminal Investigations Technical Assistance Program of the United States, UNOSOM provided training for the police programme, logistical support in refurbishing police stations and training facilities. At the same time, UNOSOM II's Justice Division focused on repairing and refurbishing the courts, introducing efficient correctional management practices, improving conditions for juvenile detainees, working on crime

prevention and control and investigating human rights abuses. UNOSOM developed training programmes in human rights education, accelerated implementation of its demining programme and coordinated assistance to meet relief needs, resettle refugees and internally displaced persons and contain the cholera epidemic throughout the country.

The first meetings of the Somali Aid Coordination Body and its Standing Committee (Nairobi, 1 and 2 February) adopted a plan of action on assistance for rehabilitation activities and, with effect from 1 May, the Secretary-General transferred the United Nations Development Office from UNOSOM to UNDP.

The Secretary-General observed that the situation in Somalia, though difficult, was not entirely devoid of hope, but the Somali people had to show evidence of serious and productive pursuit of the reconciliation process, strict observance of the cease-fire and cooperation with UNOSOM in preventing the recurrence of clashes and in resolving local clan and factional conflicts. He recommended that the Security Council extend UNOSOM II's mandate for six months at the authorized strength of 22,000 troops. He said he had instructed UNOSOM to formulate a comprehensive contingency withdrawal plan in the event of the failure of the political reconciliation process and/or a large-scale resumption of fighting.

#### SECURITY COUNCIL ACTION (May)

The Security Council met on 31 May, with Somalia participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution** 923(1994) unanimously.

#### The Security Council,

Recalling its resolution 733(1992) of 23 January 1992 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 24 May 1994,

Reaffirming the commitment of the international community to assisting the Somali people to attain political reconciliation and reconstruction,

Emphasizing in this context that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country,

Stressing the importance the Council attaches to the Somali parties working seriously to achieve peace and national reconciliation in their country and to their fulfilling in good faith all obligations and agreements to which they commit themselves,

Welcoming the Declaration of the Leaders of the Somali Political Organizations signed in Nairobi, Kenya, on 24 March 1994, which, inter alia, committed the Somali parties to restore peace throughout Somalia, to set up rules and procedures of voting and criteria of participation in the national reconciliation conference, to convene a national reconciliation conference to elect a President, Vice-Presidents, and to appoint a Prime Minister, to

complete and review the formation of local authorities, and to establish an independent judiciary,

Welcoming also the Lower Juba regional conference,

Concerned none the less at the delays in the reconciliation process, and at the deterioration in the security situation,

Condemning the continuing incidents of fighting and banditry and, in particular, violence and armed attacks against persons engaged in humanitarian and peace-keeping efforts,

Paying tribute to those troops and humanitarian personnel of several countries who have been killed or injured while serving in Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping throughout Somalia,

Paying tribute to the humanitarian work being undertaken by United Nations agencies and non-governmental organizations in difficult conditions to assist the people of Somalia,

Taking note that all Somali leaders have appealed to UNOSOM II to continue supporting their reconciliation and rehabilitation efforts,

Reaffirming the objective that UNOSOM II complete its mission by March 1995,

Determining that the situation in Somalia continues to threaten peace and security and having regard to the exceptional circumstances, including in particular the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. Welcomes the report of the Secretary-General;

2. Decides to renew the mandate of UNOSOM II for an additional period expiring on 30 September 1994, subject to a review by the Council no later than 29 July 1994 based on a report by the Secretary-General on the humanitarian mission carried out by UNOSOM and on the political and security situation in Somalia and progress made in achieving national reconciliation, in the light of which report and review the Security Council may request the Secretary-General to prepare options regarding UNOSOM's mandate and future operations;

3. Commends the Secretary-General, his Acting Special Representative and the personnel of UNOSOM II for their efforts towards improving the conditions of the Somali people and in encouraging the process of political reconciliation, rehabilitation and reconstruction;

4. Strongly urges all parties in Somalia to cooperate fully with UNOSOM II, to carry out the commitments and implement the agreements which they have signed including those relating to the voluntary disarmament, and to pursue without further delay the negotiations aimed at achieving national reconciliation;

5. Demands that all parties in Somalia refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peace-keeping work in the country;

6. Reaffirms the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733(1992);

7. Further welcomes the progress made by UNOSOM II in establishing the justice and police programmes and calls for their acceleration;

8. Expresses its appreciation to those Member States which have contributed troops or provided logistical or

other assistance to UNOSOM II or have offered to do so, and underlines, in this context, the continuing importance of UNOSOM II having at its disposal the necessary troops, civilian personnel, equipment and financial and logistic support to carry out its mandate effectively;

9. Expresses its appreciation to those Member States which have extended humanitarian assistance or have supported the Somali justice and police programmes and encourages further such contributions on an urgent basis;

10. Decides to remain actively seized of the matter.

Security Council resolution 923(1994)

31 May 1994 Meeting 3385 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/638).

On 14 June,<sup>(5)</sup> the Security Council welcomed the Secretary-General's intention<sup>(6)</sup> to appoint Victor Gbeho, with effect from 1 July, as his Special Representative for Somalia to replace Lansana Kouyate, who was to become Assistant Secretary-General in the United Nations Department of Political Affairs.

Report of the Secretary-General (July). In July,<sup>(7)</sup> the Secretary-General stated that there had been no further progress on a date and venue for convening the National Reconciliation Conference. In the meantime, a number of regional and clan meetings and consultations were taking place as a prelude to national reconciliation. The Lower Juba Reconciliation Conference (Kismayo, 24 May-19 June) resulted in the signing on 19 June by 19 clans and sub-clans of an agreement calling for, inter alia, a cease-fire to take effect on 24 June; the opening of all roads; the restoration of property; the safety of United Nations and NGO personnel and property; and establishment of a regional administration, judicial organs and a prison system. Also on 19 June, SPM and SNA pledged to support the implementation of the agreement and endorsed the decision of the Conference to make Kismayo a weapon-free zone. The Conference left the door open for the Absame sub-clans to join in the implementation of the agreement after conclusion of their own intraclan reconciliation conference (Absame, 26 June-9 July). That conference resulted in the signing of the Absame Accord, which called for reconciliation between the Absame and other Somali communities, security for humanitarian agencies and establishment of courts, a prison system and a police force.

The security situation was marred by clashes among clans and sub-clans, especially in south Mogadishu. A UNOSOM convoy was ambushed on 18 July and two Malaysian soldiers were killed. In discussions with the Acting Deputy Special Representative, Mr. Mahdi, General Aidid and other political and military leaders said they were willing to support a comprehensive agreement to end the hostilities.

However, the recurring outbreaks of inter-clan fighting brought almost all humanitarian activi-

ties to a standstill in Mogadishu. Access by commercial traffic to the port of Mogadishu was interrupted for two weeks and access roads were blocked by armed militias. Humanitarian operations were hampered by threats against staff and large-scale looting, obliging United Nations agencies and NGOs to employ local security personnel.

While UNOSOM's strength continued to be reduced, totalling 18,790 as at 10 July, it continued to provide escorts for humanitarian activities and supported the re-establishment of the Somali police. By 8 July, police recruits totalled 7,869 and 96 of the 125 police stations had become operational. The training of the 2,000 personnel for the Darawishta, a rapid deployment unit to handle difficult situations, was expected to be completed by the end of September.

Efforts continued to overcome the emergency requirement and move into the recovery phase. By March, WFP was supporting 550 small-scale rehabilitation schemes, which generated employment, revitalized the agriculture sector, reactivated a market economy and promoted food self-sufficiency. The Somali Rehabilitation Programme, funded by UNDP, continued its activities in north-western, north-eastern and southern Somalia in such fields as school rehabilitation, improvement of wells and boreholes and establishment of water committees, road construction, and promotion of small-scale enterprises.

The Secretary-General had asked his Special Representative to assess the prospects for national reconciliation in Somalia. He thought that it was now feasible to begin reducing UNOSOM troop level and he was sending a mission to Somalia to make recommendations on the extent of such reduction.

On 28 July,<sup>(8)</sup> the Security Council shared the Secretary-General's concerns over the little forward movement in Somali national reconciliation and the deterioration in the security situation. It considered appropriate an assessment of the prospects for national reconciliation and welcomed the decision to send a special mission to Somalia to make recommendations on the future size of UNOSOM II.

**Report of the Secretary-General (August).** The Secretary-General informed the Council in August of the outcome of his initiatives on national reconciliation and the future of UNOSOM II.<sup>(9)</sup> He said that the major obstacle to national reconciliation was the conflicts within the dominant Hawiye clan, to which both Mr. Mahdi and General Aidid belonged. The prospects for national reconciliation and the establishment of a national Government would be significantly improved if Hawiye reconciliation could be attained. Both General Aidid and Mr. Mahdi had expressed their willingness to participate in a Hawiye reconciliation conference.

The Secretary-General instructed his Special Representative to support the efforts by the parties to convene a Hawiye conference in the next few weeks in order to create a favourable climate for the convening of a conference on national reconciliation and the establishment of an interim government in the last quarter of 1994. That would enable the consolidation of transitional arrangements before the completion of UNOSOM's mission by the end of March 1995.

With respect to a possible reduction in the UNOSOM force, the special mission to Somalia, headed by Major-General Timothy Dibuama, was of the view that the force should not be subjected to any large-scale reduction, which could destabilize security conditions. It recommended that UNOSOM's force be reduced to 17,200 all ranks, or 8 per cent of its current level of 18,761, and to 15,000 by the end of October/November, according to the plan prepared by the Force Commander for the gradual reduction of forces culminating in the completion of the mission by March 1995.

The Secretary-General observed that the delay in implementation of agreements that the Somali factions had negotiated and endorsed raised misgivings about the seriousness of their commitment to peace and national reconciliation. In those circumstances, certain Security Council members and many troop-contributing countries had indicated that they were not prepared to continue indefinitely their costly commitments in Somalia. However, it was the Secretary-General's view that the United Nations should continue for a little longer to give the Somali leaders the opportunity to demonstrate their readiness to cooperate. He therefore recommended that UNOSOM facilitate the convening of a Hawiye conference by the end of September; the force be reduced immediately by 1,500 and thereafter brought down to 15,000 all ranks; the Council approve a one-month extension of UNOSOM's mandate to 31 October; and contingency plans be made for a full range of options, depending on progress made by the end of September towards national reconciliation.

#### SECURITY COUNCIL ACTION (August)

The Security Council met on 25 August and, at its request, invited Somalia to participate in the discussion under rule 37.<sup>a</sup> After consultations among Council members, the President made the following statement on behalf of the Council:<sup>(10)</sup>

The Security Council takes note of the report of the Secretary-General to the Security Council on Somalia and briefings by the Secretariat.

The Security Council, appalled by the killing near Baidoa on 22 August of seven Indian soldiers and the wounding of nine more serving with UNOSOM II, strongly condemns the premeditated attack on United

Nations peace-keepers who were providing essential support and assistance to the humanitarian effort of the international community in Somalia carrying out the mandate of the Security Council. The Council expresses its condolences to the Government of India and the families of the soldiers who made the ultimate sacrifice in assisting the people of Somalia.

The Council expresses grave concern regarding the deteriorating security situation in Somalia and deplores attacks and harassment directed against UNOSOM II and other international personnel serving in Somalia.

The Council considers that a durable political settlement remains an indispensable prerequisite for restoring peace and security, re-establishing central governmental structures and services and commencing the process of rehabilitation and reconstruction of the economic and social fabric in Somalia.

The Council is gravely concerned by the lack of progress in reconciliation among Somali factions. It is particularly concerned by the fact that the national reconciliation conference, to which the 15 signatories of the Addis Ababa Agreement had agreed in Nairobi on 24 March 1994 and which was scheduled for 15 May 1994, has not taken place. The Council commends the efforts of the Special Representative of the Secretary-General to reinvigorate the process of national reconciliation, including through the encouragement of local and regional initiatives and conferences. In this regard, it attaches great importance to an accelerated inter-clan reconciliation, in particular among the Hawiye sub-clans, with the involvement of all concerned.

The Council stresses that the nature and the duration of the international support and resources the international community is committing to Somalia, including the continuing presence of UNOSOM II, depend very much on the resolve of the Somali parties to achieve political compromise.

The Council reminds the Somali parties that the future of their country lies in their hands and urges them once again to make every effort to advance the process of political reconciliation in Somalia.

The Council believes that the Secretary-General's proposed initial reduction of the UNOSOM II troops is appropriate in the circumstances prevailing in Somalia. It stresses that priority attention should be given to ensuring the safety and security of UNOSOM II and other international personnel, including the staff of non-governmental organizations. In this context, it underlines the responsibility of the Somali parties for the security and safety of these personnel.

The Security Council invites the Secretary-General to submit to the Council well before 30 September 1994 a substantive report on prospects for national reconciliation in Somalia and on the possible options for the future of UNOSOM II.

Meeting number. SC 3418.

**Report of the Secretary-General (September).** Reporting in September,<sup>(1)</sup> the Secretary-General said that his Special Representative had held intensive consultations with Mr. Mahdi, General Aidid and the Imam of Hirab on the convening of the Hawiye peace conference and the national

reconciliation conference. At the Imam's initiative, a meeting was held on 20 August between the Mudulood clan family and the Habr Gedir, at which agreement was reached on the withdrawal of their respective "technicals" and on a committee to supervise their removal. Subsequently, at a meeting of the Hirab Reconciliation Committee, the Hirab sub-clans (Abgal and Habr Gedir) agreed to withdraw all militia men; to remove all checkpoints and roadblocks in Mogadishu by 3 September; and to establish a committee to resolve the issue of roadblocks and the positioning of militia at the entrance to Mogadishu seaport and airport. These and other initiatives appeared to have had a salutary effect on the security situation in Mogadishu.

Meanwhile, the leaders of the Lower Juba and the Absame Reconciliation Conferences continued to work towards consolidating peace in the Lower and Middle Juba regions. In other developments, SNM met in Djibouti with the other three north-west-based political factions; they declared, *inter alia*, that secession of the north was neither feasible nor desirable and that the national reconciliation conference should be convened not later than September; and proposed the adoption of a federal system of government for Somalia. They also offered to mediate between the factions in the south. In that regard, the north-west-based factions sent a joint delegation to Mogadishu on 30 August with the aim of breaking the impasse among the factions of the south to advance national reconciliation.

As to UNOSOM, the Force Commander had reduced the force as authorized by the Council. Due to security considerations, he had decided to concentrate the troops by deploying contingents strong enough to react successfully to an attack. As a result, troops were withdrawn from several locations, creating gaps which could be exploited by hostile forces, making it no longer possible to provide permanent protection to United Nations agencies and NGOs in locations vacated. By the end of October, UNOSOM would be concentrated mainly in Mogadishu, Baidoa and Kismayo.

Despite agreements reached among Somali factions, "technicals" were still observed on a daily basis in Mogadishu, particularly around the seaport and airport, and together with the militias posed a permanent threat outside Mogadishu. Inter-clan fighting continued, and on 7 September a UNOSOM convoy of 18 trucks was ambushed near Wanlaweyn. Other serious incidents occurred, including one on 29 July when the Zimbabwean contingent was completely overrun, resulting in one casualty and forcing the troops to abandon their equipment; on 22 August, seven Indian soldiers were killed on the Baledogle-Baidoa road.

The Secretary-General recommended that the Council extend the UNOSOM II mandate for one month.

#### SECURITY COUNCIL ACTION (September)

On 30 September, the Security Council adopted **resolution 946(1994)** by recorded vote.

The Security Council,

Recalling its resolution 733(1992) of 23 January 1992 and all other relevant resolutions,

Recalling further the statement of the President of the Security Council of 25 August 1994,

Having considered the report of the Secretary-General of 17 September 1994,

Deeply concerned by the deteriorating security environment, strongly condemning the attacks and harassment against UNOSOM II and other international personnel serving in Somalia and underlining the responsibility of the Somali parties for the security and safety of these personnel,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country,

Stressing that the nature and the duration of the international support and resources the international community is committing to Somalia, including the continuing presence of UNOSOM II, depend very much on the resolve of the Somali parties to achieve political compromise,

Urging, in this context, the Somali parties to redouble their efforts to advance the process of national reconciliation in Somalia,

Noting the intention of the Secretary-General to submit to the Council by mid-October his assessment of the prospects of national reconciliation and recommendations for the future of the United Nations operation in Somalia,

1. Decides to extend the mandate of UNOSOM II for a period of one month expiring 31 October 1994, prior to which the Council will undertake a thorough examination of UNOSOM's mandate with a view to deciding on its future;

2. Encourages the Secretary-General to continue with and intensify preparations of contingency arrangements for the implementation of possible decisions, including withdrawal of UNOSOM II within a specified time-frame, which the Council may take;

3. Declares its readiness to consider sending a mission of the Council to Somalia at the appropriate time in order to convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there;

4. Decides to remain actively seized of the matter.

Security Council resolution 946(1994)

30 September 1994

Meeting 3432

14-O-1

6-nation draft (S/1994/1119).

Sponsors: France, New Zealand, Nigeria, Rwanda, Spain, United Kingdom.  
Vote in Council as follows:

In favour: Argentina, Brazil, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, United Kingdom.

Against: None.

Abstaining: United States.

**Report of the Secretary-General (October).** In October,<sup>(12)</sup> the Secretary-General submitted the second part of his report to the Security Council on progress towards national reconciliation and the future of UNOSOM II, which drew upon the results of the visit of the Under-Secretary-General for Peace-keeping Operations, Kofi A. Annan, to Somalia. The Under-Secretary-General reported that the Somali leaders were keen to establish a transitional government to fill the political vacuum and expected to convene before the end of September the preparatory meeting for the National Reconciliation Conference and the actual Conference in early October. That Conference would appoint a transitional government and examine proposals for the establishment of a federal system of government, which enjoyed wide support among the various political factions. General Aidid informed the Under-Secretary-General of SNA's new position that consultations among the Hawiye clan made the convening of a Hawiye Reconciliation Conference unnecessary and was sufficient basis for proceeding directly towards convening the preparatory meeting, followed by the National Reconciliation Conference. The Secretary-General said that, given the hopes placed in the Hawiye Reconciliation Conference, the proposal to bypass it seemed to be a negative development. In addition, General Aidid insisted on convening the preparatory meeting himself, instead of UNOSOM. However, following extensive consultations with other clan leaders, General Aidid agreed that UNOSOM should convene the meeting.

In the light of the Council's decision to terminate UNOSOM by March 1995, the Secretary-General stated that recent incidents indicated that the withdrawal of UNOSOM troops and assets from Somalia could be difficult and dangerous. Possible hostile action by Somali factions and/or banditry would prevent the use of commercial air and sea transport. He had therefore approached Member States with the required naval and air assets to reinforce UNOSOM during the critical withdrawal phase, which was expected to last from 60 to 120 days. He recommended that the Council extend UNOSOM II's mandate until 31 March 1995. If progress were to be made towards national reconciliation, he would make further recommendations to the Council for continuing some United Nations presence in Somalia beyond then.

#### SECURITY COUNCIL ACTION (October)

At consultations held on 20 October,<sup>(13)</sup> the Security Council decided, in accordance with resolution 946(1994), to send a mission to Somalia to convey directly to the Somali political parties its views on the situation in Somalia and on the future of the United Nations presence there. The mission would depart on 24 October and would



be composed of seven members: China, France, New Zealand, Nigeria, Pakistan, the Russian Federation and the United States.

The Council met on 31 October and adopted **resolution 953(1994)** unanimously.

The Security Council,

Recalling its resolution 733(1992) of 23 January 1992 and all other relevant resolutions,

Recalling further its resolution 946(1994) of 30 September 1994, in which it, *inter alia*, declared its readiness to consider sending a mission of the Council to Somalia at the appropriate time in order to convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there,

Having considered the report of the Secretary-General of 14 October 1994,

Having decided, at the consultations held on 20 October 1994, to send a mission to Somalia, and convinced that it should consider the report of this mission before completing its review of the mandate of the United Nations Operation in Somalia (UNOSOM II) and deciding on its future,

1. Decides to extend the mandate of UNOSOM II for an interim period expiring on 4 November 1994;

2. Decides to remain actively seized of the matter.

**Security Council resolution 953(1994)**

**31 October 1994 Meeting 3446 Adopted unanimously**

Draft prepared in consultations among Council members (S/1994/1222).

**Report of the Security Council mission to Somalia.** The Security Council mission, led by Colin Keating (New Zealand), visited Somalia on 26 and 27 October.<sup>(14)</sup> Prior to its arrival, it prepared a statement to be delivered to the Somali faction leaders, appealing to them to forgo violence as a means of sorting out their differences and urging them to meet in an inclusive reconciliation conference and to form an interim government. It assured them of continued United Nations humanitarian aid, as well as rehabilitation and construction assistance. However, the mission reminded the leaders that, in the absence of a meaningful improvement of the situation, the international community could not continue indefinitely its commitments to Somalia and the Council must reassess its involvement there in the broad context of its worldwide agenda.

The mission's arrival in Mogadishu coincided with consultations held by factions allied to Mr. Mahdi and General Aidid, following the issuance of a memorandum on 14 October by General Aidid's United Somali Congress/SNA and 11 other factions, calling for the convening of a national reconciliation conference on 27 October. The mission was briefed by the Special Representative of the Secretary-General and by the Force Commander. It also held separate meetings with Mr. Mahdi and General Aidid and faction leaders associated with them, representatives of countries in

the Horn of Africa (Djibouti, Eritrea, Ethiopia and the Sudan), United Nations agencies, NGOs and the Somalia Aid Coordination Body. The mission received memoranda from the Somali Salvation Alliance and from the 13 signatories to the Nairobi and Addis Ababa agreements.

The mission stated that 31 March 1995 was the appropriate date for the end of UNOSOM II's mandate, since neither the Somali factions nor the humanitarian organizations or NGOs had requested a longer extension. It made it clear to the Somali leaders that only a genuinely inclusive approach to political reconciliation was likely to lead to a secure environment and that the legitimacy of any unilaterally declared government would be doubtful. The mission confirmed the Council's desire not to abandon Somalia and humanitarian organizations and NGOs confirmed their intention to continue to operate if security conditions permitted. The mission urged the countries of the Horn of Africa to use their bilateral contacts to promote genuine national reconciliation, to desist from supporting any divisive action by any Somali faction and to support the Council's efforts to have the arms embargo observed.

The mission concluded that the visit had clarified its understanding of the issues involved as well as the understanding of the Somali leaders. The Somali factions received the Council's message with a surprising degree of acceptance and gave assurances on cooperation with the UNOSOM withdrawal, on long-term security for humanitarian assistance and on their intention to bring about genuine political reconciliation.

#### SECURITY COUNCIL ACTION (November)

The Security Council met on 4 November to consider the September and October reports of the Secretary-General. It also took into consideration the report of its mission to Somalia. At their request, the Council invited Kenya and Somalia to participate in the discussion under rule 37<sup>a</sup> of its provisional rules of procedure. The Council adopted **resolution 954(1994)** unanimously.

The Security Council,

Recalling its resolution 733(1992) of 23 January 1992 and all other relevant resolutions,

Noting with appreciation the work of the Security Council's mission in transmitting directly to Somalia's political parties the views of the Council on the situation in Somalia and on the future of the United Nations in that country,

Having considered the reports of the Secretary-General dated 17 September 1994 and 14 October 1994, and the oral report of the Security Council's mission to Somalia given on 31 October 1994,

Paying tribute to the thousands of personnel of the United Nations Operation in Somalia (UNOSOM), and to the Unified Task Force (UNITAF) as well as humanitarian relief personnel who have served in Somalia, and

honouring, in particular, those who have sacrificed their lives in this service,

Noting that hundreds of thousands of human lives have been rescued from famine in Somalia through the efforts of the United Nations and the international community,

Commending the efforts of the special representatives of the Secretary-General to bring Somali factions together in national reconciliation,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and bringing peace to Somalia,

Convinced that only a genuinely inclusive approach to political reconciliation would provide for a lasting political settlement and re-emergence of a civil society in Somalia,

Recalling that the date already foreseen for termination of the current United Nations Operation in Somalia (UNOSOM II) is the end of March 1995,

Recognizing that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, has fundamentally undermined the United Nations objectives in Somalia and, in these circumstances, continuation of UNOSOM II beyond March 1995 cannot be justified,

Recognizing further that termination of the mandate of UNOSOM II by the end of March 1995 implies a secure and orderly phasing out of its military component in advance of that date,

Noting the assurances of cooperation and non-interference with such withdrawal received from all Somali parties during the Council's mission to Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping in Somalia,

Underlining particularly, in this context, the overriding need for all possible measures and precautions to be taken to ensure that UNOSOM II does not suffer any casualties in the process of withdrawal,

Emphasizing its willingness to encourage the Secretary-General to sustain a facilitating or mediating political role for Somalia beyond March 1995 if that is what the Somalis want and if the Somali parties are willing to cooperate with the United Nations,

Concerned that the United Nations should continue to work with regional organizations, in particular the Organization of African Unity, the League of Arab States, and the Organization of the Islamic Conference, and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there,

Recognizing also the impact that the situation in Somalia has had on neighbouring countries including, in particular, flows of refugees,

Noting also that the United Nations will do its best to sustain humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise, but that their ability to do so will depend almost entirely on the degree of cooperation and security offered by Somali parties,

Confident of the willingness of the United Nations to remain ready to provide through its various agencies rehabilitation and reconstruction assistance, including assistance to the police and judiciary to the extent that

the situation in Somalia develops in such a way as to make that practicable,

Noting further the interest of humanitarian agencies and non-governmental organizations in cooperating with the United Nations after the withdrawal of UNOSOM II in transitional arrangements for mutual assistance,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances including, in particular, the absence of a government in Somalia, acting under Chapter VII of the Charter of the United Nations,

1. Decides to extend the mandate of UNOSOM II for a final period until 31 March 1995;

2. Affirms that the primary purpose of UNOSOM II until its termination is to facilitate political reconciliation in Somalia;

3. Welcomes the intention of the Secretary-General, expressed in paragraph 23 of his report dated 14 October 1994, to continue throughout the period of the mandate of UNOSOM II, and even afterwards, the efforts of his special representative to help the Somali parties achieve national reconciliation;

4. Urges all Somali factions to negotiate as soon as possible an effective cease-fire and the formation of a transitional government of national unity;

5. Decides that every effort should be made to withdraw all UNOSOM II military forces and assets from Somalia in a secure and orderly manner as soon as possible, as described in the Secretary-General's report dated 14 October 1994, before the expiry date of the current mandate of UNOSOM II and without compromising on the paramount need of ensuring the safety of UNOSOM II personnel;

6. Authorizes UNOSOM II military forces to take those actions necessary to protect the UNOSOM II mission and the withdrawal of UNOSOM II personnel and assets, and, to the extent that the Force Commander deems it practicable and consistent, in the context of withdrawal, to protect personnel of relief organizations;

7. Emphasizes the responsibility of the Somali parties for the security and safety of UNOSOM II and other personnel engaged in humanitarian activities and in this context strongly demands that all parties in Somalia refrain from any acts of intimidation or violence against such personnel;

8. Requests Member States to provide assistance in the withdrawal of all UNOSOM II military forces and assets, including vehicles, weapons and other equipment;

9. Requests that the Secretary-General keep the Council informed about the progress of the withdrawal process;

10. Invites the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference to continue their efforts in cooperation with the United Nations in the search for lasting peace in Somalia;

11. Calls upon all Member States, in particular the neighbouring States, to continue to provide support for all Somali efforts towards genuine peace and national reconciliation and to refrain from any action capable of exacerbating the conflict situation in Somalia;

12. Reiterates the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733(1992), and in this regard requests the Committee established

by resolution 751(1992) of 24 April 1992 to fulfil its mandate as described in paragraph 11 of that resolution, in particular to seek the cooperation of neighbouring States for the effective implementation of this embargo;

13. Further requests the Secretary-General to continue to monitor the situation in Somalia and to the extent possible to keep the Security Council informed in particular about developments affecting the humanitarian situation, the security situation for humanitarian personnel in Somalia, repatriation of refugees and impacts on neighbouring countries; and to report to the Security Council before 31 March 1995 on the situation in Somalia and to submit suggestions concerning the role that the United Nations could play in Somalia beyond that date;

14. Decides to remain actively seized of the matter.

Security Council resolution 954(1994)

4 November 1994 Meeting 3447 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1242).

**Communications.** On 10 November,<sup>(15)</sup> the Secretary-General forwarded to the Security Council a statement of the Inter-Agency Standing Committee on Somalia, made following a special meeting (Nairobi, 24 and 25 October) to review the future of humanitarian operations in Somalia after the termination of UNOSOM II's mandate. The Committee stated that to minimize the impact on humanitarian and rehabilitation activities, it was important to ensure an orderly transition to the traditional mandates of United Nations organizations so that new operational, security, coordination and management mechanisms could be put in place well before UNOSOM completed its mission. It proposed the establishment of a United Nations coordination team, composed of organizations active in Somalia and chaired by the UNDP Resident Representative, who would also serve as humanitarian coordinator. It would implement emergency and rehabilitation programmes whenever and wherever security conditions made it possible. The Committee urged the Council to establish protected humanitarian operational bases at essential ports and airports, by authorizing the transfer to operational United Nations organizations and international NGOs of UNOSOM's equipment and assets and its core humanitarian and security staff. The Committee urged that a special allocation be made for funding the security requirements.

The Security Council, on 7 December,<sup>(16)</sup> welcomed the statement by the Standing Committee and agreed with it that the Somali people bore responsibility for ensuring conditions that would permit the effective implementation of humanitarian, rehabilitation and development programmes. It encouraged the Secretary-General to play a facilitating or mediating political role in Somalia if the Somalis so desired and were willing to cooperate.

Report of the Commission of Inquiry on the June 1993 attack on UNOSOM

The Security Council President, in a 26 May letter to the Secretary-General,<sup>(17)</sup> acknowledged receipt of the report of the Commission of Inquiry established in 1993<sup>(18)</sup> to investigate the 5 June 1993 armed attack on UNOSOM II personnel. The Council noted that many of the suggestions in the report had already been acted upon by UNOSOM II and by the Council itself. It believed that the report demonstrated the complexity and difficulty of the operation in Somalia. Many lessons had been learned and the Council would be able to build on that experience in future peace-keeping operations. The Council decided that the report should be circulated.

In response to the Council's request, the Secretary-General circulated the report of the Commission on 1 June.<sup>(19)</sup> The report examined the underlying causes of the armed clashes, the weapons inspections and outbreak of hostilities and fighting between UNOSOM II and the SNA militia.

The report concluded that the United Nations needed to communicate to troop-contributing countries the fundamental difference of UNOSOM II's mandate, which was based on Chapter VII of the Charter, and explain to the Somalis the nature, purpose and justification of the intervention. It observed that on 5 June there was an absence of common communication facilities, which prevented the Pakistanis and Nigerians from making contact with the Italian brigade. Many senior UNOSOM political advisers lacked experience and knowledge of United Nations peace-keeping practices and were insensitive to the local culture. There was no forum at United Nations Headquarters for coordinating policy, concept of operations and operational procedures since the military staff committee was not established. The mandate given to UNOSOM II, as it was interpreted, was too pretentious in relation to the instruments and the will to implement it.

The Commission recommended that forced disarmament of militias under Chapter VII of the Charter should be abandoned; the United Nations should not insist on a particular political formula for the resolution of the Somali conflict, but assist all Somali political movements to reach consensus; ex gratia payments should be considered for those Somali civilians who suffered as a consequence of UNOSOM II's implementation of resolution 837(1993)<sup>(20)</sup> and a mechanism set up for granting such payments; in new peace-keeping operations, the United Nations should request Governments to include in their contingents senior officers with peace-keeping experience; it should adopt the practice of utilizing experienced observers at the initial stages of a new mission; armoured personnel carriers and other protective vehicles should

be made available to all participating contingents; the United Nations should refrain from undertaking further peace enforcement actions within the internal conflicts of States and, if it did, the mandate must be limited; it should continue traditional peace-keeping operations with increased emphasis on preventive diplomacy, assistance in peaceful nation-building and preparedness to respond to emergencies; political control of United Nations peace-keeping operations should rest fully with the Secretary-General; and there should be a unified command and study should be made of the command structure for any peace enforcement action.

#### Composition and withdrawal of UNOSOM II

On 11 January,<sup>(21)</sup> the Secretary-General obtained the agreement of members of the Security Council to his proposal of 6 January<sup>(22)</sup> to appoint Lieutenant-General Aboo Samah Bin Aboo Bakar (Malaysia) to succeed Lieutenant-General Cevik Bir (Turkey) as Force Commander of UNOSOM. General Bir was to relinquish the post on 15 February.

Of an authorized troop strength of 32,000, as at 1 January 1994, UNOSOM II's troop level fell to 25,945.<sup>(23)</sup> On 4 February (**resolution 897(1994)**), the Security Council authorized a gradual reduction of the UNOSOM force level to 22,000, including 2,500 logistics and support elements. Of the troop-contributing countries, Germany, Greece, Italy, Kuwait, Morocco, Norway, the Republic of Korea, Saudi Arabia, Tunisia, Turkey, the United Arab Emirates and the United States had completed their withdrawal from UNOSOM by May. However, Pakistan increased its contingent by some 2,000 troops all ranks. As at 11 May,<sup>(24)</sup> troop strength stood at 19,000, while civilian police personnel stood at 54. This was further reduced to 18,790 as at 10 July<sup>(25)</sup> and to 15,000 by the end of October.<sup>(26)</sup> On 4 November (**resolution 954(1994)**), the Security Council decided to withdraw all UNOSOM military forces by 31 March 1995.

#### Financing of UNOSOM II

In a January report<sup>(27)</sup> on the financing of UNOSOM, the Secretary-General said that cost estimates for the maintenance of UNOSOM II for the period 1 November 1993 to 31 May 1994 amounted to \$673,508,200 gross (\$668,327,800 net), inclusive of the \$302,869,200 gross (\$300 million net) already authorized and apportioned by the General Assembly.

On 1 March, the Chairman of the Fifth Committee, during consideration of the financing of five peace-keeping operations, including UNOSOM II, said that in the absence of in-depth consideration by ACABQ of the Secretary-General's reports, the Committee might wish to provide a commitment

authority of one or two months to ensure their continued functioning and allow the Secretariat to issue assessments on a pro rata basis for resources already authorized.

#### GENERAL ASSEMBLY ACTION (March)

In March, the General Assembly, adopted **decision 48/471 B** without vote.

#### Financing of the United Nations Operation in Somalia II

At its 90th plenary meeting, on 9 March 1994, the General Assembly, on the recommendation of the Fifth Committee, having recalled its decision 48/471 A of 23 December 1993 on the financing of the United Nations Operation in Somalia II:

(a) Decided, on an exceptional basis, to authorize the Secretary-General to enter into commitments for the maintenance of the Operation in Somalia II for the period from 1 to 31 March 1994 up to the amount of 75,717,300 United States dollars gross (75 million dollars net), which is equivalent to the one-month pro rata share of the commitment authority provided for in its decision 48/471 A;

(b) Agreed to take a decision on the question of assessment for the Operation in Somalia II in case a decision on the financing of the Operation had not been made by 15 March 1994, subject to the availability of the report of the Advisory Committee on Administrative and Budgetary Questions;

(c) Expressed deep concern at the current level of arrears of contributions, and urged those Member States in arrears to pay their assessed contributions promptly and in full.

General Assembly decision 48/471 B

Adopted without vote

Approved by Fifth Committee (A/48/820/Add.1) without vote, 4 March (meeting 49); draft by Vice-Chairman (A/C.5/48/L.40); agenda item 137. Meeting numbers. GA 48th session: 5th Committee 48, 49; plenary 90.

In March,<sup>(24)</sup> ACABQ recommended that \$639,399,300 gross be appropriated for the period from 1 November 1993 to 31 May 1994 and that the unencumbered balance of \$56,027,000 gross for the period from 1 May to 31 October 1993 be set off against the amount to be assessed on Member States for the period from 1 November 1993 to 31 May 1994.

On 24 March, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 48/239** without vote.

#### Financing of the United Nations Operation in Somalia II

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Operation in Somalia II and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 751(1992) of 24 April 1992, by which the Council established the United Nations Operation in Somalia, and Council resolution 886(1993) of 18 November 1993, by which the

Council extended the mandate of the United Nations Operation in Somalia II until 31 May 1994,

Bearing in mind also Security Council resolution 897(1994) of 4 February 1994, in which the Council authorized the gradual reduction of the Operation in Somalia II to a force level of up to 22,000, and necessary support elements, such force level to be reviewed at the next renewal of the mandate,

Recalling its decision 48/471 A of 23 December 1993 on the financing of the Operation,

Reaffirming that the costs of the Operation 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 Operation, 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,

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

1. Takes note of the status of contributions to the United Nations Operation in Somalia II as at 22 March 1994, including the contributions outstanding in the amount of 153,104,873 United States dollars;

2. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities because of overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Expresses 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 Operation and, consequently, the effective implementation of its mandate;

4. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents in time in order to allow for a proper and thorough review and approval by the General Assembly of the budgets before their implementation;

5. Notes with satisfaction an improvement in the compliance by the Secretariat with certain resolutions of the Assembly with regard to the form of budget documents concerning peace-keeping operations;

6. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the Assembly in the budget process;

7. Reiterates its decision 48/487 of 24 March 1994, in which it requested the Board of Auditors to conduct a special audit of all aspects of procurement for peace-keeping operations and observer missions;

8. Endorses the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

9. Takes note, in the context of paragraphs 39 to 41 of the report of the Advisory Committee, of the additional information provided by the Secretariat regarding the essential nature and long-term cost-effectiveness of the provisions made for logistical services;

10. Recommends that the Secretariat actively pursue all available means to deliver such services at more economical rates;

11. Requests the Secretary-General to take all necessary action to ensure that the Operation is administered with a maximum of efficiency and economy and, in particular, to implement fully economy, financial and efficiency measures to be approved during the resumed forty-eighth session but no later than 1 May 1994, and to report on the implementation of such measures in the context of the performance report relevant to the period;

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

13. Affirms that the non-payment and late payment of assessed contributions in full and on time and the fact that the Assembly has unfortunately been led to consider and approve budgets for peace-keeping operations without adequate documentation have damaged and continue to damage the ability of peace-keeping operations to implement their activities effectively;

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

15. Decides to appropriate to the Special Account for the United Nations Operation in Somalia II, in accordance with the recommendations contained in paragraph 52 of the report of the Advisory Committee, a total amount of 639,399,300 dollars gross (634,214,900 dollars net) for the period from 1 November 1993 to 31 May 1994;

16. Decides also, as an ad hoc arrangement, to apportion the additional amount of 513,203,800 dollars gross (509,214,900 dollars net) for the period from 1 November 1993 to 31 May 1994, taking into account the amount of 126,195,500 dollars gross (125 million dollars net) already apportioned in accordance with decision 48/471 A, 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 A 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 Assembly decision 47/456 of 23 December 1992;

17. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 3,988,900 dollars for the period from 1 November 1993 to 31 May 1994 approved for the Operation;

18. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the unen-

cumbered balance of 56,027,000 dollars gross (53,018,000 dollars net) for the period from 1 May to 31 October 1993;

19. Requests the Secretary-General, in view of the amounts of the unencumbered balances which arise in some peace-keeping operations, to study the feasibility of a possible retention of the shares of Member States in the unencumbered balances of peace-keeping operations until the Member States meet all outstanding obligations in respect of the period concerned, and to report to the Assembly in the context of the agenda item on the administrative and budgetary aspects of the financing of the United Nations peace-keeping operations no later than 31 May 1994;

20. Authorizes the Secretary-General to enter into commitments for the Operation at a rate not to exceed 77,442,517 dollars gross (76,332,417 dollars net) per month for a period of four months beginning 1 June 1994 and, subject to the Security Council deciding to extend the mandate of the Operation beyond 31 May 1994, the amount of 154,885,034 dollars gross (152,664,834 dollars net) to be apportioned among Member States in accordance with the scheme set out in the present resolution;

21. Requests the Secretary-General to submit budget proposals, including revised estimates for the period the Security Council might decide to continue the mandate of the Operation beyond 31 May 1994, no later than 15 July 1994;

22. Invites voluntary contributions to the Operation 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 Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

23. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Operation are administered under the authority of his Special Representative in a coordinated fashion with a maximum of efficiency and economy and in accordance with the relevant mandate, and to include information on the arrangements made in this regard in his report on the financing of the Operation;

24. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Financing of the United Nations Operation in Somalia II".

#### General Assembly resolution 48/239

24 March 1994 Meeting 91 Adopted without vote

Approved by Fifth Committee (A/48/820/Add.2) without vote, 23 March (meeting 55); draft by Chairman based on informal consultations (A/C.5/48/L.48), orally revised; agenda item 137.

Meeting numbers. GA 48th session: 5th Committee 51, 55; plenary 91.

On 17 April, the theft of \$3.9 million was discovered from UNOSOM headquarters in the United States Embassy compound in Mogadishu. A search of the surrounding area did not yield the stolen money. Recommendations for physical improvements, installation of alarm systems and the 24-hour posting of armed guards were made for immediate implementation. On 19 April, a Headquarters investigation team was dispatched to UNOSOM to investigate the theft, to identify the perpetrators and those whose acts, inaction or

negligence had contributed to the theft and to institute immediate measures to safeguard UNOSOM's cash. The team submitted an initial report on 12 May.

**Report of the Secretary-General (July).** In a July report,<sup>(25)</sup> the Secretary-General stated that, as at 30 June 1994, outstanding assessments due from Member States totalled \$610,652,972 (\$15,440,901 for UNOSOM and \$595,212,071 for UNOSOM II). To provide for the cash flow requirements of UNOSOM II, \$7 million was borrowed from another peace-keeping operation. The Trust Fund for Somalia, established by the Secretary-General, had received some \$115.1 million in voluntary contributions. As at 30 June, full reimbursement to troop-contributing countries for UNOSOM had been made for the period ending 31 December 1993; \$148.2 million was due for troop costs from 1 January to 30 June 1994. The revised cost estimate for the maintenance of UNOSOM II for the period from 1 June to 30 September totalled \$307,690,900 gross (\$303,332,100 net).

**Report of the Secretary-General (October).** In October,<sup>(26)</sup> the Secretary-General said that UNOSOM's force level was reduced and was to be brought down to 15,000 by the end of October. Following the Security Council's decision of 30 September to extend the UNOSOM II mandate for one month until 31 October (**resolution 946(1994)**), he had sought and received the concurrence of ACABQ to enter into commitments in the amount of up to \$54,458,300 gross (\$53,624,600 net) from the unencumbered balance for the period ending 30 September for the maintenance of UNOSOM in October, pending the submission of the report of the Secretary-General.

The cost estimates for the period 1 June to 30 September had been revised downwards by \$62,243,200 gross (\$61,221,500 net) to a total of \$245,447,700 gross (\$242,110,600 net). The estimate for maintaining UNOSOM for the month of October amounted to \$54,456,300 gross (\$53,621,600 net).

In a later addendum,<sup>(27)</sup> the Secretary-General reported that assessed contributions due from Member States as at 14 November totalled \$217,395,481 (\$15,121,599 for UNOSOM and \$202,273,882 for UNOSOM II). He said that in view of the Council's decision of 4 November to extend UNOSOM's mandate for a final period until 31 March 1995 and to withdraw all its military forces (**resolution 954(1994)**), the revised cost estimate for the period 1 November 1994 to 28 February 1995 amounted to \$190,804,400 gross (\$188,340,300 net).

#### GENERAL ASSEMBLY ACTION (8 December)

On 5 December,<sup>(28)</sup> the Fifth Committee was informed of the need for financial authority for the operation of UNOSOM II beyond 31 October, pending review of the reports of the Secretary-General

and of ACABQ. On 8 December, the General Assembly adopted decision 49/415 A, authorizing the Secretary-General to enter into commitments for the maintenance of UNOSOM II for the period 1 November to 31 December in the amount of \$105,580,700 gross (\$104,078,200 net).

Report of ACABQ. In December,<sup>(29)</sup> ACABQ noted that the unencumbered balance of \$25,404,400 gross (\$23,746,900 net) had been adjusted to reflect the loss of \$3.9 million of stolen cash between 16 and 17 April. It noted that an investigation was being conducted by the United Nations Office of Internal Oversight Services and requested information on the cost and status of the investigation. It also requested the Board of Auditors to conduct, in the course of its audit of UNOSOM, a specific examination of the expenditures on contractual and logistical services, including the negotiation and award of contracts, the procedure for establishing the price in relation to the quality and level of the services rendered, and control, monitoring and certification of such expenditure.

ACABQ recommended approval of the Secretary-General's request for the appropriation of \$245,447,700 gross (\$242,110,600 net) for the maintenance of UNOSOM II from 1 June to 30 September 1994 and assessment of an additional amount of \$90,562,666 gross (\$89,445,776 net); the appropriation of \$196,784,000 gross (\$194,319,900 net) for the period 1 November 1994 to 28 February 1995 and assessment of that amount; and the appropriation of \$499,152,100 gross (\$492,516,200 net), including \$253,704,400 gross (\$250,405,600 net) for the period 1 October 1994 to 28 February 1995, and the assessment of \$316,364,366 gross (\$314,184,066 net) for the period 1 June 1994 to 28 February 1995.

#### GENERAL ASSEMBLY ACTION (23 December)

On 23 December, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 49/229** without vote.

#### Financing of the United Nations Operation in Somalia II

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Operation in Somalia II and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 751(1992) of 24 April 1992, by which the Council established the United Nations Operation in Somalia, and 814(1993) of 26 March 1993, by which the Council expanded the size of the Operation and authorized the mandate for the expanded Operation (United Nations Operation in Somalia II), and the subsequent resolutions of the Council that extended the mandate of the Operation, the latest of which was resolution 954(1994) of 4 November 1994, by which the Council extended the mandate of the Operation for a final period until 31 March 1995,

Recalling also its resolution 47/41 A of 1 December 1992 on the financing of the Operation and its subsequent resolutions and decisions, the latest of which were resolution 48/239 of 24 March 1994 and decision 49/415 A of 8 December 1994,

Reaffirming that the costs of the Operation 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 decisions regarding the fact that, in order to meet the expenditures caused by the Operation, 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 operations,

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,

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

Expressing deep concern about the loss of the United Nations assets and the theft of 3.9 million United States dollars from the Operation and the absence of any detailed formal report in writing on this matter to date on the part of the Secretariat,

Reiterating the need for transparency in the relationship between the Secretariat and Member States in such matters,

1. Requests the Secretary-General to give a written report to the General Assembly no later than 31 January 1995 on the progress of the investigation undertaken by the Office of Internal Oversight Services and action thereon to determine responsibility for the theft of 3.9 million dollars and to recover the missing funds, as well as disciplinary measures taken in this regard and controls put in place to avoid the recurrence of similar incidents in future;

2. Takes note of the status of contributions to the United Nations Operation as at 20 December 1994, including the contributions outstanding in the amount of 192,869,981 dollars, and urges all Member States concerned to make every possible effort to ensure the payment of their outstanding assessed contributions;

3. Expresses concern about the financial situation with regard to peace-keeping activities, particularly as regards the reimbursement of troop contributors, due to overdue payments by Member States of their assessments, particularly Member States in arrears;

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

5. Expresses concern at the slow progress in the reimbursement to Member States for the use of contingent-owned and other equipment, and urges the Secretary-General to enhance his efforts in this regard in view of the imminent closure of the Operation;

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

7. Endorses also the request to the Board of Auditors, contained in paragraph 19 of the report of the Advisory Committee, to conduct, in the course of its audit of the Operation, a specific examination of the contractual and logistic services, including the negotiation and award of contracts, the procedure for establishing the price in relation to the quality and level of the services rendered, control and monitoring of expenditure and certification of such expenditure by the United Nations;

8. Decides to appropriate, in accordance with the recommendation contained in paragraph 40 of the report of the Advisory Committee, to the Special Account for the United Nations Operation in Somalia II the amount of 245,447,700 dollars gross (242,110,600 dollars net) for the maintenance of the Operation for the period from 1 June to 30 September 1994, authorized under General Assembly resolution 48/239;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 154,885,034 dollars gross (152,664,834 dollars net) already apportioned in accordance with General Assembly resolution 48/239, to apportion the additional amount of 90,562,666 dollars gross (89,445,766 dollars net) among Member States for the period from 1 June to 30 September 1994 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 A 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 Assembly decision 47/456 of 23 December 1992;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 1,116,900 dollars for the period from 1 June to 30 September 1994;

11. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the additional unencumbered balance of 2,498,300 dollars gross (1,920,400 dollars net) in respect of the period from 1 May to 31 October 1993;

12. Decides also that there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the unencumbered balance of 25,404,400 dollars gross (23,746,900 dollars net) in respect of the period from 1 November 1993 to 31 May 1994;

13. Decides further to appropriate, in accordance with the recommendation contained in paragraph 40 of the report of the Advisory Committee, to the Special Account for the United Nations Operation in Somalia II the amount of 253,704,400 dollars gross (250,405,600 dollars net) for the maintenance of the Operation for the period from 1 October 1994 to 28 February 1995;

14. Decides, as an ad hoc arrangement, to apportion the amount of 253,704,400 dollars gross (250,405,600 dollars net) among Member States for the period from 1 October 1994 to 28 February 1995 in accordance with

the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232, as adjusted by the Assembly in its resolutions 44/192 B, 45/269, 46/198 A and 47/218 A and its decision 48/472 A, the scale of assessments for the year 1994 to be applied against a portion thereof, that is, 167,420,200 dollars gross (165,083,000 dollars net), which is the amount pertaining to the period ending 31 December 1994, and the scale of assessments for the year 1995 to be applied against the balance, that is, 86,284,200 dollars gross (85,322,600 dollars net), for the period from 1 January to 28 February 1995;

15. Decides also 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 14 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,298,800 dollars for the period from 1 October 1994 to 28 February 1995, 2,337,200 dollars being the amount pertaining to the period from 1 October to 31 December 1994 and the balance, that is, 961,600 dollars, for the period from 1 January to 28 February 1995;

16. Requests the Secretary-General to submit a report, in the context of the revised cost estimates related to the final mandate period of the Operation, on the disposal of the assets and liabilities of the Operation, so as to enable appropriate decisions to be taken by the General Assembly during its resumed forty-ninth session;

17. Invites voluntary contributions to the Operation 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;

18. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Operation are administered under the authority of his Special Representative in a coordinated fashion with a maximum of efficiency and economy and in accordance with the relevant mandate, and to include information on the arrangements made in this regard in his report on the financing of the Operation;

19. Decides to include in the provisional agenda of its fiftieth session the item entitled "Financing of the United Nations Operation in Somalia II".

#### General Assembly resolution 49/229

23 December 1994 Meeting 95 Adopted without vote

Approved by Fifth Committee (A/49/757/Add.1) without vote, 21 December (meeting 36); draft by Chairman based on informal consultations (A/C.5/49/L.24); agenda item 123.

#### REFERENCES

- (<sup>1</sup>)YUN 1993, p. 297, SC res. 886(1993), 18 Nov. 1993.  
 (2)S/1994/12. (<sup>3</sup>)A/49/91. (4)S/1994/614. (<sup>5</sup>)S/1994/708.  
 (6)S/1994/707. (7)S/1994/839. (<sup>8</sup>)S/1994/898. (<sup>9</sup>)S/1994/977.  
 (10)S/PRST/1994/46. (11)S/1994/1068. (12)S/1994/1166.  
 (13)S/1994/1194. (<sup>14</sup>)S/1994/1245. (<sup>15</sup>)S/1994/1392. (<sup>16</sup>)S/1994/1393.  
 (17)S/1994/652. (18)YUN 1993, p. 299, SC res. 885(1993), 16 Nov. 1993. (19)S/1994/653. (20)YUN 1993, p. 293, SC res. 837(1993), 6 June 1993. (21)S/1994/22. (22)S/1994/21.  
 (23)A/48/850 & Corr.1. (24)A/48/899. (25)A/48/850/Add.1 & Add.1/Corr.1. (26)A/49/563 & Corr.1. (27)A/49/563/Add.1.  
 (28)A/49/757. (29)A/49/762 & Corr.1.



## Northern Africa

### Chad/Libyan Arab Jamahiriya

Since 1973, Chad and the Libyan Arab Jamahiriya had been involved in a dispute over the area between them commonly known as the Aouzou Strip. In 1988, both States expressed the willingness to resolve the dispute by peaceful means and on 31 August 1989 signed, in Algiers, Algeria, the Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Republic of Chad and the Great Socialist People's Libyan Arab Jamahiriya providing for the settlement of the dispute by political means, including conciliation, within one year. Talks on settling the dispute were inconclusive and in September 1990<sup>(1)</sup> the parties referred it to the International Court of Justice (ICJ).

On 3 February 1994, ICJ delivered its Judgment in respect of the dispute, which determined the boundary lines between the two countries in the Aouzou Strip (see PART IV, Chapter I).

Chad, on 9 March,<sup>(2)</sup> informed the President of the Security Council of the exchange of letters between the two countries concerning the implementation of the ICJ Judgment and the talks held to that effect at N'Djamena, Chad, from 4 to 6 March. Those talks failed to set a date or timetable for the withdrawal of Libyan troops from the Aouzou Strip. Chad expressed concern over the concentration of Libyan troops there and the mass arrests and expulsion of Chadians living in the Libyan Arab Jamahiriya. It intended to continue the dialogue to restore its full sovereignty over Aouzou.

On 23 March,<sup>(3)</sup> the Libyan Arab Jamahiriya informed the Secretary-General that it intended to abide by the ICJ Judgment, whose legal consequences should be the subject of an agreement between the two parties within the context of the 1989 Framework Agreement. A timetable for the withdrawal of the Libyan civil and military administration should be drawn up before any discussion of an implementation mechanism or formation of committees. The Libyan Arab Jamahiriya had requested the current OAU Chairman, President Hosni Mubarak of Egypt, to dispatch an Egyptian commission to supervise the Libyan withdrawal and renewed its invitation to Chad to discuss implementation of the Judgment.

In letters dated 6 April<sup>(4)</sup> and 7 April,<sup>(5)</sup> respectively, the Libyan Arab Jamahiriya and Chad submitted to the Secretary-General the text of an agreement signed on 4 April at Surt, Libyan Arab Jamahiriya, between their two Governments, setting out the practical modalities for implementing the ICJ Judgement. The agreement provided for the withdrawal of the Libyan administration and troops commencing on 15 April, under the

supervision of a mixed team of 25 Chadian officers, 25 Libyan officers and United Nations observers, based at the Aouzou administrative post. The operation was scheduled to end on 30 May, marked by an official hand-over ceremony. A joint team of 40 mine-disposal experts from both countries was to be established to remove mines, neutralize hazardous objects and mechanisms and disinfect wells. The two countries also agreed on crossing points for persons and property; on the establishment of joint frontier patrols and a joint team of experts to delimit the frontier in accordance with the Judgment; and to strengthen bilateral relations.

On 13 April,<sup>(6)</sup> the Secretary-General informed the Security Council President that he intended to send a reconnaissance team to the area and to prepare recommendations to the Council on the possible role of the United Nations in the implementation of the 4 April agreement.

#### SECURITY COUNCIL ACTION (April)

The Security Council met on 14 April to consider the agreement signed on 4 April between Chad and the Libyan Arab Jamahiriya. The Council adopted **resolution 910(1994)** unanimously.

The Security Council,

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

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

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

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

1. Decides that paragraph 4 of resolution 748(1992) of 31 March 1992 shall not apply in respect of United Nations aircraft flying to or from Libya for the purpose of conveying the Secretary-General's reconnaissance team;

2. Requests the Secretary-General to inform the Committee established pursuant to resolution 748(1992) of flights made to or from Libya in accordance with the present resolution.

Security Council resolution 910(1994)

14 April 1994 Meeting 3363 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/433).

**Report of the Secretary-General (April).** In an April report<sup>(7)</sup> on the agreement to implement the ICJ Judgment of 3 February, the Secretary-General said that the reconnaissance team, led by Colonel B. Mazlan (Malaysia), held discussions in Tripoli and visited the Aouzou area between 15 and 17 April. It recommended the deployment of United Nations observers to monitor the withdrawal of the Libyan administration and forces in accordance with the 4 April agreement. The two Governments were asked to provide lists of places from which the withdrawal was to take place. The Secretary-General recommended that a United Nations Aouzou Strip Observer Group (UNASOG) be formed to monitor the withdrawal. The Group would establish its headquarters at the Aouzou administrative post and would be located in Bardai, Ounmo/Oumchi and Cazandou. The military observers and civilian support staff would be drawn from the United Nations Mission for the Referendum in Western Sahara. The Secretary-General also recommended that the Security Council authorize the immediate deployment of UNASOG for a period of approximately 40 days, with the reconnaissance team becoming the advance party of the operation. A UNDP representative would assist in assessing the potential humanitarian situation of the 4,000 inhabitants in the Aouzou Strip after the withdrawal. The financial requirements for UNASOG for the period 15 April to 30 May were estimated at \$395,500.

#### SECURITY COUNCIL ACTION (May)

The Security Council met on 4 May to consider the Secretary-General's report. It adopted **resolution 915(1994)** unanimously.

The Security Council,

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

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

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

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

Determined to assist the parties in implementing the Judgment of the International Court of Justice concern-

ing their territorial dispute and thereby to help promote peaceful relations between them, in keeping with the principles and purposes of the Charter of the United Nations,

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

#### A

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

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

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

#### B

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

4. Decides that paragraph 4 of resolution 748(1992) of 31 March 1992 shall not apply in respect of aircraft flying to or from the Libyan Arab Jamahiriya for the purpose of conveying UNASOG;

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

#### C

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

7. Decides to remain seized of the matter.

Security Council resolution 915(1994)

4 May 1994 Meeting 3373 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/532).

**Report of the Secretary-General (June).** In a June report,<sup>(8)</sup> the Secretary-General stated that UNASOG was composed of nine military observers drawn from Bangladesh, Ghana, Honduras, Kenya, Malaysia and Nigeria and six international support staff. UNASOG's advance team reached agreement with the Libyan Arab Jamahiriya/Chad mixed team, established under the 4 April agreement, on the locations and schedule for the withdrawal and evacuation of Libyan forces, which were carried out according to schedule. In a joint declaration signed on 30 May,<sup>(9)</sup> the two countries stated that the withdrawal of the Libyan adminis-

tration and forces from the Aouzou Strip had been effected as of that date to the satisfaction of both parties.

A UNDP representative visited the area from 19 to 24 May and reported that most of the inhabitants in the Aouzou village had moved to the Libyan Arab Jamahiriya. He suggested that Chad, in consultation with UNDP, request a United Nations inter-agency mission to formulate an integrated development programme for the area which could also be used for mobilizing the necessary financial resources. However, before commencing any development activities in the area, it would be necessary to complete the removal of land-mines and repair roads destroyed in the demining process.

The Secretary-General said that UNASOG departed from the area on 5 June. He called on the two Governments to abide by the 4 April agreement, to strengthen their bilateral relations and to cooperate for the mutual benefit of their people.

#### SECURITY COUNCIL ACTION (June)

The Security Council met on 13 June and adopted **resolution 926(1994)** unanimously.

The Security Council,

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

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

#### Security Council resolution 926(1994)

**13 June 1994 Meeting 3389 Adopted unanimously**

Draft prepared in consultations among Council members (S/1994/700).

#### REFERENCES

- (<sup>1</sup>)A/46/4. (<sup>2</sup>)S/1994/296. (<sup>3</sup>)S/1994/332. (<sup>4</sup>)S/1994/402. (<sup>5</sup>)S/1994/424. (<sup>6</sup>)S/1994/432. (<sup>7</sup>)S/1994/512. (<sup>8</sup>)S/1994/672. (<sup>9</sup>)S/1994/657.

## Southern Africa and the Comoros

### Angola

Peace negotiations between the Government of Angola and the National Union for the Total Independence of Angola (UNITA) resumed in January 1994 and continued throughout the year, culminating in the conclusion of the Lusaka Protocol on 14 October to end the armed conflict. The Protocol was finally signed on 20 November and both sides agreed to observe the cease-fire from 22 November. A Joint Commission was established

to oversee implementation of the Protocol. The Security Council extended the mandate of the second United Nations Angola Verification Mission (UNAVEM II) until February 1995.

#### UNAVEM II

**Report of the Secretary-General (January).** In response to a 1993 Security Council request,<sup>(1)</sup> the Secretary-General submitted in January 1994 a report<sup>(2)</sup> on UNAVEM II. He stated that his Special Representative pursued efforts to bring the Lusaka peace talks between the Government of Angola and UNITA, which were suspended between 23 December 1993 and 5 January 1994, to a successful completion. During that time, he held consultations with the leaders of neighbouring countries to ensure that the pause would not lead to a collapse of the negotiations.

Notwithstanding the progress made in the Lusaka talks, there was an intensification of hostilities and military preparations on both sides, aimed at a possible continuation of the war should the Lusaka talks fail. The number of people in need of humanitarian assistance increased by some 300,000 to a total of nearly 3.3 million. The Government, UNITA and the United Nations Department of Humanitarian Affairs (DHA) agreed to increase the use of two land corridors—Luanda to Malange and Lobito to Kuito/Bié—and to open Catumbela airport in Benguela province for humanitarian air operations. UNITA officials also agreed to an increase in humanitarian assistance in UNITA-controlled areas.

The Secretary-General said that since UNITA had agreed to dismantle its military structure and become a political party, it was essential to reach agreement on how to reintegrate UNITA into the Government and State administration. In the circumstances, he had sent a team of experts to Angola to make a preliminary assessment of needs as part of his contingency planning for United Nations action in the event a comprehensive settlement was achieved.

#### SECURITY COUNCIL ACTION (February)

On 10 February, the Security Council met to consider the report of the Secretary-General. At its request, the Council invited Angola to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37<sup>a</sup> of the Council's provisional rules of procedure. The President, following consultations among Council members, made the following statement on behalf of the Council:<sup>(3)</sup>

The Security Council has considered the report of the Secretary-General on the United Nations Angola Verification Mission (UNAVEM II) submitted pursuant to resolution 890(1993) of 15 December 1993.

The Council commends the Secretary-General, his Special Representative and the Chief Military Observer on their efforts to bring to a successful conclusion the talks between the Government of Angola and UNITA, currently taking place in Lusaka, with a view to reaching an effective and sustainable settlement of the conflict, within the framework of the "Acordos de Paz" and the relevant resolutions of the Security Council. The Council also commends the efforts of the three observer States to the Angolan peace process and those of the Organization of African Unity and of neighbouring States in support of the Lusaka talks, and encourages them to continue these efforts.

The Council notes the progress made to date in the Lusaka talks, in particular the adoption of the general and specific principles, as well as the modalities, relating to all the military and police issues on the agenda. The Council calls upon the parties to renew their commitment to a peaceful settlement. It demands that they redouble their efforts in the Lusaka talks, with the aim of urgently attaining an effective and sustainable cease-fire and completing work on the remaining points on the agenda and concluding a peaceful settlement without procrastination.

The Council is deeply concerned at the intensification of hostilities and, in particular, at the recent outbreak of serious military activity at several locations in Angola, particularly at Kuito/Bié. It deplores the great loss of life and destruction of property.

The Council stresses that the only way to achieve an effective, verifiable and sustainable cease-fire is for the parties to conclude and sign a comprehensive peace agreement. It calls upon them to honour the commitments they have already voluntarily agreed to in Lusaka, to exercise maximum restraint, to stop immediately all offensive military actions, and to commit themselves to the urgent conclusion of the Lusaka talks.

The Council welcomes the improvement in the delivery of humanitarian relief assistance to the affected population in Angola, while acknowledging that the overall situation remains serious. It urges the parties to continue to cooperate with the United Nations agencies and the non-governmental organizations in ensuring the unimpeded delivery of humanitarian relief supplies and the necessary security for its efficient distribution. It calls upon the international community to contribute generously to humanitarian aid efforts in Angola.

The Security Council requests the Secretary-General to keep it informed on a timely basis of developments in the Lusaka peace talks. It reaffirms its readiness to consider promptly any recommendations from the Secretary-General once an agreement has been concluded between the parties. It also reaffirms its readiness to consider further action in accordance with its previous resolutions.

The Council will remain seized of the matter.

Meeting number. SC 3335.

**Report of the Secretary-General and communication (March).** In a March report,<sup>(4)</sup> the Secretary-General stated that agreement was reached on 17 February on the general principles concerning national reconciliation, but negotia-

tions continued on bridging the gap between the positions of the Government and UNITA on specific principles, which included the allocation of high-level government posts to UNITA.

The military situation remained volatile, with fighting at varying levels of intensity in several provinces. Some major cities remained under siege, encircled or under sustained military pressure. The end of January was marked by an intense ground and air offensive by the Government in the northern provinces of Bengo and Kwanza Norte. Intense fighting broke out in and around the besieged city of Kuito/Bié in February. Hostilities also affected Huambo and Malange. UNITA was reportedly concentrating war materiel and carrying out military activities in Kwanza Sul province, as well as building up its forces in the provinces of Cabinda and Zaire. At the same time, both sides were reported to be concentrating troops within the province of Kwanza Sul, and were accusing each other of receiving large quantities of war materiel and other foreign military assistance.

The Secretary-General said that the ability of UNAVEM to monitor and evaluate the military situation was limited, with its 50 military observers, 18 police officers and 11 military personnel deployed at five locations. He was pursuing contacts with Member States to obtain the necessary personnel to establish, immediately after the signing of a peace agreement, a minimum presence of United Nations military and police officers to verify the cease-fire until the arrival of peace-keeping forces.

The overall humanitarian situation had improved. However, intensified fighting and security incidents in the provinces of Bié, Huambo and Malange, among other locations, seriously hampered emergency relief activities. The Secretary-General appealed to the Government and UNITA to provide the necessary security guarantees and refrain from any action that would endanger relief workers or disrupt the provision of humanitarian assistance. On 28 February, DHA issued an inter-agency appeal for Angola in the amount of \$179 million for emergency aid between February and July (see PART THREE, Chapter III).

The Secretary-General recommended that the Security Council extend the UNAVEM II mandate at its current strength for an additional three months. He also recommended that the Council increase UNAVEM II's strength to the previous level of 350 military observers, 126 police observers and 14 military staff and an appropriate number of international and local civilian staff, on the understanding that the additional personnel would be deployed when an overall settlement had been agreed.

In a later addendum,<sup>(5)</sup> the Secretary-General reported that the estimated additional cost of ex-

paneling UNAVEM II for the three-month period would be \$20.8 million. That amount was additional to the cost of maintaining the Mission at its current strength at the rate of \$2.1 million per month. The total cost of the expanded Mission would be \$27.1 million for the first three months and \$7.6 million per month thereafter.

In a 15 March message<sup>(6)</sup> to the Secretary-General, the President of Angola said Angola was prepared to offer UNITA the leadership of four ministries (commerce, health, hotels and tourism, and construction materials) and, at the vice-ministerial level, positions in the Ministries of Defence, Public Works, Mines, Social Communication and Agriculture. He also suggested that the Council establish a deadline for the end of the negotiations.

#### SECURITY COUNCIL ACTION (March)

At a meeting on 16 March, the Security Council invited Angola, at its request, to participate in the discussion without the right to vote, in accordance with rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution 903(1994)** unanimously.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement made by the President of the Security Council on 10 February 1994,

Having considered the report of the Secretary-General dated 9 March 1994,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating also the importance in current circumstances of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the full implementation of the "Acordos de Paz",

Welcoming the progress, described in the Secretary-General's report, in the talks being held between the Government of Angola and UNITA in Lusaka, under the auspices of the United Nations, and urging the parties to complete the negotiation process expeditiously,

Commending the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Commending also the efforts of the three observer States to the Angolan peace process, of the Organization of African Unity (OAU) and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts,

Stressing the importance it attaches to UNITA's acceptance without reservation of the results of the democratic elections of 30 September 1992 held under United Nations supervision and to their abiding fully by the "Acordos de Paz" and relevant Security Council resolutions,

Strongly urging both parties, and in particular UNITA, to exercise maximum flexibility and good faith at this crucial stage of the negotiations in Lusaka and to refrain from any acts which could delay their early and successful completion,

Stressing that its future decisions concerning Angola will take into account the continued demonstration by the parties of their political will to achieve a lasting peace,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Noting that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and any subsequent agreement,

Expressing its concern at the continuing hostilities and their effect on the civilian population in terms of loss of life and property, which underlines the need for an effective and sustainable cease-fire,

Welcoming the improvement in the overall humanitarian situation in Angola, while noting that the situation remains serious in certain areas of the country,

1. Welcomes the report of the Secretary-General dated 9 March 1994;

2. Calls upon both parties to honour the commitments already made by them at the talks in Lusaka and urges them to redouble their efforts with the aim of urgently completing work on the remaining points on the agenda, attaining an effective and sustainable cease-fire, and concluding a peaceful settlement without procrastination;

3. Expresses its deep concern at continued offensive military actions and demands the cessation of all such action immediately;

4. Decides to extend the mandate of the United Nations Angola Verification Mission (UNAVEM II) until 31 May 1994;

5. Declares its readiness, in principle, to consider authorizing promptly, with a view to consolidating a settlement in its initial and most critical stages, the increase of the strength of UNAVEM II to its previous level of 350 military observers, 126 police observers and 14 military medical staff with an appropriate number of international and local civilian staff, following a report from the Secretary-General that the parties have reached an agreement and that the conditions are right for deployment; and invites the Secretary-General to proceed with contingency planning to this effect;

6. Takes note of the preparations and contingency planning undertaken by the Secretary-General for an appropriate United Nations presence in Angola once a comprehensive peace settlement is reached, and reaffirms its readiness to consider promptly any recommendations from the Secretary-General in this regard;

7. Condemns any actions that threaten the unimpeded delivery of humanitarian assistance to all in need in Angola and put the lives of the humanitarian assistance workers at risk and calls for the full cooperation of all parties;

8. Strongly appeals to the international community to respond generously to the 1994 revised inter-agency appeal for Angola and commends those who have already contributed to humanitarian relief efforts in Angola;

9. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993);

10. Decides, in view of the direct negotiations continuing between the parties, not to impose at present the additional measures against UNITA contained in para-

graph 26 of resolution 864(1993), but reiterates its readiness to consider at any time further steps in the light, *inter alia*, of a recommendation by the Secretary-General, either to impose such additional measures or to review those in effect;

11. Requests the Secretary-General to ensure that the Council is informed regularly on the progress of the talks in Lusaka as well as on the military and humanitarian situation in Angola and to this end requests the Secretary-General to submit a report by 4 April 1994;

12. Decides to remain actively seized of the matter.

Security Council resolution 903(1994)

16 March 1994 Meeting 3350 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/298).

Before the vote, Angola informed the Council that UNITA had responded to its offer of participation in the Government by asking to head the provincial governments of the central, southern and south-eastern areas—Huambo, Bié and Kuanza Kubango—and various key ministries. It said that those demands for equal power-sharing, if implemented, would set a precedent by encouraging losers to wage war to achieve a similar solution. The Angolan Government believed that time had come to consider a second package of sanctions, since UNITA had not shown that it was serious and had the political will to resolve the conflict.

**Further developments (March/April).** In another March report,<sup>(7)</sup> the Secretary-General said that the Government and UNITA had reached agreement on 12 of the 18 specific principles of national reconciliation, covering tolerance, trust, coexistence, pardon and amnesty, security guarantees, freedom of association and expression, the independence of the judiciary, symbols of State, freedom of the press, decentralization, the status of the UNITA presidency, protection of its senior leaders and participation in some State organs. Discussions continued on UNITA's participation in central, provincial and local government and in diplomatic missions.

Since UNITA's negative reaction to the Government's proposal for its participation in the Government, the talks had focused on the allocation of the posts of Governor and Vice-Governor of provinces. UNITA insisted on administrative control in the provinces where it won the elections while the Government was concerned that that would lead to the *de facto* partition of Angola.

Other outstanding issues relating to national reconciliation concerned the future of "Vorgan" radio; the assumption by UNITA deputies of their seats in the National Assembly; the re-establishment of State administration throughout Angola; and the return of UNITA and government property held by each other. Once those issues were resolved, the discussion would concentrate on the electoral process, the future mandate of the United Nations and the role of the three observer States (Portugal, Russian Federation, United States).

Apart from UNITA's continuing military action and the Government's limited offensive operations, there was a marked reduction of large-scale military operations throughout the country. In anticipation of a successful conclusion of the Lusaka peace talks, UNAVEM II had formulated plans to deploy immediately thereafter small teams of existing military and police observers to the provincial capitals of Huambo, Uíge, Menongue, Luena and a few other locations to form the nucleus of new regional headquarters and to prepare for subsequent stages of deployment.

The Secretary-General urged the parties to show the flexibility needed to reach a comprehensive settlement at the Lusaka talks.

In a letter of 14 April<sup>(8)</sup> to the Secretary-General, the Security Council President said the members of the Council believed that it was essential that the parties approach the remaining issues with realism and the necessary political will, within the framework of the "Acordos de Paz". Council members were concerned at continuing outbreaks of hostilities and their impact on the civilian population. They demanded the cessation of all offensive military actions immediately and condemned any action that threatened the free and unimpeded delivery of humanitarian assistance. The members of the Council reaffirmed their readiness, depending on progress achieved, to consider further action in accordance with previous Council resolutions.

**Report of the Secretary-General (May).** In May,<sup>(9)</sup> the Secretary-General reported that pending agreement on the six outstanding issues related to national reconciliation, consideration of the other items of the agenda took place; agreement was reached on 5 May on all issues relating to the electoral process, including the conditions under which the second round of presidential elections would take place and the applicable legislation. On 12 May, the Special Representative and the three observer States submitted new proposals to both parties aimed at breaking the impasse on the six remaining principles on national reconciliation.

In the meantime, there was a marked intensification of fighting throughout Angola during the second half of March and the first days of April. Government forces attempted to consolidate and improve their position in the provinces of Kwanza Norte and Uíge, while UNITA conducted raids on the central and southern regions. Both sides continued active reinforcement, resupplying and repositioning of their forces. During the second week of April, the intensity and scale of military activities decreased, but the situation remained tense throughout the month of May.

In spite of increased military activities, the emergency humanitarian assistance programme continued to be implemented in accessible loca-

tions. For the first time, an evaluation was carried out in areas where access was restricted. Air deliveries of food supplies increased and priority was given to non-food items because of the impending cold season. Pending a peace settlement, a programme manager was designated to formulate a mine-clearance programme and work began on assessing the areas mined and on a mine-awareness programme. Preparations were also made for the demobilization and social reintegration of soldiers. The Under-Secretary-General for Humanitarian Affairs visited Angola in April to review ongoing operations and to discuss the expected increase in needs in the event of a peace agreement.

The Secretary-General considered it necessary to maintain the current structure and mandate of UNAVEM II and recommended that it be extended for an additional three months.

On 31 May,<sup>(10)</sup> Angola submitted to the Security Council President texts of letters dated 30 May to him and the Secretary-General, in which it indicated its positive response to proposals regarding the enlargement of UNITA's participation in the central, provincial and local governments. It submitted a list containing its last offers regarding UNITA's participation. Notably, the list included the post of Governor of the provinces of Uíge, Lunda Sul and Kuando Kubango and that of Deputy Governor of seven other provinces, including Huambo.

#### SECURITY COUNCIL ACTION (May)

The Security Council convened on 31 May. At their request, it invited Angola and Portugal to participate under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution 922(1994)** unanimously.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the letter dated 14 April 1994 from the President of the Security Council addressed to the Secretary-General,

Having considered the report of the Secretary-General dated 24 May 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating also the importance of United Nations support in fostering the peace process and advancing the full implementation of the "Acordos de Paz",

Commending the efforts of the Special Representative of the Secretary-General and those of the three observer States to the Angolan peace process and of the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Recalling its readiness, in principle, in accordance with resolution 903(1994), to consider authorizing promptly an increase of the strength of the United Nations Angola Verification Mission (UNAVEM II) to its previous level,

Noting, however, with grave concern the resurgence of military operations throughout the territory of Angola which cause continued suffering to the civilian population and hamper the effective implementation of the current mandate of UNAVEM II,

Deeply concerned at alleged violations of the measures contained in paragraph 19 of its resolution 864(1993),

Concerned also at the protracted duration of the Lusaka peace talks and reaffirming the importance it attaches to their prompt and successful conclusion,

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and any subsequent agreement,

Reiterating its strong appeal to the Government of the Republic of Angola and UNITA to show the good faith and flexibility needed to reach an early and comprehensive settlement at the Lusaka peace talks,

1. Welcomes the report of the Secretary-General dated 24 May 1994;

2. Decides to extend the mandate of UNAVEM II until 30 June 1994;

3. Stresses that its future decision concerning Angola will take into account the extent to which the parties demonstrate their political will to achieve a lasting peace;

4. Welcomes the formal acceptance by the Government of the Republic of Angola of the proposals on national reconciliation by the Special Representative of the Secretary-General and the three observer States to the Angolan peace process, urges UNITA to do likewise and encourages both parties to finalize outstanding details without further procrastination to allow the successful conclusion of the Lusaka peace talks;

5. Reaffirms its readiness to consider promptly any recommendations from the Secretary-General for an expanded United Nations presence in Angola in the event a comprehensive peace settlement is reached;

6. Declares its intention to reconsider the role of the United Nations in Angola in the event a peace agreement has not been reached in Lusaka by the time of the expiration of the extended mandate of UNAVEM II;

7. Decides, in view of the direct negotiations continuing between the parties, not to impose at present the additional measures against UNITA contained in paragraph 26 of resolution 864(1993), but reiterates its readiness to consider at any time further steps in the light, inter alia, of a recommendation by the Secretary-General, either to impose such additional measures or to review those in effect;

8. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993);

9. Strongly deplores the resurgence of military actions throughout Angola contrary to resolution 903(1994) and reiterates its demand that both parties cease immediately all offensive military operations;

10. Further deplores in this regard the worsening of the humanitarian situation, and condemns acts that imperil humanitarian relief efforts and all actions which would inhibit the free and unrestricted movement of humanitarian relief and humanitarian relief workers;

11. Commends those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and strongly appeals to all States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

12. Requests the Secretary-General to submit to it, as soon as there is progress, and in any case by 30 June 1994, a report on the Lusaka peace talks and on the continued political will of the parties to achieve a lasting peace, with recommendations for the future United Nations presence in Angola;

13. Decides to remain actively seized of the matter.

Security Council resolution 922(1994)

31 May 1994 Meeting 3384 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/628).

Prior to the vote, Angola said that it had learned that UNITA had withdrawn from the negotiations, alleging that the government forces were carrying out offensive operations against its positions.

**Report of the Secretary-General and communication (June).** In June,<sup>(11)</sup> the Secretary-General reported that considerable progress had been made with respect to talks on the remaining principles pertaining to national reconciliation, leaving only the question of the provision of appropriate facilities to UNITA. Regarding the modalities for implementation of those principles agreed upon, the most contentious were UNITA's participation in the management of State affairs; the re-establishment of State administration throughout Angola; and the future status of the President of UNITA, Jonas Savimbi. Concerning its participation in State affairs, on 8 June UNITA indicated acceptance of all the proposals of the Special Representative relating to the identity and number of posts, but requested the additional post of Governor of Huambo and the post of Deputy Governor of Malange, instead of Deputy Governor of Huambo. The Special Representative pointed out to UNITA that the proposals constituted an indivisible package and urged it to accept them in their entirety, as the Government had done.

As the negotiations in Lusaka continued, both sides tried to gain advantage on the ground and to consolidate their positions. Fighting escalated in 11 of the 18 provinces and both sides increased their offensive military action in and around the provincial capitals of Huambo, Kuito and Malange.

The intensification of military operations throughout the country seriously affected the humanitarian assistance programme and the effort to stabilize the condition of vulnerable populations. Emergency relief flights to Huambo, Kuito, Malange and Uíge were suspended in late May and to all destinations in Angola for the week of

13 June owing to a lack of clearance by UNITA. Those developments led to a dramatic decrease in the quantity of relief carried by air, causing rapid deterioration of conditions in the affected cities. Overland transport remained difficult because of mines and lack of security clearance.

The Secretary-General proposed that if UNITA still refused to accept in their entirety the proposals of the Special Representative, the Council could consider implementing sanctions as provided for in paragraph 26 of resolution 864(1993).<sup>(12)</sup> He recommended that UNAVEM II's mandate be extended for a further three months. He said that if agreement was reached within that period, he would dispatch a mission to Angola to prepare further recommendations to the Council. He also proposed that the Council press the Government and UNITA to grant immediately security clearances and guarantees for relief deliveries to all locations and not to jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance.

In an addendum to his report,<sup>(13)</sup> the Secretary-General gave a more comprehensive account of the deteriorating humanitarian situation in Angola. He cited incidents that affected the safety of relief workers and brought the delivery of relief supplies by air to a complete standstill and by road to a much-reduced level. The humanitarian situation had deteriorated throughout the country and would soon be catastrophic due to the effects of the suspension of flights and increased insecurity. In Kuito, continued fighting led to the deaths of hundreds of civilians and placed hundreds more at risk. Relief agencies were unable to deliver supplies to persons trapped in the besieged provincial capitals of Luena, Malange and Menongue and food stocks were completely exhausted in Cubal, Kuito and Malange. Other cities, such as Huambo, Luena, Menongue and Saurimo were at risk should the suspension of flights continue. Many other areas affected by the conflict had not yet been accessed by humanitarian workers.

In a 27 June statement,<sup>(14)</sup> the United States, as one of the donors of humanitarian assistance to Angola, said the fighting in Kuito and Malange, the bombing of Huambo and the attack on 21 June on a WFP convoy were tragic signs that the civil war in Angola was overshadowing hopes for peace. It condemned those Angolan leaders who attempted to influence the peace process by seeking advantage on the battlefield, and said their eagerness to thrust the enormous financial cost of supporting the relief effort onto the international community was intolerable. It called on UNITA to accept the proposals of the Special Representative and allow the negotiations to conclude in a comprehensive settlement.



## SECURITY COUNCIL ACTION (June)

The Security Council met on 30 June and invited Angola, at its request, to participate in the discussion under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution 932(1994)** unanimously.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 20 June 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating also the importance of United Nations support in fostering the peace process and advancing the full implementation of the "Acordos de Paz",

Stressing the importance it attaches to UNITA's acceptance without reservation of the results of the democratic elections of 30 September 1992 held under United Nations supervision and to their abiding fully by the "Acordos de Paz" and relevant Security Council resolutions,

Stressing also that its future decisions concerning Angola will take into account the extent to which the parties demonstrate their political will to achieve a lasting peace,

Strongly urging both parties, and in particular UNITA, to exercise maximum flexibility and good faith in the negotiations in Lusaka at this crucial stage and to refrain from any acts which could delay their early and successful completion,

Commending the efforts of the Secretary-General, his Special Representative and those of the three observer States to the Angolan peace process and the Organization of African Unity and some neighbouring States, in particular Zambia, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Recalling its readiness, in principle, in accordance with resolution 922(1994), to consider authorizing promptly an increase of the strength of the United Nations Angola Verification Mission (UNAVEM II) to its previous level,

Noting, however, with grave concern the intensification of military operations throughout the territory of Angola which cause extensive suffering to the civilian population, hamper the successful conclusion of the Lusaka peace talks and the effective implementation of the current mandate of UNAVEM II,

Deeply concerned at alleged violations of the measures contained in paragraph 19 of its resolution 864(1993),

Concerned also at the protracted duration of the Lusaka peace talks and reaffirming the importance it attaches to their prompt and successful conclusion,

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and any subsequent agreement,

1. Welcomes the report of the Secretary-General dated 20 June 1994;

2. Decides to extend the mandate of UNAVEM II until 30 September 1994;

3. Calls upon both parties to honour the commitments already made by them at the talks in Lusaka and urges them to redouble their efforts with the aim of urgently completing work on the remaining points on the agenda, attaining an effective and sustainable cease-fire, and concluding a peaceful settlement without procrastination;

4. Welcomes the formal acceptance by the Government of the Republic of Angola of the proposals on national reconciliation by the Special Representative of the Secretary-General and the three observer States to the Angolan peace process, and strongly urges UNITA to do likewise;

5. Declares its readiness to impose additional measures against UNITA as indicated in paragraph 26 of resolution 864(1993) if by 31 July 1994 UNITA has not formally accepted the complete set of proposals on national reconciliation put forward by the Special Representative of the Secretary-General and the three observer States, and declares further that in such case it will decide what further measures it will impose;

6. Welcomes the preparations and the contingency planning undertaken by the Secretary-General for an appropriate United Nations presence in Angola once a comprehensive peace settlement is reached, and reaffirms its readiness to consider promptly any recommendations from the Secretary-General in this regard;

7. Declares its intention to review the role of the United Nations in Angola in the event that a peace agreement has not been reached in Lusaka by the time of the expiration of the extended mandate of UNAVEM II;

8. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993) and in that context urges the two neighbouring States which have so far failed to respond substantively to requests from the Committee established by resolution 864(1993) for information required regarding alleged sanctions violations to do so promptly, and requests the Committee to provide a report to the Council, by 15 July 1994, on compliance with the sanctions regime and in particular on possible violations of that regime by those neighbouring States;

9. Strongly deplores the intensification of offensive military actions throughout Angola contrary to resolution 922(1994) and reiterates its demand that both parties cease immediately all military operations;

10. Further deplores in this regard the worsening of the humanitarian situation, and strongly condemns acts that imperil humanitarian relief efforts and all actions which inhibit the free and unrestricted movement of humanitarian relief and humanitarian relief workers;

11. Strongly urges both parties to grant immediately security clearances and guarantees for relief deliveries to all locations, and to refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people;

12. Commends those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

13. Requests the Secretary-General to ensure that the Council is informed regularly on the progress of the Lu-

saka peace talks as well as on the military and humanitarian situation in Angola and to this end requests the Secretary-General to submit a report by 31 July 1994;

14. Decides to remain actively seized of the matter.

Security Council resolution 932(1994)

30 June 1994 Meeting 3395 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/773).

### **Report of the Security Council Committee.**

As requested by the Security Council on 30 June, its Committee established pursuant to resolution 864(1993)<sup>(12)</sup> reported<sup>(15)</sup> on compliance with the sanctions regime against UNITA and in particular on possible violations of that regime by two States neighbouring Angola. The Committee had received information from Botswana, Namibia and Zambia on implementation measures and cooperation requested from neighbouring States in implementing resolution 864(1993). However, as at 14 July, it had not received a substantive reply from the Congo and had exhausted all procedures to obtain information from Zaire.

Information on implementation of resolution 864(1993) was also received from Australia,<sup>(16)</sup> Malta,<sup>(17)</sup> Mexico,<sup>(18)</sup> Singapore,<sup>(19)</sup> and Venezuela.<sup>(20)</sup>

**Report of the Secretary-General (July).** In July,<sup>(21)</sup> the Secretary-General reported that his Special Representative met separately in June with the President of UNITA, Mr. Savimbi, and President Nelson Mandela of South Africa. In June/July, he met with the Presidents of Angola, Zaire and Zambia and with the President of Zimbabwe in his capacity as Chairman of the OAU Ad Hoc Subcommittee on Angola. On 7 July, President Mandela hosted a summit meeting in Pretoria. This was preceded by a visit to Angola by the Zambian President for talks with President Jose Eduardo dos Santos and by a high-level delegation of Zambia's ruling party for talks with Mr. Savimbi. The Government of Angola and UNITA considered a compromise on the other modalities pertaining to national reconciliation proposed by the United Nations.

At the military level, the Government concentrated on establishing a dominant position in the northern regions, while UNITA tried to consolidate its positions in the south-western and central regions. In the northern provinces, UNITA took control of the town of Belize in Cabinda and fighting renewed in Kwanza Norte. The Forças Armadas Angolanas (FAA) bombed the towns of Camulemba, Cuilo, Lovua and Libalo. In the central provinces, a major attack by UNITA on the provincial capital of Malange was repelled by FAA. Heavy fighting continued in the province of Bié. It was reported that Kuito came under the control of the Government, but UNITA continued to shell the city with long-range artillery. More than 500 civilians were reported to have been killed and

800 wounded. In the south, the military situation in Huíla province had deteriorated, with UNITA operating in areas that were earlier considered safe.

Humanitarian flights resumed to certain locations considered safe. In mid-July all destinations, except Huambo and Kuito, were cleared; particular concern centred on Kuito, where displaced persons from the surrounding areas continued to congregate in spite of the acute food shortage and lack of medical supplies.

The Secretary-General observed that, since his last report, little progress had been made at the Lusaka talks and he hoped that the recent diplomatic initiatives had improved the prospects for resolving the pending issues.

In letters of 27 July to the Security Council President<sup>(22)</sup> and the Secretary-General,<sup>(23)</sup> Angola sought to correct what it considered the mistaken assessments of the situation in Angola contained in the Secretary-General's July report.

### **SECURITY COUNCIL ACTION (August)**

On 12 August, the Security Council considered the Secretary-General's report, with Angola participating under rule 37<sup>a</sup> of its provisional rules of procedure. Following consultations among Council members, the President made a statement on behalf of the Council:<sup>(24)</sup>

The Security Council has reviewed the Secretary-General's report of 22 July 1994 on the situation in Angola, which was submitted in accordance with Security Council resolution 932(1994).

The Security Council commends the tireless efforts of the Secretary-General, his Special Representative and the three observer States to the Angola peace process and encourages them to continue their efforts to put an end to the destructive civil war and bring peace to Angola through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions. It urges both the Government of Angola and UNITA to offer their full cooperation to the Secretary-General's Special Representative to allow the earliest and successful conclusion of the Lusaka peace talks.

None the less, the Security Council expresses its impatience over the protracted nature of the negotiations, and warns that the peace process cannot be delayed indefinitely. The Security Council believes that a just and comprehensive peace agreement is within reach and strongly urges UNITA to demonstrate its commitment to peace and accept the complete set of proposals put forward by the Secretary-General's Special Representative and the three observer States.

The Security Council expresses its appreciation for the efforts of President R. Chiluba of Zambia in support of the Lusaka peace process.

Furthermore, the Security Council expresses its gratitude to President N. Mandela of South Africa, who offered his assistance to help the finalization of the Lusaka peace process, and agrees that these helpful efforts deserve time to come to fruition.

Consequently, the Security Council decides to defer temporarily the imposition of the additional measures against UNITA as referred to in paragraph 5 of its resolution 932(1994). The Security Council confirms its readiness to impose further measures against UNITA if the latter does not accept the mediation proposals on national reconciliation during the course of the month of August. The Security Council states that it will start to compile a list of such possible measures and will not tolerate further procrastination in the peace process.

The Security Council again reminds both parties that offensive military actions threaten all of the progress that has been achieved thus far in Lusaka, and that no tactical battlefield advantage is worth the tremendous cost in human suffering that is being paid by the Angolan people.

The Security Council expresses its dismay at the actions of both parties, particularly of UNITA, which have led to deterioration of the humanitarian situation and again reminds them of their responsibility to facilitate the delivery of humanitarian supplies. The Security Council calls for the necessary steps to ensure that relief flights can resume to Malange and Cuito.

Referring to the report of the Security Council Committee established pursuant to resolution 864(1993) concerning the situation in Angola, the Security Council reminds the Member States concerned of their obligation to respond substantively to requests from the Committee for the information required regarding alleged sanctions violations and urges them to do so effectively without further delay. The matter of cooperation with the Committee by those States which have so far failed to respond satisfactorily will be taken up by the Security Council as a matter of urgency for appropriate action, if such reply is not received forthwith.

Meeting number. SC 3417.

**Further developments (August/September).** Angola, in a declaration of 2 September,<sup>(25)</sup> stated that it had not yet received a formal response from UNITA on the proposals for its participation in the government of national unity. It said that the question of Huambo was never on the agenda of the Lusaka talks but was part of the overall package that had to be accepted by the interested parties.

The Secretary-General reported that on 20 August UNITA had renounced its claim to the post of Governor of Huambo and on 5 September had formally indicated its acceptance of the Special Representative's proposals concerning its participation in State administration.

#### SECURITY COUNCIL ACTION (9 September)

The Security Council met on 9 September, with Angola participating under rule 37.<sup>a</sup> Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(26)</sup>

The Security Council takes note of the information conveyed to it by the Secretariat on the situation in

Angola, in particular in the light of UNITA's letter of 5 September 1994 to the Special Representative of the Secretary-General. The Council considers this letter as constituting the required formal acceptance by UNITA of the complete set of proposals on national reconciliation, which were submitted to it on 28 May 1994 by the Special Representative of the Secretary-General and the representatives of the three observer States of the Angolan peace process.

The Security Council welcomes this development. By accepting the complete set of proposals, UNITA has met the requirements demanded in this regard in Security Council resolution 932(1994). In this context and in view of the current negotiations, the Council has agreed not to consider, at present, the imposition of additional measures against UNITA as indicated in paragraph 26 of resolution 864(1993).

The Security Council considers that, following the acceptance by both the Government of Angola and UNITA of the complete set of proposals on national reconciliation, the way is now clear for an early conclusion of the negotiations in Lusaka towards a comprehensive agreement within the framework of the "Acordos de Paz" and relevant Security Council resolutions. It urges both parties to reach such an agreement before the expiry of the present mandate of UNAVEM II on 30 September 1994. It reiterates its intention to reconsider the future role of the United Nations in Angola in the event a peace agreement is not concluded by that date.

The Security Council remains deeply concerned by the continuation of the armed conflict in Angola. It reiterates its demand that the parties cease all offensive military actions and reminds them again that all such actions threaten the prospects for a negotiated peace. Attempts to gain short-term military advantage and to procrastinate at the Lusaka peace talks will only prolong the conflict and the continued suffering of the Angolan people and discourage the involvement of the international community in assisting Angola.

The Security Council expresses its grave concern about any act against United Nations and other international personnel in Angola, and calls upon all parties to ensure the safety and security of the staff and property of the United Nations and all humanitarian organizations. The Security Council stresses the importance of facilitating the free and unrestricted movement of humanitarian relief supplies and humanitarian assistance workers throughout the territory of Angola.

Meeting number. SC 3423.

**Report of the Secretary-General (17 September).** In a 17 September report,<sup>(27)</sup> the Secretary-General indicated that agreement was reached in August at the Lusaka peace talks on the security arrangements for UNITA. This cleared the way for the commencement of discussion on the last item on the agenda, namely, the United Nations mandate and the role of the observers, including the mechanism for implementing the Bicesse and Lusaka agreements. Following UNITA's formal acceptance on 5 September of

the proposals concerning its participation in State administration, the only questions remaining to be resolved were the localities to be administered by UNITA appointees and six diplomatic missions. In the light of those developments, the Secretary-General dispatched a high-level mission to Angola, headed by former Under-Secretary-General James O. C. Jonah, to assess United Nations efforts in peacemaking, peace-keeping and humanitarian activities.

Despite the political developments, hostilities increased once again, with government troops making significant gains in the northern provinces and consolidating their positions in the areas recently recovered by FAA. UNITA, on the other hand, except for limited tactical success, was unable to launch large-scale coordinated attacks against FAA. Heavy fighting continued in Cabinda, Lunda Norte and Kwanza Sul provinces. By the end of August, the military situation had deteriorated in the provinces of Huambo, Bié, Kwando Kubango and Bengo. The situation around the besieged city of Kuito remained relatively calm, but the Government claimed that it had fought back UNITA attacks in mid-August. FAA further expanded its control around Kuito at the end of August.

Humanitarian activities continued to be carried out under unstable and dangerous conditions. Following clearance from UNITA on 23 August for cargo and passenger flights to Malange, WFP started deliveries immediately, NGOs re-established their presence in the city and general food distribution began on 29 August, for the first time in three months. Flights to Kuito, which had not been reached by relief flights since mid-May, resumed, but were stopped when UNITA advised that the United Nations could no longer fly there. In the city of Huambo, the humanitarian situation continued to degenerate for lack of adequate supplies. Food distribution was still subject to disruption and a large number of nutritional centres had closed.

The Secretary-General expressed the hope that the two parties would complete negotiations by 30 September when UNAVEM II's mandate was due to expire. He recommended that the mandate be extended until 30 November to allow the talks to conclude and to allow for follow-up meetings, the signing of the Lusaka protocols and preparation for the expansion of UNAVEM.

#### SECURITY COUNCIL ACTION (29 September)

On 29 September, the Security Council met to consider the report of the Secretary-General, with Angola participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted unanimously **resolution 945(1994)**.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement made by the President of the Security Council on 9 September 1994,

Having considered the report of the Secretary-General dated 17 September 1994 and the oral report of his Special Envoy,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Stressing also that its future decisions on the future role of the United Nations in Angola will take into account the extent to which the parties demonstrate their political will to achieve a lasting peace,

Commending the efforts of the Secretary-General, his Special Representative and those of the three observer States to the Angola peace process and the Organization of African Unity and some neighbouring States, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Reiterating its grave concern over the continuation of military hostilities throughout the territory of Angola, which cause extensive suffering to the civilian population, and hamper the successful conclusion of the Lusaka peace talks and the effective implementation of the current mandate of the United Nations Angola Verification Mission (UNAVEM II),

Deeply concerned at alleged violations of the measures contained in paragraph 19 of its resolution 864(1993) of 15 September 1993,

Concerned also by the protracted duration of the Lusaka peace talks and reaffirming the importance it attaches to their prompt and successful conclusion,

1. Welcomes the report of the Secretary-General dated 17 September 1994 and the oral report of his Special Envoy on 23 September 1994;

2. Decides to extend the mandate of UNAVEM II until 31 October 1994;

3. Calls upon both parties to honour the commitments already made by them at the Lusaka peace talks and urges them to complete their negotiations as soon as possible and to make every necessary effort to have the Lusaka Agreement formally signed before 31 October 1994;

4. Declares in this context that any further obstruction or procrastination in the peace process would be unacceptable;

5. Declares further that in view of the formal acceptance by UNITA of the complete set of proposals put forward by the Special Representative of the Secretary-General and the three observer States and in view of the current negotiations, it will not consider at this time the imposition of additional measures against UNITA as indicated in paragraph 26 of resolution 864(1993);

6. Reiterates its intention to review, at any time, the role of the United Nations in Angola in the event that a peace agreement has not been reached in Lusaka;

7. Strongly deplores the intensification of the offensive military actions throughout Angola contrary to resolution 932(1994) of 30 June 1994 and reiterates once again its demand that both parties cease forthwith all military operations;

8. Affirms its readiness to consider authorizing promptly, once an agreement is initialled by the par-

ties, the rapid increase of the strength of UNAVEM II to its previous authorized level with a view to consolidating that agreement in its initial and most critical stages;

9. Further affirms its readiness to consider promptly, once the agreement to be concluded in Lusaka is formally signed, any recommendation from the Secretary-General for an expanded United Nations presence in Angola;

10. Condemns any action, including laying of landmines, which threatens the unimpeded delivery of humanitarian assistance to all in need in Angola and puts the lives of the humanitarian relief workers at risk and calls for the full cooperation of all parties, especially UNITA;

11. Expresses its grave concern over the disappearance of humanitarian relief workers on 27 August 1994, demands their immediate release by the responsible parties, and calls for the complete cooperation of the parties, especially UNITA, with the United Nations investigation into their disappearance;

12. Commends those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet growing humanitarian needs;

13. Notes with concern continued reports of violations of the provisions of paragraph 19 of resolution 864(1993) and reaffirms the obligation of all Member States to implement fully this resolution;

14. Requests the Secretary-General to ensure that the Council is informed regularly on the progress of the talks in Lusaka as well as on the military and humanitarian situation in Angola and to this end requests the Secretary-General to submit his report by 20 October 1994;

15. Decides to remain actively seized of the matter.

Security Council resolution 945(1994)

29 September 1994 Meeting 3431 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1110).

**Report of the Secretary-General (October).** The Secretary-General submitted a report<sup>(28)</sup> reflecting the situation in Angola as at 20 October and including the findings of the mission headed by former Under-Secretary-General Jonah. The Lusaka talks had reached their final stage as consideration of the last remaining item on the agenda continued in September. Both delegations approved the articles of the future protocol relating to the United Nations mandate on 16 September and those on the role of the observers the next day. Agreement was reached on 21 September on the composition, function and operation of "the Joint Commission"—the new mechanism for implementing the "Acordos de Paz" and the Lusaka Protocol. On 30 September, the definitions and explanations of key military words used in the document on the new United Nations mandate were approved. On 14 October, the last outstanding issue on national reconciliation was concluded, namely, the localities to be administered by members of UNITA (30 administrators and 35 deputy

administrators of municipalities and 75 administrators of communes).

It was expected that successful completion of the talks, including agreement on the timetable for implementing the Lusaka Protocol, would be followed by the initialling of the agreement, a meeting in Lusaka to agree on the technical modalities for re-establishing the cease-fire, the signing of the Lusaka Protocol by President dos Santos and Mr. Savimbi and the formal coming into effect of the cease-fire.

The operational plan for an expanded United Nations presence in Angola would be carried out in three phases: in the first, disengagement of government and UNITA forces would take place, and the United Nations would deploy military and police observers to monitor and verify the cease-fire; during the second phase, United Nations peace-keeping troops would monitor and verify the cease-fire, UNITA troops in the quartering areas, the collection and storage of arms and ammunition, the demobilization process, the formation of FAA and the reintegration of the police; the third phase would focus on the consolidation of national reconciliation and the electoral process.

Military operations continued to impede humanitarian efforts. Waves of displaced persons continued to arrive in the towns, including Malange, Saurimo and Kuito, further aggravating the deteriorating situation in those locations, while other areas remained totally inaccessible. The movement of persons fleeing the regions of conflict was also jeopardizing efforts to distribute seeds and tools in time for the next agricultural campaign. Mr. Jonah's mission reported that because of the mining of the roads and insecurity, relief activities were almost completely dependent on the airlift of supplies, equipment and personnel. It expressed concern that flight clearances were sometimes denied to cities such as Huambo, Kuito and Malange where the humanitarian situation was desperate. The mission also felt that there was a need to clarify the links in the coordination of humanitarian assistance between United Nations agencies, NGOs and bilateral donors active in Angola. As regards demining, the mission recommended that a mine action programme be formulated to enable Angola to establish a national mine-clearing capacity; as a first step, a national mines-awareness campaign was launched on 27 September through the mass media.

The Secretary-General, in expectation that an agreement would be concluded by 31 October, recommended that the mandate of UNAVEM II be extended until 30 November and that UNAVEM's strength be restored to its previous level to enable the mission to consolidate the peace agreement in its initial stages. He said that the consolidation of peace would require continuing support for hu-

manitarian assistance programmes, whose focus must shift from emergency relief to supporting the agreements to be reached in Lusaka. It was paramount that the two sides respect the neutrality of humanitarian personnel and cooperate in determining the whereabouts of those workers missing since August.

#### SECURITY COUNCIL ACTION (October)

The Security Council met on 27 October, with Angola participating under rule 37<sup>a</sup> of the provisional rules of procedure. The Council adopted **resolution 952(1994)** unanimously.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 20 October 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Commending the efforts of the Secretary-General, his Special Representative and the Force Commander and personnel of the United Nations Angola Verification Mission (UNAVEM II), the three observer States to the Angolan peace process, the Organization of African Unity and some neighbouring States, in particular the Government of Zambia, and encouraging them to continue their efforts aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the "Acordos de Paz" and relevant Security Council resolutions,

Encouraged by the substantial progress made recently in the Lusaka peace talks and reaffirming the importance of the parties showing flexibility and bringing them to a prompt and successful conclusion and achieving a comprehensive settlement,

Declaring that renewed obstruction or procrastination in the peace process would be unacceptable,

Deeply concerned, however, at continued military hostilities throughout the territory of Angola which cause extensive suffering to the civilian population and obstruct humanitarian relief efforts, and have delayed the successful conclusion of the Lusaka peace talks and hampered the effective implementation of the current mandate of UNAVEM II,

Reaffirming the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993),

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and any subsequent agreement,

1. Welcomes the report of the Secretary-General dated 20 October 1994;

2. Decides to extend the mandate of UNAVEM II until 8 December 1994;

3. Calls upon the parties to honour the commitments already made by them at the talks in Lusaka and urges them to conclude immediately an agreement and thereafter to establish and respect fully an effective and sustainable cease-fire as a matter of urgency;

4. Authorizes, with the aim of consolidating the implementation of the peace agreement in its initial and most critical stages, the restoration of the strength of UNAVEM II to its previous level of 350 military observers and 126 police observers with an appropriate number of international and local staff, the deployment of such additional personnel to take place upon receipt of a report from the Secretary-General to the Council that the parties have initialled a peace agreement and that an effective cease-fire is in place;

5. Reaffirms its readiness to consider promptly, once the agreement to be concluded in Lusaka is formally signed, a report from the Secretary-General containing any recommendation for an expanded United Nations presence in Angola based on his assessment of the circumstances that warrant that, and welcomes the contingency planning done in this regard by the Secretary-General;

6. Deplores the continuation of military hostilities throughout Angola contrary to resolutions 922(1994), 932(1994), and 945(1994) and reiterates its demand that both parties cease immediately all military operations;

7. Further deplores the deterioration in the humanitarian situation; condemns all acts, including the laying of land-mines, that imperil or inhibit humanitarian relief efforts; and demands that both parties grant security clearances and guarantees for relief deliveries to all locations and refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people;

8. Reiterates in this context its demand for the immediate release by the responsible parties of the humanitarian relief workers who disappeared on 27 August 1994 and its call for the complete cooperation of the parties, especially UNITA, with the United Nations investigation into their disappearance;

9. Commends those States, United Nations agencies and non-governmental organizations which have already contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations rapidly to provide further assistance to Angola to meet the growing humanitarian need;

10. Requests the Secretary-General to ensure that the Council is informed of further developments in the Lusaka peace talks and on the military and humanitarian situation in Angola;

11. Decides to remain actively seized of the matter.

#### Security Council resolution 952(1994)

27 October 1994 Meeting 3445 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1216).

On 8 December, by **resolution 966(1994)**, the Council further extended the mandate of UNAVEM II, until 8 February 1995.

#### Lusaka Protocol

On 31 October,<sup>(29)</sup> the Government of Angola issued a declaration stating that, following months of negotiations, the Lusaka Protocol for re-establishing peace and stability in Angola was initialled the previous day. This was to be followed by a meeting of the General Staff of the Angolan Armed Forces and UNITA to set the technical mo-

dalities for the cessation of hostilities; formal signing of the Protocol; and a cease-fire to take effect within 48 hours thereafter. The Government reaffirmed its determination to implement the calendar of the Protocol and to ensure that peace, political stability and the territorial integrity of Angola, as well as all laws of the country, would be fully respected and defended for all Angolans.

On 1 November,<sup>(30)</sup> the observer countries issued a statement expressing their satisfaction at the initialling of the Lusaka Protocol. They exhorted the parties to establish the conditions necessary for the rapid deployment of UNAVEM II at full strength and to fulfil understandings prior to the formal signature of the Protocol aimed at creating a favourable climate for its full application.

#### SECURITY COUNCIL ACTION (November)

On 4 November, the Security Council convened to consider the situation in Angola. At its request, Angola was invited to participate in the discussion under rule 37<sup>a</sup> of the Council's provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(31)</sup>

The Security Council, while welcoming the initialling of the peace protocol in Lusaka on 31 October 1994, is gravely concerned over recent reports of an intensification of military operations, in particular those towards Huambo, which put the lives of Angolan citizens at risk and jeopardize the successful completion of the peace process. It reiterates its demand to the parties to cease immediately military hostilities throughout Angola and to establish quickly an effective and firm cease-fire.

The Security Council notes that the leaderships of both parties must have adequate opportunity to meet with their negotiating teams to prepare for the military talks scheduled to begin on 10 November. It urges the Government of Angola to allow flight clearances into Huambo to enable the UNITA negotiating team to consult with their leadership.

The Security Council stresses once again that any obstruction to the peace process would be unacceptable. It urges the Government of Angola to exercise its authority to bring an immediate end to the military activities.

At this particular juncture, the Security Council stresses the need for both parties to spare no effort to bring about a stable and long-lasting peace in Angola. It calls upon them to honour their commitments made at the Lusaka talks, to exercise maximum restraint and responsibility, and to refrain from any action that could jeopardize the signing of the protocol on 15 November 1994.

Meeting number. SC 3450.

In a communique issued on 8 November,<sup>(32)</sup> Angola reaffirmed its determination to comply with the timetable related to the Protocol and indicated that it was sending a military delegation to Lusaka to begin discussions with UNITA that

would allow the formal signing of the Protocol to take place as scheduled.

In a statement of 13 November,<sup>(33)</sup> Angola said that to create an environment of trust for the definitive conclusion of the Protocol, it was willing to establish an immediate truce across the whole national territory, providing the meeting of the General Staffs in Lusaka agreed on the date and time of the entry into force of the Protocol. On 21 November,<sup>(34)</sup> Angola issued another statement, denouncing the assault of Uige by UNITA forces, led by General Antonio Dembo, Vice-President of UNITA, to recapture the city. The previous day, at the time of the signing of the Lusaka Protocol, UNITA attacked the municipality of Cacolo in the province of Lunda Norte. Angola stated that, given those truce violations, the Angolan Armed Forces reserved the right to respond to any offensive actions on the part of the UNITA military forces.

The Council met again on 21 November, with Angola participating under rule 37.<sup>a</sup> Following consultations among members, the President made the following statement on behalf of the Council:<sup>(35)</sup>

The Security Council welcomes the signing of the Protocol of Lusaka by representatives of the Government of Angola and UNITA in Lusaka on 20 November 1994. This Protocol together with the Bicesse Accords should lay the foundation for lasting peace in Angola. Having signed the Protocol, Angola's parties must continue to demonstrate their commitment to peace through the full and timely implementation of this detailed peace agreement. Most importantly, the cease-fire required by the Protocol must be respected.

The Security Council acknowledges the tireless efforts of the Secretary-General and his Special Representative, Mr. Alioune Blondin Beye, which have been so vital in reaching this agreement. The Security Council also commends the role of the observer countries to the Angolan peace process and the constructive interventions by leaders throughout Africa. Finally, the Security Council thanks President Frederick Chiluba and the Government of Zambia, which graciously hosted these negotiations.

The Security Council notes with concern the reports that the fighting in Angola is continuing. The Council reminds the parties of the responsibility they bear to respect fully the cease-fire agreement which is to go into effect on 22 November 1994. The Security Council looks forward to a report from the Secretary-General that the cease-fire has become effective, thereby allowing the deployment of UNAVEM II military and police observers to reinforce United Nations monitoring capabilities in Angola.

The Security Council remains seized of this matter. Meeting number. SC 3463.

**Report of the Secretary-General and communications (December).** In a 4 December report,<sup>(36)</sup> the Secretary-General said that the Lu-

saka Protocol was signed on 20 November by the Minister for External Relations of Angola, Venâncio de Moura, and the Secretary-General and chief negotiator of UNITA, Eugénio Manuvakola. Citing security reasons, the President of UNITA, Mr. Savimbi, did not travel to Lusaka.

The Lusaka Protocol<sup>(37)</sup> consisted of eight annexes, covering all legal, military and political issues agreed at the talks, including the re-establishment of the cease-fire to come into force on 22 November; the withdrawal, quartering and demilitarization of all UNITA forces; the disarming of civilians; the completion of the formation of FAA; the police; the United Nations mandate and the role of the observers of the "Acordos de Paz"; the completion of the electoral process; and national reconciliation. The military talks that had been agreed on at the time of the initialling of the Protocol, as well as negotiations regarding security arrangements for Mr. Savimbi and other senior UNITA leaders, concluded in Lusaka on 23 November, with an agreement to resume in Luanda on 29 November. However, the talks did not resume as scheduled since the UNITA delegation did not arrive in Luanda.

Reporting on the military situation, the Secretary-General said that, despite the initialling of the Lusaka Protocol on 31 October, fighting continued throughout Angola. The Government was able to retake many strategically important areas of the country, including all provincial capitals. The hostilities continued even after both sides had agreed to a truce on 16 November and subsided only after the signing of the Protocol on 20 November. However, by 24 November, there were reports of renewed clashes, with both sides blaming the other for the new attacks.

In northern Angola, government forces captured N'Zeto, the important oil-producing town of Soyo, the provincial capital of M'Banza Congo and the city of Uige, which was captured on 17 November. UNITA forces retreated to the northern border of the country and their attacks on Cafunfo in Lunda Norte were repelled. In the central region, government forces took control of Benguela and the city of Huambo, forcing UNITA to retreat to the north of Huambo province. The Government made advances in the southern part of the country, particularly in the province of Huila. UNITA still controlled the town of Cuito Cuanavale.

Although the situation remained tense, steps were taken to establish an effective cease-fire. To enhance its verification capabilities and as a confidence-building measure, UNAVEM II deployed military and police personnel to the countryside and established additional regional headquarters in the cities of Huambo, Luená, Menongue, Sarriego and Uige.

The intensification of military offensives continued to affect the humanitarian situation, leading to relief flights to Huambo being suspended from 1 November and 54 expatriate humanitarian workers being evacuated, as well as United Nations personnel being withdrawn from M'Banza Congo and Uige. Kuito, Malange and other provinces continued to receive humanitarian supplies.

The Secretary-General observed that the continued fighting and failures of the past had deepened the mistrust between the parties and increased the scepticism of the international community. The Angolan parties had to abide fully by the Lusaka Protocol before the United Nations could consider committing major resources to a substantial expansion of its operation. Once the cease-fire was reported effective, the Secretary-General would proceed with the expansion of UNAVEM II to its previous level, but the United Nations must also be assured by the Government and UNITA of the security and safety of international personnel. Given the wider role of the United Nations under the Lusaka Protocol, he had dispatched a group of specialists to Angola to prepare proposals on the role of the United Nations in the implementation of the Protocol. In the meantime, he recommended that UNAVEM II's mandate be extended until 31 January 1995. He called on Member States, United Nations agencies and NGOs to provide the resources necessary for the humanitarian aspects of the Protocol and the rehabilitation and reconstruction of the country.

In a 5 December message<sup>(38)</sup> to the Secretary-General, Angola requested him to bring to the attention of the Security Council the urgent need to place United Nations observers throughout the country, including those areas currently under UNITA control, until the deployment of the forces of UNAVEM III. That force must be adequate and have an appropriate mandate to assure the monitoring of the cease-fire and the quartering, disarming and demobilization of UNITA troops. However, Angola would not find acceptable the inclusion in UNAVEM III of contingents from countries that had been involved directly or indirectly in the Angolan conflict.

The Secretary-General, in a 7 December letter<sup>(39)</sup> to the President of the Security Council, indicated that on 22 November the Government of Angola and UNITA had issued orders for the observance of the cease-fire as of 1300 hours local time on that date. According to information available, the cease-fire was generally holding, despite some initial difficulties. Both sides were reasonably satisfied with the status of the cease-fire and wanted to see the planned enlargement of UNAVEM as soon as possible. On 4 December,



UNITA sent its delegation to Luanda, permitting the Joint Commission established under the Lusaka Protocol to continue its proceedings. In the circumstances, the Secretary-General intended to restore the strength of UNAVEM to its previous level, with an appropriate number of international and local staff, and to deploy the Mission throughout the country. The Mission would monitor and verify all elements of the Lusaka Protocol and provide good offices to the parties. His Special Representative would chair the Joint Commission in charge of implementing the Protocol.

#### SECURITY COUNCIL ACTION

On 8 December, the Security Council, with Angola participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure, considered the situation in Angola. The Council adopted **resolution 966(1994)** unanimously.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions including resolution 868(1993) of 29 September 1993,

Having considered the report of the Secretary-General dated 4 December 1994 and his letter dated 7 December 1994,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation of the "Acordos de Paz" and relevant Security Council resolutions,

Encouraged by the signing of the Lusaka Protocol on 20 November 1994, which is a significant step towards the restoration of lasting peace and national reconciliation in Angola,

Reaffirming its readiness to consider promptly any recommendation from the Secretary-General for an expanded United Nations presence in Angola on condition that the cease-fire is maintained,

Commending the efforts of the Secretary-General, his Special Representative and the Force Commander and personnel of the United Nations Angola Verification Mission (UNAVEM II), the three observer States to the Angolan peace process, the Organization of African Unity and some neighbouring States, in particular the Government of Zambia, which have resulted in the signing of the Lusaka Protocol, and encouraging them to continue their efforts aimed at the full implementation of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Declaring that renewed obstruction to or procrastination in the implementation of those accords would be unacceptable,

Deeply concerned at reports of renewed clashes in Angola after the entry into force of the agreed cease-fire, which cause suffering to the civilian population, and may jeopardize the successful implementation of the Lusaka Protocol and hamper the effective discharge of the mandate of UNAVEM II,

Reaffirming the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993),

Emphasizing that Angolans bear ultimate responsibility for the successful implementation of the "Acordos de Paz" and the Lusaka Protocol,

1. Welcomes the report of the Secretary-General dated 4 December 1994;

2. Decides, in order to enable UNAVEM II to monitor the cease-fire established by the Lusaka Protocol, to extend its mandate until 8 February 1995;

3. Commends the Government of Angola and UNITA for signing the Lusaka Protocol and urges them to respect fully the cease-fire which entered into effect on 22 November 1994;

4. Underlines that the Security Council will monitor closely compliance with the cease-fire and requests the Secretary-General to keep the Council fully informed of any relevant developments;

5. Calls upon the parties to honour the commitments made by them and to continue to work together to achieve national reconciliation on the basis of the "Acordos de Paz" and the Lusaka Protocol;

6. Welcomes the Secretary-General's decision as conveyed in his letter of 7 December 1994, in accordance with resolution 952(1994), to proceed with the restoration of the strength of UNAVEM II to its previous level, the actual enlargement being dependent on the strict observance by the parties of an effective cease-fire and on the provision by them of satisfactory guarantees regarding the safety and security of the United Nations personnel;

7. Encourages the Secretary-General, in order to enhance the verification capabilities of the existing UNAVEM II and as an additional confidence-building measure, to continue to deploy personnel to the countryside, subject to the strict compliance by the parties with the conditions in paragraph 6 above;

8. Notes the intention of the Secretary-General to submit a report on the possible mandate for a new United Nations operation in Angola based on his assessment of the circumstances that warrant that, including the maintenance of the cease-fire, such a report to contain a detailed description of the results of his efforts to identify potential troop-contributing countries, the objectives, concept of operations and financial aspects of such an operation, and progress in discussions with the Government of Angola regarding the conclusion of a status-of-forces agreement, and welcomes the contingency planning being done by him in this regard, including the continuation of the consultations with potential troop contributors to assess their willingness to participate in an enlarged peace-keeping operation in Angola;

9. Declares its intention to review the role of the United Nations in Angola by 8 February 1995 at the latest, in the light of the above report;

10. Welcomes the resumption and the increased flow of humanitarian relief assistance throughout Angola and demands that both parties grant security clearances and guarantees for relief deliveries to all locations and refrain from any action which could jeopardize the safety of relief personnel or disrupt the distribution of humanitarian assistance to the Angolan people;

11. Emphasizes that both parties must respect and ensure the safety and security of international personnel in Angola;

12. Commends those States, United Nations agencies and non-governmental organizations which have already

contributed to the relief efforts, and appeals to all States, United Nations agencies and non-governmental organizations rapidly to provide further assistance to Angola to meet the growing humanitarian need;

13. Requests the Secretary-General to inform the Security Council of the next steps to be taken by the United Nations to implement a well-coordinated and comprehensive mine-clearance programme in Angola;

14. Requests also the Secretary-General to ensure that the Council is regularly informed of further developments in the implementation of the "Acordos de Paz" and the Lusaka Protocol, and on the activities of UNAVEM II;

15. Decides to remain actively seized of the matter.

Security Council resolution 966(1994)

8 December 1994 Meeting 3477 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1396).

In a document of 19 December, transmitted to the Security Council President on 28 December,<sup>(40)</sup> Angola estimated the cost of implementing the Lusaka Protocol at \$1,261 million, of which the Government's contribution would be \$374 million and \$887 million would come from international support. The Government's contribution to UNAVEM's budget was estimated at \$64.7 million. Angola stated that the availability of those amounts would depend on UNITA ceasing its activities in the diamond-producing areas and on the full implementation of the cease-fire throughout the country.

## Financing of UNAVEM

**Report of the Secretary-General (January).** In a January report<sup>(41)</sup> on the financing of UNAVEM, the Secretary-General said outstanding assessments due from Member States for the period since the Mission's inception up to 15 September 1993 totalled \$29,378,680. Expenditure for the period 1 March to 15 September 1993 was \$15,018,400 gross (\$14,419,300 net) out of an initial appropriation of \$15,108,500 gross (\$14,545,400 net), leaving an unencumbered balance of \$90,100 gross (\$126,100 net). Cost estimates for the period 16 December 1993 to 15 December 1994 totalled \$25,184,400 gross (\$23,963,400 net). The operating deficit in the Mission's special account as at 15 September 1993 was \$27,305,600. The Secretary-General recommended appropriation of \$6,296,100 gross (\$5,990,850 net) for the period 16 December 1993 to 16 March 1994 and, for the period after 16 March, he recommended appropriation, and/or commitment authorization, of \$2,098,700 gross (\$1,996,950 net) per month, should the Security Council extend the Mission's mandate beyond that date.

In March,<sup>(42)</sup> ACABQ also recommended that, should the Council extend the mandate of UNAVEM II, the Secretary-General should be authorized, with the concurrence of ACABQ, to

enter into commitments for the period from 16 March to 30 June 1994 at a rate not to exceed \$2,098,700 gross (\$1,997,000 net) monthly. In addition, ACABQ recommended that future reports on the financing of United Nations peace-keeping operations provide cost estimates and budget performance for each mandate period separately.

## GENERAL ASSEMBLY ACTION (April)

On 5 April, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 48/241** without vote.

## Financing of the United Nations Angola Verification Mission II

The General Assembly,

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

Bearing in mind Security Council resolution 626(1988) of 20 December 1988, by which the Council established the Verification Mission, Council resolution 696(1991) of 30 May 1991, in which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), and Council resolution 747(1992) of 24 March 1992, in which the Council decided to enlarge the mandate of the Verification Mission to include an Electoral Division for the purpose of observing and verifying the electoral process in Angola,

Bearing in mind also Security Council resolution 804(1993) of 29 January 1993, in which the Council approved the recommendation of the Secretary-General to maintain a Special Representative for Angola based at Luanda, with the necessary civilian, military and police staff, and subsequent resolutions by which the Council extended the mandate of the Verification Mission, the latest of which was resolution 903(1994) of 16 March 1994,

Recalling its resolution 46/195 B of 31 July 1992 and its decisions 47/450 B of 8 April 1993, 47/450 C of 14 September 1993 and 48/465 of 23 December 1993 on the financing of the Verification Mission,

Reaffirming that the costs of the Verification Mission 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 decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, 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 Verification Mission by certain Governments,

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

1. Takes note of the status of contributions to the United Nations Angola Verification Mission II as at 24 March 1994, including the contributions outstanding in the amount of 26,474,847 United States dollars;

2. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities because of overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents in time in order to allow for a proper and thorough review and approval by the Assembly of the budgets before their implementation;

4. Notes with satisfaction an improvement in the compliance by the Secretariat with certain resolutions of the Assembly with regard to the form of budget documents concerning peace-keeping operations;

5. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the Assembly in the budget process;

6. Endorses the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Verification Mission is administered with a maximum of efficiency and economy and, in particular, to implement fully the economy, financial and efficiency measures to be approved during the resumed forty-eighth session but no later than 1 May 1994, and to report on the implementation of such measures in the context of the performance report relevant to the period;

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

9. Affirms:

(a) That, among other factors, the failure by Member States to pay assessed contributions promptly and in full and the fact that the Assembly has unfortunately been led to consider and approve peace-keeping budgets without adequate documentation have damaged and continue to damage the ability of peace-keeping operations to implement their activities effectively;

(b) That it expects that it will not be asked to take any future decisions on budgets for peace-keeping operations retroactively;

10. Decides to appropriate to the Special Account for the United Nations Angola Verification Mission the amount of 5.5 million dollars gross (5,253,900 dollars net), authorized with the prior concurrence of the Advisory Committee and apportioned under the terms of subparagraph (e) of decision 47/450 C for the operation of the Verification Mission for the period from 16 September to 15 December 1993;

11. Decides also to appropriate to the Special Account the amount of 6,296,100 dollars gross (5,990,900 dollars net), authorized and apportioned under the terms of subparagraphs (a) and (b) of decision 48/465, for the

operation of the Verification Mission for the period from 16 December 1993 to 16 March 1994;

12. Decides further to appropriate to the Special Account the amount of 5,246,750 dollars gross (4,992,375 dollars net), for the operation of the Verification Mission for the period from 17 March to 31 May 1994;

13. Decides, as an ad hoc arrangement, to apportion the amount of 5,246,750 dollars gross (4,992,375 dollars net) among Member States for the maintenance of the Verification Mission, for the period from 17 March to 31 May 1994, 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 A 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 Assembly decision 47/456 of 23 December 1992;

14. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 254,375 dollars approved for the Verification Mission for the period from 17 March to 31 May 1994;

15. Decides further that there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, the balance of the apportionment in the amount of 182,700 dollars gross (106,800 dollars net) authorized by the Assembly in its decision 48/465 for the period ending 31 March 1994;

16. Authorizes the Secretary-General to enter into commitments for the Verification Mission at a rate not to exceed 2,098,700 dollars gross (1,997,000 dollars net) per month for a period of four months beginning 1 June 1994, subject to the Security Council deciding to extend the mandate of the Verification Mission beyond 31 May 1994, the amount of 8,394,800 dollars gross (7,988,000 dollars net) to be apportioned among Member States in accordance with the scheme set out in the present resolution;

17. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the interest and miscellaneous income of 1,082,500 dollars for the period ending 15 September 1993;

18. Invites voluntary contributions to the Verification Mission 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 Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

19. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Financing of the United Nations Angola Verification Mission II".

General Assembly resolution 48/241

5 April 1994 Meeting 92 Adopted without vote

Approved by Fifth Committee (A/48/814/Add.1) without vote, 28 March (meeting 56); draft by Chairman based on informal consultations (A/C.5/48/L.50); agenda item 131.

Meeting numbers. GA 48th session: 5th Committee 52, 56; plenary 92.

**Report of the Secretary-General (September).** In September,<sup>(43)</sup> the Secretary-General said that outstanding assessments of \$23,793,100 were due from Member States up to 30 September 1994. In accordance with the recommendation of ACABQ, he presented performance reports for the mandate periods ending 30 June and 30 September. For the period 1 July to 30 September, expenditure was \$6,888,100 gross (\$6,594,100 net), reflecting an over-expenditure of \$591,900 gross (\$603,200 net) as a result of the carry-over charges from the prior period. Cost estimates for the period 1 October 1994 to 30 September 1995 totalled \$21,961,200 gross (\$20,686,800 net).

In December,<sup>(44)</sup> ACABQ recommended appropriation of \$8,986,700 gross (\$8,591,200 net) for the period 1 June to 30 September, inclusive of \$8,394,800 gross (\$7,988,000 net) already authorized by the General Assembly. It also recommended that the additional amount of \$591,900 gross (\$603,200 net) not be assessed at the present time, pending consideration of the performance report for the period.

Following the extension of UNAVEM II's mandate from 1 October to 8 December, ACABQ recommended appropriation and assessment of \$4,112,400 gross (\$3,872,400 net) for the period to maintain the Mission at its existing strength. In view of the further extension of the mandate to 8 February 1995 and the Secretary-General's decision to restore the strength of the Mission to its previous level of 350 military observers and 126 police observers with an appropriate number of international and local staff, ACABQ authorized the Secretary-General to enter into commitments in an amount not to exceed \$7,732,400 gross (\$7,422,900 net) for the period 9 December 1994 to 8 February 1995.

#### GENERAL ASSEMBLY ACTION (December)

On 23 December, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 49/227 A** without vote.

#### **Financing of the United Nations Angola Verification Mission II**

The General Assembly,

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

Recalling Security Council resolution 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, Council resolution 696(1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), and its subsequent resolutions, the latest of which was resolution 966(1994) of 8 December 1994,

Recalling also its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission, and its subsequent resolutions and decisions, the latest of which was resolution 48/241 of 5 April 1994,

Reaffirming that the costs of the Verification Mission 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 decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, 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 operations,

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,

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

1. Takes note of the status of contributions to the United Nations Angola Verification Mission II as at 21 December 1994, including the contributions outstanding in the amount of 13,458,533 United States dollars, and urges all Member States concerned to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peace-keeping activities, due to overdue payments by Member States of their assessments, particularly Member States in arrears;

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

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Approves, on an exceptional basis, the special arrangements for the Verification Mission 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 Mission 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;

6. Decides to appropriate to the Special Account for the United Nations Angola Verification Mission II the amount of 8,986,700 dollars gross (8,591,200 dollars net), inclusive of the amount of 8,394,800 dollars gross (7,988,000 dollars net) already authorized and apportioned under the terms of General Assembly resolution 48/241, for the maintenance of the Verification Mission for the period from 1 June to 30 September 1994;

7. Decides also, as an ad hoc arrangement, and taking into account the amount of 8,394,800 dollars gross (7,988,000 dollars net) already apportioned in accordance with General Assembly resolution 48/241, to apportion the additional amount of 591,900 dollars gross (603,200 dollars net) for the period from 1 July to

30 September 1994 among Member States in accordance with the composition of groups set out by the Assembly in paragraphs 3 and 4 of its 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 A 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 Assembly decision 47/456 of 23 December 1992;

8. Decides further 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 7 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 11,300 dollars approved for the period from 1 July to 30 September 1994, inclusive;

9. Decides to appropriate to the Special Account the amount of 4,112,400 dollars gross (3,872,400 dollars net), authorized with the prior concurrence of the Advisory Committee under the terms of General Assembly resolution 48/229 of 23 December 1993, for the maintenance of the Verification Mission for the period from 1 October to 8 December 1994;

10. Decides also, as an ad hoc arrangement, to apportion the amount of 4,112,400 dollars gross (3,872,400 dollars net) for the period from 1 October to 8 December 1994 among Member States in accordance with the composition of groups set out by the General Assembly in paragraphs 3 and 4 of its resolution 43/232, as adjusted by the Assembly in its resolutions 44/192 B, 45/269, 46/198 A and 47/218 A and its decision 48/472 A, and taking into account the scale of assessments for the years 1992, 1993 and 1994 as set out in Assembly resolutions 46/221 A and 48/223 A and Assembly decision 47/456;

11. 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 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 240,000 dollars approved for the period from 1 October to 8 December 1994;

12. Decides to appropriate to the Special Account the amount of 7,732,400 dollars gross (7,422,900 dollars net), authorized with the prior concurrence of the Advisory Committee under the terms of General Assembly resolution 48/229, for the maintenance of the Verification Mission for the period from 9 December 1994 to 8 February 1995;

13. Decides also, as an ad hoc arrangement, to apportion the amount of 7,732,400 dollars gross (7,422,900 dollars net) for the period from 9 December 1994 to 8 February 1995 among Member States in accordance with the composition of groups set out by the General Assembly in paragraphs 3 and 4 of its resolution 43/232, as adjusted by the Assembly in its resolutions 44/192 B, 45/269, 46/198 A and 47/218 A and its decision 48/472 A, the scale of assessments for the year 1994 to be applied against a portion thereof, that is, 2,868,471 dollars gross (2,753,656 dollars net), which is the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the scale of assessments for the year 1995 to be applied against the balance, that is,

4,863,929 dollars gross (4,669,244 dollars net), for the period from 1 January to 8 February 1995, 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 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 309,500 dollars approved for the period from 9 December 1994 to 8 February 1995, inclusive; 114,815 dollars being the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the balance, that is, 194,685 dollars, for the period from 1 January to 8 February 1995, inclusive;

15. Decides, with regard to the period beyond 8 February 1995, to authorize the Secretary-General to enter into commitments at a rate not to exceed 3.5 million dollars gross (3.3 million dollars net) per month for the three-month period from 9 February to 8 May 1995 in connection with the maintenance of the Verification Mission, the amount of 10.5 million dollars gross (9.9 million dollars net) to be apportioned in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Mission beyond 8 February 1995 and with the prior concurrence of the Advisory Committee as to the exact amount to be committed.

16. Invites voluntary contributions to the Verification Mission in cash and in the form 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;

17. Requests the Secretary-General to take all necessary action to ensure that the Verification Mission is administered with a maximum of efficiency and economy;

18. Decides to include in the provisional agenda of its fiftieth session the item entitled "Financing of the United Nations Angola Verification Mission".

#### 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 for the United Nations Angola Verification Mission II 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 for 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 49/227 A

23 December 1994 Meeting 95 Adopted without vote

Approved by Fifth Committee (A/49/816) without vote, 22 December (meeting 38); draft by Chairman based on informal consultations (A/C.5/49/L.11); agenda item 117.

Meeting numbers. GA 49th session: 5th Committee 34, 37, 38; plenary 95.

## Mozambique

During 1994, the United Nations Operation in Mozambique (ONUMOZ), established in December 1992,<sup>(45)</sup> continued to monitor implementation of the General Peace Agreement, signed in October 1992<sup>(46)</sup> between the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO). The peace process concluded with the holding of elections from 27 to 29 October 1994. The elections were observed by the United Nations and the international community, and the Secretary-General's Special Representative declared them free and fair. This marked the completion of the mandate of ONUMOZ, which began its withdrawal immediately thereafter.

**Report of the Secretary-General (January).** In a January report<sup>(47)</sup> on ONUMOZ, the Secretary-General stated that the peace process in Mozambique had entered a new phase with the commencement of the cantonment of troops. As at 24 January, 16,609 soldiers (9,895 from the Government and 6,714 from RENAMO) had checked into the assembly areas, representing 22 per cent of government soldiers and 58 per cent of RENAMO soldiers, and 30 per cent of the total number expected in the 35 sites opened. This imbalance continued through the second half of January. Arms collection had begun in most assembly areas. As at 24 January, 11,382 government and 6,200 RENAMO weapons had been registered by ONUMOZ military observers. However, due to political problems, the transfer to regional warehouses of weapons collected in assembly areas had been delayed. The massive influx of RENAMO troops resulted in overcrowding and shortages of food and other essential items. The situation was aggravated by delays in the selection of those soldiers to be demobilized and those to join the new army. There were also incidents of rioting by government soldiers in assembly areas over demands for back pay. Delays were also experienced in the dismantling of the some 155,600 government military and paramilitary forces, which began only on 12 January. The dismantling of irregular armed groups was overseen by the Cease-fire Commission. In addition, there were another 15,051 unassembled troops to be demobilized at their current locations.

At the political level, the Electoral Law entered into force on 12 January and the National Elections Commission was appointed on 21 January.

During the period under review, none of the cease-fire violations of which the Cease-fire Commission was notified constituted a serious threat

to the cease-fire or to the peace process. Meanwhile, the 540 soldiers trained as instructors in Zimbabwe were to begin training infantry soldiers at the three Mozambican Defence Force training centres that were being rehabilitated. The Supervision and Monitoring Commission approved documents elaborated by the Government and RENAMO relating to the organization, operating procedures, uniforms, ranking symbols and training of the unified armed forces.

With the demobilization process well under way, the United Nations Office for Humanitarian Assistance Coordination focused on its programme for the reintegration of former combatants into civilian life. A strategy addressing the needs of ex-soldiers was agreed on with the Commission for Reintegration, and donor agencies proposed extending the Government's severance payment to demobilized soldiers. The rate of refugee repatriation and movement of displaced persons increased, with over 621,000 persons having left their camps to return to Mozambique, most of them spontaneously. Demining teams continued to clear the roads, while training in mine clearance began at the ONUMOZ mine-clearing centre in Beira.

The Secretary-General said that the peace process was still threatened by the lack of resources to transform RENAMO into a political party; at the same time, there were expenditures associated with that transformation that could not be met through the trust fund established for that purpose. He intended setting up a more flexible funding mechanism to provide RENAMO with an appropriate monthly allowance.

In an addendum,<sup>(48)</sup> the Secretary-General reported on the planned deployment of the ONUMOZ police contingent (CIVPOL) to verify that all police activities in the country were consistent with the General Peace Agreement. The mandate of CIVPOL was to monitor all police activities and the respect of rights and civil liberties; provide technical support to the National Police Commission; verify that private protection and security agencies did not violate the General Peace Agreement; verify the strength and location of the government police forces, their materiel and other information; and monitor and verify the process of reorganization and retraining of the quick-reaction police, their activities and equipment and the proper conduct of the electoral campaign. CIVPOL would be a separate component of ONUMOZ under the command of a Chief Police Observer.

In another addendum,<sup>(49)</sup> the Secretary-General said that the estimated cost of deploying an additional 1,016 civilian police, as part of the enlarged ONUMOZ police component, was \$38,474,000 gross for the period from 15 February to 31 October.

## SECURITY COUNCIL ACTION (February)

The Security Council met on 23 February. At its request, Mozambique was invited to participate under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution 898(1994)** unanimously.

The Security Council,

Reaffirming its resolution 782(1992) of 13 October 1992 and all subsequent resolutions,

Having considered the report of the Secretary-General on the United Nations Operation in Mozambique (ONUMOZ) dated 28 January 1994, and having completed the review of the status of ONUMOZ called for in its resolution 882(1993),

Commending the efforts of the Secretary-General, his Special Representative and the personnel of ONUMOZ in seeking to implement fully the mandate entrusted to it,

Commending also the role played by the Organization of African Unity through the Special Representative of its Secretary-General, in the implementation of the General Peace Agreement for Mozambique,

Reiterating the importance it attaches to the General Peace Agreement, and to the timely fulfilment in good faith by all parties of their obligations under the Agreement,

Noting that the people of Mozambique bear the ultimate responsibility for the successful implementation of the General Peace Agreement,

Welcoming recent positive developments in the implementation of the General Peace Agreement, but concerned none the less at delays in its full implementation,

Taking note of the request by the Government of Mozambique and RENAMO concerning the monitoring of all police activities and additional tasks set out in the agreements of 3 September 1993, and of the agreement of both parties to the general concept for the ONUMOZ police contingent,

Stressing the necessity, in this as in other peace-keeping operations, to continue to monitor expenditures carefully during this period of increasing demands on peace-keeping resources, without jeopardizing their purposes,

Noting with appreciation in this context that the Secretary-General, in proposing the establishment of a police component as an integral part of ONUMOZ, has at the same time stated his intention to present specific proposals for the phased reduction of the military component of ONUMOZ, without prejudice to the effective discharge of its mandate, in particular the tasks of its military component,

Reaffirming its conviction that the resolution of the conflict in Mozambique will contribute to peace and security,

1. Welcomes the report of the Secretary-General of 28 January 1994;

2. Authorizes the establishment of a United Nations police component of up to 1,144 personnel as an integral part of ONUMOZ with the mandate and deployment described in paragraphs 9 to 18 of document S/1994/89/Add.1;

3. Requests the Secretary-General, as the police contingent is being deployed, to begin immediately preparing specific proposals for the drawdown of an appropriate number of military personnel with the objective of

ensuring there is no increase in the cost of ONUMOZ without prejudice to the effective discharge of its mandate;

4. Further requests the Secretary-General to prepare a timetable for (a) the completion of ONUMOZ's mandate, withdrawal of its personnel, and turnover of any remaining functions to United Nations agencies and programmes by the target date of the end of November 1994, by which time the elected government is expected to have assumed office and, in this context, for (b) the phased drawdown of military forces in the transportation corridors which should begin as soon as feasible and be completed when the new national defence force is operational, and (c) the withdrawal of military observers after demobilization is completed;

5. Welcomes recent positive developments in the implementation of the General Peace Agreement including the commencement of the assembly of troops and the dismantling of paramilitary forces, militia and irregular troops, the approval of the electoral law and the appointment of the National Elections Commission and of its chairperson;

6. Expresses its concern, however, at the continuing delay in the implementation of some major aspects of the General Peace Agreement, including the commencement of demobilization and the formation of a national defence force and calls upon the parties to work towards the elimination of further delays;

7. Calls upon the Government of Mozambique and RENAMO to comply with all the provisions of the General Peace Agreement, in particular those concerning the cease-fire and the cantonment and demobilization of troops, and commends in this respect the commitments made by both President Chissano and Mr. Dhlakama to implement the General Peace Agreement;

8. Further calls upon the Government of Mozambique and RENAMO to comply fully and promptly with the decisions of the Monitoring and Supervision Commission;

9. Encourages the Government of Mozambique to continue to fulfil its commitments in respect of the provision of logistic support and adequate food, and making outstanding payments, to the troops in the assembly areas and the training centres;

10. Notes the recent acceleration in the assembly of the troops of the Government of Mozambique, and calls upon the Government to redouble its efforts to achieve balance between the parties in the cantonment of troops and an expeditious and timely conclusion of this process as called for in the revised timetable;

11. Underlines the need for the troops of the Government of Mozambique and RENAMO to hand over all weapons to the United Nations at the assembly areas and for the parties to come to an immediate agreement on the transfer of all weapons to regional depots so as to ensure security in the assembly areas;

12. Reiterates the vital importance it attaches to the holding of general elections no later than October 1994 and to the early commencement of electoral registration and other electoral preparations, and urges the parties to agree promptly on a specific election date;

13. Appeals to the international community to provide the necessary financial assistance to facilitate the implementation of the General Peace Agreement and also to make voluntary financial contributions to the Trust Fund to be set up to support electoral activities of the political parties;

14. Notes the Secretary-General's decision to explore the possibility of establishing a more effective mechanism for the provision of resources, disbursement under which is subject to the scrupulous and timely implementation of the General Peace Agreement, as described in paragraph 35 of his report of 28 January 1994;

15. Welcomes the proposal to extend the present severance payment scheme to facilitate the reintegration of demobilizing soldiers into civil society and encourages the international community to provide appropriate and prompt assistance for the implementation of this scheme as a complement to the existing efforts made in the framework of the humanitarian assistance programme;

16. Expresses its appreciation to the United Kingdom of Great Britain and Northern Ireland, France, Portugal and Italy for their offers of assistance in military training or in rehabilitating the training centres for the new army;

17. Notes also with appreciation the response of the international community to the humanitarian assistance needs of Mozambique and encourages the international community to continue to provide appropriate and prompt assistance for the implementation of the humanitarian programme carried out in the framework of the General Peace Agreement;

18. Urges all parties to continue to facilitate unimpeded access to humanitarian assistance for the civilian population in need, and also to cooperate with the United Nations High Commissioner for Refugees and other humanitarian agencies operating in Mozambique to facilitate the speedy repatriation and resettlement of refugees and displaced persons;

19. Requests the Secretary-General to ensure maximum economy in the operations of ONUMOZ, while remaining mindful of the importance of an effective discharge of its mandate;

20. Looks forward to the next report of the Secretary-General called for in paragraph 13 of resolution 882(1993) on whether the parties have made sufficient and tangible progress towards implementing the General Peace Agreement and in meeting the timetable set out in paragraphs 3 and 10 of that resolution, on the basis of which it will consider the mandate of ONUMOZ;

21. Decides to remain actively seized of the matter.

Security Council resolution 898(1994)

23 February 1994 Meeting 3338 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/188).

**Communications (April).** In a letter dated 12 April,<sup>(50)</sup> Mozambique informed the Secretary-General that its first multi-party elections would be held on 27 and 28 October.

In response to a request from the Government of Mozambique, the Security Council President informed the Secretary-General on 21 April<sup>(51)</sup> that the Council had agreed to facilitate the Mozambican electoral process and proposed a list of persons from which he could appoint the three international members of the Mozambique Electoral Tribunal.

On 27 April,<sup>(52)</sup> the Secretary-General said he had appointed Michel Coat (France), Mariano Fiallos Oyanguren (Nicaragua) and Joao Moreira

Camilo (Portugal) as international members of the Tribunal and Walter Ramos da Costa Porto (Brazil) and Juan Ignacio Garcia Rodriguez (Chile) as alternate members. He had so informed the President of Mozambique.

**Report of the Secretary-General (April).** In April,<sup>(53)</sup> the Secretary-General stated that, as at 18 April, 55 per cent of government and 81 per cent of RENAMO soldiers had been cantoned, but continued dissatisfaction with pay and the reintegration package caused some soldiers from both sides to refuse to be demobilized. A total of 12,195 government and 561 RENAMO troops had been demobilized. Following agreement on 8 April between President Chissano and Afonso Dhlakama, President of RENAMO, to expedite the assembly of troops and accelerate the pace of demobilization, an additional 17,000 soldiers, including 4,830 disabled, were demobilized on location. Delays continued to be experienced in the disbanding of the 155,600 militia and paramilitary forces due to the fact that they were scattered throughout the country. As at 18 April, 35,536 weapons of government troops and 13,210 of RENAMO had been handed over to ONUMOZ military observers and their transfer from assembly areas to regional arms depots had begun on 15 March. By the end of April, 49.5 per cent of the weapons the Government declared had been assigned to its paramilitary forces had been collected.

Progress continued in the formation of the Mozambican Defence Force. However, the timely formation of the new army and the completion of demobilization risked being jeopardized by the limitation of current training programmes designed to train only 15,000 of the 30,000-strong army before the elections, as required under the General Peace Agreement.

The Secretary-General said he could not recommend a reduction in the strength of ONUMOZ military observers, originally planned to begin in June, since it was clear that the demobilization process would not be completed by that time. He proposed, however, a plan for the requested draw-down of the United Nations forces and support units up to the time of the holding of the elections.

The National Elections Commission officially started functioning on 15 February and established a timetable providing for voter registration between 1 and 15 June and for the electoral campaign between 10 September and 24 October. The financial requirements for the elections were revised to \$59 million, of which \$47 million had already been pledged. The Secretary-General appealed to donors to bridge the gap of \$12 million and to fulfil existing commitments to allow voter registration to proceed as scheduled. He also announced the establishment of a special trust fund to assist the 12 other parties registered to participate in the elections.



As at 18 April, 278 United Nations police observers had been deployed throughout Mozambique. The clearing of mines from several important routes had begun and the United Nations Mine-clearance Training Centre began training on 4 April. The nationwide survey of mines was also well under way. The organized repatriation of refugees from South Africa began in April and a similar programme for refugees from the United Republic of Tanzania was scheduled for June and July.

The Secretary-General said that progress had been made in the implementation of the peace process. He recommended the extension of ONUMOZ's mandate until 31 October and that its personnel begin repatriation immediately thereafter. Liquidation of the Mission was expected to be completed by 31 January 1995.

#### SECURITY COUNCIL ACTION (May)

The Security Council met on 5 May to consider the Secretary-General's report on ONUMOZ, with Mozambique participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution 916(1994)** unanimously.

The Security Council,

Reaffirming its resolution 782(1992) of 13 October 1992 and all subsequent resolutions,

Having considered the report of the Secretary-General on the United Nations Operation in Mozambique (ONUMOZ) dated 28 April 1994,

Reiterating the importance it attaches to the General Peace Agreement for Mozambique, and the timely fulfilment in good faith by all parties of their obligations under the Agreement,

Commending the efforts of the Secretary-General, his Special Representative, his Special Adviser and the personnel of ONUMOZ in seeking to implement fully the mandate entrusted to it,

Commending also the role played by the Organization of African Unity through the Special Representative of its Secretary-General, in the implementation of the General Peace Agreement,

Reaffirming that the people of Mozambique bear the ultimate responsibility for the successful implementation of the General Peace Agreement,

Reaffirming also its conviction that the resolution of the conflict in Mozambique would contribute to peace and security,

Welcoming the progress made in the implementation of the General Peace Agreement, and in particular the announcement by the President of Mozambique that elections will take place on 27 and 28 October 1994,

Expressing concern none the less at delays in the full implementation of some major aspects of the General Peace Agreement,

Emphasizing the need for the fullest possible cooperation by the Government of Mozambique and RENAMO with ONUMOZ, including with its police component,

1. Welcomes the report of the Secretary-General of 28 April 1994;

2. Welcomes also the maintenance of the cease-fire, the commencement of demobilization of all forces and the transfer of weapons to regional arms depots, the swearing into office of the High Command and the beginning of the training programme for the new Mozambican Defence Force;

3. Welcomes further the commencement of the deployment of the United Nations police observers as authorized in paragraph 2 of resolution 898(1994) of 23 February 1994 and stresses the importance it attaches to the fullest cooperation of the parties with the police observers of ONUMOZ;

4. Urges all the parties to respect fully their obligations under the General Peace Agreement, especially:

(a) To allow ONUMOZ, including the police observers, unimpeded access to the areas under their control; and

(b) To allow unimpeded access to the areas under their control to all political forces in the country, in order to ensure free political activity in the whole territory of Mozambique;

5. Notes in particular the Secretary-General's plan as set out in paragraphs 21 to 25 of his report for the redeployment of ONUMOZ's personnel without prejudice to the effective discharge of its mandate;

6. Welcomes the announcement by the President of Mozambique on 11 April 1994 that elections will take place on 27 and 28 October 1994, the inauguration of the National Elections Commission and the establishment of its provincial offices throughout the country; and reiterates the importance it attaches to the elections taking place on these dates with electoral registration commencing on 1 June 1994;

7. Calls upon the Mozambican parties to support the electoral process including the work of the National Elections Commission, as described in paragraph 51 of the Secretary-General's report;

8. Expresses its concern, however, at continuing delays in the implementation of major aspects of the General Peace Agreement, in particular assembly and demobilization of troops, militia and paramilitary forces, and the formation of the new Mozambican Defence Force in accordance with the revised timetable and in line with paragraph 10 of resolution 882(1993) of 5 November 1993, and calls upon the parties to comply fully with all the provisions of the General Peace Agreement;

9. Commends in this respect the agreement between the President of Mozambique, Mr. Joaquim Chissano, and the President of RENAMO, Mr. Afonso Dhlakama, on 8 April 1994 that the Government of Mozambique would expedite the assembly of its troops and that RENAMO would accelerate the pace of its demobilization;

10. Urges the parties to meet the targets of 1 June 1994 for the completion of the assembly of forces and 15 July 1994 for the completion of demobilization;

11. Underlines the need for the parties to ensure that ONUMOZ is provided with accurate information on the numbers of troops which remain to be assembled and to allow ONUMOZ access to all their military bases to verify military equipment as well as the number of combatants still outside the assembly areas and to provide ONUMOZ with complete lists of such equipment;

12. Calls upon the parties to ensure that the maximum possible number of soldiers are trained for the new Mozambican Defence Force before the elections take

place and also calls upon the Government of Mozambique to provide logistical and technical support for the formation of the new Mozambican Defence Force, including regular remuneration for the troops, and to begin the transfer of central defence facilities to its command;

13. Expresses its appreciation to the United Kingdom of Great Britain and Northern Ireland, France and Portugal for their contribution to the establishment of the new Mozambican Defence Force and to Italy and Zimbabwe for their offers of additional assistance in this regard;

14. Emphasizes the importance of progress being made in the area of mine clearance and related training in Mozambique, welcomes the Secretary-General's intention to accelerate the implementation of the United Nations programme in this area and expresses appreciation to those countries which have provided assistance in this regard;

15. Appeals to the international community to provide the necessary financial assistance to facilitate the implementation of the General Peace Agreement and also to make voluntary financial contributions to the technical assistance trust fund and the special trust fund for assistance to registered political parties;

16. Notes with appreciation the response of the international community to the humanitarian assistance needs of Mozambique and appeals to the international community to continue to provide appropriate and prompt assistance for the implementation of the humanitarian programmes carried out in the framework of the General Peace Agreement;

17. Reiterates its encouragement to the international community to provide appropriate and prompt assistance for the implementation of the demobilization scheme as a complement to the existing efforts being made in the framework of the humanitarian assistance programme;

18. Commends the efforts of the United Nations, its specialized agencies and other humanitarian agencies operating in Mozambique and urges all Mozambican parties to continue to facilitate their unimpeded access to the civilian population in need and to continue to cooperate with the United Nations High Commissioner for Refugees and other humanitarian agencies in pursuing ongoing programmes to assist the remaining displaced persons and refugees to be resettled;

19. Decides to renew the mandate of ONUMOZ for a final period until 15 November 1994 at the strength described in paragraphs 22, 24 and 25 of the Secretary-General's report of 28 April 1994 subject to the proviso that the Security Council will review the status of the mandate of ONUMOZ by 15 July 1994 based on a report by the Secretary-General as described in paragraph 55 of his report, and also by 5 September 1994 based on a further report by the Secretary-General;

20. Requests the Secretary-General to ensure that the Security Council is kept regularly informed on the implementation of the General Peace Agreement, in particular on assembly and demobilization;

21. Decides to remain actively seized of the matter.

**Security Council resolution 916(1994)**

**5 May 1994 Meeting 3375 Adopted unanimously**

**Draft prepared in consultations among Council members (S/1994/538).**

**Report of the Secretary-General (July).** In July,<sup>(54)</sup> the Secretary-General reported that a dispute had arisen between the Government and

RENAMO on the actual number of government troops to be sent to the assembly areas. The Government had revised the figures downwards to take into account soldiers demobilized before the signing of the General Peace Agreement in 1992. After investigation and verification by the Cease-fire Commission and the Supervisory and Monitoring Commission, the two parties signed a joint declaration establishing the new overall strength of government troops at 64,466. By 4 July, the Government had demobilized only 46 per cent of its forces, while RENAMO had demobilized 54 per cent of the expected total. Demobilization of these troops was to be completed by 15 August. On 13 June, the Cease-fire Commission approved a plan for the closure of all 49 assembly areas, the transfer of all weapons to regional arms depots and the acceleration of the selection of soldiers for the new army. In the meantime, the question of the training of the remaining 15,000 soldiers for the Mozambican Defence Force remained unresolved. While RENAMO was willing to accept that those forces be formed after the elections, the Government proposed that all 30,000 be recruited before the elections and half of them trained, while the remainder would be deployed in military centres to receive basic training.

Training of all electoral elements, voter registration teams and civic education agents was completed by the end of May and voter registration began as scheduled on 1 June. By 4 July, some 2.5 million out of the projected 8 million had been registered. Fifteen parties had so far officially registered to participate in the elections, but RENAMO was participating in the process as a party to the General Peace Agreement. The Electoral Division of ONUMOZ monitored the entire electoral process through its 148 officers stationed in provinces and districts as well as in Maputo.

The number of United Nations police observers deployed in Mozambique rose to 817, operating from 29 stations and with another 31 due to be established soon. The Secretary-General said that all components of ONUMOZ, including several hundred international electoral observers, would begin withdrawing after publication of the election results.

Humanitarian programmes placed special emphasis on the reintegration and resettlement of returnees, internally displaced persons and demobilizing soldiers. Humanitarian assistance needs from May to December were estimated at \$117 million, covering the distribution of food, seeds and tools, emergency work in the areas of water supply and health, and education in support of reintegration programmes. Although the season's harvest was projected to be better than the previous one, that was not expected to be accompanied by a significant reduction in food re-

lief because of inadequate rains, disease and the effects of cyclone "Nadia". Assessment needs indicated the existence of significant emergency-type humanitarian requirements.

**Further developments.** In a statement made on 4 July at a meeting of the Cease-fire Commission in Maputo,<sup>(55)</sup> Mozambique announced the conclusion of the cantonment of government troops but expressed concerns regarding that process. It drew attention to reported violations of the cease-fire by RENAMO, including the presence of a RENAMO battalion in Pandambire; training of soldiers in Gorongosa; and movement of a battalion from Maringue to Buzua. In addition, 500 armed RENAMO soldiers were blocking the road linking Mutarara to Cambulatsitsi and daily reports put the number of RENAMO troops at 18,241 and not the original figure of 21,000 announced in 1992. The Government requested an investigation and clarification of those reports.

#### SECURITY COUNCIL ACTION (July)

The Security Council met on 19 July, with Mozambique participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. After consultations among Council members, the President made the following statement on behalf of the Council:<sup>(56)</sup>

The Security Council notes with appreciation the report of the Secretary-General of 7 July 1994 on the United Nations Operation in Mozambique (ONUMOZ). It commends the Special Representative of the Secretary-General and the personnel of ONUMOZ for their efforts in support of the implementation of the General Peace Agreement for Mozambique. They continue to have the full backing of the Council.

The Security Council welcomes the significant progress made in the implementation of the General Peace Agreement, in particular in the electoral sphere, but remains concerned at continuing delays in the implementation of some major aspects of the Agreement. The Council is especially concerned at the delays which continue to occur in the demobilization of forces and in the formation of the new Mozambican Defence Force (FADM). In this context, the Council reiterates its call in resolution 916(1994) of 5 May 1994 to the parties to comply fully with all the provisions of the Agreement.

It is essential that the demobilization of all forces is completed by 15 August 1994, as agreed by the parties, and that the difficulties of forming, before the elections, FADM at the strength agreed in the General Peace Agreement are addressed quickly and with flexibility.

The Council is encouraged by the recent announcement of the Mozambican Government's decision to turn over the assets, including equipment and facilities, of the Mozambique Armed Forces (FAM) to FADM by 15 August 1994 and reiterates the importance of the Government providing all necessary support to the establishment of FADM.

The Council underlines the importance to the peace process of the rehabilitation of areas with a large returning population, including through an effective mine-clearance programme. In this regard, it urges that high priority be given to mine-clearance activities and related training.

The Council, in its resolution 916(1994), decided to renew the mandate of ONUMOZ for a final period until 15 November 1994 and welcomed the announcement by the President of the Republic of Mozambique that elections would take place on 27 and 28 October 1994. It reaffirms the importance it attaches to the elections taking place on these dates and stresses the need for additional decisive steps to that end. In this context, the Council stresses that there is no margin for further delay in demobilization and in the formation of FADM. The Council expects the parties to continue to cooperate with ONUMOZ and with each other to ensure full and timely implementation of the Agreement.

The Council reiterates the importance of the extension of civil administration throughout Mozambique, which is essential for the holding of free and fair elections. In this context, it reaffirms its call to all parties, especially the *Resistência Nacional Moçambicana* (RENAMO), to allow unimpeded access to the areas under their control to all political forces in the country, in order to ensure free political activity throughout Mozambique.

The Council expresses its intention to endorse the results of the elections provided the United Nations reports them as free and fair and reminds all the Mozambican parties of their obligation under the General Peace Agreement fully to respect the results.

The Council will consider sending a mission, at an appropriate time, to Mozambique to discuss with the parties how best to ensure full and timely implementation of the General Peace Agreement and that the elections take place on the dates agreed and under the conditions set out in the Agreement.

The Council will continue to monitor developments in Mozambique closely and requests the Secretary-General to ensure that it is kept informed on a regular basis.

Meeting number. SC 3406.

**Report of the Secretary-General (August).** In August,<sup>(57)</sup> the Secretary-General reported that the assembly of both government and RENAMO troops and their demobilization had substantially concluded by 22 August. All unassembled troops had also been registered and, as at 22 August, 12 of the 49 camps had been dismantled. The Cease-fire Commission approved a plan for follow-up verification of the completion of assembly and demobilization. Although the number of troops demobilized was much larger than originally planned, the number of weapons collected fell below expectation. The United Nations was denied permission to collect and disable weapons at unassembled locations, thus delaying the disarmament process.

The formation of the new army continued to encounter difficulties as only 7,398 soldiers had joined the army by 22 August and it was not ex-

pected that more than 10,000 would do so before the elections. The transfer of authority, equipment and infrastructure from the former army to the new Mozambican Defence Force was completed on 16 August.

Despite those positive developments, the security situation in the country had deteriorated, as rioting among soldiers continued to escalate and the crime level rose dramatically in both urban and rural areas. The Secretary-General instructed his Special Representative, in consultation with the Government, to step up ONUMOZ operations to maintain security and public order and to provide wider coverage of various parts of the country.

In the meantime, 905 civilian police monitors from 26 countries had been deployed throughout the country. However, the Mozambican Police had not established its presence in many areas formerly controlled by RENAMO. The United Nations CIVPOL continued to receive complaints of human rights abuses, including violations committed by the Mozambican Police. Most of the cases related to illegal detention, abuse of detainees' civil rights and criminal investigations involving possible political motives.

Voter registration was extended until 2 September and the start of the electoral campaign to 22 September. Voter registration teams were able to gain access to all RENAMO-controlled districts. The National Elections Commission reached agreement on voting arrangements for Mozambicans living abroad and approved codes of conduct for all candidates and rules on access to the State media.

Because of delays in implementation, it was clear that the mine-clearance programme would continue well beyond the mandate of ONUMOZ. However, the Secretary-General observed that the necessary conditions existed for holding the elections as scheduled, but a great deal remained to be accomplished to ensure that they led to political stability.

**Security Council mission.** In a 4 August presidential note,<sup>(58)</sup> the Security Council, in accordance with its 19 July decision to send a mission to Mozambique to discuss the timely implementation of the General Peace Agreement, agreed that the mission would depart for Mozambique on 6 August and would be composed of Council members from Brazil, China, the Czech Republic, Djibouti, New Zealand, Nigeria, Oman, the Russian Federation and the United States. The purpose of the mission was to convey to the leadership of both sides the Council's concern over the delays in implementing major aspects of the General Peace Agreement; underline the necessity of completing the demobilization of forces by 15 August and ensuring that the elections took place as agreed; stress the Council's intention to endorse

the election results if reported free and fair; and remind the parties of their obligation to respect those results.

In its 29 August report,<sup>(59)</sup> the mission stated that it held discussions with the Presidents of Mozambique and RENAMO and the 16 other registered parties, the Special Representative of the Secretary-General, and representatives of ONUMOZ, several commissions and African countries. The mission touched on issues affecting the implementation of the General Peace Agreement, including demobilization, formation of the new army, the elections, humanitarian and refugee issues, mine clearance, the relationship between ONUMOZ and the Government and the role of ONUMOZ after the elections and beyond 15 November. It also heard various requests for assistance.

The mission was encouraged by the commitment of the parties to hold the elections as scheduled. It believed that every effort should be made to ensure that all Mozambicans throughout the country were registered. It said that training and logistical support would have to be increased to ensure an adequate number of electoral observers and technical assistance for party observers. Allegations of electoral irregularities must be submitted through formal channels and acted on expeditiously. The mission recommended that the Council reiterate its call to the parties to respect the election results and encourage them to promote post-electoral stability and harmony and respect for democracy. It was disappointed at the progress in the area of mine clearance; it recommended that this be rectified, with the proper machinery being put in place and no disruption of the programme or transferring of its resources to another operation, and that the mine-clearing equipment remain in the country. The mission also recommended that the international community assist Mozambique with additional trainers for the new Mozambican Defence Force.

#### SECURITY COUNCIL ACTION (September)

The Security Council met on 7 September to consider the reports of the Secretary-General and of the mission. It invited Mozambique, at its request, to participate in the discussion under rule 37<sup>a</sup> of the provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(60)</sup>

The Security Council welcomes the report of the Secretary-General of 26 August 1994 on the United Nations Operation in Mozambique and notes with appreciation the report and oral briefing of the mission it sent to Mozambique to discuss with the parties how best to ensure full and timely implementation of the General Peace Agreement. It commends

the mission for accomplishing its objectives, as set forth by the President of the Council on 4 August 1994.

The Security Council is satisfied, at present, with the pace of the peace process, including demobilization of all forces which will be completed shortly. It maintains a cautious optimism that Mozambicans will be able to fulfil the goals of the peace process, achieving democracy, lasting peace, and responsible, representative government in their country.

The Security Council welcomes the fact that the leaders of the main political parties in Mozambique and the National Elections Commission have confirmed their commitments to take all steps necessary to ensure the holding of elections on 27 and 28 October 1994, as scheduled. It underlines the importance of ensuring that the voter registration process reach as many Mozambicans as possible. Those parties who have concerns about the implementation of aspects of the electoral process should pursue them through the National Elections Commission. The Council reiterates its intention to endorse the results of the Mozambican elections provided the United Nations declares them as free and fair and reminds all the parties of their obligation under the General Peace Agreement fully to respect these results as well as the principles of democracy.

The Security Council reaffirms the importance of proceeding as expeditiously as possible with the formation and training of the new Mozambican Defence Force (FADM). It notes with satisfaction that both the Government of Mozambique and RENAMO have accepted the fact that the initial size of FADM will be consistent with training and recruitment constraints during the pre-election period. It encourages the Government of Mozambique speedily to complete the transfer of the requisite authority and assets from the Mozambique Armed Forces (FAM) to FADM. The Council calls upon Member States to help provide military training and appropriate equipment to FADM.

The Security Council expresses its appreciation to the Secretary-General for providing a detailed revised timetable for the phased withdrawal of ONUMOZ civilian and military personnel as set out in his report. The Council concurs with the Secretary-General that ONUMOZ should be deployed over a wider area of the country, keeping in mind the need to assist the Government in maintaining security, particularly in the crucial period before, during and immediately after the elections.

The Security Council notes the importance of ensuring that the Mozambican police have the resources required to maintain security in the country, in particular in the post-electoral period. It urges that the Mozambican police be provided with these resources, and calls upon Member States to assist in this regard by contributing to the training and equipment needs of the police.

The Security Council expresses concern at the limited progress made to date in the area of demining. It welcomes efforts to revitalize that programme and urges all concerned to accelerate training and mine-clearance activities, and work with the relevant Mozambican authorities towards the establishment of a national demining capability, including the possi-

bility of leaving demining equipment in Mozambique after the withdrawal of ONUMOZ, subject to the appropriate arrangements.

The Security Council invites the Secretary-General to report on the final disposition of the assets of ONUMOZ within the framework of the withdrawal of ONUMOZ.

The Security Council encourages the parties to continue their efforts in good faith to ensure post-electoral harmony on the basis of the observance of the democratic principles accepted by them in the General Peace Agreement as well as on the basis of the spirit and letter of that Agreement.

The Security Council notes that the post-election period will be an important and delicate time, during which the international community will need to assist the Mozambicans in the rehabilitation and development of their country, and in this regard calls upon the Secretary-General to report to the competent United Nations bodies on what further role the United Nations can perform.

The Council commends the efforts of the Secretary-General and his Special Representative in moving the peace process forward. It expresses its gratitude to the Special Representative of the Secretary-General and his dedicated staff for the assistance rendered to the mission sent by the Security Council to Mozambique.

Meeting number. SC 3422.

**Report of the Secretary-General (October).** In a 21 October report,<sup>(61)</sup> the Secretary-General said that, despite some tension, there had been no violation of the cease-fire for many months. More than 75,000 soldiers had been demobilized and a unified army of some 10,000 soldiers had been formed. Voter registration had concluded, with 6,396,061 voters registered, representing 81 per cent of the eligible population. On 13 September, the National Elections Commission accepted the applications of 12 presidential candidates. It accredited 14 political parties and coalitions to participate in the legislative elections. A total of 3,117 candidates would compete for the 250 seats in the National Assembly. Although increasing disturbances, inflammatory rhetoric and even physical attacks marred the electoral campaign, they posed no serious threat to the fairness of the electoral process. ONUMOZ, United Nations agencies in Mozambique and NGOs put together and executed an elaborate plan for the actual voting to be conducted at 7,300 electoral stations, grouped in 2,700 polling sites throughout the country. Some 2,100 United Nations observers would assist ONUMOZ in observing and verifying the polling and in counting the votes.

The Secretary-General was concerned at the large quantity of weapons and munitions still uncollected throughout the country. This was exacerbated by the parties' lack of cooperation in verifying some military bases and certain police installations.

The Secretary-General declared that efforts had to be made to forge a national consensus or agreement about the democratic future of the country, taking account of the interests of all parties involved in the peace process and their role in the country's future.

#### SECURITY COUNCIL ACTION (October)

The Security Council met on 21 October, with Mozambique participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(62)</sup>

The Security Council has been following closely the progress made by the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO) towards the implementation of the General Peace Agreement for Mozambique. It commends them and the people of Mozambique for what has been achieved.

The Security Council believes that the necessary conditions have now been established for the holding of free and fair elections on 27 and 28 October 1994 under effective national and international monitoring. These elections, by providing the Mozambican people with an opportunity fully to exercise their right to vote, hold out the prospect of securing for them lasting peace, stability and democracy.

The Security Council appeals to all concerned to ensure that the election campaign and the subsequent voting are conducted in a calm and responsible manner; that the elections are held freely and fairly; that those in authority act with complete impartiality in order to avoid any allegation of fraud; and that the election days and their aftermath are characterized by the absence of violence or the threat of violence. It also appeals to all parties to respect the safety and security of the officials of the National Elections Commission and the international election observers and to assist them to carry out their mandate.

The Security Council reiterates its intention to endorse the results of the elections should the United Nations declare them free and fair, and reminds the parties of their obligation, under the General Peace Agreement, fully to abide by the results.

The Security Council trusts that the parties will be guided, after the elections, by the spirit of reconciliation as well as the principles of democracy and the need to work together in harmony to reconstruct their country, thereby enabling the international community to continue to support Mozambique as it pursues rehabilitation and reconstruction.

The Security Council takes this opportunity to express its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Operation in Mozambique (ONUMOZ) and calls upon the parties to continue to cooperate with them to ensure the fulfilment of the ONUMOZ mandate, including verification of their complete demobilization and disarmament.

Meeting number. SC. 3444.

On the eve of the elections, RENAMO announced its withdrawal from the poll. On 27 October, the Council President appealed on the Council's behalf to the RENAMO President to reconsider the decision to withdraw. He said that appropriate mechanisms were in place through the National Elections Commission to address any concerns RENAMO might have and urged RENAMO not to put in peril the opportunity of securing lasting peace, stability and democracy. The Secretary-General, in a statement of the same date, said that his Special Representative had informed him that difficulties had been encountered during the first day of elections. He emphasized that the elections must go ahead as planned and agreed by the parties and drew attention to the mechanism for addressing any questions that might be raised about the electoral process.

**Communication.** On 9 November,<sup>(63)</sup> the Secretary-General informed the Security Council President that the elections in Mozambique were conducted on 27, 28 and 29 October. His Special Representative, in his preliminary statement of 2 November, reported that polling was peaceful and well organized. There were no reports of major irregularities, incidents or breaches of the Electoral Law. Following the counting of the votes, the Special Representative would make an official announcement on behalf of the United Nations concerning the fairness of the entire electoral process. Since polling was extended until 29 October, the deadline for publication of the final results was 13 November, and investiture of the Assembly of the Republic would take place within 15 days thereafter. The President would be sworn in by 10 December and that date would be considered as the date the new Government took office. The Secretary-General recommended that the mandate of ONUMOZ be extended until 15 December, the date by which the new Government was expected to be installed, without affecting the overall framework for the drawdown of ONUMOZ.

#### SECURITY COUNCIL ACTION (November)

The Security Council met on 15 November, with Mozambique participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted unanimously **resolution 957(1994)**.

The Security Council,

Reaffirming its resolution 782(1992) of 13 October 1992 and all subsequent relevant resolutions,

Taking note of the letter from the Secretary-General to the President of the Security Council on the United Nations Operation in Mozambique (ONUMOZ) dated 9 November 1994,

Having considered the report of the Secretary-General on ONUMOZ dated 26 August 1994,

Having considered also the report of the Security Council Mission to Mozambique, dated 29 August 1994,

Commending the efforts of the Secretary-General, his Special Representative and all the staff of ONUMOZ,

1. Welcomes the elections that took place in Mozambique on 27, 28 and 29 October 1994 in accordance with the General Peace Agreement;

2. Reiterates its intention to endorse the results of the elections should the United Nations declare them free and fair and calls upon all Mozambican parties to accept and fully abide by the results of the elections;

3. Also calls upon all Mozambican parties to complete the process of national reconciliation based, as provided for in the General Peace Agreement, on a system of multi-party democracy and the observance of democratic principles which will ensure lasting peace and political stability;

4. Decides to extend the existing mandate of ONUMOZ until the new Government of Mozambique takes office, as recommended by the Secretary-General in his letter of 9 November 1994, but not later than 15 December 1994, and authorizes ONUMOZ, in particular a limited number of civilian logisticians, mine clearance and training personnel, military specialists, staff officers and a small detachment of infantry, to complete its residual operations prior to its withdrawal on or before 31 January 1995;

5. Requests the Secretary-General to advise the Security Council when the installation of the new government has been accomplished;

6. Approves the withdrawal schedule as described by the Secretary-General in his report of 26 August 1994 and in his letter of 9 November 1994 for the safe and orderly withdrawal of all ONUMOZ military and civilian personnel before 31 January 1995;

7. Invites the Secretary-General to submit in timely fashion a final report on the termination of ONUMOZ;

8. Decides to remain actively seized of the matter.

Security Council resolution 957(1994)

15 November 1994 Meeting 3458 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1293).

On 19 November, the Chairman of the National Elections Commission announced the results of the elections: in the presidential election, Joaquim Alberto Chissano of the Frente de Libertação de Moçambique (FRELIMO) received 2,633,740 votes, or 53.3 per cent; Mr. Dhlakama of RENAMO, 1,666,965 votes, or 33.7 per cent. A total of 5,402,940 persons, representing 87.9 per cent of the registered voters, participated in the presidential election. In the legislative election, FRELIMO received 2,115,793 votes, or 44.3 per cent, followed by RENAMO with 1,803,506, or 37.8 per cent, and União Democrática (UD) with 245,793, or 5.2 per cent. Consequently, FRELIMO would have 129, RENAMO 109 and UD 12 seats in the new Parliament.

**Statement of the Special Representative.** Also on 19 November, the Special Representative issued a statement declaring that the electoral process was impartial and distinguished by the strong commitment of the participants to the principles of democracy. The counting process was carried out

in an orderly manner and observation confirmed the credibility of the results as publicized. He therefore declared the elections free and fair and reflecting the will of the people.

#### SECURITY COUNCIL ACTION (November)

The Security Council met on 21 November to consider the situation in Mozambique. At its request, the Council invited Mozambique to participate in the discussion under rule 37<sup>a</sup> of the provisional rules of procedure. The Council adopted **resolution 960(1994)** unanimously.

The Security Council,

Reaffirming its resolution 782(1992) and all subsequent relevant resolutions,

Expressing its appreciation for the efforts of the Secretary-General, his Special Representative and the United Nations Operation in Mozambique and its staff for ensuring the successful completion of the electoral process,

1. Welcomes the elections that took place in Mozambique on 27, 28 and 29 October 1994 in accordance with the General Peace Agreement;

2. Welcomes also the statement of the Special Representative of the Secretary-General of 19 November 1994 on the results of the elections, declaring them free and fair;

3. Endorses the results of these elections;

4. Calls upon all Mozambican parties to stand by their obligation to accept and fully abide by the results of the elections;

5. Also calls upon all Mozambican parties to continue the process of national reconciliation based, as provided for in the General Peace Agreement, on a system of multi-party democracy and the observance of democratic principles which will ensure lasting peace and political stability;

6. Urges all States and relevant international organizations to contribute actively to the reconstruction and rehabilitation of Mozambique;

7. Decides to remain seized of the matter.

Security Council resolution 960(1994)

21 November 1994 Meeting 3464 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1323).

#### SECURITY COUNCIL ACTION (December)

On 1 December,<sup>(64)</sup> Mozambique informed the Security Council President that the new Assembly and the President of Mozambique would be inaugurated on 8 and 9 December respectively. He requested that the Council meet on the situation in Mozambique on 9 December, or not later than 15 December.

The Council met on 14 December, with Mozambique participating under rule 37<sup>a</sup> of the provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(65)</sup>

The Security Council welcomes the installation of the President of the Republic of Mozambique and the inauguration of the new Assembly of the Republic of

Mozambique following the first Mozambican multi-party elections, as provided for in the General Peace Agreement, that were held on 27, 28 and 29 October 1994, which were declared as having been free and fair and were endorsed by the Council in its resolution 960(1994) of 21 November 1994.

The Security Council congratulates the people and the parties of Mozambique for their peaceful fulfilment of the goals set out in the General Peace Agreement. It encourages them to continue their efforts in good faith to ensure post-election harmony on the basis, *inter alia*, of the observance of democratic principles. It believes that, with the new governmental structure in place, the foundations have been laid to secure lasting peace, stability, national reconciliation and democracy.

The Security Council commends the Secretary-General, his Special Representative and the United Nations Operation in Mozambique (ONUMOZ) and its staff for their fulfilment of the mandate of ONUMOZ and for their efforts in assisting the successful achievement of the objectives of the General Peace Agreement.

The Security Council notes that, ONUMOZ having completed its mission, its mandate has come to an end and ONUMOZ will be finally withdrawn from Mozambique by 31 January 1995 in accordance with resolution 957(1994) of 15 November 1994. In this connection, it looks forward to the Secretary-General's report on the final disposition of the assets of ONUMOZ within the framework of the withdrawal of ONUMOZ, as requested in its statement of 7 September 1994. In that context, it also expresses the hope that effective arrangements for the disposition and, as appropriate, the destruction of weapons and the establishment, with the assistance of the United Nations, of a national demining capability will be in place prior to the final withdrawal of ONUMOZ, and that consideration will be given to leaving demining and other equipment in Mozambique after the withdrawal, subject to the appropriate arrangements.

The Security Council emphasizes that the post-election period will be an important and delicate time, during which there is a continuing need for the international community to assist the Government and people of Mozambique in the reconstruction and redevelopment of their country. It notes the intention of the Secretary-General to report to the competent United Nations bodies on future United Nations activities in Mozambique. It urges all States and relevant international organizations to contribute actively to these efforts.

Meeting number. SC 3479.

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

In his final report<sup>(66)</sup> on ONUMOZ, the Secretary-General confirmed that the new Assembly was installed on 8 December and Eduardo Joaquim Mulembwe of FRELIMO was elected Chairman. The President, inaugurated on 9 December, appointed his Government on 16 December. Those events marked the expiry of the mandate of ONUMOZ. The Mission proceeded as scheduled with the phased withdrawal of its military component and its residual operations. A limited force

was retained to assist with those operations and the liquidation phase. The withdrawal of the United Nations police observers began on 17 November and was expected to be completed by 31 December, except for a small force remaining until mid-January. The liquidation of ONUMOZ capital assets, totalling \$20.82 million, was initiated immediately after the elections. Negotiations were taking place to transfer demining equipment to a national entity. A small number of United Nations logisticians would be retained for one or two months to deal with outstanding boards of inquiry, the disposition of property and equipment and other long-term activities.

The Secretary-General observed that the peace process in Mozambique had come to a successful conclusion, but several issues remained to be pursued, including the existence of arms caches in the country and the safe keeping of weapons collected by ONUMOZ; the incomplete integration of the territorial administration; and the continued presence of mines throughout the country. The Mozambican Defence Force needed to be strengthened and the national police upgraded. The country's democratic institutions also had to be strengthened and economic and social reconstruction promoted. The Secretary-General said that the United Nations and the international community would consider positively any requests for assistance by the Government.

On 20 December, the General Assembly, by **resolution 49/21 D**, appealed to the international community to support the Government and people of Mozambique in order to establish lasting peace and democracy and promote an effective programme of national reconstruction and development, and requested the Secretary-General to mobilize international assistance for that purpose.

### Composition of ONUMOZ

On 4 March,<sup>(67)</sup> the Secretary-General received the approval of the Security Council for his 1 March proposal<sup>(68)</sup> to appoint Major-General Mohammad Abdus Salam (Bangladesh) as Force Commander of ONUMOZ to succeed Major-General Lélío Gonçalves Rodrigues da Silva, who ceased to serve in that capacity on 13 February.

On 24 January, the total strength of the ONUMOZ military component stood at 6,239. On 23 February (**resolution 898(1994)**), the Council authorized the establishment of a police component of up to 1,144 personnel, but at the same time requested the Secretary-General to begin the phased drawdown of ONUMOZ military personnel. By 18 December, 2,966 military personnel and 165 military observers had departed. Withdrawal started on 15 November and was to continue until the closure of the Mission on 31 January 1995.



## Financing of ONUMOZ

Report of the Secretary-General (January). In a January report<sup>(69)</sup> on the financing of ONUMOZ, the Secretary-General outlined the financial performance of ONUMOZ up to the period ending 31 October 1993 and revised cost estimates for the mandate period 1 November 1993 to 30 April 1994. He also provided revised cost estimates for maintaining the Mission from 1 May to 31 October amounting to \$165,303,000 gross (\$162,231,600 net) and for the period 1 November 1993 to 31 October 1994 amounting to \$328,712,500 gross (\$323,304,400 net). The report gave information on the status of voluntary contributions and the performance of the Trust Fund for the Implementation of the Peace Process in Mozambique and the Trust Fund for Humanitarian Assistance in Mozambique.

### GENERAL ASSEMBLY ACTION (March)

On 1 March, the Fifth Committee considered a request for commitment authority for one or two months for ONUMOZ, pending consideration of the Secretary-General's report by ACABQ, and for the Secretariat to issue assessments on a pro rata basis for resources already authorized.

The General Assembly gave its approval by decision 48/473 B, adopted without vote.

At its 90th plenary meeting, on 9 March 1994, the General Assembly, on the recommendation of the Fifth Committee, having recalled its decision 48/473 A of 23 December 1993 on the financing of the United Nations Operation in Mozambique:

(a) Decided, on an exceptional basis, to authorize the Secretary-General to enter into commitments for the maintenance of the Operation for the period from 1 to 31 March 1994 up to the amount of 20,577,200 United States dollars gross (20 million dollars net), which is equivalent to the one-month pro rata share of the commitment authority provided for in its decision 48/473 A;

(b) Agreed to take a decision on the question of assessment for the Operation in case a decision on the financing of the Operation had not been made by 11 March 1994, subject to the availability of the report of the Advisory Committee on Administrative and Budgetary Questions;

(c) Expressed deep concern at the current level of arrears of contributions, and urged those Member States in arrears to pay their assessed contributions promptly and in full.

General Assembly decision 48/473 B

Adopted without vote

Approved by Fifth Committee (A/48/821/Add.1) without vote, 4 March (meeting 49); draft by Vice-Chairman (A/C.5/48/L.39); agenda item 149.

Meeting numbers. GA 48th session: 5th Committee 48, 49; plenary 90.

ACABQ<sup>(70)</sup> recommended that an amount of \$161,799,100 gross be appropriated for the period

from 1 November 1993 to 30 April 1994 and that the unencumbered balance of \$21,527,100 gross (\$21,212,300 net) in respect of the period from 1 July to 31 October 1993 be set off against the amount to be assessed on Member States. Concerning the revised cost estimates for the period from 1 May to 31 October 1994, ACABQ recommended that the Secretariat review the numbers of both international electoral observers and local staff with a view to containing the cost of ONUMOZ. It further recommended that the General Assembly authorize the Secretary-General to enter into commitments for a period of up to three months beginning on 1 May at a monthly rate not to exceed \$26.9 million gross, and that he submit a budget for the mandate period by May for review, taking into account action the Security Council might take following a report of the Secretary-General in April.

On 24 March, the General Assembly, on the recommendation of the Fifth Committee, adopted resolution 48/240 A without vote.

The General Assembly,

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

Bearing in mind Security Council resolution 797(1992) of 16 December 1992, by which the Council established the United Nations Operation in Mozambique, and Council resolution 882(1993) of 5 November 1993, by which the Council extended the mandate of the Operation until 30 April 1994,

Bearing in mind also Security Council resolution 898(1994) of 23 February 1994, in which the Council authorized the establishment of a police component as an integral part of the Operation,

Recalling its resolutions 47/224 A and B of 16 March 1993 and 47/224 C of 14 September 1993 and its decision 48/473 A of 23 December 1993 on the financing of the Operation,

Reaffirming that the costs of the Operation 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 Operation, 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,

Mindful of the fact that it is essential to provide the Operation with the necessary financial resources to

enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities because of overdue payments by Member States of their assessments, particularly Member States in arrears;

2. Expresses 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 United Nations Operation in Mozambique and, consequently, the effective implementation of its mandate;

3. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents in time in order to allow for a proper and thorough review and approval by the General Assembly of the budgets before their implementation;

4. Notes with satisfaction an improvement in the compliance by the Secretariat with certain resolutions of the Assembly with regard to the form of budget documents concerning peace-keeping operations;

5. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the Assembly in the budget process;

6. Endorses the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Operation is administered with a maximum of efficiency and economy and, in particular, to implement fully economy, financial and efficiency measures to be approved during the resumed forty-eighth session but no later than 1 May 1994, and to report on the implementation of such measures in the context of the performance report relevant to the period;

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

9. Affirms:

(a) That among other factors, the non-payment and late payment of assessed contributions in full and on time has damaged and continues to damage the ability of the Operation to implement its activities effectively;

(b) That it expects that it will not be asked to take any future decisions on budgets for peace-keeping operations retroactively;

10. Requests the Secretary-General to explore all possibilities in order to ensure prompt reimbursement to troop-contributing countries, and endorses the request to the Secretary-General contained in paragraph 3 of Security Council resolution 898(1994), as the police contingent in the Operation is being deployed, to begin immediately preparing specific proposals for the drawdown of an appropriate number of military personnel with the objective of ensuring that there is no increase in the cost of the Operation, without prejudice to the effective discharge of its mandate;

11. Decides to appropriate to the Special Account for the United Nations Operation in Mozambique a total amount of 161,799,100 United States dollars gross (159,462,400 dollars net) for the Operation for the

period from 1 November 1993 to 30 April 1994, inclusive;

12. Decides also, as an ad hoc arrangement, to apportion the additional amount of 100,067,600 dollars gross (99,462,400 dollars net) for the period from 1 November 1993 to 30 April 1994, taking into account the amount of 61,731,500 dollars gross (60 million dollars net) already apportioned in accordance with decision 48/473 A, 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, 47/218 A of 23 December 1992 and its decision 48/472 A 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 Assembly decision 47/456 of 23 December 1992;

13. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, 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 additional staff assessment income of 605,200 dollars for the period from 1 November 1993 to 30 April 1994 approved for the Operation;

14. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the unencumbered balance of 21,527,100 dollars gross (21,212,300 dollars net) for the period from 1 July to 31 October 1993;

15. Authorizes the Secretary-General to enter into commitments for the Operation at a rate not to exceed 26.9 million dollars gross per month for a period of up to three months beginning 1 May 1994, subject to the Security Council deciding to extend the mandate of the Operation beyond 30 April 1994, the amount of 53.8 million dollars gross to be apportioned among Member States in accordance with the scheme set out in the present resolution;

16. Requests the Secretary-General:

(a) To submit by 1 June 1994 full cost estimates for the period the Security Council might have decided to continue the mandate of the Operation beyond 30 April 1994, incorporating the financial implications of such action as the Council may wish to take following the progress report of the Secretary-General to the Council in April 1994 called for in paragraph 13 of Council resolution 882(1993);

(b) To keep under review existing commitment authority levels in the light of the establishment of the civilian police component and, if appropriate, to make further proposals in that respect;

17. Invites voluntary contributions to the Operation 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 Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

18. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities

related to the Operation are administered under the authority of his Special Representative in a coordinated fashion with a maximum of efficiency and economy and in accordance with the relevant mandate, and to include information on the arrangements made in this regard in his report on the financing of the Operation;

19. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Financing of the United Nations Operation in Mozambique".

General Assembly resolution 48/240 A

24 March 1994 Meeting 91 Adopted without vote

Approved by Fifth Committee (A/48/821/Add.2) without vote, 18 March (meeting 53); draft by Spain based on informal consultations (A/C.5/48/L.46), orally revised; agenda item 149.

Meeting numbers. GA 48th session: 5th Committee 50, 52, 53; plenary 91.

Report of the Secretary-General (May). In May,<sup>(71)</sup> the Secretary-General said that outstanding assessments for ONUMOZ due from Member States totalled \$118,450,975 as at 30 April. Revised cost estimates for the period 1 May to 15 November amounted to \$178,770,900 gross (\$175,500,100 net) and cost estimates for the period 16 November 1994 to 31 January 1995 amounted to \$51,684,400 gross (\$50,865,400 net).

In June,<sup>(72)</sup> ACABQ recommended appropriation and assessment of an additional amount of \$111.5 million gross to meet the continued operation of the Mission from 1 May to 15 November, taking into account the amount of \$53.8 million already appropriated and assessed. ACABQ requested the Secretary-General to submit, one month before the expiration of the current mandate period, revised cost estimates relating to the liquidation of ONUMOZ, based on information on the Mission for the period from 1 November 1993.

#### GENERAL ASSEMBLY ACTION (July)

On 29 July, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 48/240 B** without vote.

The General Assembly,

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

Bearing in mind Security Council resolution 797(1992) of 16 December 1992, by which the Council established the Operation, and the subsequent resolutions by which the Council renewed the mandate of the Operation, the latest of which was resolution 916(1994) of 5 May 1994,

Bearing in mind also Security Council resolution 898(1994) of 23 February 1994, by which the Council authorized the establishment of a police component as an integral part of the Operation,

Recalling its resolutions 47/224 A and B of 16 March 1993, 47/224 C of 14 September 1993 and 48/240 A of 24 March 1994 and its decisions 48/473 A of 23 December 1993 and 48/473 B of 9 March 1994 on the financing of the Operation,

Reaffirming that the costs of the Operation 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 Operation, 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,

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

1. Takes note of the status of contributions to the United Nations Operation in Mozambique as at 30 June 1994, including the contributions outstanding by one hundred and sixty-four Member States in the amount of 153,218,820 United States dollars, and urges all Member States concerned to make every possible effort to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities because of overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Expresses 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 Operation and, consequently, the effective implementation of its mandate;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that the Operation is administered with a maximum of efficiency and economy;

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

7. Affirms that, among other factors, the failure of Member States to pay their assessed contributions promptly and in full has damaged and continues to damage the ability of the Operation to implement its activities effectively and threatens to leave the Special Account for the United Nations Operation in Mozambique with insufficient liquid funds to meet its liabilities, in particular to the troop-contributing countries;

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

9. Decides that all assets of the Operation in Mozambique, financial as well as non-financial, should be used for meeting the liabilities of the Operation, with due priority given to reimbursing troop-contributing countries;

10. Decides also, without it constituting a precedent, that all assets of the Operation to be redeployed to other

peace-keeping operations or other United Nations bodies should be transferred only after their value has been determined and provision has been made in the budgets of the receiving operations to reimburse the Special Account for the United Nations Operation in Mozambique, this liability to be met expeditiously upon the receipt of funds;

11. Requests the Secretary-General to submit a report, in the context of the revised cost estimates related to the liquidation of the Operation, on the disposal of the assets and liabilities of the Operation so as to enable the Assembly to take appropriate decisions;

12. Decides to appropriate to the Special Account for the United Nations Operation in Mozambique a total amount of 165,300,000 dollars gross (162,192,100 dollars net) for the Operation for the period from 1 May to 15 November 1994, inclusive;

13. Decides also, as an ad hoc arrangement, to apportion the additional amount of 111,500,000 dollars gross (109,319,100 dollars net) for the period from 1 May to 15 November 1994, taking into account the amount of 53,800,000 dollars gross (52,873,000 dollars net) already apportioned in accordance with resolution 48/240 A, 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 A 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 Assembly decision 47/456 of 23 December 1992;

14. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 2,180,900 dollars for the period from 1 May to 15 November 1994 approved for the Operation and to be administered in accordance with the relevant financial rules;

15. Authorizes the Secretary-General to enter into commitments of up to 25 million dollars, with the prior concurrence of the Advisory Committee, for the liquidation of the Operation in the period 16 November 1994 to 31 January 1995;

16. Requests the Secretary-General to submit to the Assembly, one month before the expiration of the current mandate period, revised cost estimates related to the liquidation of the Operation, which is scheduled to start on 16 November 1994, on the basis of the most up-to-date detailed performance report possible on the mission for the period from 1 November 1993;

17. Invites voluntary contributions to the Operation 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 Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

18. Requests:

(a) The Secretary-General to take all necessary action to ensure that all United Nations activities related

to the Operation are administered under the authority of his Special Representative in a coordinated fashion with a maximum of efficiency and economy and in accordance with the relevant mandate, and to include information on the arrangements made in this regard in his report on the financing of the Operation;

(b) The Board of Auditors to examine, to the extent possible, contractual arrangements entered into by the United Nations for official and residential premises required for the Operation, with a view to making recommendations, if possible, for containing costs associated with such contractual arrangements in other United Nations peace-keeping operations.

General Assembly resolution 48/240 B

29 July 1994 Meeting 102 Adopted without vote

Approved by Fifth Committee (A/48/821/Add.3) without vote, 19 July (meeting 74); draft by Chairman based on informal consultations (A/C.5/48/L.80); agenda item 149.

Meeting numbers. GA 48th session: 5th Committee 70, 71, 74; plenary 102.

**Report of the Secretary-General (November).** In a November report,<sup>(73)</sup> the Secretary-General presented information on the Trust Funds for Humanitarian Assistance, for the Implementation of the Peace Process and for Assistance to Registered Political Parties in Mozambique. He reported that full reimbursement of troop costs had been made for the period ending 31 August. Outstanding assessed contributions due from Member States totalled \$109,216,788 as at 31 October. Revised cost estimates for the period 16 November 1994 to 31 January 1995 were projected at \$50,416,300 gross (\$49,656,500 net).

In a later addendum,<sup>(74)</sup> the Secretary-General reported on the financial performance of ONUMOZ for the period 1 November 1993 to 30 April 1994. The unencumbered balance for that period was \$4,458,900 gross (\$4,258,900 net).

As at 31 December, the unliquidated obligations from the inception of ONUMOZ amounted to \$42.8 million, including \$16.2 million for the reimbursement of the cost of goods and services provided by troop-contributing countries.

#### GENERAL ASSEMBLY ACTION (December)

In December, the General Assembly adopted decision 49/467 without vote.

#### Financing of the United Nations Operation in Mozambique

At its 95th plenary meeting, on 23 December 1994, the General Assembly, on the recommendation of the Fifth Committee, recalling its resolution 48/240 B of 29 July 1994, and pending its review of the reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions on the financing of the United Nations Operation in Mozambique:

(a) Authorized the Secretary-General to enter into commitments up to the amount of 25,416,300 United States dollars gross (24,656,500 dollars net), with the prior concurrence of the Advisory Committee, for the

liquidation of the Operation for the period from 16 November 1994 to 31 January 1995, in addition to the amount of the 25 million dollars commitment authority already granted by the General Assembly in accordance with its resolution 48/240 B;

(b) Requested the Advisory Committee to submit a written report on the revised cost estimates for the liquidation phase as contained in the report of the Secretary-General as soon as possible and no later than 15 January 1995, in order to enable the General Assembly to take a decision before 31 January 1995 on the assessment of the commitment authority granted in subparagraph (a) above;

(c) Requested the Secretary-General, after having recalled its request in paragraph 11 of its resolution 48/240 B for a report on the liquidation phase of the Operation, to submit a preliminary report on this issue as soon as possible to facilitate the decision of the General Assembly on the assessment referred to in subparagraph (b) above.

General Assembly decision 49/467

Adopted without vote

Approved by Fifth Committee (A/49/817) without vote, 22 December (meeting 38); draft by Chairman (A/C.5/49/L.18/Rev.1); agenda item 124. Meeting numbers. GA 49th session: 5th Committee 36-38; plenary 95.

### Comorian island of Mayotte

The question of Mayotte—one of the four islands of the Comoro Archipelago in the Indian Ocean—remained on the General Assembly's agenda in 1994. Following a referendum in 1974, the Islamic Federal Republic of the Comoros acceded to independence from France on 6 July 1975. France, however, continued to administer the island of Mayotte.

**Report of the Secretary-General.** In an October 1994 report,<sup>(75)</sup> the Secretary-General stated that he had addressed a note verbale to the Comoros and France, drawing their attention to a 1993 resolution on the question of Mayotte,<sup>(76)</sup> by which the General Assembly requested him to make available his good offices in the search for a negotiated solution to the problem. He invited them to provide him with any pertinent information on the issue. A similar communication was sent to the Secretary-General of OAU.

France, in its response, said that it was willing to promote a just and lasting solution in conformity with its Constitution and on the basis of respect for the wishes of the peoples concerned. The Mahoran population had voted freely and democratically in favour of maintaining the territory of Mayotte within the Republic of France. A constructive dialogue was continuing at the highest level with the Comoros, as shown by President Said Mohamed Djohar's regular visits to France.

The Comoros stated that the United Nations and other organizations, including OAU, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries, recognized its independence on the basis of respect for its gen-

uine borders and continued to reaffirm the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte in resolutions adopted at every regular session. Those resolutions had consistently called on France to honour the commitments entered into prior to the referendum on self-determination concerning respect for the unity and territorial integrity of the Comoros and to enter into a frank and constructive dialogue with the Republic with a view to ensuring the return of Mayotte to the Comoros as a whole. Since 1975, successive Governments and the current Government, under President Djohar, had repeatedly reaffirmed their desire to meet France at the negotiating table to find a positive solution to the Mayotte issue. Unfortunately, the Comoros noted that to date France continued illegally to occupy the Comorian island of Mayotte and had never demonstrated a positive attitude conducive to a frank and constructive dialogue concerning the return of Mayotte to the nation of which it formed a natural part.

OAU quoted a resolution adopted by its Assembly of Heads of State and Government (thirtieth session, Tunis, 13-15 June 1994), reaffirming the sovereignty of the Comoros over the island of Mayotte and appealing to the French Government to satisfy the legitimate claims of the Comorian Government. It also appealed to OAU member States and the international community to reject any initiative by France to make Mayotte participate in activities as a separate entity from the Comoros and condemned the European Union's consideration of Mayotte as a French territory and its assistance to the island as an extension of France. The OAU Assembly requested African, Caribbean and Pacific countries to oppose and condemn initiatives which violated the territorial integrity of the Comoros and directed the OAU Ad Hoc Committee of Seven on the Question of the Comorian Island of Mayotte and the OAU Secretary-General to reopen dialogue with France and to convene a meeting in Moroni to explore ways of facilitating the holding of a tripartite conference.

#### GENERAL ASSEMBLY ACTION

On 28 November, the General Assembly adopted **resolution 49/18** by recorded vote.

#### Question of the Comorian island of Mayotte

The General Assembly,

Recalling its resolutions 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2621(XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration,

Recalling also its previous resolutions, in particular resolutions 3161(XXVIII) of 14 December 1973, 3291(XXIX) of 13 December 1974, 31/4 of 21 October

1976, 32/7 of 1 November 1977, 34/69 of 6 December 1979, 35/43 of 28 November 1980, 36/105 of 10 December 1981, 37/65 of 3 December 1982, 38/13 of 21 November 1983, 39/48 of 11 December 1984, 40/62 of 9 December 1985, 41/30 of 3 November 1986, 42/17 of 11 November 1987, 43/14 of 26 October 1988, 44/9 of 18 October 1989, 45/11 of 1 November 1990, 46/9 of 16 October 1991, 47/9 of 27 October 1992 and 48/56 of 13 December 1993, in which, *inter alia*, it affirmed the unity and territorial integrity of the Comoros,

Recalling, in particular, its resolution 3385(XXX) of 12 November 1975, on the admission of the Comoros to membership in the United Nations, in which it reaffirmed the necessity of respecting the unity and territorial integrity of the Comoro Archipelago, composed of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli,

Recalling further that, in accordance with the agreements between the Comoros and France, signed on 15 June 1973, concerning the accession of the Comoros to independence, the results of the referendum of 22 December 1974 were to be considered on a global basis and not island by island,

Convinced that a just and lasting solution to the question of Mayotte is to be found in respect for the sovereignty, unity and territorial integrity of the Comoro Archipelago,

Convinced also that a speedy solution of the problem is essential for the preservation of the peace and security which prevail in the region,

Bearing in mind the wish expressed by the President of the French Republic to seek actively a just solution to that problem,

Noting the repeated wish of the Government of the Comoros to initiate as soon as possible a frank and serious dialogue with the French Government with a view to accelerating the return of the Comorian island of Mayotte to the Islamic Federal Republic of the Comoros,

Taking note of the report of the Secretary-General of 28 October 1994,

Bearing in mind also the decisions of the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference on this question,

1. Reaffirms the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte;

2. Invites the Government of France to honour the commitments entered into prior to the referendum on the self-determination of the Comoro Archipelago of 22 December 1974 concerning respect for the unity and territorial integrity of the Comoros;

3. Calls for the translation into practice of the wish expressed by the President of the French Republic to seek actively a just solution to the question of Mayotte;

4. Urges the Government of France to accelerate the process of negotiations with the Government of the Comoros with a view to ensuring the effective and prompt return of the island of Mayotte to the Comoros;

5. Requests the Secretary-General of the United Nations to maintain continuous contact with the Secretary-General of the Organization of African Unity with regard to this problem and to make available his good offices in the search for a peaceful negotiated solution to the problem;

6. Also requests the Secretary-General to report on this matter to the General Assembly at its fiftieth session;

7. Decides to include in the provisional agenda of its fiftieth session the item entitled "Question of the Comorian island of Mayotte".

#### General Assembly resolution 49/18

28 November 1994 Meeting 69 87-2-38 (recorded vote)

23-nation draft (A/49/L.38 & Add.1); agenda item 36.

Sponsors: Algeria, Bahrain, Benin, Bosnia and Herzegovina, Burkina Faso, Comoros, Congo, Cuba, Gabon, Gambia, Guinea, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mauritania, Morocco, Senegal, Sudan, Togo, Uganda, United Republic of Tanzania, Zambia.

Recorded vote in Assembly as follows:

In favour: Algeria, Argentina, Australia, Azerbaijan, Bahamas, Bahrain, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Against: France, Monaco.

Abstaining: Armenia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Spain, the former Yugoslav Republic of Macedonia, United Kingdom, United States, Vanuatu.

#### REFERENCES

- (<sup>1</sup>)YUN 1993, p. 259, SC res. 890(1993), 15 Dec. 1993.  
 (2)S/1994/100. (<sup>3</sup>)S/PRST/1994/7. (<sup>4</sup>)S/1994/282. (<sup>5</sup>)S/1994/282/Add.1. (6)S/1994/299. (7)S/1994/374. (<sup>8</sup>)S/1994/445. (<sup>9</sup>)S/1994/611. (<sup>10</sup>)S/1994/637. (<sup>11</sup>)S/1994/740. (<sup>12</sup>)YUN 1993, p. 256, SC res. 864(1993), 15 Sep. 1993. (<sup>13</sup>)S/1994/740/Add.1. (<sup>14</sup>)S/1994/770. (<sup>15</sup>)S/1994/825. (<sup>16</sup>)S/1994/264. (<sup>17</sup>)S/1994/43. (<sup>18</sup>)S/1994/789. (<sup>19</sup>)S/1994/130. (20)S/1994/663. (21)S/1994/865. (22)S/1994/889. (23)S/1994/926. (<sup>24</sup>)S/PRST/1994/45. (25)S/1994/1026. (<sup>26</sup>)S/PRST/1994/52. (27)S/1994/1069. (28)S/1994/1197. (29)S/1994/1241. (<sup>30</sup>)S/1994/1235. (<sup>31</sup>)S/PRST/1994/63. (<sup>32</sup>)S/1994/1270. (<sup>33</sup>)S/1994/1290. (<sup>34</sup>)S/1994/1336. (<sup>35</sup>)S/PRST/1994/70. (<sup>36</sup>)S/1994/1376. (<sup>37</sup>)S/1994/1441. (<sup>38</sup>)S/1994/1391. (<sup>39</sup>)S/1994/1395. (<sup>40</sup>)S/1994/1451. (41)A/48/836 & Corr.1,2. (<sup>42</sup>)A/48/902. (<sup>43</sup>)A/49/433 & Corr.1,2. (44)A/49/788. (<sup>45</sup>)YUN 1992, p. 197, SC res. 797(1992), 16 Dec. 1992. (<sup>46</sup>)Ibid., p. 193. (<sup>47</sup>)S/1994/89. (<sup>48</sup>)S/1994/89/Add.1. (<sup>49</sup>)S/1994/89/Add.2. (<sup>50</sup>)S/1994/419. (<sup>51</sup>)S/1994/485. (<sup>52</sup>)S/1994/514. (<sup>53</sup>)S/1994/511. (<sup>54</sup>)S/1994/803. (55)S/1994/806. (56)S/PRST/1994/35. (57)S/1994/1002. (<sup>58</sup>)S/1994/931. (59)S/1994/1009. (60)S/PRST/1994/51. (<sup>61</sup>)S/1994/1196. (<sup>62</sup>)S/PRST/1994/61. (<sup>63</sup>)S/1994/1282. (<sup>64</sup>)S/1994/1373. (<sup>65</sup>)S/PRST/1994/80. (<sup>66</sup>)S/1994/1449. (<sup>67</sup>)S/1994/260. (<sup>68</sup>)S/1994/259. (<sup>69</sup>)A/48/849. (<sup>70</sup>)A/48/889. (<sup>71</sup>)A/48/849/Add.1. (72)A/48/956. (<sup>73</sup>)A/49/649. (<sup>74</sup>)A/49/649/Add.1. (75)A/49/584. (<sup>76</sup>)YUN 1993, p. 264, GA res. 48/56, 13 Dec. 1993.

#### West Africa

##### Cameroon/Nigeria

**Communications.** In a letter dated 28 February,<sup>(1)</sup> Cameroon informed the Security Council President of an incident on 18 and 19 February in which Nigerian forces attacked Cameroon's troops and its aircraft violated the airspace in the Cameroonian peninsula of Bakassi. Cameroon recalled that its sovereignty over the Bakassi peninsula resulted from an 11 March 1913 German-British treaty; the borders resulting from the out-

come of an 11 February 1961 referendum leading to the linking of the southern part of Cameroon under British administration to the former East Cameroon; and the Maroua Declaration delimiting the maritime and island boundaries between Nigeria and Cameroon. Cameroon declared its determination to settle the dispute by peaceful means under the United Nations Charter and to seek the appropriate international forum for doing so.

In response, Nigeria, on 4 March,<sup>(2)</sup> pointed out that the Bakassi peninsula had been in dispute between the two countries since their independence. It rejected Cameroon's claims on the peninsula because there was no evidence that the 1913 Anglo-German treaty was ever ratified by the British Parliament and the physical demarcation of the boundary was never done; the Nigerian/Cameroonian Boundary Commission in 1970 agreed to the demarcation of the maritime boundary under the 1958 Geneva Convention on the Law of the Sea; and the Maroua Declaration was never ratified by Nigeria. It explained that its troop movement in the area was to avert a clash between the Nigerian States of Akwa Ibom and Cross River over rival claims to the fishing villages of Abana and Atabong and it had so informed Cameroon following its expression of concern. Although both sides had pledged to resolve their differences peacefully, Cameroonian soldiers attacked Nigerian troops on 14 February and again on 18 and 19 February.

Nigeria said that the two sides had agreed to summit talks, but Cameroon had since invited French troops in the area, called for a discussion of the issue by the Security Council, initiated proceedings with the International Court of Justice (ICJ) and brought the matter to the attention of the Chairman of OAU. Nigeria called for the dispute to be resolved bilaterally under the Charter and urged third parties to refrain from internationalizing or otherwise aggravating the situation.

On 28 March,<sup>(3)</sup> Cameroon submitted a 24 March communique of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, in which it called on the parties to exercise restraint and to take measures to restore confidence, including the withdrawal of troops and continuation of dialogue. The next day, on 29 March,<sup>(4)</sup> Cameroon filed an Application with ICJ, requesting it to determine the maritime frontier between Cameroon and Nigeria in so far as that frontier had not been established in 1975 (see PART FOUR, Chapter I, for details).

On 20 April,<sup>(5)</sup> Cameroon, referring to recent conversations with the Council President in which it reiterated its request for an urgent meeting of the Council, submitted an informal text of a draft resolution for the Council's consideration.

#### SECURITY COUNCIL ACTION

In identical letters of 29 April<sup>(6)</sup> to Cameroon and Nigeria, the Security Council President stated that the members of the Council noted the communique issued by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution and welcomed the fact that the dispute had been referred to ICJ. They commended the initiative of the Chairman of OAU and other mediation efforts to assist the parties in reaching a political settlement and urged them to exercise restraint and take steps to restore confidence between them. The Council encouraged them to resolve the dispute peacefully in accordance with the Charters of the United Nations and OAU and requested the Secretary-General, in consultation with the Secretary-General of OAU, to use his good offices to promote the ongoing dialogue to resolve the dispute peacefully.

On 6 June, Cameroon filed an Additional Application with ICJ, extending the subject to a further dispute over sovereignty in the area of Lake Chad and asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea.

#### Liberia

In 1994, the United Nations continued its efforts to end the civil war in Liberia, which began in 1990 following the overthrow of the regime headed by President Samuel Doe. The United Nations Observer Mission in Liberia (UNOMIL) was established in September 1993 to monitor the implementation of the Cotonou Peace Agreement signed in July 1993<sup>(7)</sup> by the interim Government, the National Patriotic Front of Liberia (NPFL/NPRAG) of Charles Taylor and the United Liberation Movement of Liberia for Democracy (ULIMO), led by Alhaji Kromah. The Agreement provided for a cease-fire and the cessation of hostilities in Liberia; establishment of a national transitional Government; and modalities for general and presidential elections as well as for disarmament and demobilization.

On 18 January,<sup>(8)</sup> the Security Council welcomed the fact that additional troops from the Economic Community of West African States (ECOWAS) Cease-fire Monitoring Group (ECOMOG) were on their way to Liberia and that the deployment of UNOMIL was almost complete. The Council expressed concern that the transitional Government had not been installed, disarmament had not commenced and efforts to deliver humanitarian assistance had met with difficulties. The Council shared the Secretary-General's expectation that elections would take place during the first half of the year and that he would soon be in a position to recommend a precise timetable in that regard.

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

In a February report<sup>(9)</sup> on UNOMIL, the Secretary-General said that his Special Representative had relayed to the Liberian parties the concerns of the Council and stressed that the installation of the transitional Government and the commencement of disarmament should take place simultaneously. The parties reiterated their willingness to cooperate in the effective implementation of the Cotonou Peace Agreement. However, because of the continuing failure to install the transitional Government, the Secretary-General still could not recommend a timetable for the holding of elections.

In early January, UNOMIL had reached its authorized strength of 368 military observers, had reached agreement with NPFL/NPRAG on its deployment in the northern and eastern regions and was preparing a timetable for deployment in the western region. It had also commenced deployment of military observers at border crossings, seaports and airports and had established regional headquarters in Monrovia (central region), Tubmanburg (western region) and Gbarnga (northern region). Border checkpoints were established in the northern region and consultations were going on with respect to other regions.

The expansion of the ECOMOG force progressed with the arrival of additional battalions in January. However, they had not received the logistic and maintenance support required for their deployment throughout Liberia. ECOMOG finalized its disarmament plan and a joint UNOMIL/ECOMOG mission had identified 10 encampment sites and made arrangements for the storage of weapons. The parties agreed that the disarmament of some 60,000 combatants would commence simultaneously and last for two to three months. Under the plan developed by UNOMIL for the demobilization and reintegration of ex-combatants into civilian society, sensitization workshops were prepared in communities throughout the country and a community rehabilitation/reconstruction programme was well advanced. However, financial requirements for those programmes had not been met. The Secretary-General urged Member States to provide financial assistance to meet the cost of the additional troops and logistic support for existing troops and for the programme for the reintegration of ex-combatants.

The flow of humanitarian assistance had been severely disrupted in ULIMO-controlled areas, especially around Vahun where operations were brought to a standstill. Continuing hostilities in the south-east resulted in some 10,000 displaced persons moving to Buchanan, while parts of Upper Lofa county remained inaccessible to relief assistance.

In a later addendum,<sup>(10)</sup> the Secretary-General reported that on 15 February the Liberian parties reached agreement on the commencement of disarmament and the installation of the transitional Government. In a communique issued on that date,<sup>(11)</sup> the parties reaffirmed that the Cotonou Agreement provided the best framework for a durable peace in Liberia and their commitment to proceed with its implementation. They agreed to provide ECOMOG and UNOMIL with the information required for the preparation of schedules for disarmament and for a joint mission in their respective areas. The parties accepted changes in the nominations for the Council of State and agreed that elections would be held on 7 September. However, they failed to resolve the question of the disposition of the remaining Cabinet posts of foreign affairs, justice, finance and defence. They agreed that disarmament would commence on 7 March and that the transitional Government would be installed on the same day.

The Secretary-General reported that the information required for the commencement of disarmament had been provided and ECOMOG and his Special Representative would ensure that deployment of their respective forces was completed by 7 March. The Liberian Peace Council (LPC), one of the new armed groups, had reportedly indicated its willingness to hand over territory under its control to ECOMOG and UNOMIL. However, conflict continued in the south-east between LPC and NPFL, increasing the influx of displaced persons to Buchanan.

### SECURITY COUNCIL ACTION (February)

The Security Council met on 25 February to consider the report of the Secretary-General on UNOMIL. At their requests, the Council invited Benin and Liberia to participate in the discussions under rule 37<sup>a</sup> of the Council's provisional rules of procedure. After consultations among Council members, the President made the following statement on behalf of the Council:<sup>(12)</sup>

The Security Council takes note of the report of the Secretary-General on the situation in Liberia.

The Council welcomes the agreement reached at Monrovia contained in the communique of 15 February 1994, in which the parties once again reaffirmed their commitment to the Cotonou Agreement as the basis for a lasting political settlement to the Liberian conflict. The Council calls upon the parties to uphold strictly the timetable outlined in that communique: the commencement of disarmament and the installation of a transitional government on 7 March 1994, and the holding of free and fair general elections on 7 September 1994. The Council urges the parties to resolve quickly their differences on the disposition of the four remaining Cabinet posts.

The Council, however, wishes to express its concern about the recent upsurge in violence in Liberia



and the related disruption of humanitarian relief shipments, to which the rise of new military groups and problems of military indiscipline among the existing factions have contributed. It deplores the consequent loss of life, destruction of property and the increased number of people that have since been displaced. The Council calls on all Liberian parties to adhere strictly to the cease-fire agreement and to cooperate fully with the international relief efforts in order to put an end to the obstacles periodically impeding the delivery of humanitarian aid.

The Council is gravely concerned at the delays in implementing the commitments entered into by the parties under the Cotonou Agreement, in particular the commencement of disarmament and the installation of the Liberian National Transitional Government.

The Council reminds the parties that they themselves bear ultimate responsibility for the successful implementation of the Cotonou Agreement. The Liberian parties should bear in mind that the support of the international community and of the Security Council will not continue in the absence of tangible progress towards full and prompt implementation of the Agreement, in particular, the revised timetable. These delays jeopardize both the viability of the Cotonou Agreement itself and the ability of UNOMIL to fulfil its mandate.

The Council looks forward to the proposed meeting of ECOWAS Foreign Ministers in March and to continued progress on the ground. The Council underlines the importance of adhering to the timetable and will review the situation again in March 1994 to evaluate what progress has been made.

The Council underlines the importance of disarmament to the successful implementation of the Cotonou Agreement and, in this context, notes the central role in the disarmament process given to ECOMOG under the Agreement.

The Council, therefore, takes note of the Secretary-General's observation that the ECOMOG forces face considerable financial and logistical difficulties and strongly supports his call on Member States to assist the peace process by providing the necessary financial and logistical resources to ECOMOG to enable it to meet its obligations under the Cotonou Agreement. The Council supports the Secretary-General's appeal to all Member States which have not already done so to contribute generously to the United Nations Trust Fund for Liberia. The Council concurs with the Secretary-General that UNOMIL's ability to carry out its mandate depends on the capacity of ECOMOG to discharge its responsibilities.

The Council commends ECOWAS and the Organization of African Unity for their continued efforts to restore peace, security and stability in Liberia. The Council notes with appreciation that the ECOMOG force has now been expanded pursuant to resolution 866(1993) and commends all countries which have contributed troops and resources to ECOMOG since its inception in 1990.

The Council commends also the efforts of Member States and humanitarian organizations in providing humanitarian assistance to the victims of the Liberian civil war. The anticipated reunification of the country by 7 March 1994 and the ensuing repatri-

ation of Liberian refugees will accelerate the demand for additional humanitarian relief, and in this regard the Council urgently appeals to Member States and humanitarian organizations to increase their assistance to Liberia.

The Council reaffirms its appreciation for the tireless efforts of the Secretary-General and his Special Representative towards the establishment of a lasting peace in Liberia.

Meeting number. SC 3339.

In a letter dated 8 March,<sup>(13)</sup> Liberia informed the Secretary-General that, in accordance with the 15 February agreement reached in Monrovia, the Liberian National Transitional Government had been installed on 7 March. The Council of State comprised David Kpomakpor (Chairman), Isaac Musa (Vice-Chairman), El Mohamed Sherif, Phillip Z. B. Banks and Dexter Tahyor. Liberia appealed to the international community for its continued cooperation and assistance.

**Report of the Secretary-General (April). In April,**<sup>(14)</sup> the Secretary-General reported that the Transitional Legislative Assembly had been inducted into office on 11 March and the Supreme Court opened on 14 March for its 1994 March term. The Assembly held confirmation hearings and those Ministers nominated by the Interim Government of National Unity (IGNU) and ULIMO, whose posts were not in dispute, were sworn in. However, NPFL refused to permit the seating of its members in the Assembly or even the swearing-in of Cabinet nominees whose posts were not in dispute. It objected to submitting its Cabinet nominees to confirmation hearings but did decide to sign the rules of procedure governing the functioning of the Council of State. The parties had not resolved the long-outstanding issue of the distribution of the four remaining Cabinet posts, nor had discussions on the question of a suitable and equitable distribution of posts for heads of public corporations and autonomous agencies yielded positive results.

The Elections Commission finalized a calendar of activities leading up to the 7 September elections and UNDP supplied technical assistance to reinforce its institutional structure and strengthen its technical capacity. However, several obstacles to the elections remained. Since the elections were based on single-member constituencies, it would be necessary to return refugees and displaced persons to their constituencies of residence before the end of voter registration. In addition, several technical missions had indicated that the time was not sufficient to organize the election on that basis and suggested instead the system of proportional representation.

ECOMOG had been deployed into the western (Tubmanburg) and northern (Gbarnga) regions, but deployment of both UNOMIL and ECOMOG in

Upper Lofa had been impeded by insecurity. Likewise, deployment in the south-east had been curtailed by the activities of LPC. Discussion continued on further deployment in the western and south-eastern regions. Due to LPC activities in the north, around the town of Zwedru, UNOMIL and ECOMOG consulted with LPC and NPFL on their deployment in the area and on the disarmament of combatants, with a view to creating a buffer zone between the two. The Secretary-General said that buffer zones would be created on the borders with Cote d'Ivoire, Guinea and Sierra Leone, once UNOMIL and ECOMOG were fully deployed, and he urged Member States to respond to the requests of Cote d'Ivoire and Sierra Leone for resources to enable them to create those zones within their borders with Liberia.

Demobilization centres were opened on 7 March; in the first month more than 2,200 combatants were disarmed and demobilized. However, disarmament was slower than anticipated because of political difficulties. Flexible arrangements were also put in place for specific target groups, especially child ex-fighters, some 6,000 of whom were expected to be disarmed.

Since February, some 40,000 civilians had been displaced from the south-east region and Grand Bassa county, while another 10,000 fled from Lower Lofa to Bong county. In addition, 150,000 displaced persons and refugees in Upper Lofa remained cut off from any relief assistance. The movement of humanitarian assistance remained problematic because of ULIMO activities and logistical problems, compounded by the deteriorating roads during the rainy season. Those factors also limited the distribution of seeds and tools in many parts of the country. Preparatory work for the return and reintegration of returnees had commenced. As the Government was to assume responsibility for relief, resettlement and rehabilitation, it convened a meeting of donors, the United Nations and NGOs to establish a coordinating forum.

The Secretary-General urged the Liberian authorities to consider organizing the elections on the basis of a single national constituency with proportional representation. He said that he would send a team of international experts to Liberia to consult with the Liberian National Transitional Government and the Elections Commission on how that could be done. He recommended that the Security Council extend UNOMIL's mandate for a further six months, subject to review if no further progress was made in the peace process.

#### SECURITY COUNCIL ACTION (April)

The Security Council met on 21 April, with Liberia participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. Before the vote,

Liberia informed the Council that the Ministers of Justice, Finance and Defence, nominated by the Council of State, had been confirmed and sworn into office. The remaining portfolio of Minister for Foreign Affairs was to be filled shortly. The Council adopted **resolution 911(1994)** unanimously.

The Security Council,

Recalling its resolutions 813(1993) of 26 March 1993, 856(1993) of 10 August 1993 and 866(1993) of 22 September 1993,

Having considered the reports of the Secretary-General dated 16 December 1993, 16 February 1994 and 18 April 1994 on the activities of the United Nations Observer Mission in Liberia (UNOMIL),

Welcoming the progress made towards establishing the Liberian National Transitional Government but concerned about subsequent delays in implementing the Cotonou Peace Agreement,

Expressing its concern over renewed fighting between the Liberian parties and the negative impact that this fighting has had on the disarmament process, the effort to provide humanitarian relief, and the plight of displaced persons,

Commending the positive role of the Economic Community of West African States (ECOWAS) in their efforts to help restore peace, security and stability in Liberia and urging them to continue their efforts with the aim of assisting the Liberian parties to complete the process of political settlement in the country,

Recognizing, as noted in the Secretary-General's report of 4 August 1993, that the Peace Agreement assigns the ECOWAS Cease-fire Monitoring Group (ECOMOG) to assist in the implementation of the Agreement,

Commending those African States that have contributed troops to ECOMOG, and those Member States that have contributed to the Trust Fund or by providing other assistance in support of the troops,

Welcoming the close cooperation between UNOMIL and ECOMOG and stressing the importance of continued full cooperation and coordination between them in the implementation of their respective tasks,

Noting that the revised timetable of the Peace Agreement established on 15 February 1994 in Monrovia calls for legislative and presidential elections to take place by 7 September 1994,

1. Welcomes the Secretary-General's report dated 18 April 1994 and the progress the parties have made towards the implementation of the Peace Agreement and other measures aimed at establishing a lasting peace;

2. Decides to extend the mandate of UNOMIL until 22 October 1994, on the understanding that the Security Council will, by 18 May 1994, review the situation in Liberia, including the role played by UNOMIL in that country, based on a report by the Secretary-General on whether or not the Council of State of the Liberian National Transitional Government has been fully installed, and on whether there has been substantial progress in disarmament and in implementing the peace process;

3. Decides further that the Council will again review the situation in Liberia, including the role played by UNOMIL, on or before 30 June 1994, on the basis of a report of the Secretary-General, such review to include consideration of whether sufficient progress has been

made in implementing the revised timetable of the Peace Agreement to warrant continued UNOMIL involvement, in particular, the effective operation of the Liberian National Transitional Government, progress in carrying out disarmament and demobilization, and preparations for the holding of elections on 7 September 1994;

4. Notes that if the Council considers, during either of the above reviews, that progress has been insufficient, it may request the Secretary-General to prepare options regarding UNOMIL's mandate and continued operations;

5. Urges all Liberian parties to cease hostilities immediately and to cooperate with ECOMOG forces to complete the disarmament process expeditiously;

6. Calls on the Liberian parties as an urgent priority to complete installation, within the time-frame established in paragraph 2 above, of the Liberian National Transitional Government, especially the seating of the full cabinet and the national assembly, so that a unified civil administration of the country can be established and other appropriate arrangements completed so that national elections may be held as scheduled on 7 September 1994;

7. Calls again on the Liberian parties to cooperate fully in the safe delivery of humanitarian assistance to all parts of the country by the most direct routes, in accordance with the Peace Agreement;

8. Welcomes ECOMOG's ongoing efforts in furthering the peace process in Liberia and its commitment to ensure the safety of UNOMIL observers and civilian staff and urges the Liberian parties to continue to take all necessary measures to ensure the security and safety of UNOMIL personnel, as well as of the personnel involved in relief operations, and strictly to abide by applicable rules of international humanitarian law;

9. Encourages Member States to provide support for the peace process in Liberia by contributing to the Trust Fund or by providing other assistance to facilitate the sending of reinforcements by African States to ECOMOG, assist in supporting troops of participating ECOMOG countries and also assist in humanitarian and development activities, as well as the electoral process;

10. Commends the efforts made by Member States and humanitarian organizations to provide emergency humanitarian assistance;

11. Welcomes the continued efforts by the Secretary-General and his Special Representative to promote and facilitate dialogue among all parties concerned;

12. Decides to remain actively seized of the matter.

#### Security Council resolution 911(1994)

21 April 1994 Meeting 3366 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/474).

**Communication.** On 17 May,<sup>(15)</sup> the Liberian Government issued a statement confirming that all Cabinet positions had been filled and it was reactivating the ministerial portfolios for the Ministry of Rural Development, the Minister of State without Portfolio and the Director-General of the Cabinet. The appointment of local government officials was expected to be made shortly, thus completing the Government's full control of the country. A full budget for the entire country

was shortly to be concluded. The Transitional Legislative Assembly was fully functioning, with the induction into office of its Speaker, Deputy Speaker and members, and the Supreme Court was operating at full capacity. The Government had commenced the payment of five months' salary arrears to civil servants so that they would not be influenced to take up arms.

However, implementation of the military aspects of the Cotonou Agreement failed to move forward. The disarmament process had halted because of continued distrust among some of the parties, interfactional or internal rivalries within one or more parties for positions in the Government, and continued fighting among some of the parties and/or among some of the parties and other armed groups not parties to the Agreement. Only some 2,000 of the estimated 60,000 combatants had been disarmed. Some of the parties had declared that they would not proceed with any further disarmament. In that situation, ECOMOG and UNOMIL could not decide on a precise and decisive course in the matter.

The Liberian Government expressed concern about the reported abuses being perpetrated by the parties. It said that unless they allowed disarmament to continue and respected human rights, the Government would not be able to exert full control throughout the country, commence repatriation, and see that local government was fully established and operated effectively.

**Report of the Secretary-General (May).** In a May report,<sup>(16)</sup> the Secretary-General said that on 22 April NPFL announced its decision to permit the seating of its members in the Transitional Legislative Assembly and the swearing-in of those cabinet nominees whose posts were not in dispute. The Vice-Chairman of the Council of State also resumed his activities in the Council. The NPFL nominee was appointed Minister for Foreign Affairs and was scheduled to be inducted on 19 May, removing a major impediment to the full seating and functioning of the Transitional Government.

The team appointed by the Secretary-General to consult with the Liberian Government and the Elections Commission on the conduct of the elections was scheduled to arrive in Liberia on 22 May and had the following terms of reference: to discuss the system of proportional representation and the experiences of countries that had applied the system; to advise on the various electoral systems that might be considered for use in Liberia and on the constitutional, legislative and other implications of particular options; and to advise on increasing public awareness. The Secretary-General said that there was reasonable basis for optimism in resolving the tragic conflict, but much remained to be accomplished in the areas of disarmament and demobilization.

## SECURITY COUNCIL ACTION (May)

In a letter of 23 May,<sup>(17)</sup> the Security Council President informed the Secretary-General that the Council had noted his May report and had completed the review provided for in **resolution 911(1994)**. The Council reaffirmed its intention to review again the situation in Liberia, including UNOMIL's role, on or before 30 June.

The Council met the same day and invited Liberia to participate in the discussion under rule 37<sup>a</sup> of the Council's provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(18)</sup>

The Security Council welcomes the report of the Secretary-General on the situation in Liberia dated 18 May 1994.

In this connection, the Council notes with satisfaction the full installation of the Council of State of the Liberian National Transitional Government (LNTG), as well as indications that the transitional Government has begun to assume its responsibilities and functions throughout the country.

The Council commends the United Nations Observer Mission in Liberia (UNOMIL) and the ECOWAS Monitoring Group (ECOMOG) for their contributions to the demobilization and disarmament efforts in Liberia, a critical requirement of the Cotonou Agreement.

The Council notes with concern, however, the continued fighting among and within factions. Political differences and renewed violence among and within certain factions have caused the disarmament process to come to a virtual halt. The ongoing hostilities make it very difficult for UNOMIL to accomplish critical elements of its mandate and prevent the peace-keeping troops of the Cease-fire Monitoring Group of the Economic Community of West African States (ECOMOG) from carrying out their functions regarding disarmament and demobilization, a situation which directly threatens the ability of the parties to maintain the timetable outlined in the Cotonou Agreement and the communique of 15 February 1994.

In the light of these developments, the Council calls upon the parties to resolve their differences within the forum of the transitional Government and the Cotonou Agreement, to end any hostilities and to accelerate the pace of disarmament with the aim of bringing it to a successful conclusion, all of which are crucial to creating suitable conditions for elections. The Council wishes to remind the parties of the importance it attaches to the holding of those elections on 7 September 1994.

The Council reaffirms its intention to review the situation in Liberia again on or before 30 June 1994 including the role played by UNOMIL, such review to include whether sufficient progress has been made in implementing the revised timetable of the Peace Agreement to warrant continued UNOMIL involvement, in particular, the effective operation of the Liberian National Transitional Government, progress in carrying out disarmament and demobilization, and preparations for the holding of elections on 7 September

1994. In accordance with the terms of its resolution 911(1994) of 21 April 1994, the Council requests the Secretary-General to prepare options by 30 June 1994 regarding the future implementation of UNOMIL's mandate and its continued operations.

The Council reminds the parties that the ultimate responsibility for the success of the peace process in Liberia rests with them and with the Liberian people. It urges them to respect fully the terms of the Cotonou Agreement and reaffirms its expectation that the parties will continue to make every effort to achieve a lasting peace in Liberia.

Meeting number. SC 3378.

**Report of the Secretary-General (June).** In June,<sup>(19)</sup> the Secretary-General said that the positions of deputy ministers allocated to members of IGNU and NPFL had been filled, but internal conflict within ULIMO had held up the assignment of those posts set aside for that party. The Council of State and the Transitional National Assembly, through visits to various regions, attempted to extend civil authority and to lead in the national reconciliation process. Consideration was also being given to appointing local government officials, reactivating economic activity and restructuring State-owned enterprises. However, the issue of appointing heads of autonomous agencies and public corporations remained unsolved, as the Cotonou Agreement did not specify responsibility for doing so.

Apart from those difficulties, the continuing fighting within and between parties remained the most serious threat to the peace process. Of particular concern was the dispute within ULIMO between the Mandingo and Krahn tribe factions over ULIMO nominees to the Council of State and Krahn faction representation in the Transitional Government. Negotiations conducted as a result of a 6 May agreement and cease-fire collapsed, and fighting resumed on 26 May in Tubmanburg. At the same time, the conflict between LPC and NPFL in the eastern part of the country continued to rage. In this context, ECOMOG's role as a peace-keeper became increasingly complex, and several of its soldiers were abducted and held for varying lengths of time. It was accused of involvement in the conflict and of arbitrariness and inflexibility. ECOMOG was investigating the matter and both the ECOWAS Chairman and ECOMOG Field Commander reaffirmed its neutrality in the conflict.

Because of the security situation, UNOMIL, as of mid-June, had deployed only 29 of the 39 military observer teams. Its military observers had also been subjected to harassment and their possessions taken. Fighting within ULIMO caused the temporary withdrawal in May of the Kongo Border Crossing Team to Monrovia.

The team of international experts to consult on the elections visited Liberia from 26 May to 4 June and met with the Liberian Government, the Elec-

tions Commission and the various political factions. The political parties requested the Special Representative to convene a meeting with the Elections Commission, UNOMIL electoral observers and the UNDP electoral adviser to review preparations and assist in establishing ground rules for the elections.

Since fighting broke out on 26 May, another 16,000 people had been displaced in Tubmanburg, taking refuge at UNOMIL and ECOMOG bases and the hospital. Humanitarian convoys accompanied by heavy ECOMOG escorts were reaching them with supplies. Although human rights organizations held hundreds of preliminary reports of violations, they had so far been unable systematically to verify reports of abuses because of the insecurity and other technical and logistical reasons. In response to a 1993 Security Council request,<sup>(20)</sup> a joint plan of action was developed, with the assistance of Liberian human rights organizations, for reporting on major violations of international humanitarian law. Agreement was also reached between the Government, the Liberian Bar Association and human rights organizations on a draft questionnaire to be used for collecting data, and work proceeded on defining standardized approaches for checking, verifying and investigating those reports. A public information programme was also developed.

The Secretary-General stated that UNOMIL's mandate was still relevant and its efforts critical in implementing the Cotonou Agreement and in assisting the Liberian Government and people to achieve national reconciliation. Should the parties fail to maintain their commitment to the peace process, he would have no alternative but to recommend that the Council reconsider United Nations involvement in Liberia. He urged the Liberian factions to set a date for the complete cessation of hostilities.

#### SECURITY COUNCIL ACTION (July)

The Security Council met on 13 July. It invited Liberia to participate in the discussion under rule 37<sup>a</sup> of its provisional rules of procedure. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(21)</sup>

The Security Council welcomes the report of the Secretary-General on Liberia dated 24 June 1994. On the basis of this report, as well as the oral briefing provided by the Secretary-General's Special Representative for Liberia, the Council has carried out a review of the situation in Liberia, including the role played by the United Nations Observer Mission in Liberia (UNOMIL) as called for in resolution 911(1994).

In this context, the Council notes that, since the interim review in May 1994, there has been limited

progress in the peace process and that the Liberian National Transitional Government (LNTG) has been unable to extend its authority effectively outside the Monrovia area. The Council notes further with concern that preparations for national elections have been hampered by the continued fighting and the consequent virtual halt of the disarmament process. It underscores that until the disarmament process is substantially accomplished the holding of free and fair elections will not be possible. It reiterates, nevertheless, the need to make urgent preparations to enable the timely holding of free and fair elections. To this end, a substantial acceleration of the disarmament process is essential. It notes that continued delay may have an adverse effect on international participation in the Liberian peace process.

The Council, therefore, calls on LNTG, in cooperation with the Economic Community of West African States (ECOWAS) and the Organization of African Unity, with the support of the Special Representative of the Secretary-General and UNOMIL as necessary, to convene a meeting of the Liberian factions concerned to address the problems affecting disarmament. The Council considers that the objectives of such a meeting should be to agree on a realistic plan to resume disarmament and to set a target date for its completion. The Council calls on LNTG to convene the meeting as soon as possible, at the latest by 31 July 1994. The Council stresses the importance it places on the Liberian factions concerned attending such a meeting.

The Council further calls upon all factions in Liberia to demonstrate the resolve and commitment necessary to achieve national reconciliation.

The Council expresses its concern about the increase in military activities being carried out in violation of the general cease-fire and the consequent large-scale displacement of persons and atrocities which have been committed throughout the country. The Council condemns all those who initiate fighting and who violate international humanitarian law.

The Council strongly deplores attacks on and the abduction and harassment of United Nations and ECOWAS Cease-fire Monitoring Group (ECOMOG) personnel in Liberia, as well as looting of United Nations and ECOMOG property. It demands that such hostile acts cease forthwith.

The Council urges the Liberian parties to take all necessary measures to ensure the security and safety of UNOMIL and ECOMOG personnel, as well as of the personnel involved in relief operations, and strictly to abide by the applicable rules of international humanitarian law. It demands that all factions in Liberia extend full cooperation to organizations engaged in the delivery of humanitarian assistance.

The Council commends the positive role of ECOWAS in its continued efforts to facilitate peace and security in Liberia, including through the provision of ECOMOG troops. It welcomes the continued close cooperation between ECOMOG and UNOMIL.

The Council also commends other African States that have provided troops to ECOMOG and those Member States that have contributed to the trust fund established pursuant to paragraph 6 of resolution 866(1993) or provided other assistance in support of the troops. However, the Council expresses its con-

cern that sufficient financial and other support for the ECOMOG troops has not yet been forthcoming despite the importance of their continued presence in the Liberian peace process. The Council calls on all Member States urgently to consider providing financial or material support either through the United Nations trust fund or on a bilateral basis to enable ECOMOG to fulfil its responsibilities in accordance with the Cotonou Agreement.

The Council commends the Secretary-General for the priority given to reporting on violations of international humanitarian law and other atrocities and encourages continued attention to these aspects of the situation in Liberia.

The Council requests the Secretary-General to ensure that all information on cease-fire and arms embargo violations obtained by UNOMIL, in pursuit of its mandate, is made promptly available to the Security Council and publicized more widely as appropriate.

The Council expresses concern at problems encountered by LNTG in extending its authority outside the Monrovia area, and requests the Secretary-General to explore, in consultation with ECOWAS, whether there are any steps which might be taken to facilitate LNTG's efforts in this regard.

The Council urges ECOWAS to continue its efforts to help the Liberian parties make substantial progress towards a political settlement in the country.

The Council requests the Secretary-General to report on the situation in Liberia by 2 September 1994 and to consider in that report whether the meeting on disarmament has resulted in a realistic plan for disarmament and whether implementation of such a plan has begun. The report should also provide options for the size and mandate of UNOMIL that reflect the outcome of the meeting and the progress in implementing the disarmament plan.

The Council will remain actively seized of the matter.

Meeting number. SC 3404.

**Report of the Secretary-General (August).** In an August report,<sup>(2)</sup> the Secretary-General stated that six months after the seating of the Liberian National Transitional Government, the Government was still not fully installed. A number of deputy ministers and heads of autonomous agencies and public corporations from the former IGNU continued to hold their posts and no appointments of superintendents or local administrators had been announced. Sessions of the Council of State and Cabinet showed little evidence of a unified executive and visits by them to various counties to exert their authority over the entire country were generally infrequent and unproductive. A Citizens' Consultative Meeting of several Liberian interest groups, held at the initiative of the Liberian Bar Association (Monrovia, 29 and 30 July), decided to convene a national conference of interested Liberians, including the warring factions, to determine ways to advance the peace process. The Liberian National Conference, planned

for 24 August to 7 September, would seek a consensus on a strategy for disarmament, a date for elections and the electoral system to be used. The Conference was endorsed by the ECOWAS Foreign Ministers and heads of State. The Special Representative held discussions with the Elections Commission, the Council of State and political parties on the electoral system, and papers providing analyses and information on the experience of other countries holding elections after lengthy conflicts were circulated to the organizers of the Liberian National Conference.

In the meantime, fighting continued in the west between the Krahn and Mandingo elements of ULIMO despite attempts at reconciliation. Fighting also continued in the south-east between LPC and NPFL, especially around the Firestone rubber plantation. All factions experienced serious problems of command and control, resulting in increased banditry, harassment of civilians, including NGOs and United Nations military observers, and looting of WFP and International Committee of the Red Cross warehouses in Gbarnga and UNOMIL regional headquarters in Tubmanburg. There were also reports of clashes between NPFL forces, of public executions in Gbarnga and LPC atrocities in the south-east. The continued fighting had halted the disarmament process. As at 22 August, only 3,612 combatants had been disarmed and demobilized. Efforts to bring about a cessation of hostilities and the disengagement and disarmament of forces had so far been unsuccessful.

Owing to the deterioration in the security situation, UNOMIL deployment was reduced to 21 teams; it was forced to withdraw from the western region after six of its military observers were kidnapped and it also withdrew from two sites in the northern region. The Secretary-General said that the response to his request to the United States and other Member States for contributions to ECOMOG, through the United Nations Trust Fund for Liberia, had been disappointing. Plans were under way for ECOWAS Foreign Ministers to visit donor capitals to seek additional funding.

The fighting and general insecurity had caused large parts of the country, particularly in the west and south-east, to remain inaccessible to humanitarian organizations. The command and control problems among the various factions had a negative impact on the distribution of humanitarian assistance and the looting of food stores and trucks, and the frequent commandeering of vehicles destabilized humanitarian assistance lines, creating a sense of insecurity in the emergency relief community. Overcrowding and poor sanitation had caused an outbreak of diarrhoeal diseases and cholera in Monrovia, and Buchanan was bursting from the steady influx of displaced persons daily from the south-east. A further 75,000 peo-

ple were displaced in Bomi and Grand Cape Mount counties and reports were received of a daily trek of refugees entering Cote d'Ivoire.

The Special Representative undertook to implement the recommendation of a consultant on human rights that UNOMIL establish a human rights unit, provide support for Liberian human rights organizations, direct the military observers to report on human rights violations and urge the Government to agree on a policy for the treatment of such reports.

The Secretary-General observed that the situation had further seriously deteriorated. He had decided to send a fact-finding mission to Liberia, headed by Lakhdar Brahimi as Special Envoy, and he had also dispatched a team to Uganda to draw some lessons from its experience.

Further developments. As a result of a breakdown in NPFL command, the Alhaji Kromah wing of ULIMO attacked Gbarnga and took control of Charles Taylor's headquarters on 8 September. On 9 September, 43 unarmed United Nations military observers and six NGO personnel were detained by NPFL. UNOMIL immediately contacted faction representatives, NPFL interlocutors, neighbouring countries and ECOMOG to secure their release. The Secretary-General's Special Representative personally informed Mr. Taylor that the United Nations held him responsible for the welfare of the detained and demanded their immediate release and return of their property. The Secretary-General asked the Chairman of ECOWAS to exert pressure on Mr. Taylor to release them and to ensure the safety and security of United Nations personnel.

#### SECURITY COUNCIL ACTION (September)

The Security Council met on 13 September to consider the situation in Liberia. Following consultations among Council members, the President made the following statement on behalf of the Council:<sup>(23)</sup>

The Security Council strongly condemns the detention and mistreatment of 43 unarmed military observers of the United Nations Observer Mission in Liberia (UNOMIL) and 6 non-governmental organization staff, which are in flagrant violation of international humanitarian law as well as of the Cotonou Agreement. It demands that those responsible release immediately the detained personnel and return their property and that of UNOMIL and humanitarian organizations. It urges all parties to observe strictly the Cotonou Agreement and to ensure the safety, security and freedom of movement of UNOMIL, other United Nations personnel and those of humanitarian organizations.

The Security Council requests the Economic Community of West African States (ECOWAS) to ensure that the Economic Community Military Observer Group (ECOMOG) continues to extend protection to

the extent possible to UNOMIL personnel, in accordance with the exchange of letters of 7 October 1993 between the Secretary-General and the Chairman of ECOWAS defining the respective roles and responsibilities of the two missions in Liberia. It calls upon the international community to assist ECOWAS with the necessary resources to enable ECOMOG to fulfil its mandate effectively throughout Liberia.

The Security Council is following closely the situation in Liberia and in this connection welcomes the ongoing efforts, in particular those of the President of Ghana as Chairman of ECOWAS, to secure the release of the detained personnel.

Meeting number. SC 3424.

On 14 September, 33 United Nations military observers were released. An attempted helicopter rescue of the other observers stationed at Harper was aborted when the helicopter was shot at by NPFL elements and forced to leave the area, rescuing only 2 of the 12 observers detained there. By 18 September, all remaining observers and NGO personnel had been released. However, NPFL retained all of UNOMIL's transport, communications and other equipment.

Report of the Secretary-General (October). In an October report,<sup>(24)</sup> the Secretary-General stated that the fact-finding mission to Liberia had found that the governance of Liberia had been seriously affected by the inability of the Council of State to reach consensus on most issues and by the lack of resources to administer the country; the factions had not shown the commitment and political will to implement the Cotonou Agreement and the command and control difficulties within them contributed to the instability of the security situation and the lack of success of the disarmament process; and ECOMOG's ability to carry out its responsibilities was hampered by the limited financing available. The mission pointed out the need for improvements in the ECOWAS/UNOMIL relationship. It recommended that the United Nations should consult with ECOWAS on its future strategy for ECOMOG and the role of UNOMIL in relation to that strategy; the international community should provide substantial financial support to ECOMOG to support the ECOWAS regional peace-keeping efforts; the strength of UNOMIL should be reduced to one third of its current authorized strength of 368, in view of the insecurity and ECOMOG's inability to protect UNOMIL military observers; and the issue of a national army should be addressed and donor Governments should provide technical and other resources for its formation. The mission pointed out that, if left unchecked, the crisis in Liberia would undoubtedly affect the stability of its neighbours and West Africa.

Following the departure of the Special Envoy, several events took place that affected the peace process. The Chairman of ECOWAS, President

Jerry Rawlings of Ghana, convened a meeting of leaders of the warring factions (Akosombo, Ghana, 7-12 September). The meeting was attended by representatives of NPFL, ULIMO, the Armed Forces of Liberia (AFL), the Transitional Government and OAU. Although invited, LPC and the Lofa Defence Force declined to attend. The meeting culminated in the signing on 12 September of a supplementary agreement to the Cotonou Agreement, the Akosombo Agreement.<sup>(25)</sup> Although General Roosevelt Johnson's wing of ULIMO did not sign the agreement, he informed the Chairman of ECOWAS on 2 October of his acceptance of it.

The Akosombo Agreement added further detail to those aspects of the Cotonou Agreement that were too general or proved deficient in their implementation. It strengthened the role of the Liberian National Transitional Government, giving it a more central role in the supervision and monitoring of the implementation of the Cotonou Agreement. All decisions of the Council of State were to be made by simple majority and nominees to the Council would be changed, with each signatory to the Agreement (AFL, NPFL and ULIMO) appointing one new member. The other two members would be appointed by the Liberian National Conference and jointly by ULIMO and NPFL. Participation in the Transitional Legislative Assembly would be broadened to include 13 additional representatives. The Akosombo Agreement called for the re-establishment of the cease-fire and provided details on its implementation, disengagement of forces and the responsibilities of factions with regard to the assembly and disarmament of combatants. It also provided for a more realistic package of incentives for demobilization, including planning for a new national army. It envisaged the holding of general elections by October 1995. The Agreement outlined the peace-enforcement powers of ECOMOG and the Liberian National Transitional Government, both of which would have the power to use force to assure compliance.

Soon after its signing, members of the Transitional Government and various Liberian interest groups questioned the validity of the Akosombo Agreement, expressing reservations about the credibility of the signatories and their capacity to deliver on their commitments, given the breakdown of command and control within the factions. In addition, the provision permitting the factions to change their nominees in the existing Council of State and in the Cabinet of the Transitional Government was strongly criticized. Following further initiatives by the Chairman of ECOWAS, opposition to the Agreement diminished but no movement had so far been made to implement it.

The convening of the Liberian National Conference from 24 August to 3 October was the next

significant event to affect the peace process. The Conference made important recommendations regarding disarmament, governance and the electoral process, which in the main converged with the provisions of the Akosombo Agreement. It also called for the establishment of a Disarmament and Demobilization Compliance Committee to monitor progress in those areas; a Peace Enforcement and Demobilization Fund; and the reorganization and restructuring of AFL during the transition period. The Conference, while agreeing with the Akosombo Agreement on the adoption of rules for the Council of State and the expansion of the Transitional Legislative Assembly, called for the retention of the existing members of the Council of State, conferring on its Chairman the functions of head of State. The Conference proposed that the existing system of elections be retained for electing the President, Vice-President and Senators, with a change to proportional representation for elections to the House of Representatives. It recognized the role of the Chairman of ECOWAS in facilitating the peace process and called on him to continue consultations in his search for peace in the country.

On 15 September, a dissident group within AFL attempted to stage a coup d'etat against the Transitional Government. The attempt was successfully foiled by ECOMOG. AFL was subsequently partially disarmed in its barracks but there were reports that some of its elements had joined LPC and/or the ULIMO-Johnson faction in their efforts against NPFL. Relations between the Government and AFL were further complicated by the attempt of the Chairman of the Council of State to remove the Chief of Staff, who refused to step down.

On the military front, the Secretary-General reported that, in its attempt to defeat Charles Taylor, the AFL, LPC and ULIMO-Johnson coalition, supported by NPFL breakaway ministers in the Transitional Government, had congregated troops to attack Gbarnga. On 8 September, the Alhaji Kromah wing of ULIMO attacked Gbarnga and took control of Charles Taylor's headquarters while he was attending the Akosombo meeting in Ghana. This allowed the coalition forces to attack Taylor's forces in the northern and eastern regions.

In the south-eastern region, a number of counties had come under the control of LPC, while NPFL appeared to control parts of Nimba and Bong counties as well as parts of northern Grand Gedeh and Margibi. ULIMO-Johnson still controlled Grand Cape Mount, Bomi and Lower Lofa counties. Upper Lofa continued to be under the control of ULIMO-Kromah. There was intense fighting between the coalition forces and NPFL in Margibi county, as the former attempted to move northward towards Gbarnga. Allegations of complicity by ECOMOG elements with the warring fac-



tions persisted. ECOMOG suffered casualties from ambushes by both NPFL and ULIMO-Johnson in the Margibi area.

The Secretary-General stated that the overall military situation remained confused, with groups aligning and realigning depending on their short-term interests and the breakdown of command and control within the factions. The situation had reached a point where warlords, without any particular political agenda, were seeking territory to add to their claim to power. Fighting was likely to persist until control of Gbarnga was consolidated.

In the light of the growing insecurity, all UNOMIL team sites were evacuated except for those in the Monrovia area, and UNOMIL observers were to be temporarily reduced to 90, some of them being transferred to other United Nations peace-keeping operations. As at 12 October, UNOMIL's military strength stood at 190.

The turmoil that followed the factional fighting resulted in some 200,000 persons being uprooted. In many areas, whole towns and villages were evacuated and their population decimated. All major roadways were closed and all forms of communication in rural areas terminated. Refugees fleeing to Guinea and Cote d'Ivoire reported indiscriminate killings, torture, rape, destruction of property and looting. Thousands of other refugees and displaced persons had sought refuge in the forested areas and were unable to move because of the insecurity. Relief organizations were unable to deal with the growing tragedy and it was now impossible to move supplies even across the border from Cote d'Ivoire. Many UNICEF emergency relief projects were interrupted and the Phebe hospital was ransacked and looted. The United Nations agencies and UNOMIL lost large numbers of vehicles, fuel, food and other relief supplies, communications equipment and supplies and materials worth millions of dollars. Almost all international relief operations had ceased and their personnel had left Liberia. Some workers had taken up duties across the border in Guinea and Cote d'Ivoire to assist the growing number of refugees.

The Secretary-General said that the peace process had stalled and reports suggested that there could be no military solution to the conflict. He had decided to dispatch a high-level mission to consult with the Chairman of ECOWAS about the respective roles and responsibilities of ECOMOG and UNOMIL in Liberia, taking recent developments into account, and to determine how best the international community could continue to assist Liberia to cease hostilities. The Secretary-General recommended that the Security Council extend UNOMIL's mandate for two months to allow the high-level mission to conduct its work, after which

he would make recommendations on UNOMIL's future role.

#### SECURITY COUNCIL ACTION (October)

The Security Council met on 21 October, with Liberia participating under rule 37<sup>a</sup> of the Council's provisional rules of procedure. The Council adopted **resolution 950(1994)** unanimously.

The Security Council,

Recalling its resolutions 788(1992) of 19 November 1992, 813(1993) of 26 March 1993, 856(1993) of 10 August 1993, 866(1993) of 22 September 1993 and 911(1994) of 21 April 1994,

Having considered the reports of the Secretary-General dated 18 May 1994, 24 June 1994, 26 August 1994 and 14 October 1994 on the United Nations Observer Mission in Liberia (UNOMIL),

Commending the positive role of the Economic Community of West African States (ECOWAS) in its continuing efforts to restore peace, security and stability in Liberia,

Commending also the initiative taken by the President of Ghana, in his capacity as current Chairman of ECOWAS, to reactivate the peace process and find a durable solution to the conflict,

Noting the recommendations of the Liberian National Conference and stressing the importance it attaches to strengthening the authority of the Liberian National Transitional Government (LNTG) in administering the country,

Commending those African States that have contributed troops to ECOWAS's Cease-fire Monitoring Group (ECOMOG), and those Member States that have contributed to the Trust Fund or by providing other assistance in support of ECOMOG,

Commending also ECOMOG for its role in quelling an attempted coup d'etat against LNTG in Monrovia,

Deeply concerned at the breakdown in the cease-fire, the severe deterioration in the security situation and the impact this is having on the civilian population of Liberia, particularly in rural areas, as well as on the ability of humanitarian agencies to provide emergency relief,

Expressing grave concern at the level of factional and ethnic warfare now prevailing in much of Liberia,

Stressing the importance it attaches to the achievement of an effective cease-fire as a necessary precondition for progress in the peace process and the holding of national elections,

1. Welcomes the report of the Secretary-General dated 14 October 1994, and his intention to send a high-level mission to consult with ECOWAS member States on how the international community can best continue to assist the peace process in Liberia;

2. Decides to extend the mandate of UNOMIL until 13 January 1995;

3. Recognizes that circumstances on the ground warranted the Secretary-General's decision to reduce the strength of UNOMIL, and considers that any decision to return it to the authorized level will depend on consideration by the Security Council of a further report from the Secretary-General reflecting a real improvement in the situation on the ground, in particular the security situation;

4. Calls on all factions in Liberia to cease hostilities immediately and to agree to a timetable for disengagement of forces, disarmament and demobilization;

5. Further calls on LNTG and all Liberians to seek political accommodation and national reconciliation and to work with the Chairman of ECOWAS and with the Special Representative of the Secretary-General to achieve a durable settlement;

6. Calls once again upon all States strictly to abide by and comply with the general and complete embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) under Chapter VII of the United Nations Charter;

7. Condemns the widespread killings of civilians and other violations of international humanitarian law by the factions in Liberia, and the detention and maltreatment of UNOMIL observers, ECOMOG soldiers, humanitarian relief workers and other international personnel, and demands that all the factions strictly abide by applicable rules of international humanitarian law;

8. Demands that all factions in Liberia strictly respect the status of ECOMOG and UNOMIL personnel, and those of other international organizations and humanitarian relief agencies working in Liberia, refrain from any acts of violence, abuse or intimidation against them and return forthwith equipment seized from them;

9. Urges Member States to provide support for the peace process in Liberia through the United Nations Trust Fund for Liberia, in order to enable ECOMOG to fulfil its mandate;

10. Commends the efforts of Member States and humanitarian organizations to provide emergency humanitarian assistance, including to Liberian refugees in neighbouring countries, and calls on all factions in Liberia to cooperate fully in creating the conditions necessary for the delivery of humanitarian assistance to all in need in Liberia;

11. Requests the Secretary-General to report to the Security Council well in advance of the end of the current mandate period with recommendations as to the future role of UNOMIL, in the light of developments in the peace process and in the situation on the ground and the recommendations of his high-level mission;

12. Decides to remain actively seized of the matter.

Security Council resolution 950(1994)

21 October 1994 Meeting 3442 Adopted unanimously

Draft prepared in consultations among Council members (S/1994/1187).

On 25 November,<sup>(26)</sup> the Security Council welcomed the Secretary-General's intention<sup>(27)</sup> to appoint Anthony B. Nyakyi to succeed Trevor Gordon-Somers as his Special Representative for Liberia.

In a 2 December letter<sup>(28)</sup> to the Council President, the President of Guinea called on the Council to be more vigorously involved in the peace process in Liberia and for the United Nations to maintain and strengthen its presence there by providing ECOMOG and UNOMIL with appropriate means to discharge their mission effectively.

On 20 December, the General Assembly adopted **resolution 49/21 E** on assistance for the rehabilitation and reconstruction of Liberia.

#### Composition of UNOMIL

In early January 1994, UNOMIL attained its total authorized strength of 368 military observers, including 20 medical and 45 engineering personnel. However, due to the insecurity in Liberia, UNOMIL was unable to carry out its mandate and, as at 12 October, its military observers were reduced to 90, and its total military strength to 190.

#### Financing of UNOMIL

In March,<sup>(29)</sup> ACABQ noted that the revised estimates for UNOMIL for the period 22 September 1993 to 21 April 1994 had been further revised downward from \$40,318,000 gross (\$39,560,800 net) to \$32,797,100 gross (\$32,225,100 net) to reflect savings resulting from changes in the deployment schedule of its personnel. ACABQ therefore recommended that the General Assembly appropriate the lower amount for the period. With respect to the period beyond 21 April 1994, it recommended that the Secretary-General be authorized to enter into commitments at a monthly rate not to exceed \$4,359,100 gross (\$4,232,900 net) for three months.

#### GENERAL ASSEMBLY ACTION (April)

On 5 April, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 48/247 A** without vote.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 856(1993) of 10 August 1993, in which the Council welcomed the signing under the auspices of the Economic Community of West African States, on 25 July 1993, at Cotonou, Benin, of a peace agreement between the contending parties and approved the dispatch by the Secretary-General to Liberia of an advance team of thirty military observers to participate in the work of the Joint Cease-fire Monitoring Committee for a period of three months,

Bearing in mind also that the Security Council, by its resolution 866(1993) of 22 September 1993, established the Observer Mission under its authority and under the direction of the Secretary-General through his Special Representative for a period of seven months,

Recalling its decision 48/478 of 23 December 1993 on the financing of the Observer Mission,

Reaffirming that the costs of the Observer Mission 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,

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 de-

veloped 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 Liberian peace process by certain Governments,

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

1. Takes note of the status of contributions to the United Nations Observer Mission in Liberia as at 24 March 1994, including the contributions outstanding in the amount of 26,411,962 United States dollars;

2. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities because of overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents in time in order to allow for a proper and thorough review and approval by the Assembly of the budgets before their implementation;

4. Reaffirms also the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the Assembly in the budget process;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

6. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Liberian peace process, including the upcoming elections, are administered in a coordinated fashion with a maximum of efficiency and economy and, in particular, to implement fully the economy, financial and efficiency measures to be approved during the resumed forty-eighth session in accordance with relevant mandates of the Security Council;

7. Urges those Member States which have not paid their assessed contributions to the Observer Mission to do so promptly and in full;

8. Affirms that it expects that the Secretariat will make appropriate arrangements to ensure that the Assembly is not asked to take any future decisions on budgets for peace-keeping operations retroactively;

9. Decides to appropriate to the Special Account referred to in its decision 48/478 an amount of 32,797,100 dollars gross (32,225,100 dollars net), authorized and apportioned in accordance with that decision, for the maintenance of the Observer Mission from 22 September 1993 to 21 April 1994;

10. Decides also, with regard to the period beyond 21 April 1994, to authorize the Secretary-General to enter into commitments at a monthly rate not to exceed 4,359,100 dollars gross (4,232,900 dollars net), for a period of three months, in connection with the maintenance of the Observer Mission, should the Security Council decide to continue the Mission beyond that date, and to apportion the amount of 7,520,900 dollars gross (7,335,700 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 A 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 Assembly decision 47/456 of 23 December 1992;

11. Decides farther that there shall be set off against the assessments on Member States for the maintenance of the Observer Mission beyond 21 April 1994 an amount of 7,520,900 dollars gross (7,335,700 dollars net), representing the balance of the apportionment made in accordance with Assembly decision 48/478;

12. Requests the Secretary-General to submit, no later than 30 June 1994, the performance report for the mandate period ending 21 April 1994 and the budget estimates corresponding to any new mandate period the Security Council may decide on;

13. Invites voluntary contributions to the Observer Mission 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 Assembly;

14. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Financing of the United Nations Observer Mission in Liberia".

General Assembly resolution 48/247 A

5 April 1994 Meeting 92 Adopted without vote

Approved by Fifth Committee (A/48/827/Add.1) without vote, 28 March (meeting 56); draft by Chairman based on informal consultations (A/C.5/48/L.52); agenda item 166.

Meeting numbers. GA 48th session: 5th Committee 52, 56; plenary 92.

**Reports of the Secretary-General and ACABQ (June).** In a June report<sup>(30)</sup> on the financing of UNOMIL, the Secretary-General stated that, as at 31 May, total outstanding assessments due from Member States amounted to \$422,113,900. The unencumbered balance for the period 22 September 1993 to 21 April 1994 was \$12,429,900 gross (\$12,352,800 net). Requirements for the maintenance of UNOMIL for the period from 22 April to 22 October 1994 were estimated at \$25,467,100 gross (\$24,505,600 net), while cost estimates for the liquidation phase of the Mission from 23 October to 31 December totalled \$5,025,500 gross (\$4,866,300 net).

Also in June,<sup>(31)</sup> ACABQ recommended that for the period from 22 April to 22 October an amount of \$23 million gross, inclusive of \$13,077,300 already authorized in April for the three-month period, be appropriated; and that the unencumbered balance of \$12,429,900 gross (\$12,352,800 net) for the period 22 September 1993 to 21 April 1994 be set off against the amount assessed on Member States for that period. It also recommended that the UNOMIL staffing structure and the duration of staff presence during the liquidation period be reviewed and that the Secretary-General submit revised estimates for that period.

## GENERAL ASSEMBLY ACTION (July)

On 29 July, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 48/247 B** without vote.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 856(1993) of 10 August 1993, in which the Council welcomed the signing under the auspices of the Economic Community of West African States, on 25 July 1993, at Cotonou, Benin, of a peace agreement between the Liberian parties and approved the dispatch by the Secretary-General to Liberia of an advance team of thirty military observers to participate in the work of the Joint Cease-fire Monitoring Committee for a period of three months,

Bearing in mind also that the Security Council, by its resolution 866(1993) of 22 September 1993, established the Observer Mission under its authority and under the direction of the Secretary-General through his Special Representative for a period of seven months,

Bearing in mind further that the Security Council, in its resolution 911(1994) of 21 April 1994, decided to extend the mandate of the Observer Mission until 22 October 1994,

Recalling its decision 48/478 of 23 December 1993 and its resolution 48/247 A of 5 April 1994 on the financing of the Observer Mission,

Reaffirming that the costs of the Observer Mission 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,

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 Liberian peace process by certain Governments,

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

1. Takes note of the status of assessed contributions to the United Nations Observer Mission in Liberia as at 8 July 1994, including the contributions outstanding in the amount of 21,988,642 United States dollars;

2. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities because of overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the General Assembly in the budget process;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Observer Mission, including the upcoming elections, are administered in a coordinated fashion with a maximum of efficiency and economy and, in particular, to implement fully the economy, financial and efficiency measures to be approved during the resumed forty-eighth session of the Assembly in accordance with the relevant mandates of the Security Council;

6. Urges those Member States that have not paid their assessed contributions to the Observer Mission to do so promptly and in full;

7. Authorizes the Secretary-General to enter into commitments for the maintenance of the Observer Mission in an additional amount of 9,922,700 dollars gross (9,449,300 dollars net) for the period from 22 April to 22 October 1994;

8. Decides, in the light of the observations contained in paragraph 17 of the report of the Advisory Committee, to consider the cost estimates for the liquidation phase of the Observer Mission during its forty-ninth session;

9. Invites voluntary contributions to the Observer Mission 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 Assembly.

General Assembly resolution 48/247 B

29 July 1994 Meeting 102 Adopted without vote

Approved by Fifth Committee (A/48/827/Add.2) without vote, 19 July (meeting 74); draft by Chairman based on informal consultations (A/C.5/48/L.79); agenda item 166.

Meeting numbers. GA 48th session: 5th Committee 72, 74; plenary 102.

**Reports of the Secretary-General and ACABQ (October-December).** In October,<sup>(32)</sup> the Secretary-General stated that, as at 30 September, outstanding assessments due from Member States totalled \$5,752,600. Cost estimates for the period 23 October 1994 to 22 April 1995 amounted to \$10,968,600 gross (\$10,472,400 net) and the requirements for the mandate period from 23 October 1994 to 13 January 1995 were \$4,935,870 gross (\$4,712,580 net).

In November,<sup>(33)</sup> the Secretary-General reported that the projected unencumbered balance for the period 22 April to 22 October was \$5,451,700 gross (\$5,260,200 net).

In December,<sup>(34)</sup> ACABQ recommended that for the period 22 April to 22 October, the General Assembly appropriate the sum of \$17,548,300 gross (\$16,887,800 net) and assess \$10,027,400 gross (\$9,552,100 net). The Secretary-General, as requested by ACABQ, had reviewed costs of air operations, supplies, services and communications to achieve economies. As a result, the costs for maintaining UNOMIL from 23 October 1994 to 22 April 1995 were revised down from \$10,968,600 gross to \$9,563,000. ACABQ recommended that the As-

sembly appropriate \$4,303,260 gross (\$4,079,970 net) for the period 23 October 1994 to 13 January 1995.

#### GENERAL ASSEMBLY ACTION (December)

On 23 December, the General Assembly, on the recommendation of the Fifth Committee, adopted **resolution 49/232 A** without vote.

#### **Financing of the United Nations Observer Mission in Liberia**

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 866(1993) of 22 September 1993, by which the Council established the United Nations Observer Mission in Liberia, and the subsequent resolutions by which the Council renewed the mandate of the Observer Mission, the latest of which was resolution 950(1994) of 21 October 1994,

Recalling also its decision 48/478 of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions thereon, the latest of which was resolution 48/247 B of 29 July 1994,

Reaffirming that the costs of the Observer Mission 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 decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, 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 operations,

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,

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

1. Takes note of the status of assessed contributions to the United Nations Observer Mission in Liberia as at 22 December 1994, including the contributions outstanding in the amount of 5,721,960 United States dollars, and urges all Member States concerned to make every possible effort to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peace-keeping activities due to overdue payments by Member States of their assessments, particularly Member States in arrears;

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

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on

Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Liberian peace process are administered in a coordinated fashion with a maximum of efficiency and economy;

6. Decides to appropriate to the Special Account for the United Nations Observer Mission in Liberia a total amount of 17,548,300 dollars gross (16,887,800 dollars net) for the operation of the Observer Mission for the period from 22 April to 22 October 1994;

7. Decides also, as an ad hoc arrangement, and taking into account the amount of 7,520,900 dollars gross (7,335,700 dollars net) already apportioned in accordance with General Assembly resolution 48/247 A of 5 April 1994, to apportion the amount of 10,027,400 dollars gross (9,552,100 dollars net) for the period from 22 April to 22 October 1994 among Member States in accordance with the composition of groups set out by the Assembly in paragraphs 3 and 4 of its 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 A of 23 December 1993, and taking into account the scale of assessments for the years 1992, 1993 and 1994 as set out by the Assembly in its 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;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 475,300 dollars approved for the period ending 22 October 1994;

9. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the unencumbered balance of 10,027,400 dollars gross (9,552,100 dollars net) in respect of the period from 22 September 1993 to 21 April 1994;

10. Decides also to appropriate to the Special Account the amount of 4,303,260 dollars gross (4,079,970 dollars net), inclusive of the amount of 3 million dollars gross (2,864,400 dollars net) authorized by the Advisory Committee in accordance with General Assembly resolution 48/229 of 23 December 1993, for the maintenance of the Observer Mission for the period from 23 October 1994 to 13 January 1995;

11. Decides further, as an ad hoc arrangement, to apportion the amount of 4,303,260 dollars gross (4,079,970 dollars net) among Member States for the period from 23 October 1994 to 13 January 1995, in accordance with the composition of groups set out by the General Assembly in paragraphs 3 and 4 of its resolution 43/232, as adjusted by the Assembly in its resolutions 44/192 B, 45/269, 46/198 A and 47/218 A and its decision 48/472 A, the scale of assessments for the year 1994 to be applied against a portion thereof, that is, 3,629,255 dollars gross (3,440,939 dollars net), which is the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the scale of assessments for the year 1995 to be applied against the balance, that is, 674,005

dollars gross (639,031 dollars net), for the period from 1 to 13 January 1995, inclusive;

12. Decides 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 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 223,290 dollars approved for the period from 23 October 1994 to 13 January 1995, inclusive; 188,316 dollars being the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the balance, that is, 34,974 dollars, for the period from 1 to 13 January 1995, inclusive;

13. Decides also that there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the remaining unencumbered balance of 2,402,500 dollars gross (2,800,700 dollars net) in respect of the period from 22 September 1993 to 21 April 1994;

14. Decides further, with regard to the period beyond 13 January 1995, to authorize the Secretary-General to enter into commitments for the maintenance of the Observer Mission at a rate not to exceed 1,593,800 dollars gross (1,511,100 dollars net) per month for a period of six months, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 13 January 1995, and that the said amount shall be apportioned among Member States in accordance with the scheme set out in the present resolution;

15. Invites voluntary contributions to the Observer Mission 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;

16. Decides to include in the provisional agenda of its fiftieth session the item entitled "Financing of the United Nations Observer Mission in Liberia".

#### General Assembly resolution 49/232 A

23 December 1994 Meeting 95 Adopted without vote

Approved by Fifth Committee (A/49/812) without vote, 22 December (meeting 37); draft by Chairman (A/C.5/49/L.29), based on informal consultations; agenda item 129.

Meeting numbers. GA 49th session: 5th Committee 34, 37; plenary 95.

#### REFERENCES

(<sup>1</sup>)S/1994/228. (<sup>2</sup>)S/1994/258. (<sup>3</sup>)S/1994/351. (<sup>4</sup>)A/49/4. (<sup>5</sup>)S/1994/472. (<sup>6</sup>)S/1994/519. (<sup>7</sup>)YUN 1993, p. 268. (<sup>8</sup>)S/1994/51. (<sup>9</sup>)S/1994/168. (<sup>10</sup>)S/1994/168/Add.1. (<sup>11</sup>)S/1994/187. (<sup>12</sup>)S/PRST/1994/9. (<sup>13</sup>)S/1994/279. (<sup>14</sup>)S/1994/463. (<sup>15</sup>)S/1994/594. (<sup>16</sup>)S/1994/588. (<sup>17</sup>)S/1994/604. (<sup>18</sup>)S/PRST/1994/25. (<sup>19</sup>)S/1994/760. (<sup>20</sup>)YUN 1993, p. 269, SC res. 866(1993), 22 Sep. 1993. (<sup>21</sup>)S/PRST/1994/33. (<sup>22</sup>)S/1994/1006. (<sup>23</sup>)S/PRST/1994/53. (<sup>24</sup>)S/1994/1167. (<sup>25</sup>)S/1994/1174. (<sup>26</sup>)S/1994/1341. (<sup>27</sup>)S/1994/1340. (<sup>28</sup>)A/49/768-S/1994/1402. (<sup>29</sup>)A/48/900. (<sup>30</sup>)A/48/592/Add.1. (<sup>31</sup>)A/48/960. (<sup>32</sup>)A/49/571. (<sup>33</sup>)A/49/571/Add.1. (<sup>34</sup>)A/49/786.

## Cooperation between OAU and the UN system

In October 1994,<sup>(1)</sup> the Secretary-General reported on cooperation between the United Nations

and the Organization of African Unity (OAU). In 1993,<sup>(2)</sup> the General Assembly had called on the Secretaries-General of the two organizations to work closely together, in particular on follow-up to review and evaluate the implementation of the United Nations New Agenda for the Development of Africa in the 1990s.<sup>(3)</sup> The Secretary-General reviewed the exchange of information and cooperation between the two organizations in the field of economic and social development, as well as in other areas.

#### GENERAL ASSEMBLY ACTION

On 15 December, the General Assembly adopted **resolution 49/64** without vote.

#### Cooperation between the United Nations and the Organization of African Unity

The General Assembly,

Having considered the report of the Secretary-General of 7 October 1994 on cooperation between the United Nations and the Organization of African Unity,

Recalling the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity as updated and signed on 9 October 1990 by the Secretaries-General of the two organizations,

Recalling also its resolutions on the enhancement of cooperation between the United Nations and the Organization of African Unity, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1989, 45/13 of 7 November 1990, 46/20 of 26 November 1991, 47/148 of 18 December 1992 and 48/25 of 29 November 1993,

Recalling further that in its resolutions 46/20, 47/148 and 48/25 it, inter alia, urged the Secretary-General and the relevant agencies of the United Nations system to extend their support for the establishment of an African economic community,

Taking note of the resolutions, decisions and declarations adopted by the Council of Ministers of the Organization of African Unity at its sixtieth ordinary session, held at Tunis from 6 to 11 June 1994, and by the Assembly of Heads of State and Government of that organization at its thirtieth ordinary session, held at Tunis from 13 to 15 June 1994,

Considering the important statement made by the representative of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity before the General Assembly on 3 October 1994,

Mindful of the need for continued and closer cooperation between the United Nations and its specialized agencies and the Organization of African Unity, in particular in the political, economic, social, technical, cultural and administrative fields,

Noting the establishment by the Assembly of Heads of State and Government of the Organization of African Unity in June 1993 of a mechanism for the prevention, management and resolution of conflicts in Africa,

Also noting the efforts of the Organization of African Unity, and the support and assistance of the United Nations, to promote the peaceful settlement of disputes and

conflicts in Africa and the harmonious continuation of the process of democratization,

Deeply concerned that, despite the policies of reform being implemented by most African countries, their economic situation remains critical and African recovery and development continue to be severely hindered by the persistence of lower level commodity prices, the heavy debt burden and the paucity of funding possibilities,

Aware of the efforts under way by the Organization of African Unity and its member States in the area of economic integration and, in particular, of the entry into force on 12 May 1994 of the Treaty establishing the African Economic Community,

Deeply concerned also about the gravity of the situation of refugees and displaced persons in Africa and the urgent need for increased international assistance to help refugees and, subsequently, African countries of asylum,

Acknowledging the assistance already rendered by the international community, particularly to refugees, displaced persons and African countries of asylum,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity and of his efforts to strengthen that cooperation and to implement the relevant resolutions;

2. Notes with appreciation the continued and increasing participation of the Organization of African Unity in the work of the United Nations and the specialized agencies and its constructive contribution to that work;

3. Calls upon the United Nations organs, in particular the Security Council and the Economic and Social Council, to continue to involve the Organization of African Unity closely in all their activities concerning Africa;

4. Commends the establishment by the Assembly of Heads of State and Government of the Organization of African Unity in June 1993 of a mechanism for the prevention, management and resolution of conflicts in Africa, and also commends its good functioning;

5. Commends the United Nations and the Organization of African Unity for their ongoing cooperative activities in the resolution of conflicts in Africa, and stresses the need to enhance and strengthen the existing pattern of exchange of information and consultations, especially in the areas of preventive diplomacy, peace-making and peace-keeping operations;

6. Calls upon the United Nations to coordinate its efforts and to cooperate with the Organization of African Unity in the context of the pacific settlement of disputes and the maintenance of international peace and security in Africa, as provided for under Chapter VIII of the Charter of the United Nations;

7. Urges the United Nations, within existing resources, and encourages its Member States to help the Organization of African Unity to strengthen its conflict resolution capacity, in particular in the areas of:

- (a) Establishment of an early warning system;
- (b) Conflict prevention and management and settlement of disputes;
- (c) Training of staff of the Organization of African Unity and African peace-keepers;
- (d) Logistical support;

8. Encourages Member States to consider ways and means of providing financial assistance to the conflict resolution activities of the Organization of African Unity;

9. Notes with appreciation the assistance provided by the United Nations and its agencies to African countries in the context of the democratization process;

10. Urges the United Nations to continue to support the Organization of African Unity in its efforts to manage a peaceful democratic transition in Africa;

11. Urges all Member States and regional and international organizations, in particular those of the United Nations system, as well as non-governmental organizations, to provide the necessary and appropriate economic, financial and technical assistance to refugees and displaced persons, as well as to African countries of asylum, taking into account recent disquieting developments in this respect;

12. Commends the continued efforts of the Organization of African Unity to promote multilateral cooperation and economic integration among African States, and requests United Nations agencies to continue to support those efforts;

13. Stresses that the economic, technical and development assistance provided to Africa by the organizations of the United Nations system must continue, and emphasizes the current need for those organizations to accord priority to Africa in this field;

14. Urges the Secretary-General, Member States, regional and international organizations, in particular those of the United Nations system, and non-governmental organizations to extend their support to the operation of the African Economic Community and to assist in economic integration and cooperation in Africa;

15. Requests the Secretary-General to support the efforts of the Secretary-General of the Organization of African Unity with a view to holding sectoral meetings on the priority areas of cooperation, and in particular to support those meetings organized by the Economic and Social Council of the African Economic Community;

16. Requests the agencies of the United Nations system working in Africa to include in their programmes at the national and regional levels the activities which will enhance regional cooperation in their respective areas and to facilitate the realization of the objectives of the Treaty establishing the African Economic Community;

17. Calls upon United Nations agencies to intensify the coordination of their regional programmes in Africa in order to create interlinkages among them and to ensure the harmonization of their programmes with those of the African regional and subregional economic organizations;

18. Emphasizes the urgency of the need to adopt appropriate measures to ensure the effective implementation of the United Nations New Agenda for the Development of Africa in the 1990s, in particular in the areas of resource flows, debt relief and diversification of African economies;

19. Recalls the report prepared by the Food and Agriculture Organization of the United Nations and transmitted by the Secretary-General on the need for and feasibility of the establishment of a diversification fund for Africa's commodities;

20. Calls upon the Secretary-General to work in close coordination and cooperation with the Secretary-General of the Organization of African Unity, in par-

ticular on the follow-up to and effective implementation of the New Agenda;

21. Recalls its resolution 48/214 of 23 December 1993, in paragraph 10 of which it invited the Secretary-General to reinforce the capabilities of the Office of the Special Coordinator for Africa and Least Developed Countries of the Department for Policy Coordination and Sustainable Development of the Secretariat to follow up and promote the responses of the United Nations system and the international community to the development concerns of Africa, as expressed in the New Agenda;

22. Endorses the agreement reached between the organizations of the United Nations system and the Organization of African Unity on the convening of a meeting between the secretariats of those organizations, to be held in 1995 at Addis Ababa, to review and evaluate the progress made in implementing the proposals and recommendations agreed upon in September 1993 on cooperation between them in 1994-1995 and to adopt new and effective joint action;

23. Calls upon the relevant organs of the United Nations to ensure the effective, fair and equitable represen-

tation of Africa at senior and policy levels at their respective headquarters and in their regional field operations;

24. Requests the Secretary-General to continue to ensure that the United Nations information network continues to disseminate information so as to increase public awareness of the social and economic problems, achievements and needs of African States and of their regional and subregional institutions;

25. Also requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution and on the development of the cooperation between the Organization of African Unity and the organizations of the United Nations system.

#### **General Assembly resolution 49/64**

**15 December 1994 Meeting 89 Adopted without vote**

Draft by Ghana (A/49/L.43); agenda item 32.

#### REFERENCES

- (<sup>1</sup>)A/49/490. (<sup>2</sup>)YUN 1993, p. 305, GA res. 48/25, 29 Nov. 1993.  
 (<sup>3</sup>)YUN 1991, p. 402, GA res. 46/151, annex, sect. II, 18 Dec. 1991.