

International Monetary Fund commending Bosnia and Herzegovina for the speed with which its macroeconomic framework was strengthened. He attributed some of this success to the work of recently established local reform committees, composed entirely of local civil society representatives under international chairmanship, which had produced high-quality, European-standard legislative reforms and forwarded them to Governments and Parliaments for adoption. The High Representative considered this a sign for a shift in the political culture and mindset and emphasized that the need to resort to the extraordinary powers of his Office had halved in the period under review.<sup>128</sup>

The President of the International Tribunal for the Former Yugoslavia, in his briefing, reported on the joint initiative of the Office of the High Representative and the Tribunal to establish a special War Crimes Chamber within the State Court of Bosnia and Herzegovina, which he held had been recognized by the Security Council in resolution 1503 (2003) as an essential prerequisite for the success of the completion strategy of the Tribunal, and which would, in addition,

<sup>128</sup> S/PV.4837, pp. 2-7.

contribute to the process of reconciliation in the region. In that regard, he appealed for adequate funding of the project.<sup>129</sup>

Most speakers welcomed the improvements in key areas of reform. Many speakers also welcomed the establishment of a War Crimes Chamber at the State Court of Bosnia and Herzegovina. In addition, the representative of France, along with the representatives of the United Kingdom and the Russian Federation welcomed the dialogue in Bosnia and Herzegovina on military reform and noted the progress towards putting the armed forces of the entities under effective civilian control with a view to the eventual establishment of a unified command structure.<sup>130</sup> The representative of Germany, in addition to seeing internationally assisted national courts as an interesting and cost-effective alternative, suggested that in the future, the Council give increased consideration to the possibility of referring situations to the International Criminal Court whenever there was a need for international criminal justice.<sup>131</sup>

<sup>129</sup> *Ibid.*, pp. 7-8. For more information, see the study in the present chapter on items relating to the International Tribunals (sect. 36).

<sup>130</sup> S/PV.4837, pp. 10-11 (France); pp. 14-15 (United Kingdom); and pp. 17-18 (Russian Federation).

<sup>131</sup> *Ibid.*, pp. 9-10.

## B. The situation in Croatia

### **Decisions of 13 January 2000 to 11 October 2002: resolutions 1285 (2000), 1307 (2000), 1335 (2001), 1362 (2001), 1387 (2002), 1424 (2002) and 1437 (2002)**

During this period, the Security Council held seven meetings,<sup>132</sup> at each of which, unanimously and without debate, it adopted a resolution by which it extend the mandate of the United Nations Mission of

Observers in Prevlaka (UNMOP)<sup>133</sup> on the basis of the recommendations contained in the reports of the Secretary-General on UNMOP,<sup>134</sup> until its termination on 15 December 2002.

At those meetings, in which the representation of Croatia, Germany and Italy were invited to

<sup>132</sup> The 4088th (13 January 2000), 4170th (13 July 2000), 4256th (12 January 2001), 4346th (11 July 2001), 4448th (15 January 2002), 4574th (12 July 2002) and 4622nd (11 October 2002) meetings. During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission of Observers in Prevlaka (UNMOP), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 10 January 2002 (4446th), 10 July 2002 (4569th) and 10 October 2002 (4620th).

<sup>133</sup> By resolutions 1285 (2000), 1307 (2000), 1335 (2001), 1362 (2001) and 1387 (2002), the Council extended the mandate of UNMOP by six-month periods. By resolutions 1424 (2002) and 1437 (2002), the Council extended the mandate of UNMOP by three months and two months, respectively.

<sup>134</sup> Reports dated 31 December 1999 (S/1999/1302), 3 July 2000 (S/2000/647), 29 December 2000 (S/2000/1251), 3 July 2001 (S/2001/661), 2 January 2002 (S/2002/1), 28 June 2002 (S/2002/713) and 2 October 2002 (S/2002/1101).

participate,<sup>135</sup> a number of documents were brought to the attention of the Council.<sup>136</sup>

In his reports on UNMOP, the Secretary-General observed, *inter alia*, that in accordance with its mandate UNMOP had continued to monitor the demilitarization of the Prevlaka peninsula and the neighbouring areas in Croatia and the Federal Republic of Yugoslavia and had held regular meetings with the local authorities in order to strengthen liaison, reduce tensions, improve safety and security and promote confidence between the parties. In 2000, the absence of major conflict in the region and the change of government in both Croatia and the Federal Republic of Yugoslavia had created more favourable conditions for progress on the Prevlaka issue. A process of consultation between the two sides had led to the formation in December 2001 of a joint Interstate Diplomatic Commission tasked with resolving the outstanding border disputes between the two States. During 2002, the Commission and its constituent subcommissions had met continually in an effort to develop a common agenda for resolving the Prevlaka

dispute. The Secretary-General, in his report dated 28 June 2002, considered that given the progress made by the parties towards resolving the dispute, once the parties agreed upon a transitional border-crossing regime UNMOP would be able to withdraw. However, in order to maintain a favourable condition for the negotiations, he recommended to the Council a three-month extension of the Mission.<sup>137</sup> In April 2002, the two sides had been able to report in a joint letter to the President of the Security Council that they had been negotiating, in good faith and in an atmosphere of mutual confidence and respect, a comprehensive cross-border regime which “would eventually contribute to the successful ending of the United Nations Mission of Observers in Prevlaka”.<sup>138</sup> In his report dated 2 October 2002, the Secretary-General recommended a two-month extension of the mandate of UNMOP, with the Mission preparing for its withdrawal thereafter, to be completed by 31 December 2002.<sup>139</sup>

By the resolutions adopted,<sup>140</sup> the Council, *inter alia*, authorized the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, urged the parties to abide by their mutual commitments and implement fully the Agreement on Normalization of Relations and called upon the parties to cease all violations of the demilitarized regime in the United Nations designated zones. Furthermore, by resolution 1424 (2002) of 12 July 2002, the Council expressed its intention to review the duration of the authority of UNMOP if the parties informed the Council that a negotiated agreement had been reached as described in the report of the Secretary-General.<sup>141</sup> By resolution 1437 (2002) of 11 October 2002, in authorizing the last extension of the mandate of UNMOP, until 15 December 2002, the

<sup>135</sup> The representatives of Germany and Italy attended only the 4088th meeting, and the representative of Croatia attended all meetings except the 4170th meeting. No statements were made.

<sup>136</sup> Letter dated 10 January 2000 from Croatia transmitting its position on the security issue of the Prevlaka peninsula (S/2000/8); letter dated 24 December 1999 from the Federal Republic of Yugoslavia transmitting a report to the Secretary-General on the situation of negotiations with Croatia in connection with the resolution of the disputed issue of Prevlaka (S/1999/1278); letter dated 22 December 2000 from the Federal Republic of Yugoslavia concerning the mandate of UNMOP (S/2000/1235); letter dated 5 January 2001 from Croatia indicating its readiness to resolve the Prevlaka issue with the new Government of the Federal Republic of Yugoslavia and agreeing to a single six-month extension of the mandate of UNMOP (S/2001/13); letter dated 3 July 2001 from the Federal Republic of Yugoslavia concerning the extension of the mandate of UNMOP (S/2001/668); letter dated 9 July 2001 from Croatia concerning the extension of the mandate of UNMOP and welcoming the constructive approach of the new Government in Belgrade to the resolution to the issue of Prevlaka (S/2001/680); letter dated 28 December 2001 from the Federal Republic of Yugoslavia concerning the extension of the mandate of UNMOP (S/2001/130); and letter dated 7 January 2002 from Croatia concerning the extension of the mandate of UNMOP (S/2002/29).

<sup>137</sup> S/2002/713, para. 13.

<sup>138</sup> S/2002/1341, para. 9, citing a letter dated 10 April 2002 from the representatives of Croatia and the Federal Republic of Yugoslavia reporting, pursuant to resolution 1387 (2002), on the progress of the two countries on talks on the Prevlaka issue, and stating that the Interstate Diplomatic Commission had initiated the Protocol on the Principles for Identification — Delimitation and Drafting of the State Border Agreement, which was due to be signed at the next meeting, in Belgrade on 23 April 2002 (S/2002/368).

<sup>139</sup> S/2002/1101, para. 13.

<sup>140</sup> See footnote 133.

<sup>141</sup> S/2002/713, section V.

Council requested the Secretary-General to prepare for the termination of the mandate of UNMOP.

**Decision of 12 December 2002 (4662nd meeting): statement by the President**

At its 4662nd meeting, on 12 December 2002, in which the representative of Croatia was invited to participate, the Council included in its agenda the report of the Secretary-General on UNMOP.<sup>142</sup> In his report, the Secretary-General, *inter alia*, welcomed the protocol signed by Croatia and the Federal Republic of Yugoslavia on 10 December 2002, concerning interim regime along the southern border between the two States. He noted that the parties had advanced sufficiently in their bilateral relations so that an international monitoring mechanism was no longer required. The Secretary-General observed that by contributing to isolating Prevlaka from the surrounding conflicts and tensions throughout a turbulent decade in the Balkans, UNMOP had demonstrated that even a small United Nations presence, properly conceived and executed, could make a difference.

At the meeting, the President (Colombia) drew the attention of the Council to a letter dated 10 December 2002 from the representatives of Croatia and the Federal Republic of Yugoslavia to the President

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<sup>142</sup> S/2002/1341.

of the Security Council;<sup>143</sup> the Council then heard a briefing by the Under-Secretary-General for Peacekeeping Operations on the basis of the above-mentioned report of the Secretary-General.

In his briefing, the Under-Secretary-General stated that the signing of the Protocol had been a significant step forward on the way to the full normalization of relations between Croatia and the Federal Republic of Yugoslavia, and had paved the way for a smooth and orderly handover of the responsibilities of UNMOP to the local authorities.

The President then made a statement on behalf of the Council,<sup>144</sup> by which the Council, *inter alia*:

Welcomed the protocol signed by the Government of Croatia and the Government of the Federal Republic of Yugoslavia on 10 December 2002 establishing a provisional cross-border regime on the Prevlaka peninsula;

Welcomed the commitment of both Governments to continue negotiations on Prevlaka with a view to amicably resolving all outstanding issues, and commended their diplomatic efforts to bolster peace and stability in the region;

Commended the important role played by the UNMOP in helping to create conditions conducive to a negotiated settlement of the dispute.

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<sup>143</sup> S/2002/1348, transmitting the Protocol between the Governments of Croatia and the Federal Republic of Yugoslavia on the Interim Regime along the Southern Border between the two States signed on 10 December 2002.

<sup>144</sup> S/PRST/2002/34.

## C. Items relating to the former Yugoslav Republic of Macedonia

**Letter dated 4 March 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the Security Council**

**Initial proceedings**

**Decision of 7 March 2001 (4290th meeting): statement by the President**

By a letter dated 4 March 2001 addressed to the President of the Security Council,<sup>145</sup> the representative of the former Yugoslav Republic of Macedonia, referring to an incident on the border with the Federal Republic of Yugoslavia in which three soldiers of the national army of his Government had been killed, requested an urgent meeting of the Council at which the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia would present an action plan of his Government on measures for the cessation of violence and stabilization “on the border with the Federal Republic of Yugoslavia (Kosovo section)” and for the prevention of a spillover of violence into his country.

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<sup>145</sup> S/2001/191.