

the report of the Secretary-General, and decides to keep the matter under review;

5. *Expresses concern* about the continuing modernization and upgrading of military forces in the Republic of Cyprus and the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, urges once again all concerned to commit themselves to such a reduction and to a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, and calls upon the Secretary-General to promote efforts in this direction;

6. *Expresses concern also* about the failure by the military authorities on both sides to take reciprocal measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone, and calls upon those authorities to enter into discussions with the Force on this matter in line with paragraph 3 of resolution 839 (1993) of 11 June 1993;

7. *Regrets* the failure to reach agreement on the extension of the 1989 unarming agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other, and calls upon the military authorities on both sides to cooperate urgently with the Force to this end;

8. *Welcomes* the initiative of the Force in organizing successful bicomunal events, urges the leaders of both communities to promote tolerance, confidence and reconciliation between the two communities as recommended in the relevant reports of the Secretary-General, and calls upon them to promote further bicomunal contacts and to remove obstacles to such contacts;

9. *Welcomes* the Secretary-General's decision to continue contacts with the two leaders to make every effort to find common ground for the basis for a resumption of direct talks;

10. *Reaffirms* the importance it attaches to early progress being made on the substance of the Cyprus question and on the implementation of the confidence-building measures as called for in resolution 939 (1994) of 29 July 1994;

11. *Requests* the Secretary-General to submit a report during the coming mandate period on his mission of good offices, including a full assessment of his efforts towards reaching a settlement of the situation in Cyprus;

12. *Also requests* the Secretary-General to submit a report by 10 June 1996 on the implementation of the present resolution;

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

21. Items relating to the situation in the former Yugoslavia

A. The situation in the Republic of Bosnia and Herzegovina

Decision of 8 January 1993 (3159th meeting): statement by the President

By a letter dated 8 January 1993 addressed to the President of the Security Council,¹ the representative of Bosnia and Herzegovina informed the Council that the Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina had been killed by Serbian extremists, as he was returning from the airport in a convoy of the United Nations Protection Force (UNPROFOR). Bosnia and Herzegovina requested an emergency meeting of the Security Council to consider immediate and resolute action, including the use of force under Chapter VII of the Charter.

The representative of Turkey made a similar request by a letter of the same date addressed to the President of the Security Council.²

At its 3159th meeting, on 8 January 1993, the Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Japan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³

The Security Council is profoundly shocked to learn of the killing of Mr. Hakija Turajlic, Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina, by Bosnian Serb forces, while he was under the protection of the United Nations Protection Force (UNPROFOR).

The Council strongly condemns this outrageous act of terrorism which is a grave violation of international

¹ S/25074.

² S/25077.

³ S/25079.

humanitarian law and a flagrant challenge to the authority and the inviolability of UNPROFOR, as well as to the serious efforts undertaken with the aim of achieving an overall political settlement of the crisis.

The Council urges all parties and others concerned to exercise the utmost restraint and to refrain from taking any action which might further exacerbate the situation.

The Council requests the Secretary-General to undertake a full investigation of the incident and to report to it without delay. Upon receipt of that report the Council will consider the matter forthwith.

The members of the Council extend their sincere condolences to the bereaved family of Mr. Turajlic and to the people and the Government of the Republic of Bosnia and Herzegovina.

**Decision of 8 January 1993 (3160th meeting):
statement by the President**

At its 3160th meeting, on 8 January 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴

The Security Council fully supports the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia aimed at achieving an overall political settlement of the crisis through a complete cessation of hostilities and the establishment of a constitutional framework for the Republic of Bosnia and Herzegovina. In this connection, the Council reaffirms the need to respect fully the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina.

The Council fully endorses the view of the Secretary-General described in his report that it is the duty of all the parties involved in the conflict in Bosnia and Herzegovina, despite the recent provocation, to cooperate with the Co-Chairmen in bringing this conflict to an end swiftly.

The Council appeals to all the parties involved to cooperate to the fullest with the peace efforts and warns any

⁴ S/25080.

party which would oppose an overall political settlement against the consequences of such an attitude; lack of cooperation and non-compliance with its relevant resolutions will compel the Council to review the situation in an urgent and most serious manner and to consider further necessary measures.

**Decision of 25 January 1993 (3164th meeting):
statement by the President**

At its 3164th meeting, on 25 January 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Japan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵

The Security Council notes with appreciation the efforts of the international community to alleviate the plight of the civilian population in the Republic of Bosnia and Herzegovina, whose lives have been severely affected by the fighting there. The Council has the highest regard for the efforts of the brave people who have undertaken to deliver urgently needed humanitarian assistance under extremely trying conditions to the civilian population in Bosnia and Herzegovina, in particular, the efforts of the United Nations Protection Force and the United Nations High Commissioner for Refugees. However, the Council deeply regrets that the situation there has imposed great limits on the international community in the fulfilment of its humanitarian mandate.

The Council reaffirms its demand that all parties and others concerned, in particular Serb paramilitary units, cease and desist forthwith from all violations of international humanitarian law being committed in the territory of Bosnia and Herzegovina, including in particular the deliberate interference with humanitarian convoys. The Council warns the parties concerned of serious consequences, in accordance with relevant resolutions of the Security Council, if they continue to impede the delivery of humanitarian relief assistance.

The Council invites the Secretary-General to keep under continuous review the possibility of air dropping humanitarian assistance to areas isolated by the conflict in Bosnia and Herzegovina.

The Council will remain actively seized of the matter.

⁵ S/25162.

**Decision of 17 February 1993 (3173rd meeting):
statement by the President**

At its 3173rd meeting, on 17 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁶

The Security Council recalls all relevant resolutions of the Council and its statement of 25 January concerning the provision of humanitarian relief in the Republic of Bosnia and Herzegovina. It notes with deep concern that, notwithstanding the Council's demand in that statement, relief efforts continue to be impeded. It condemns the blocking of humanitarian convoys and the impeding of relief supplies, which place at risk the civilian population of Bosnia and Herzegovina and endanger the lives of personnel delivering such supplies. It remains deeply concerned at reports of pressing humanitarian need in Bosnia and Herzegovina, particularly in the eastern part of the country.

The Council reiterates its demand that the parties and all others concerned allow immediate and unimpeded access to humanitarian relief supplies. It further demands that the parties and others concerned give the United Nations High Commissioner for Refugees the guarantees she has sought that they will abide by the promises they have made to comply with the Council's decisions in this regard and thus facilitate the resumption of the full humanitarian relief programme, to which the Council attaches the greatest importance.

**Decision of 24 February 1993 (3176th meeting):
statement by the President**

At its 3176th meeting, on 24 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Morocco) then stated that, after consultations among members of the Security Council,

⁶ S/25302.

he had been authorized to make the following statement on behalf of the Council:⁷

The Security Council, having heard a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, is concerned that the present opportunity to reach a negotiated settlement in Bosnia and Herzegovina should not be allowed to slip by. It endorses fully the statement by the President of the United States of America and the Secretary-General of the United Nations on 23 February, calling on the leaders of the parties involved in the peace talks on Bosnia and Herzegovina to come to New York immediately to resume discussions with a view to the early conclusion of an agreement to end the conflict. The Council urges these leaders to respond quickly and positively to that call and stands ready to give its full support to the efforts of the Co-Chairmen to bring the talks to a successful conclusion.

**Decision of 25 February 1993 (3177th meeting):
statement by the President**

At its 3177th meeting, on 25 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁸

The Security Council, having received a report from the Secretary-General, recalls all its relevant resolutions and its statements of 25 January and 17 February 1993 concerning the provision of humanitarian relief in the Republic of Bosnia and Herzegovina. It is deeply concerned that, in spite of its repeated demands, relief efforts continue to be impeded by Serb paramilitary units, especially in the eastern part of the country, namely in the enclaves of Srebrenica, Cerska, Gorazde and Zepa.

The Council deplores the deterioration of the humanitarian situation in Bosnia and Herzegovina at a time when discussions are to resume with a view to reaching a just and durable agreement to end the conflict. It regards the blockade of relief efforts as a serious impediment to a negotiated settlement in Bosnia and Herzegovina and to the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. It notes with concern that the measures taken by Serb paramilitary units to interdict humanitarian convoys, in flagrant violation of relevant Council

⁷ S/25328.

⁸ S/25334.

resolutions, expose the personnel of the United Nations Protection Force and the Office of the United Nations High Commissioner for Refugees as well as other humanitarian organizations to physical harm.

The deliberate impeding of the delivery of food and humanitarian relief essential for the survival of the civilian population in Bosnia and Herzegovina constitutes a violation of the Geneva Conventions of 1949, and the Council is committed to ensuring that individuals responsible for such acts are brought to justice.

The Council strongly condemns once again the blocking of humanitarian convoys that has impeded the delivery of humanitarian supplies. It reiterates its demand that the Bosnian parties grant immediate and unimpeded access for humanitarian convoys and fully comply with the Council's decisions in this regard. The Council expresses its strong support for the use, in full coordination with the United Nations and in accordance with the relevant Security Council resolutions, of humanitarian air drops in isolated areas of Bosnia and Herzegovina that are in critical need of humanitarian supplies and cannot be reached by ground convoys. It reaffirms its firm commitment to the full implementation of the humanitarian relief programme in Bosnia and Herzegovina.

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

**Decision of 3 March 1993 (3180th meeting):
statement by the President**

By a letter dated 3 March 1993 addressed to the President of the Security Council,⁹ the representative of Bosnia and Herzegovina informed the Council that Serbian and Montenegrin extremist forces had overrun the town of Cerska in a new round of expulsions and genocide and that they were threatening the region of Srebrenica. They had also blocked all humanitarian convoys. Bosnia and Herzegovina requested an emergency meeting of the Council.

The representative of the United States made a similar request by a letter of the same date.¹⁰

At its 3180th meeting, on 3 March 1993, the Council included those letters in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his

⁹ S/25358.

¹⁰ S/25353.

request, to participate in the discussion without the right to vote.

The President (New Zealand) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹¹

The Security Council, recalling all its relevant resolutions and statements, expresses its grave concern at and condemns the continuing unacceptable military attacks in eastern Bosnia and the resulting deterioration in the humanitarian situation in that region. It is appalled that even as peace talks are continuing, attacks by Serb paramilitary units, including, reportedly, the killings of innocent civilians, continue in eastern Bosnia. In this connection, the Council is particularly concerned about the fall of the town of Cerska and the imminent fall of neighbouring villages. The Council demands that the killings and atrocities must stop and reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

The Council demands that the leaders of all the parties to the conflict in the Republic of Bosnia and Herzegovina remain fully engaged in New York in a sustained effort with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to reach quickly a fair and workable settlement. In this connection, the Council also demands that all sides immediately cease all forms of military action throughout Bosnia and Herzegovina, cease acts of violence against civilians, comply with their previous commitments including the ceasefire, and redouble their efforts to settle the conflict.

The Council further demands that the Bosnian Serb side as well as all other parties refrain from taking any action which might endanger the lives and well-being of the inhabitants of eastern Bosnia, particularly in the areas near the town of Cerska, and that all concerned allow the unimpeded access of humanitarian relief supplies throughout Bosnia and Herzegovina, especially humanitarian access to the besieged cities of eastern Bosnia, and permit the evacuation of the wounded.

Having determined in the relevant resolutions that this situation constitutes a threat to international peace and security, the Council insists that these steps must be taken immediately.

The Council also requests the Secretary-General to take immediate steps to increase the presence of the United Nations Protection Force in eastern Bosnia.

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

¹¹ S/25361.

**Decision of 17 March 1993 (3184th meeting):
statement by the President**

At its 3184th meeting, on 17 March 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the President (New Zealand) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹²

The Security Council has been informed by the Secretary-General in a letter dated 12 March 1993 of the violation on 11 March 1993 by military jets, proceeding from the airport of Banja Luka, of Council resolution 781 (1992) of 9 October 1992, relating to the prohibition of military flights in the airspace of the Republic of Bosnia and Herzegovina, notwithstanding the fact that the Bosnian Serbs at the airport had received appropriate notification by United Nations observers that such flights would constitute a violation of the said resolution.

The Council equally takes note of the report by the Secretary-General in his letter of 16 March 1993 indicating that on 13 March 1993 new violations of the no-fly zone took place by planes that proceeded to bomb the villages of Gladovici and Osatica in the Republic of Bosnia and Herzegovina before leaving in the direction of the Federal Republic of Yugoslavia (Serbia and Montenegro). The above flights are the first violations of resolution 781 (1992) observed by the United Nations Protection Force which involved combat activity.

The Council strongly condemns all violations of its relevant resolutions and underlines the fact that since the beginning of the monitoring operations in early November 1992, the United Nations has reported 465 violations of the no-fly zone over Bosnia and Herzegovina.

The Council demands that these violations cease forthwith and reiterates its strong determination to ensure full respect for its resolutions. It particularly underlines its condemnation of all violations, especially those reported by the Secretary-General in his letters referred to above, at a time when the peace process has reached a critical juncture and when humanitarian relief efforts require full cooperation by all parties.

The Council demands from the Bosnian Serbs an immediate explanation of the aforementioned violations and particularly of the aerial bombardment of the villages of Gladovici and Osatica.

It requests the Secretary-General to ensure that an investigation is made of the reported possible use of the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro)

to launch air attacks against the territory of the Republic of Bosnia and Herzegovina.

The Council has mandated its President to convey to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) and to the leader of the Bosnian Serbs its deepest concern about the above-mentioned developments and its demand that they take immediate action to prevent any repetitions of these attacks.

The Council will continue to consider what additional steps may be required to secure implementation of the provisions of relevant Security Council resolutions.

**Decision of 25 March 1993 (3186th meeting):
statement by the President**

At its 3186th meeting, on 25 March 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (New Zealand) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹³

The Security Council warmly welcomes the signature by President Alija Izetbegovic and Mr. Mate Boban of all four documents of the peace plan for Bosnia and Herzegovina worked out by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

On this important occasion the Council pays tribute to the untiring efforts of the Co-Chairmen, Secretary Vance and Lord Owen.

The Council commends the action of the two parties who have signed all the documents and calls on the remaining party to sign without delay the two documents of the peace plan that it has not already signed and to cease its violence, offensive military actions, "ethnic cleansing" and obstruction of humanitarian assistance.

The Council calls for an immediate cessation of hostilities by all parties.

The Council looks forward to receiving a report from the Secretary-General on the developments in the International Conference and stands ready to take action to follow up on the report and to take the steps required to bring about the peace settlement.

¹² S/25426.

¹³ S/25471.

**Decision of 31 March 1993 (3191st meeting):
resolution 816 (1993)**

By a letter dated 18 March 1993 addressed to the President of the Security Council,¹⁴ the representative of Bosnia and Herzegovina informed the Council that Srebrenica and Sarajevo had been attacked by Serbian forces, and that non-Serb citizens of Bjelina were issued an ultimatum to leave immediately or face the consequences. Bosnia and Herzegovina requested an emergency meeting of the Security Council, in the light of continuing hostilities directed against its citizens, gross violations of Security Council resolution 781 (1992), grave breaches of the Geneva Conventions, and acts of foreign aggression against a Member State.

The representative of Turkey made a similar request on behalf of the Contact Group of the Organization of the Islamic Conference (OIC) by a letter of the same date addressed to the President of the Security Council,¹⁵ urging the Council to take effective measures to deal with the continuing challenge to the United Nations including, in particular, the adoption of a resolution to enforce the “no-fly zone” established under resolution 781 (1992).

At its 3191st meeting, held on 31 March 1993 in response to the requests contained in the above-mentioned letters, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution submitted by France, Morocco, Pakistan, Spain, the United Kingdom and the United States¹⁶ and to several other documents.¹⁷

¹⁴ S/25434.

¹⁵ S/25437.

¹⁶ S/25440.

¹⁷ Communications dated 6, 13, 20, 27 November and 4 December 1992 and 12, 16, 19 and 22 March 1993 from the Secretary-General addressed to the President of the Security Council (S/24783, S/24810, S/24840, S/24870, S/24900 and Add.1-31, S/25443, S/25444, S/25456 and S/25457, respectively); letter dated 22 March 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25459); letters dated 22 and 23 March, respectively, from the representative of Yugoslavia

Speaking before the vote, the representative of France stated that the Security Council was meeting to adopt a resolution of great political importance. The previous week the Council had welcomed decisive progress in the search for a peaceful solution, with the signing by two of the parties concerned of the Vance-Owen peace plan. All that was lacking was the agreement of the Bosnian Serb side. It was in that context that the Council would be adopting under Chapter VII, a resolution authorizing the use of force to ensure compliance with the ban on flights in the no-fly zone established by resolution 781 (1992). It was essential that the Serbian side understand that a new stage had been reached in the conflict and that the Security Council had decided to have recourse to force to see that its decisions were respected. The resolution that the Council was about to adopt would mark the involvement of new actors — States or regional organizations arrangements — which would intervene in new circumstances, as peacemakers and not simply as peacekeepers. The speaker also welcomed the fact that a balance had been struck between the technical necessity of setting up effective military structures and the political need to place them under the authority of the Security Council, in close coordination with the Secretary-General. Those principles should serve as a model for future peacekeeping or peacemaking operations, to be carried out with Member States acting in their national capacity or in the framework of regional organizations or arrangements.¹⁸

The representative of the United Kingdom believed that the Council should be slow to authorize the use of force. However, combat flights, that had been flown against East Bosnian villages a few days earlier, had been a step too far to tolerate under any circumstances. He noted that the enforcement of the no-fly zone, which the Council would authorize under the draft resolution before it, would not be directed against any one party. All sides had violated the no-fly zone, although the Serb parties had done so more than others. Nor did the no-fly zone require the use of force; no force would need to be used if no flights violated the no-fly zone. If the Serbs in Bosnia and the authorities in Belgrade did not heed the Council, then the prospects would be grim indeed, with increasing isolation, both economic and political. If they did heed

addressed to the President of the Security Council (S/25450 and S/25467).

¹⁸ S/PV.3191, pp. 3-5.

the Council's message, however, then all the republics of the former Yugoslavia would be able to take their places as European States, with the prospect of putting the horrors of the previous two years behind them.¹⁹

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (China) as resolution 816 (1993), which reads:

The Security Council,

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

Recalling also paragraph 6 of resolution 781 (1992) and paragraph 6 of resolution 786 (1992) in which the Council undertook to consider urgently, in the case of violations of the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina, the further measures necessary to enforce the ban,

Deploring the failure of some parties concerned to cooperate fully with airfield monitors of the United Nations Protection Force in the implementation of resolutions 781 (1992) and 786 (1992),

Deeply concerned by the various reports of the Secretary-General concerning violations of the ban on military flights in the airspace of Bosnia and Herzegovina,

Deeply concerned in particular by the letters dated 12 and 16 March 1993 from the Secretary-General to the President of the Security Council concerning new blatant violations of the ban on military flights in the airspace of Bosnia and Herzegovina, and recalling in this regard the statement by the President of the Security Council of 17 March 1993, and in particular the reference to the bombing of villages in Bosnia and Herzegovina,

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

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

Acting under Chapter VII of the Charter,

1. *Decides* to extend the ban established by resolution 781 (1992) to cover flights by all fixed wing and rotary wing aircraft in the airspace of the Republic of Bosnia and Herzegovina, this ban not to apply to flights authorized by the United Nations Protection Force in accordance with paragraph 2 below;

2. *Requests* the Force to modify the mechanism referred to in paragraph 3 of resolution 781 (1992) so as to provide for the authorization, in the airspace of Bosnia and

Herzegovina, of humanitarian flights and other flights consistent with relevant resolutions of the Council;

3. *Also requests* the Force to continue to monitor compliance with the ban on flights in the airspace of Bosnia and Herzegovina, and calls on all parties urgently to cooperate with the Force in making practical arrangements for the close monitoring of authorized flights and improving the notification procedures;

4. *Authorizes* Member States, seven days after the adoption of the present resolution, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures in the airspace of Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban on flights referred to in paragraph 1 above, and proportionate to the specific circumstances and the nature of the flights;

5. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are taking to implement paragraph 4 above, including the rules of engagement, and on the starting date of its implementation, which should be no later than seven days from the date when the authority conferred by paragraph 4 above takes effect, and to report the starting date to the Council through the Secretary-General;

6. *Decides* that, in the event of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia notifying the Council that all the Bosnian parties have accepted their proposals on a settlement before the starting date referred to in paragraph 5 above, the measures set forth in the present resolution will be subsumed into the measures for implementing that settlement;

7. *Also requests* the Member States concerned to inform the Secretary-General immediately of any actions they take in exercise of the authority conferred by paragraph 4 above;

8. *Requests* the Secretary-General to report regularly to the Council on the matter and to inform it immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 4 above;

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

Speaking after the vote, the representative of Brazil stated that enforcement actions under Chapter VII should be a last resort. The resolution just adopted derived not only from non-compliance with previous relevant resolutions, but also from changes in the qualitative nature of the violations. Brazil attached particular importance to the fact that, in accordance with the resolution just adopted, the implementation of the authorization contained in operative paragraph 4 would be conducted with the Secretary-General and

¹⁹ Ibid., pp. 16-17.

UNPROFOR; the Security Council would be kept thoroughly informed of the relevant actions; the measures to be taken in the airspace of Bosnia and Herzegovina in the event of further violations would be proportionate to the specific circumstances and the nature of the flights; regional organizations or arrangements involved in the action would be doing so under the provisions of Chapter VIII of the Charter; and all care would be taken to ensure the safety on the ground of the personnel of the United Nations and of humanitarian organizations. His delegation also understood that the measures taken would be of limited duration and that, as soon as the situation were to warrant it, the Council, which would remain actively seized of the matter, would proceed to review these measures.²⁰

The representative of the United States stated that the Bosnian Serbs must understand that the resolution just adopted was evidence of the international community's growing concern with, and intolerance of, their acts of aggression. The credibility of the United Nations and its entire approach to resolving the conflict rested on its willingness to act strongly and effectively, as the Council was doing through the resolution just adopted. The resolution just adopted should send the message that, if the Bosnian Serbs wanted to rejoin the family of nations, then their behaviour must conform to international norms. The speaker also observed that, while the international community had a duty to encourage the parties to reach a settlement, it also needed to demonstrate that signing pieces of paper without intent to implement them was not enough. By showing its will to enforce agreements, the Council had demonstrated its commitment to peace and its resolve to end the conflict.²¹

The representative of China stated that, in principle, his delegation did not oppose the establishment of a no-fly zone in Bosnia and Herzegovina, with the consent of the parties concerned, with a view to easing the tension and ensuring the smooth conduct of international humanitarian relief activities. However, China's principled position on Security Council resolution 781 (1992) remained unchanged. The Chinese delegation had reservations on the invocation of Chapter VII to authorize countries to use force in implementing the no-fly zone. Moreover, it

noted that the Secretary-General had sent a letter to the President of the Security Council dated 22 March 1993, stating that the Force Commander of UNPROFOR had taken the view that the enforcement action authorized by the resolution would have negative consequences for the viability of UNPROFOR within its existing mandate. In view of those considerations, the Chinese delegation had abstained in the vote on the resolution just adopted.²²

The representative of the Russian Federation observed that no one had the right to violate Security Council resolutions and yet all three Bosnian parties, notwithstanding the ban on unauthorized military flights in the airspace of Bosnia and Herzegovina established by the Council in resolution 781 (1992), had perpetrated acts that ran counter to the demands of the Security Council. The resolution just adopted envisaged the application of enforcement measures against those who violated the airspace of Bosnia and Herzegovina. That included the possibility of appropriate self-defence measures on the part of the monitoring aircraft. The speaker drew attention to the fact that the appropriate rules of conduct of the operation must, as stated in paragraph 5 of the resolution, be coordinated with the Secretary-General and with UNPROFOR. The provision of the resolution regarding the 14-day deferral of the start of the implementation of the measures envisaged in the resolution was also important. The Russian Federation hoped that the adoption of the resolution would send a serious message to all Bosnian parties regarding the resolve of the Security Council to seek a speedy end to the Bosnian conflict through implementation of the Vance-Owen peace plan. For its part, it would continue to do everything to promote the attainment of that goal.²³

Other speakers also stressed that the action taken by the Council should be supplemented by other measures and, in particular, a ban on the use of heavy weapons and effective international control of such weapons.²⁴

²² Ibid., p. 22.

²³ Ibid., pp. 23-25.

²⁴ Ibid., pp. 13-15 (Cape Verde); and pp. 29-31 (Pakistan).

²⁰ Ibid., pp. 17-20.

²¹ Ibid., pp. 19-21.

**Decision of 3 April 1993 (3192nd meeting):
statement by the President**

By a letter dated 2 April 1993,²⁵ the Secretary-General transmitted to the President of the Security Council a letter from the United Nations High Commissioner for Refugees. The letter described the disturbing situation that had developed in Srebrenica following the decision of Bosnian Serb military authorities not to permit any further aid to be delivered to that town and proposed two options. The first option would be to turn Srebrenica into a United Nations protected area, and the second to organize a large-scale evacuation of the population. The Secretary-General noted that the Force Commander of UNPROFOR had been instructed to take the matter up immediately with the Bosnian Serb leadership and to insist that the Office of the United Nations High Commissioner for Refugees (UNHCR) be permitted to resume delivering aid to Srebrenica. In the meantime, he suggested that the members of the Security Council might wish to consider supportive action in relation to the situation.

At its 3192nd meeting, on 3 April 1993, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Pakistan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁶

The Security Council is shocked by and extremely alarmed at the dire and worsening humanitarian situation which has developed in Srebrenica in the eastern part of the Republic of Bosnia and Herzegovina following the unacceptable decision of the Bosnian Serb party not to permit any further humanitarian aid to be delivered to that town and to allow only evacuation of its civilian population. The relevant facts are contained in a letter dated 2 April 1993, addressed to the Secretary-General by the United Nations High Commissioner for Refugees.

The Council recalls and reaffirms all its relevant resolutions and statements and condemns the continuing disregard and wilful flouting of them by the Bosnian Serb party, which once again, in pursuit of its unlawful, unacceptable and abhorrent policy of "ethnic cleansing" aimed at territorial aggrandizement, has blocked the United Nations humanitarian relief efforts.

Recognizing the imperative need to alleviate, with the utmost urgency, the sufferings of the population in and around Srebrenica who are in desperate need of food, medicine, clothes and shelter, the Council demands that the Bosnian Serb party cease and desist forthwith from all violations of international humanitarian law, including in particular the deliberate interference with humanitarian convoys, and allow all such convoys unhindered access to the town of Srebrenica and other parts of Bosnia and Herzegovina. The Council demands that the Bosnian Serb party strictly comply with all relevant resolutions of the Council. It further demands that the Bosnian Serb party honour forthwith its most recent commitment "to guarantee the free movement of humanitarian convoys and the protection of endangered civilians". The Council also reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

The Council commends and strongly supports the efforts of the brave people who have undertaken to deliver urgently needed humanitarian assistance, under extremely trying conditions, to the civilian population in Bosnia and Herzegovina, and in particular the efforts of the United Nations High Commissioner for Refugees and the United Nations Protection Force.

The Council recalls the request it made to the Secretary-General in its statement of 3 March 1993 to take immediate steps to increase the presence of the Force in eastern Bosnia, welcomes the action taken already in that respect, and urges the Secretary-General and the High Commissioner to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in Bosnia and Herzegovina.

The Council will remain actively seized of the matter.

**Decision of 8 April 1993: statement by the
President**

On 8 April 1993, after consultations with the members of the Council, the President made the following statement to the media on behalf of the members of the Council:²⁷

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

The members of the Council, recalling all the relevant resolutions and statements of the Council, remind all the parties that they are responsible at all times for the detainees' safety and that they must not compel detainees to do work of a military nature or destined to serve a military purpose. The ICRC had

²⁵ S/25519.

²⁶ S/25520.

²⁷ S/25557.

already repeatedly called on all parties to the conflict in Bosnia and Herzegovina strictly to observe the provisions of international humanitarian law.

The members of the Council condemn all violations of the Third and Fourth Geneva Conventions, which the parties have undertaken to respect, and reaffirm once again that those who commit or order the commission of such acts will be held personally responsible.

The members of the Council request the Commission of Experts established pursuant to resolution 780 (1992) to carry out an investigation of these abominable practices and to make a report.

Decision of 9 April 1993: letter from the President to the Secretary-General

By a letter dated 9 April 1993 addressed to the President of the Security Council,²⁸ the Secretary-General, referring to resolution 816 (1993) of 31 March 1993, reported that Member States concerned, acting nationally as well as through the regional arrangement of the North Atlantic Treaty Organization (NATO), had been closely coordinating with him and UNPROFOR on the measures they were taking to ensure compliance with the ban on all flights in the airspace of Bosnia and Herzegovina. He also reported that the NATO Secretary-General had informed him, in a letter dated 8 April 1993, that the North Atlantic Council had adopted the necessary arrangements. The Secretary-General further noted that the rules of engagement established by the Member States concerned were in conformity with the requirements set out in paragraph 4 of resolution 816 (1993), and that, as requested in paragraph 2 of that resolution, UNPROFOR had modified the mechanism referred to in paragraph 3 of Council resolution 781 (1992). The revised guidelines for the authorization of non-UNPROFOR and non-UNHCR flights in the airspace of Bosnia and Herzegovina were attached as an annex to the letter. The Secretary-General, lastly, reported that the NATO Secretary-General had informed him that his military authorities were prepared to begin the operation at noon GMT on Monday, 12 April 1993.

By a letter dated 10 April 1993,²⁹ the President of the Security Council informed the Secretary-General of the following:

²⁸ S/25567.

²⁹ S/25568.

Your letter dated 9 April 1993 has been brought to the attention of the Security Council.

The Council takes note that the operations authorized by its resolution 816 (1993) will start on Monday, 12 April 1993 at 1200 GMT, in accordance with the modalities described in the annex to your above-mentioned letter.

Decision of 16 April 1993 (3199th meeting): resolution 819 (1993)

At its 3199th meeting, on 16 April 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Pakistan) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations³⁰ and to several other documents.³¹

The draft resolution was then put to the vote and adopted unanimously as resolution 819 (1993), which reads:

The Security Council,

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

Noting that the International Court of Justice in its Order of 8 April 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) unanimously indicated as a provisional measure that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide,

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

Reaffirming also its call on the parties and others concerned to observe immediately the ceasefire throughout Bosnia and Herzegovina,

³⁰ S/25617.

³¹ Letters dated 5, 15 and 16 April 1993, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25529, S/25609 and S/25616).

Reaffirming further its condemnation of all violations of international humanitarian law, including, in particular, the practice of “ethnic cleansing”,

Concerned by the pattern of hostilities by Bosnian Serb paramilitary units against towns and villages in eastern Bosnia, and in this regard reaffirming that any taking or acquisition of territory by the threat or use of force, including through the practice of “ethnic cleansing”, is unlawful and unacceptable,

Deeply alarmed at the information provided by the Secretary-General to the Security Council on 16 April 1993 on the rapid deterioration of the situation in Srebrenica and its surrounding areas, as a result of the continued deliberate armed attacks and shelling of the innocent civilian population by Bosnian Serb paramilitary units,

Strongly condemning the deliberate interdiction by Bosnian Serb paramilitary units of humanitarian assistance convoys,

Also strongly condemning the actions taken by Bosnian Serb paramilitary units against the United Nations Protection Force, in particular, their refusal to guarantee the safety and freedom of movement of Force personnel,

Aware that a tragic humanitarian emergency has already developed in Srebrenica and its surrounding areas as a direct consequence of the brutal actions of Bosnian Serb paramilitary units, forcing the large scale displacement of civilians, in particular women, children and the elderly,

Recalling the provisions of resolution 815 (1993) of 30 March 1993 on the mandate of the Force, and in that context acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act;

2. *Demands also* to that effect the immediate cessation of armed attacks by Bosnian Serb paramilitary units against Srebrenica and their immediate withdrawal from the areas surrounding Srebrenica;

3. *Demands further* that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina;

4. *Requests* the Secretary-General, with a view to monitoring the humanitarian situation in the safe area, to take immediate steps to increase the presence of the United Nations Protection Force in Srebrenica and its surroundings, demands that all parties and others concerned cooperate fully and promptly with the Force towards that end, and requests the Secretary-General to report urgently thereon to the Security Council;

5. *Reaffirms* that any taking or acquisition of territory by the threat or use of force, including through the practice of “ethnic cleansing”, is unlawful and unacceptable;

6. *Condemns and rejects* the deliberate actions of the Bosnian Serb party to force the evacuation of the civilian population from Srebrenica and its surrounding areas as well as from other parts of Bosnia and Herzegovina as part of its overall abhorrent campaign of “ethnic cleansing”;

7. *Reaffirms its condemnation* of all violations of international humanitarian law, in particular the practice of “ethnic cleansing”, and reaffirms that those who commit or order the commission of such acts shall be held individually responsible in respect of such acts;

8. *Demands* the unimpeded delivery of humanitarian assistance to all parts of Bosnia and Herzegovina, in particular to the civilian population of Srebrenica and its surrounding areas, and recalls that such impediments to the delivery of humanitarian assistance constitute a serious violation of international humanitarian law;

9. *Urges* the Secretary-General and the United Nations High Commissioner for Refugees to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in Bosnia and Herzegovina, in particular Srebrenica and its surroundings;

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

11. *Requests* the Secretary-General, in consultation with the High Commissioner and the Force, to arrange for the safe transfer of the wounded and ill civilians from Srebrenica and its surrounding areas and urgently to report thereon to the Council;

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

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

**Decision of 17 April 1993 (3200th meeting):
resolution 820 (1993)**

By a letter dated 17 April 1993 addressed to the President of the Security Council,³² the representative of France requested an immediate meeting of the Council to discuss the situation in Bosnia and Herzegovina.

³² S/25622.

In a letter of the same date addressed to the President of the Council,³³ the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela also requested an urgent meeting of the Council to consider the situation in the Republic of Bosnia and Herzegovina, particularly in Srebrenica, and to take action on a proposed draft resolution,³⁴ since the conditions justifying the adoption of resolution 819 (1993) had not been met.

At its 3200th meeting, held on 17 April 1993 in response to the requests contained in the above-mentioned letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to take a seat at the Council table, and it extended an invitation to Mr. Cyrus Vance, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

The President (Pakistan) then drew the attention of the Council members to the text of a draft resolution submitted by Cape Verde, Djibouti, France, Morocco, Spain, the United Kingdom, the United States and Venezuela and read out revisions to be made to the draft.³⁵ He also drew attention to a series of reports of the Secretary-General,³⁶ including a report on the activities of the International Conference on the Former Yugoslavia dated 26 March 1993, and to several other documents.³⁷ In his report of 26 March,³⁸

the Secretary-General informed the Council on the latest round of peace talks held from 16 to 25 March 1993 by the Co-Chairmen of the Steering Committee of the Conference with the three sides to the conflict. The Bosnian Croats and the Bosnian Government had signed all the elements of the peace package put forward by the Co-Chairmen, namely the Constitutional Principles, the map of provincial boundaries, the military agreement and the interim arrangements whereas the Bosnian Serbs had declined to sign the provincial map and the agreement on interim arrangements. The Secretary-General urged the Council to approve the peace package proposed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and to call upon the Bosnian Serbs side to sign the remaining two parts of the peace plan. He also recommended the early establishment of an International Human Rights Monitoring Mission, which all three sides had accepted.

Mr. Vance stated that the Co-Chairmen of the International Conference on the Former Yugoslavia hoped that the Council would adopt the draft resolution forthwith, and thus send the clear message to the Bosnian Serb side and its supporters that time was running out and the international community would wait no longer. Should the measures envisaged in it fail to achieve the desired effect, they should be followed by additional measures of sterner persuasion. The speaker added that everything possible must be done to bring humanitarian relief and assistance to the suffering communities in Bosnia and Herzegovina. There could be no excuse for obstructing humanitarian convoys.³⁹

Speaking before the vote, the representative of France noted that, by agreeing, as a last concession, to postpone the adoption of the draft resolution, his

³³ S/25623.

³⁴ S/25558.

³⁵ *Ibid.*

³⁶ S/25221, S/25248, S/25403, S/25479 and S/25490.

³⁷ Letter dated 6 April from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/25546); letter dated 22 February 1993 from the representatives of Bulgaria, Romania and Ukraine addressed to the President of the Security Council (S/25322); letter dated 6 April 1993 from the representative of Italy addressed to the Secretary-General (S/25551); letter dated 8 April 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25566); letter dated 12 April 1993 from the representatives of France, Spain, the United Kingdom and the United States addressed to the President of the Security Council (S/25580); letter dated 15 April 1993 from the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela addressed to the

President of the Security Council (S/25604); letter dated 15 April 1993 from the representative of Venezuela addressed to the President of the Security Council (S/25605); letter dated 15 April 1993 from the representative of Turkey addressed to the President of the Security Council (S/25607); letter dated 14 April 1993 from the representative of Yugoslavia addressed to the President of the Security Council (S/25619); and letter dated 17 April 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25624).

³⁸ S/25479.

³⁹ S/PV.3200, pp. 6-7.

delegation had hoped that the situation on the ground would stabilize and that there would be progress in negotiating the Vance-Owen plan. On the contrary, the Serbian side had taken advantage of that postponement to take control of Srebrenica, while at the same time rejecting the peace plan. His delegation believed that the Council should vote to strengthen the sanctions. He further observed that the draft resolution, by strengthening the provisions of resolution 757 (1992), marked the total economic and financial isolation of Serbia. France was prepared to take immediate steps to make the implementation of the resolution effective and was working on setting up assistance to the countries along the Danube to suspend all river traffic destined for Serbia. Stating that the measures contained in the draft resolution were not “sanctions for sanctions’ sake”, but rather part of a global political plan, the speaker observed that the Council’s support for the Vance-Owen plan sent a clear signal to the Serbs that there was a path other than conflict. In that respect, section C of the draft resolution was something new and reflected the desire to see the Federal Republic of Yugoslavia (Serbia and Montenegro) rejoin the international community, provided that it fully respected the relevant United Nations resolutions.⁴⁰

The representative of the Russian Federation stated that the adoption, at that juncture, of a resolution strengthening the sanctions, was quite untimely. The Russian Federation supported all the provisions of section A of the draft resolution, under which the Security Council would call upon all sides to reach a rapid and peaceful solution. It was important to give the parties the possibility, through international mediation, of reaching an agreement on the Vance-Owen plan, and of completing the intensive negotiations that were proceeding at that time. It was the Russian Federation’s view, however, that the Security Council should provide one last chance — which should be used primarily by the Serbian side — for the achievement of a realistic agreement by observing a ceasefire and refraining from any actions that might be regarded as “ethnic cleansing”. The most reasonable approach would have been to delay voting on the draft resolution until 26 April. Since the majority of the Council members, however, had insisted upon an immediate vote, the Russian Federation would not hinder the adoption of that decision, particularly in view of the fact that it would

enter into force only nine days after its adoption, unless an agreement were to be signed on the Vance-Owen plan. Nevertheless, it retained serious misgivings about the possible negative consequences of the Council’s haste, and it would abstain in the voting on the draft resolution.⁴¹

The representative of Brazil stated that the draft resolution presented three fundamental aspects. The first aspect was the support by the Security Council for the Vance-Owen peace plan. In that respect, his delegation believed that the Security Council should always favour the resort to and the exhaustion of the peaceful and negotiated means for the settlement of disputes. The second aspect was the strengthening of the measures imposed by earlier resolutions. As a matter of principle, Brazil had always held that action under Chapter VII of the Charter should be taken only in extreme circumstances. In the case before it, the grave deterioration of the situation in Bosnia and Herzegovina justified such an exceptional course of action. Brazil was aware that the measures that the Council was about to approve would entail complex considerations of a legal, economic, financial and administrative order. While some of these measures could be readily implemented, others might require the enactment of appropriate enabling legislation. He stated that his Government would take all necessary steps to put such legislation in place as soon as possible. It was his understanding that the specific provisions of paragraph 29 of the draft resolution, as they referred to the territorial sea of the Federal Republic of Yugoslavia, were of an exceptional nature, related specifically to the particular situation, and that they could not be considered as a precedent that in any way altered or derogated from the regime of coastal-State rights in that territorial sea, in accordance with the 1982 United Nations Convention on the Law of the Sea and other relevant norms of international law. The third aspect — namely, the provisions of section C of the draft resolution, to which Brazil attached importance, made it clear that the exceptional measures contained in section B were not irreversible. He hoped that they might soon lead to the creation of conditions that would permit resort to the review mechanisms provided for in paragraph 31 of the draft resolution.⁴²

⁴¹ Ibid., pp. 11-12.

⁴² Ibid., pp. 12-13.

⁴⁰ Ibid., pp. 7-10.

The representative of Spain noted that the draft resolution before the Council incorporated essential elements for a package proposed by the European Community with a view to increasing the effectiveness of the sanctions imposed on the Federal Republic of Yugoslavia and at the same time opened up other prospects if there was a radical change in the attitude of the Bosnian Serbs. Indeed, if the Bosnian Serbs accepted the peace plan and implemented it fully and in good faith, it would make possible a gradual easing of the pressure brought to bear on them and the Federal Republic of Yugoslavia; it would pave the way for a review of the sanctions and their eventual lifting. If, on the contrary, the Bosnian Serbs did not desist from their current policy, they and the Federal Republic of Yugoslavia would remain isolated from the rest of the international community and would suffer the full effects of the Council's sanctions. The speaker further noted that the time allowed by the Council, as a gesture of goodwill had in fact been used to create de facto situations in the field. These situations were contrary to the objectives sought by the international community as embodied in the Vance-Owen plan. In these circumstances, his Government had reached the conclusion that the draft resolution must be put to a vote without further delay.⁴³

The draft resolution, as orally revised in its provisional form, was then put to the vote, and was adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 820 (1993), which reads:

The Security Council,

Reaffirming all its earlier relevant resolutions,

Having considered the reports of the Secretary-General of 2 and 8 February and 12 and 26 March 1993 on the peace talks held by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

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

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

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

Reaffirming in this regard its resolution 808 (1993) of 22 February 1993 in which it decided that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to submit a report at the earliest possible date,

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

Expressing its condemnation of all the activities carried out in violation of resolutions 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992 between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serb-controlled areas in the Republic of Croatia and the Republic of Bosnia and Herzegovina,

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

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

A

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

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

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

4. *Demands* that all parties and others concerned continue to observe the ceasefire and refrain from any further hostilities;

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

6. *Condemns once again* all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the massive, organized and systematic detention and rape of women, and reaffirms that those who commit or have committed or order or have ordered the commission of

⁴³ Ibid., pp. 16-19.

such acts will be held individually responsible in respect of such acts;

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

8. *Declares its readiness* to take all the necessary measures to assist the parties in the effective implementation of the peace plan once it has been agreed in full by all the parties, and requests the Secretary-General to submit to the Council at the earliest possible date, and if possible not later than nine days after the adoption of the present resolution, a report containing an account of the preparatory work for the implementation of the proposals referred to in paragraph 28 of his report of 26 March 1993 and detailed proposals for the implementation of the peace plan, including arrangements for the effective international control of heavy weapons, based, inter alia, on consultations with Member States, acting nationally or through regional organizations or arrangements;

9. *Encourages* Member States, acting nationally or through regional organizations or arrangements, to cooperate effectively with the Secretary-General in his efforts to assist the parties in implementing the peace plan in accordance with paragraph 8 above;

B

Determined to strengthen the implementation of the measures imposed by its earlier relevant resolutions,

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

10. *Decides* that the provisions set forth in paragraphs 12 to 30 below shall, to the extent that they establish obligations beyond those established by its earlier relevant resolutions, come into force nine days after the date of the adoption of the present resolution unless the Secretary-General has reported to the Council that the Bosnian Serb party has joined the other parties in signing the peace plan and in implementing it and that the Bosnian Serbs have ceased their military attacks;

11. *Decides also* that if, at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General reports to the Council that the Bosnian Serbs have renewed their military attacks or failed to comply with the peace plan, the provisions set forth in paragraphs 12 to 30 below shall come into force immediately;

12. *Decides* that import to, export from and transshipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or

the Government of the Republic of Bosnia and Herzegovina respectively;

13. *Decides* that all States, in implementing the measures imposed by resolutions 757 (1992), 760 (1992) of 18 June 1992, 787 (1992) and the present resolution, shall take steps to prevent diversion to the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products said to be destined for other places, in particular the United Nations Protected Areas in Croatia and those areas of Bosnia and Herzegovina under the control of Bosnian Serb forces;

14. *Demands* that all parties and others concerned cooperate fully with the United Nations Protection Force in the fulfilment of its immigration and customs control functions deriving from resolution 769 (1992) of 7 August 1992;

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

16. *Confirms* that no vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) or (c) suspected of having violated or being in violation of resolutions 713 (1991) of 25 September 1991, 757 (1992), 787 (1992) or the present resolution shall be permitted to pass through installations, including river locks or canals within the territory of Member States, and calls upon the riparian States to ensure that adequate monitoring is provided to all cabotage traffic involving points that are situated between Vidin/Calafat and Mohacs;

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

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

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

20. *Welcomes* the role of the international Sanctions Assistance Missions in support of the implementation of the measures imposed under resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and the appointment of the Sanctions Coordinator by the Conference on Security and Cooperation in Europe, and invites the Sanctions Coordinator and the Sanctions Assistance Missions to work in close cooperation with the Committee established by resolution 724 (1991);

21. *Decides* that States in which there are funds, including any funds derived from property, (a) of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (b) of commercial, industrial or public utility undertakings in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (c) controlled directly or indirectly by such authorities or undertakings or by entities, wherever located or organized, owned or controlled by such authorities or undertakings, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls on all States to report to the Committee established by resolution 724 (1991) on actions taken pursuant to this paragraph;

22. *Decides* to prohibit the transport of all commodities and products across the land borders or to or from the ports of the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being:

(a) The importation of medical supplies and foodstuffs into the Federal Republic of Yugoslavia (Serbia and Montenegro) as provided for in resolution 757 (1992), in which connection the Committee established by resolution 724 (1991) will draw up rules for monitoring to ensure full compliance with this and other relevant resolutions;

(b) The importation of other essential humanitarian supplies into the Federal Republic of Yugoslavia (Serbia and Montenegro) approved on a case by case basis under the no objection procedure by the Committee established by resolution 724 (1991);

(c) Strictly limited transshipment through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), when authorized on an exceptional basis by the Committee established by resolution 724 (1991), provided that nothing in this paragraph shall affect transshipment on the Danube in accordance with paragraph 15 above;

23. *Decides* that each State neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) shall prevent the passage of all freight vehicles and rolling stock into or out of the Federal Republic of Yugoslavia (Serbia and Montenegro), except at a strictly limited number of road and rail border crossing points, the location of which shall be notified by each neighbouring State to the Committee established by resolution 724 (1991) and approved by the Committee;

24. *Decides* that all States shall impound all vessels, freight vehicles, rolling stock and aircraft in their territories in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) and that these vessels, freight vehicles, rolling stock and aircraft may be forfeit to the seizing State upon a determination that they have been in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution;

25. *Decides* that all States shall detain pending investigation all vessels, freight vehicles, rolling stock, aircraft and cargoes found in their territories and suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution, and that, upon a determination that they have been in violation, such vessels, freight vehicles, rolling stock and aircraft shall be impounded and, where appropriate, they and their cargoes may be forfeit to the detaining State;

26. *Confirms* that States may charge the expense of impounding vessels, freight vehicles, rolling stock and aircraft to their owners;

27. *Decides* to prohibit the provision of services, both financial and non-financial, to any person or body for purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being telecommunications, postal services, legal services consistent with resolution 757 (1992) and, as approved on a case by case basis by the Committee established by resolution 724 (1991), services whose supply may be necessary for humanitarian or other exceptional purposes;

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

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

30. *Confirms* that the provisions set forth in paragraphs 12 to 29 above, strengthening the implementation of the measures imposed by its earlier relevant resolutions, do not apply to activities related to the United Nations Protection

Force, the International Conference on the Former Yugoslavia or the European Community Monitor Mission;

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

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

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

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

Speaking after the vote, the representative of the United Kingdom said that the resolution just adopted had a triple purpose. The first purpose was to throw the weight of the Council firmly behind the peace process of the two Co-Chairmen and to get across to the Bosnian Serbs that signature of these documents represented the only way to assure their future as a distinct community within Bosnia. The second purpose was to bring home to the Bosnian Serbs and their backers in Belgrade the consequences of rejection, in the form of tightened sanctions and complete isolation. The third was to show that acceptance and implementation of the peace process and the plan, and the cessation of all military attacks, would bring real benefits to all Serbs in the form of a gradual lifting of sanctions and a reintegration into the international family.⁴⁴

The representative of Venezuela stated that only the acceptance of the proposed Peace Agreements offered the international community a chance to improve the situation in Bosnia and Herzegovina. The resolution just adopted was still aimed at applying pressure for peace. He warned, however, that as long as the Security Council did not act to put under real and effective control the heavy arms that were solely in the hands of the Serbs, little would be achieved through economic sanctions, whose effects took time. Venezuela believed that it was essential to discourage the illusion that war and genocide, carried out with

⁴⁴ Ibid., pp. 26-27.

impunity, were legitimate means of manifesting the right to self-determination. It was also necessary to curtail any claim that ethnic, cultural or religious ties gave States the right to interfere in the internal crises of any other State.⁴⁵

The representative of China noted that the resolution just adopted commended the unremitting efforts of the Co-Chairmen in the peace negotiations, reiterated the necessity of achieving a lasting peace acceptable to all the parties in Bosnia and Herzegovina, and emphasized the importance of ensuring the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina. Those elements were in conformity with China's principled position and it therefore welcomed and supported them in the resolution. At the same time, however, China found it difficult to support such elements in the resolution as the invocation of Chapter VII of the Charter of the United Nations, the adoption of enforcement measures and the authorization of measures to strengthen and expand the existing sanctions regime against the Federal Republic of Yugoslavia. History had shown that it was impossible to find lasting solutions to conflicts and disputes by exerting pressure externally and adopting such enforcement actions as sanctions. The speaker contended that the actions authorized by the resolution would not only bring suffering to the people in the country targeted by the sanctions regime, but would also be gravely detrimental to the economies of the third countries implementing such sanctions provisions. From the long-term point of view, such a practice would create adverse political and economic consequences for the regions concerned. It was China's view that the international community should continue to explore all possibilities to promote peace negotiations and that it should avoid taking action that might further complicate the issue. China had also noted that there were also some elements in the resolution just adopted that ran counter to the principle of respect for sovereignty contained in the Charter. Since the resolution contained both elements that China could support and elements that it could not support, the Chinese delegation had abstained in the vote.⁴⁶

The representative of Hungary stated that the resolution just adopted was a dilemma for his

⁴⁵ Ibid., pp. 28-31.

⁴⁶ Ibid., pp. 31-32.

delegation. He contended that the general arms embargo as well as the economic sanctions regime were not producing the results that the international community had expected because of the specific conditions in the former Yugoslavia, the particular features resulting from the geographic situation of the country, the establishment of domestic mitigating arrangements, and the nature of any sanctions regime which was porous. The Hungarian economy had suffered important losses because of the sanctions regime and the strengthening of the sanctions was going to engender further economic difficulties. However, everything had to be done to put an end to the activity between the territory of the Federal Republic of Yugoslavia and the zones controlled by the Serbs in the Republic of Bosnia and Herzegovina, and that the military machine of the Serbs in Bosnia was immobilized. In conclusion, his delegation had voted in favour of the resolution just adopted because it was an important step toward a settlement of the crisis in the former Yugoslavia. It had also voted in favour because of the resolution's stipulations reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina, the illegality and unacceptable nature of any acquisition of territory by force and of any practice of "ethnic cleansing", as well as the international community's readiness to take all necessary measures to help implement the peace plan for Bosnia and Herzegovina.⁴⁷

The President, speaking in his capacity as the representative of Pakistan, stated that his delegation had consistently declared that the time had come for the international community to demonstrate its firm resolve in compelling the Bosnian Serb party to accept in full the Vance-Owen peace package. In that context, it believed that the Council should take immediate measures for the immobilization of heavy weapons in Bosnia and Herzegovina, and place them under effective international control; that the Council should adopt appropriate measures to ensure the interdiction of arms supplies to the Bosnian Serb party; and that further measures, including stringent financial sanctions, be imposed against the Federal Republic of Yugoslavia. Pakistan was also of the view that immediate measures should be taken for the partial lifting of the arms embargo in order to enable the

Muslims of Bosnia and Herzegovina to exercise their inherent right of self-defence.⁴⁸

Deliberations of 19 and 20 April 1993 (3201st, 3202nd and 3203rd meetings)

The Council began its consideration of the item at its 3201st and continued until its 3203rd meeting. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote. At the 3201st meeting, the representatives of Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, the Comoros, Croatia, Denmark, Ecuador, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Jordan, Lithuania, Malaysia, Malta, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Sweden, Turkey, Ukraine and the United Arab Emirates; and at the 3202nd meeting, the representative of the Czech Republic. The Council also extended invitations, at its 3201st meeting, to Mr. Engin Ansay, Permanent Observer of OIC, and, at his request, to Ambassador Dragomir Djokic to address the Council in the course of the discussion of the item. At the 3202nd meeting, the President drew the attention of the Council members to a letter dated 19 April 1993 from the representative of the Islamic Republic of Iran addressed to the Secretary-General.⁴⁹

Commencing the discussion, the representative of Bosnia and Herzegovina stated that the international community had an obligation to take concrete steps to halt immediately genocide and aggression in his country. Genocide and aggression were the reality of Bosnia and Herzegovina, no matter what attempts were made to exclude those words from the relevant resolutions. The International Court of Justice had defined the situation in Bosnia and Herzegovina as genocide and the Security Council had failed to fulfil its responsibility to stop the aggression and genocide. Nevertheless, the efforts of the non-aligned caucus and other members of the Security Council, in promoting the swift adoption of resolutions 819 (1993) and 820 (1993), and in calling for a more legally and ethically responsible answer to genocide and aggression against Bosnia were most consistent with the principles of the United Nations and international law. Bosnia and

⁴⁷ Ibid., pp. 33-42.

⁴⁸ Ibid., pp. 44-45.

⁴⁹ S/25632.

Herzegovina fully endorsed the draft resolution before the Council and demanded that the following measures be considered: (a) to take control of or neutralize, by all necessary means, heavy weapons; (b) to interdict supply lines from Serbia and Montenegro to Bosnia and Herzegovina; and (c) to clarify that the arms embargo did not apply to the defence forces of Bosnia and Herzegovina. Should these measures pose an unacceptable risk to UNPROFOR, the Government of Bosnia and Herzegovina would request that such mission be modified and that its personnel take precautionary measures or withdraw if necessary.⁵⁰

The representative of Slovenia noted that the need for action by the international community was becoming more and more compelling. While resolution 820 (1993) represented a step in the right direction, further thought should be given to the adoption of measures to assist in the implementation of peace, particularly in the case the Vance-Owen plan was not accepted by all parties or if it was accepted in bad faith. The speaker recalled the proposal made on 8 April 1993 by the Foreign Minister of Slovenia, noting that its main thrust was the immediate deployment of the United Nations peacekeeping forces in the territories controlled by the parties which had accepted the Vance-Owen peace plan. Several reasons supported that line of action. First, the troops would be deployed in areas in which United Nations protection was accepted. Secondly, the troops would have a preventive role as a deterrent to further acts of aggression. Thirdly, such deployment would provide an opportunity to develop a more robust mandate of the peacekeeping force in Bosnia and Herzegovina and fourthly, the proposed action was compatible with the existing humanitarian missions. He stressed that further action by the Council should not be made contingent upon agreement of the Serbs to the Vance-Owen peace plan.⁵¹

The representative of Croatia, referring to the resolution of the General Assembly of 18 December 1992, in which the General Assembly had expressed determination to restore peace in Bosnia and Herzegovina as well as to preserve its unity, sovereignty, political independence and territorial integrity, pointed out that none of those goals had been achieved. Noting that in paragraph 7 of that resolution

the Assembly had urged the Security Council to consider measures on an urgent basis, no later than 15 January 1993, using all necessary means to stop the Serbian aggression, including the lifting of the arms embargo, he observed that that date had passed long ago and there had only been further destruction and additional territory “ethnically cleansed” by Serbian forces. The fact that Serbian extremists were openly refusing to honour the relevant Security Council resolutions emphasizing the commitment to ensure respect for the sovereignty and territorial integrity of Croatia and Bosnia and Herzegovina must lead to appropriate United Nations action. The UNPROFOR mandate should be strengthened and the force should be changed from a peacekeeping to a peacemaking force. The Security Council, acting under Chapter VII, should immediately take the strongest possible measures against the Serbian aggressors. The United Nations must at least lift the arms embargo against Croatia and Bosnia and Herzegovina and provide the Croats and Muslims the opportunity to defend their freedom and human dignity. The speaker concluded by saying that the legitimate right to self-defence inscribed in the Charter of the United Nations must not be limited for the sake of “dubious political pragmatism”.⁵²

Mr. Ansay, Permanent Observer of OIC to the United Nations, stated that the Secretary-General of OIC regarded resolutions 819 (1993) and 820 (1993) on Srebrenica and the economic sanctions adopted as inadequate and insufficient. For OIC, the fall of Srebrenica would sound the “death knell” of the ongoing peace efforts under the auspices of the United Nations and the European Community. Those tragic events constituted an “affront” to the authority of the United Nations and compelled a reassessment of the efficacy of the principle of collective security. The speaker noted that the question before the Council was no longer one of acting with a view to isolating Serbia or decreeing new economic sanctions against it. Rather, the tragic course of events called for vigorous and determined action on the part of the Security Council. OIC called for the immediate lifting of the “iniquitous” arms embargo against Bosnia and Herzegovina and the adoption of effective military measures under the aegis of the Security Council to bring the Serbian aggression to an end. Those measures included, inter alia, interdicting the supply line from Serbia and

⁵⁰ S/PV.3201, pp. 6-11.

⁵¹ Ibid., pp. 48-52.

⁵² Ibid., pp. 73-80.

Montenegro and placing all heavy weapons under the control of the international community.⁵³

The representative of Ukraine said that in his delegation's view, enforcement measures taken so far by the Council against the Federal Republic of Yugoslavia were designed to bring about a speedy resolution to the crisis in the region. At the same time, it was incumbent upon the Security Council to adopt measures to mitigate the negative consequences of the sanctions for those States which not only complied with the sanctions, but were also entrusted with the task of ensuring the enforcement of the sanctions regime. Ukraine believed that the time had come, especially after the adoption of resolution 820 (1993), to find practical ways to implement Article 50 of the Charter. Such a decision would make sanctions an effective instrument, enjoying the support of the international community as a whole. It was necessary to remember that Security Council sanctions were directed against a specific State or States, and that other countries of the region must not be the eventual or unintentional targets of enforcement measures. Thus, there should be close cooperation between the sanctions Committees and regional arrangements, including sanctions assistance missions.⁵⁴

Mr. Djokic noted that despite the fact that his delegation had stated on numerous occasions that the Federal Republic of Yugoslavia had no territorial claims on its neighbours and that, since May 1992, not a single soldier of the Yugoslav army had remained in the territory of Bosnia and Herzegovina, the international community continued to label Yugoslavia as the aggressor and called for its punishment and isolation. Moreover, the positive role of the Federal Republic of Yugoslavia in the peace process had been ignored by the Security Council in all its relevant resolutions. While the Federal Republic of Yugoslavia shared the concern and impatience of the international community and understood the responsibility of the Security Council in its effort to reinstate peace and security in the region, it believed, however, that peace and security could not be achieved by isolating one side and imposing new sanctions on the people of the Federal Republic of Yugoslavia. The isolation of the Federal Republic of Yugoslavia could not lead to peace, but could only contribute to the destabilization

of the entire Balkan region. The closing of the Danube was itself a measure which posed a great danger to the region and the introduction of new punitive measures could only cause more innocent victims, suffering and instability. The speaker concluded by saying that the Federal Republic of Yugoslavia remained fully committed to the policy of peace and to overcoming the crisis in Bosnia and Herzegovina by political means, on the basis of equal respect for the legitimate rights of all three constituent peoples. In that regard, the Federal Republic of Yugoslavia would continue to cooperate closely with the United Nations and its representatives. It would, however, firmly defend its sovereignty and territorial integrity if forced to do so.⁵⁵

In the course of the discussions, several speakers agreed that the situation on the ground in Bosnia called for more decisive action to be taken by the Council. Proposed measures included the following: (a) placing heavy weapons under United Nations control; (b) establishing additional safe areas; (c) interdicting the supply lines of the Serbian forces in Bosnia; and (d) lifting the arms embargo in order to allow the Republic of Bosnia and Herzegovina to exercise its right to self-defence under Article 51 of the Charter.⁵⁶ Concerning the lifting of the arms embargo, some speakers, however, were of the view that such measure would more likely lead to further escalation of violence.⁵⁷

A number of speakers argued that if the Council did not shoulder its responsibilities and did not act, then the Members of the United Nations should consider convening a special session of the General Assembly to take action.⁵⁸

Several speakers drew attention to the effects of economic sanctions on neighbouring countries and to

⁵⁵ S/PV.3203, pp. 26-38.

⁵⁶ S/PV.3201, pp. 11-18 (Turkey); pp. 18-22 (Austria); pp. 23-27 (Malaysia); pp. 27-31 (Senegal); pp. 31-37 (Islamic Republic of Iran); pp. 38-43 (Indonesia); and pp. 67-72 (Afghanistan); S/PV.3202, pp. 10-13 (United Arab Emirates); pp. 13-22 (Comoros); and pp. 22-30 (Egypt); and S/PV.3203, pp. 3-8 (Jordan); pp. 12-16 (Algeria); and pp. 16-21 (Saudi Arabia).

⁵⁷ S/PV.3201, pp. 43-47 (Sweden); and S/PV.3203, pp. 46-48 (Denmark); and pp. 57-62 (Argentina).

⁵⁸ S/PV.3201, pp. 23-27 (Malaysia); and S/PV.3202, pp. 22-30 (Egypt).

⁵³ *Ibid.*, pp. 81-85.

⁵⁴ S/PV.3202, pp. 31-35.

the need for the international community and the Security Council to address that issue.⁵⁹

Decision of 21 April 1993: note by the President

On 21 April 1993, after consultations with the members of the Council, the President issued the following note on behalf of the members of the Council:⁶⁰

The President of the Security Council wishes to refer to resolution 819 (1993) adopted by the Council at its 3199th meeting on 16 April 1993 in connection with the situation in the Republic of Bosnia and Herzegovina.

In paragraph 12 of the resolution, the Council decided to send, as soon as possible, a mission of members of the Council to Bosnia and Herzegovina to ascertain the situation and report thereon to the Council.

In accordance with that decision, the President wishes to report that he has had consultations with the members of the Council and that agreement has been reached that the mission will be composed of the following six members of the Council: France, Hungary, New Zealand, Pakistan, Russian Federation and Venezuela.

Decision of 21 April 1993: statement by the President

On 21 April 1993, after consultations with the members of the Council, the President made the following statement to the media on behalf of the members of the Council:⁶¹

The members of the Security Council are deeply concerned by the reports on the outbreak of military hostilities between Bosnian governmental forces and Bosnian Croat paramilitary units north and west of Sarajevo. They are appalled by the reports corroborated by the United Nations Protection Force (UNPROFOR) of atrocities and killings, in particular the setting on fire of Muslim houses and the shooting of entire families in two villages by Bosnian Croat paramilitary units.

The members of the Council strongly condemn this new outbreak of violence undermining the overall efforts to establish a ceasefire and achieve a political solution of the conflict in the Republic of Bosnia and Herzegovina, and demand that Bosnian governmental forces and Bosnian Croat paramilitary units cease immediately those hostilities and that all parties refrain from taking any action which endangers the lives and well-being of the inhabitants of the region, strictly comply with their previous commitments including the ceasefire, and redouble their efforts

to settle the conflict. They call upon all the parties to cooperate with the current efforts in this regard by UNPROFOR and Lord Owen, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

The members of the Council also demand that the Bosnian Serbs fully implement resolution 819 (1993) of 16 April 1993, including the immediate withdrawal from the areas surrounding Srebrenica, and allow UNPROFOR personnel unimpeded access to the town.

**Decision of 6 May 1993 (3208th meeting):
resolution 824 (1993)**

By a letter dated 30 April 1993 addressed to the President of the Security Council,⁶² the Security Council mission to Bosnia and Herzegovina, pursuant to resolution 819 (1993), transmitted its report to the Council. The mission composed by France, Hungary, New Zealand, Pakistan, the Russian Federation and Venezuela reported that it had travelled to the region from 22 to 27 April 1993 and met with the leaders of all the parties to the conflict in Bosnia and Herzegovina, as well as with the President of Croatia, the Vice-President of Bosnia and Herzegovina and the Force Commander of UNPROFOR. The mission found that Srebrenica was under siege and that the conditions there were inhuman. As for Gorazde, Zepa, Tuzla and Sarajevo they should be declared immediately safe areas. In its conclusions, the mission recognized that the designation of those towns as safe areas would require a larger UNPROFOR presence and a revised mandate to encompass ceasefire/safe area monitoring, and different rules of engagement. Enforcement measures could be considered at a later stage if the Serbs were to ignore the integrity of Security Council safe areas.

At its 3208th meeting, on 6 May 1993, the Council included that report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (the Russian Federation) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the

⁶² S/25700.

⁵⁹ S/PV.3201, pp. 59-66 (Romania); S/PV.3202, pp. 3-10 (Bulgaria); and S/PV.3203, pp. 57-62 (Argentina).

⁶⁰ S/25645.

⁶¹ S/25646.

Council's prior consultations⁶³ and to several other documents.⁶⁴

Speaking before the vote, the representative of France stated that the draft resolution was intended to convey the concern of the Council in the face of a further deterioration in the situation in Bosnia and Herzegovina, and a growing threat to the security of the civilian population in a number of communities, particularly in the eastern part of the country. The Council's concern had been heightened by the fact that UNPROFOR military observers had recently been prevented from reaching the city of Zepa, where they had intended to gain an overview of the situation. In requesting that the parties treat the cities of Zepa, Gorazde, Tuzla, Bihac and Sarajevo as safe areas, free from armed attacks and from other hostile acts likely to endanger the well-being and safety of their inhabitants, the Security Council was sending a signal to the parties: the civilian population must no longer be made to bear the consequences of the Bosnian conflict. In that regard, the example of Srebrenica had provided a valuable experience by showing both the limits and the advantages arising from the establishment of a safe area. The most important thing was to save human lives seriously threatened by the extension of the conflict.⁶⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 824 (1993), which reads:

The Security Council,

Reaffirming all its earlier relevant resolutions,

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

Having considered the report of the Security Council mission to the Republic of Bosnia and Herzegovina authorized

by resolution 819 (1993) of 16 April 1993, and in particular its recommendations that the concept of safe areas be extended to other towns in need of safety,

Reaffirming again its condemnation of all violations of international humanitarian law, in particular "ethnic cleansing" and all practices conducive thereto, as well as the denial or the obstruction of access of civilians to humanitarian aid and services such as medical assistance and basic utilities,

Taking into consideration the urgent security and humanitarian needs faced by several towns in Bosnia and Herzegovina as exacerbated by the constant influx of large numbers of displaced persons including, in particular, the sick and wounded,

Taking also into consideration the formal request submitted by Bosnia and Herzegovina,

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

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

Aware in this context of the unique character of the city of Sarajevo, as a multicultural, multi-ethnic and plurireligious centre which exemplifies the viability of coexistence and interrelations between all the communities of Bosnia and Herzegovina, and of the need to preserve it and avoid its further destruction,

Affirming that nothing in the present resolution should be construed as contradicting or in any way departing from the spirit or the letter of the peace plan for the Republic of Bosnia and Herzegovina,

Convinced that treating the towns referred to above as safe areas will contribute to the early implementation of the peace plan,

Convinced also that further steps must be taken as necessary to achieve the security of all such safe areas,

Recalling the provisions of resolution 815 (1993) of 30 March 1993 on the mandate of the United Nations Protection Force, and in that context acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Security Council mission established pursuant to resolution 819 (1993), and in particular its recommendations concerning safe areas;

2. *Demands* that any taking of territory by force cease immediately;

⁶³ S/25722.

⁶⁴ Letter dated 30 April 1993 from the representative of Yugoslavia addressed to the President of the Security Council (S/25170); letter dated 30 April 1993 from the representative of Pakistan addressed to the Secretary-General (S/25714); letters dated 4 and 5 May, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25718, S/25728 and S/25730); and letter dated 6 May 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25731).

⁶⁵ S/PV.3208, pp. 8-10.

3. *Declares* that the capital city of the Republic of Bosnia and Herzegovina, Sarajevo, and other such threatened areas, in particular the towns of Tuzla, Zepa, Gorazde and Bihac, as well as Srebrenica, and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act;

4. *Also declares* that in these safe areas the following should be observed:

(a) The immediate cessation of armed attacks or any hostile act against these safe areas, and the withdrawal of all Bosnian Serb military or paramilitary units from these towns to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants, to be monitored by United Nations military observers;

(b) Full respect by all parties of the rights of the United Nations Protection Force and the international humanitarian agencies to free and unimpeded access to all safe areas in Bosnia and Herzegovina and full respect for the safety of the personnel engaged in these operations;

5. *Demands* to that end that all parties and others concerned cooperate fully with the Force and take any necessary measures to respect these safe areas;

6. *Requests* the Secretary-General to take appropriate measures with a view to monitoring the humanitarian situation in the safe areas, authorizes to that end the strengthening of the Force by an additional fifty United Nations military observers, together with related equipment and logistical support, and in this connection also demands that all parties and all others concerned cooperate fully and promptly with the Force;

7. *Declares its readiness*, in the event of the failure by any party to comply with the present resolution, to consider immediately the adoption of any additional measures necessary with a view to its full implementation, including to ensure respect for the safety of United Nations personnel;

8. *Declares* that arrangements pursuant to the present resolution shall remain in force until the provisions for the cessation of hostilities, separation of forces and supervision of heavy weaponry as envisaged in the peace plan for the Republic of Bosnia and Herzegovina are implemented;

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

Speaking after the vote, the representative of the United States reminded the Bosnian Serb leadership that her Government had made it clear that it was consulting with its allies about new, stronger and tougher measures. The implementation, or lack thereof, of the resolution just adopted and all other relevant Security Council resolutions over the following few days would determine whether the United States and

the rest of the international community would have to decide that the use of force was inevitable.⁶⁶

The representative of Pakistan stated that his delegation was pleased at the unanimous adoption of resolution 824 (1993). Pakistan believed that declaring those threatened areas in Bosnia and Herzegovina to be safe areas would go a long way to ensuring the safety of civilian populations in the region. He observed that the international community was witnessing escalating defiance of its will by the Bosnian Serbs. In total disregard of the mandatory resolutions of the Security Council, the Bosnian Serbs had persisted in their “repulsive” policy of “ethnic cleansing” and genocide. The time had come for the Council to compel the Serbian side to accept the Vance-Owen peace plan. Pakistan believed that the Council should take immediate appropriate measures, including the authorization of the use of force under Chapter VII of the Charter of the United Nations, to ensure (a) that all heavy weapons in Bosnia and Herzegovina were placed under effective international physical control or neutralized; (b) the interdiction of all arms supplies to the Bosnian Serbs; (c) the institution of appropriate measures for reparations for the Government of Bosnia and Herzegovina by Serbia and Montenegro; (d) that Serbia and Montenegro was liable, under international law, for any direct loss or damage, including environmental damage, or injury to foreign Governments, nationals or corporations as a result of its aggression against Bosnia and Herzegovina; and (e) the effective imposition of a comprehensive economic and financial blockade against Serbia and Montenegro. Pakistan also believed that States Members of the United Nations should extend their cooperation to Bosnia and Herzegovina in the exercise of its inherent right of individual and collective self-defence, in accordance with Article 51 of the Charter, including the supply of arms to enable them to defend themselves.⁶⁷

The representative of Hungary noted that the resolution just adopted reaffirmed the inadmissibility of any acquisition of territory by force. Hungary believed that the resolution could be seen, on the one hand, as part of the process of implementation of the Vance-Owen plan and, on the other hand, as a follow-up to the preventive diplomacy efforts. The Council

⁶⁶ *Ibid.*, pp. 11-13.

⁶⁷ *Ibid.*, pp. 14-16.

must be prepared, if necessary, to consider immediately the necessary steps to ensure implementation of resolution 824 (1993).⁶⁸

The President, speaking in his capacity as representative of the Russian Federation, noted that his country's leaders had repeatedly said that there was no alternative to the Vance-Owen plan, and that they had pointed out that any party that did not adopt the plan bore a heavy responsibility. Following the talks in Athens, there should be no further obstacles to the implementation of the Vance-Owen plan. If the plan was not adopted and carried out, the Russian Federation delegation was prepared to discuss further and harsher steps, to put an end to attempts to attain further territorial gains by military force, to any actions that resulted in suffering for the Bosnian people and in violations of international humanitarian law. The Russian Federation supported the creation of additional safe areas in Bosnia and Herzegovina, and had therefore voted in favour of the resolution just adopted. It believed that the creation of safe areas, with the presence of United Nations personnel, would help to improve the humanitarian situation in Bosnia and Herzegovina and to achieve a peaceful settlement.⁶⁹

**Decision of 10 May 1993 (3210th meeting):
statement by the President**

At its 3210th meeting, on 10 May 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (the Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council, which included a number of revisions agreed upon by Council members:⁷⁰

⁶⁸ Ibid., pp. 18-20.

⁶⁹ Ibid., pp. 24-26.

⁷⁰ S/25746.

The Security Council, recalling its statement of 21 April 1993 concerning the atrocities and killings in areas north and west of Sarajevo, expresses its grave concern at the major new military offensive launched by Bosnian Croat paramilitary units in the areas of Mostar, Jablanica and Dreznica.

The Council strongly condemns this major military offensive launched by Bosnian Croat paramilitary units, which is totally inconsistent with the signature of the peace plan for the Republic of Bosnia and Herzegovina by the Bosnian Croat party. The Council demands that the attacks against the areas of Mostar, Jablanica and Dreznica cease forthwith, that Bosnian Croat paramilitary units withdraw immediately from the area and that all the parties strictly comply with their previous commitments as well as with the ceasefire agreed to today between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party.

The Council also expresses its deep concern that the battalion of the United Nations Protection Force (UNPROFOR) in the area has been forced under fire to redeploy as a result of this latest offensive and condemns the refusal of Bosnian Croat paramilitary units to allow the presence of United Nations military observers, in particular in the city of Mostar.

The Council once again reiterates its demand that UNPROFOR personnel be allowed unimpeded access throughout Bosnia and Herzegovina, and in this particular case demands that the Bosnian Croat paramilitary units ensure the safety and security of UNPROFOR as well as all United Nations personnel in the areas of Mostar, Jablanica and Dreznica. In this connection, the Council expresses its deep concern at the increasing hostile attitude of Bosnian Croat paramilitary units towards UNPROFOR personnel.

The Council calls upon the Republic of Croatia, in accordance with the commitments under the Zagreb agreement of 25 April 1993, to exert all its influence on the Bosnian Croat leadership and paramilitary units with a view to ceasing immediately their attacks particularly in the areas of Mostar, Jablanica and Dreznica. It further calls on Croatia to adhere strictly to its obligations under Council resolution 752 (1992) of 15 May 1992, including putting an end to all forms of interference and respecting the territorial integrity of Bosnia and Herzegovina.

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

The Council remains seized of the matter and is ready to consider further measures to ensure that all parties and others concerned abide by their commitments and fully respect relevant Council decisions.

**Decision of 22 May 1993: letter from the
President to the Secretary-General**

By a letter dated 14 May 1993 addressed to the President of the Security Council,⁷¹ the Secretary-General referred to recent developments in Bosnia and Herzegovina and attached the text of an agreement on the cessation of hostilities, concluded between the Bosnian Croat and Bosnian Muslim sides on 12 May 1993, in Mostar. The Secretary-General noted that in terms of its mandate under resolution 776 (1992), UNPROFOR had found that the fighting in Mostar was extremely disruptive for the delivery of humanitarian relief aid. The Force therefore had no choice but to intervene if its original mandate were to be implemented. Recalling resolution 824 (1993), in which the Council had declared a number of safe areas and had referred to "other such threatened areas", the Secretary-General observed that Mostar qualified as a "threatened area." That consideration had helped to set the terms of the active involvement of UNPROFOR in witnessing the agreement concluded on 12 May 1993 and in, inter alia, deploying a company of the Spanish Battalion in an interposition role. The presence of UNPROFOR was an integral part of the ceasefire agreement and had without doubt helped to defuse the tension and stabilize the situation. Nonetheless, some concern had been expressed in the Security Council about the formal mandate of UNPROFOR in that regard. That concern also applied to the involvement of civilian police officers provided for in the agreement of 12 May 1993, for which no authorization from the Security Council existed. In order to clarify the mandate, the Secretary-General requested confirmation as to whether the above interpretation of the mandate of UNPROFOR was acceptable to the Security Council.

By a letter dated 22 May 1993,⁷² the President of the Security Council informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 14 May 1993 concerning the United Nations Protection Force (UNPROFOR) has been brought to the attention of the members of the Council. Regarding the situation in the area of Mostar, they agree with the interpretation of the mandate of UNPROFOR contained in your letter.

⁷¹ S/25824.

⁷² S/25825.

**Decision of 4 June 1993 (3228th meeting):
resolution 836 (1993)**

At its 3228th meeting, on 4 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States,⁷³ and to several other documents.⁷⁴

The representative of Bosnia and Herzegovina stated that, although his delegation had not been consulted on the content of the draft resolution, it had nevertheless made a number of key suggestions which had been rejected. First, the safe areas concept should be applied more broadly to address the threats against other population centres in Bosnia and Herzegovina. Second, a time frame should be established in which there would be a shift from the temporary relief offered by the safe areas programme to the implementation of the Vance-Owen plan. Third, if the Bosnian Serbs were unwilling to accept the Vance-Owen plan by a

⁷³ S/25870.

⁷⁴ Note verbale dated 19 May 1993 from the representative of France addressed to the President of the Security Council (S/25800); letter dated 21 May 1993 from the representative of Italy addressed to the Secretary-General (S/25823); letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Security Council, enclosing a joint action programme on Bosnia and Herzegovina, formulated by the Foreign Ministers of those States in Washington, D.C., on 22 May 1995 (S/25829); letter dated 14 May 1993 from the representative of Pakistan addressed to the President of the Security Council, transmitting a memorandum on the situation in Bosnia and Herzegovina formulated by the members of the Council that were members of the Non-Aligned Movement (S/25782); letter dated 25 May 1993 from the representative of Pakistan addressed to the Secretary-General, transmitting a declaration on the situation in Bosnia and Herzegovina, adopted by the Organization of the Islamic Conference in New York on 29 May 1993 (S/25860); letters dated 30 May 2 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25872, S/25877 and S/25878).

stipulated date, then either all necessary measures should be employed to restore peace, or the right of Bosnia and Herzegovina to act in self-defence, consistent with Article 51, should be fully recognized. Fourth, the United Nations should develop a mandate, drawing on all the resources necessary to defend the safe areas, and produce a realistic plan for implementing and enforcing that mandate. Fifth, the period for reviewing the implementation of the resolution should have been shortened from 60 days to 30 days.⁷⁵

The representative of Turkey observed that the draft resolution fell short of his delegation's expectations. The draft resolution should have included a deadline for initiating the implementation of the Vance-Owen plan; a guarantee of effective enforcement measures to reverse the consequences of the use of force; and an acknowledgement of Bosnia and Herzegovina's inherent right to self-defence. He stressed that Bosnia and Herzegovina should be exempted without delay from the arms embargo, in accordance with its inherent right of collective self-defence under Article 51 of the Charter of the United Nations.⁷⁶

Speaking before the vote, the representative of France noted that, following the adoption by France, the Russian Federation, the United Kingdom and the United States of a joint programme of action on the situation in Bosnia and Herzegovina, on 22 May 1993 in Washington, France and its partners had proposed that the Council adopt a resolution ensuring full respect for the safe areas named in resolution 824 (1993) and extending the mandate of UNPROFOR. The draft resolution addressed an "immediate, vital humanitarian objective" of ensuring the survival of civilian populations in the safe areas, as well as a "paramount political objective" of maintaining the territorial basis necessary for the development and implementation of the Peace Plan for Bosnia and Herzegovina. Stressing that the designation and protection of safe areas was a temporary measure and not an end in itself, the speaker stated that the Vance-Owen plan remained the basis for any settlement. He added that the draft resolution would strengthen UNPROFOR, enabling it to protect the safe areas by deterring attacks, monitoring the ceasefire, promoting the withdrawal of military units,

⁷⁵ S/PV.3228, pp. 3-8.

⁷⁶ *Ibid.*, pp. 8-11.

and by occupying several key points on the ground. Furthermore, the draft resolution explicitly provided for the possibility of using force to respond to bombardments against the safe freedom of movement of UNPROFOR and of humanitarian convoys. It also provided for the use of air power within and around the safe areas, if necessary to support UNPROFOR in the fulfilment of its mandate.⁷⁷

The representative of Venezuela noted that the draft resolution had been put to the vote despite a request made by his delegation to wait for a report by the Secretary-General on the means he would need to implement the resolution. He contended that the draft resolution was incomplete in scope and contrary to its own objectives. Furthermore, his delegation was of the view that safe areas should be temporary, intermediate steps in the peace process. They should not be a substitute for peace. Safe areas should guarantee freedom of movement into and out of the area; international military presence, unrestricted presence of humanitarian agencies; the right to humanitarian assistance; respect for human rights; uninterrupted access to basic services; and access to economic activities. In addition to being provided security, these areas should be able to restore their civil government, local police and social services. These conditions were almost the exact opposite of those existing today in the so-called safe areas and the draft resolution before the Council did not address their main points. The speaker further noted that the Government of Bosnia and Herzegovina had communicated to the Council its rejection of the particular modality of "safe areas" as contained in the draft resolution but that position had not even been considered by the Council. He also recalled that his delegation had taken an active part in working on the resolutions that provided for the creation of "safe areas" for Sarajevo and other cities and it could thus never be opposed to the concept. His delegation was opposed to the shape that humanitarian modality had taken in practice. The speaker concluded by saying that while there had been an attempt to negotiate the Peace Plan, Bosnia had lost two thirds of its territory and its people had been the victims of crimes and violations on an unprecedented scale. That was the time for the Council to really take action, not just appear to be taking action. For all these reasons,

⁷⁷ *Ibid.*, pp. 11-14.

his delegation would abstain from the vote on the draft resolution.⁷⁸

The representative of Pakistan recalled that his country, together with other non-aligned members of the Council, had been the proponent of the concept of safe areas. The experience in Srebrenica, Zepa and Gorazde, however, had revealed fundamental shortcomings in that concept in the absence of the international community's commitment to endorse the Vance-Owen peace plan. Turning to the draft resolution, he stated that in his delegation view, the draft resolution did not address certain core issues in the conflict. Unless the measures contained in the draft resolution were supplemented by enforcement actions in a given time frame and as part of an overall plan, the situation on the ground might be frozen to the advantage of the Serbs. Moreover, the modality of safe areas as contained in the draft resolution was not in full conformity with Pakistan's political and humanitarian concerns. The concept of safe area would only be acceptable to the Pakistani delegation if the international community committed itself to the full implementation of the Vance-Owen peace plan, and in particular to its provisions on territorial arrangements for Bosnian Muslim communities. All Bosnian Muslim regions, as specified in the peace plan, and Sarajevo, should be declared safe areas, and those regions already identified as safe areas should be given the maximum possible protection. For these reasons, his delegation would abstain in the vote on the draft resolution.⁷⁹

The draft resolution was then put to the vote and adopted by 13 votes to none, with 2 abstentions (Pakistan, Venezuela) as resolution 836 (1993), which reads:

The Security Council,

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

Reaffirming in particular its resolutions 819 (1993) of 16 April 1993 and 824 (1993) of 6 May 1993, in which it demanded that certain towns and their surrounding areas in the Republic of Bosnia and Herzegovina should be treated as safe areas,

Reaffirming the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Condemning military attacks, and actions that do not respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, which, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Reiterating its alarm at the grave and intolerable situation in Bosnia and Herzegovina arising from serious violations of international humanitarian law,

Reaffirming once again that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and totally unacceptable,

Commending the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party for having signed the Vance-Owen plan,

Gravely concerned at the persistent refusal of the Bosnian Serb party to accept the Vance-Owen plan, and calling upon that party to accept the peace plan for the Republic of Bosnia and Herzegovina in full,

Deeply concerned by the continuing armed hostilities in the territory of Bosnia and Herzegovina which run totally counter to the peace plan,

Alarmed by the resulting plight of the civilian population in the territory of Bosnia and Herzegovina, in particular in Sarajevo, Bihac, Srebrenica, Gorazde, Tuzla and Zepa,

Condemning the obstruction, primarily by the Bosnian Serb party, of the delivery of humanitarian assistance,

Determined to ensure the protection of the civilian population in safe areas and to promote a lasting political solution,

Confirming the ban on military flights in the airspace of Bosnia and Herzegovina, established by resolutions 781 (1992) of 9 October 1992, 786 (1992) of 10 November 1992 and 816 (1993) of 31 March 1993,

Affirming that the concept of safe areas in Bosnia and Herzegovina as contained in resolutions 819 (1993) and 824 (1993) was adopted to respond to an emergency situation, and noting that the concept proposed by France in document S/25800 and by others could make a valuable contribution and should not in any way be taken as an end in itself, but as a part of the Vance-Owen process and as a first step towards a just and lasting political solution,

Convinced that treating the towns and surrounding areas referred to above as safe areas will contribute to the early implementation of that objective,

Stressing that the lasting solution to the conflict in Bosnia and Herzegovina must be based on the following principles: immediate and complete cessation of hostilities, withdrawal from territories seized by the use of force and "ethnic cleansing", reversal of the consequences of "ethnic cleansing" and recognition of the right of all refugees to return to their

⁷⁸ Ibid., pp. 14-26.

⁷⁹ Ibid., pp. 27-30.

homes, and respect for the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina,

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

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

Acting under Chapter VII of the Charter,

1. *Calls* for the full and immediate implementation of all its relevant resolutions;

2. *Commends* the peace plan for the Republic of Bosnia and Herzegovina as contained in document S/25479;

3. *Reaffirms* the unacceptability of the acquisition of territory by the use of force and the need to restore the full sovereignty, territorial integrity and political independence of Bosnia and Herzegovina;

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

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

6. *Affirms* that these safe areas are a temporary measure and that the primary objective remains to reverse the consequences of the use of force and to allow all persons displaced from their homes in Bosnia and Herzegovina to return to their homes in peace, beginning, *inter alia*, with the prompt implementation of the provisions of the Vance-Owen plan in areas where those have been agreed by the parties directly concerned;

7. *Requests* the Secretary-General, in consultation, *inter alia*, with the Governments of the Member States contributing forces to the Force:

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

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

8. *Calls upon* Member States to contribute forces, including logistic support, to facilitate the implementation of the

provisions regarding the safe areas, expresses its gratitude to Member States already providing forces for that purpose, and invites the Secretary-General to seek additional contingents from other Member States;

9. *Authorizes* the Force, in addition to the mandate defined in resolutions 770 (1992) of 13 August 1992 and 776 (1992), in carrying out the mandate defined in paragraph 5 above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of the Force or of protected humanitarian convoys;

10. *Decides* that, notwithstanding paragraph 1 of resolution 816 (1993), Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support the Force in the performance of its mandate set out in paragraphs 5 and 9 above;

11. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are taking to implement paragraph 10 above and to report to the Council through the Secretary-General;

12. *Invites* the Secretary-General to report to the Council, for decision, if possible within seven days of the adoption of the present resolution, on the modalities of its implementation, including its financial implications;

13. *Also invites* the Secretary-General to submit to the Council, not later than two months after the adoption of the present resolution, a report on the implementation of and compliance with the present resolution;

14. *Emphasizes* that it will keep open other options for new and tougher measures, none of which is prejudged or excluded from consideration;

15. *Decides* to remain actively seized of the matter, and undertakes to take prompt action, as required.

Speaking after the vote, the representative of Brazil observed that the resolution just adopted was to be understood as a temporary measure, with the twofold objective of preserving the safety of the populations in the safe areas and restoring normalcy to those areas. Referring to the concern that the implementation of the safe areas concept might lead to a freezing of the existing situation, thus rewarding “military might” to the detriment of the Muslim community, the speaker noted that Brazil considered it essential that, in due course, the resolution just adopted be complemented by appropriate additional measures.

Brazil continued to believe that the ultimate solution to the conflict in Bosnia and Herzegovina must come through negotiation and peaceful means, and that the Vance-Owen plan therefore retained its “full value”.⁸⁰

The representative of the Russian Federation stated that the tragic events that had recently taken place in safe areas made it necessary to expand the UNPROFOR mandate, in order to ensure the safe areas, deter aggression, monitor the ceasefire, and allow for the unhindered delivery of humanitarian assistance. The Russian Federation was convinced that the implementation of the resolution just adopted would help to curb the violence. Henceforth, any military attacks against, shelling of, incursions into, or hindrance of humanitarian deliveries to, the safe areas, would be responded to by United Nations forces through the use of all necessary measures, including the use of armed force. That would be an important factor in stabilizing the situation in those areas and for lessening the suffering of the civilian population. The speaker further contended that by adopting the resolution, the Council had taken a concrete step towards the implementation of the joint programme of action adopted at Washington on 22 May by the Ministers for Foreign Affairs of France, the Russian Federation, Spain, the United Kingdom and the United States. He noted in that regard that the Washington programme did not exclude the adoption of new, firmer measures.⁸¹

The representative of the United States observed that the resolution just adopted was an intermediate step. Both the Security Council and the Governments that had developed the Washington programme of action had agreed that they would keep open options for new and tougher measures. Her Government’s view of what these tougher measures should be had not changed. It expected full cooperation of the Bosnian Serb party in implementing the resolution. If that cooperation was not forthcoming, the United States would move to seek further action in the Council.⁸²

The representative of China stated that the continued escalation of the conflict in Bosnia and Herzegovina constituted a great threat to peace and security in the region. Under those circumstances, the establishment of safe areas might as well be tried as a

temporary measure, even though they could not provide a fundamental solution to the conflict, and they could not supplant the Vance-Owen plan for a comprehensive political solution to the conflict. Reiterating China’s position that international disputes should be settled through dialogue and negotiation, rather than through the threat or use of force, the speaker stated that his delegation had reservations regarding the invocation of Chapter VII in the resolution just adopted, as it feared that further military action might complicate the issue and adversely affect the peace process.⁸³

The representative of the United Kingdom, acknowledging that the safe areas would not stop the war and were therefore a temporary measure, argued that they could nevertheless provide areas of stability and complement the important efforts undertaken by United Nations forces throughout Bosnia. Referring to suggestions that the policy of safe areas might be combined with a lifting of the arms embargo, the speaker noted that the two policies were “distinct and alternative” and contended that it would be hard to reconcile the supply of arms with United Nations peacekeeping on the ground. He concluded by stating that as the resolution made clear, neither the Washington Agreement, nor the view of his Government ruled out other stronger measures as the situation developed.⁸⁴

**Decision of 10 June 1993 (3234th meeting):
resolution 838 (1993)**

At its 3234th meeting, on 10 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States,⁸⁵ and read out a revision to be made to the draft. He also drew the attention of the Council members to several other

⁸⁰ Ibid., pp. 42-43.

⁸¹ Ibid., pp. 43-47.

⁸² Ibid., pp. 47-48.

⁸³ Ibid., pp. 48-49.

⁸⁴ Ibid., pp. 56-58.

⁸⁵ S/25798.

documents.⁸⁶ The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 838 (1993), which reads:

The Security Council,

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

Reaffirming also the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Reiterating the demands in its resolution 752 (1992) of 15 May 1992 and subsequent relevant resolutions that all forms of interference from outside Bosnia and Herzegovina cease immediately and that its neighbours take swift action to end all interference and respect its territorial integrity,

Recalling the demand in its resolution 819 (1993) of 16 April 1993 that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to Bosnian Serb paramilitary units,

Taking into account the report of the Secretary-General of 21 December 1992 on the possible deployment of observers on the borders of the Republic of Bosnia and Herzegovina,

Expressing its condemnation of all activities carried out in violation of resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993 between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

Considering that, in order to facilitate the implementation of the relevant Security Council resolutions, observers should be deployed on the borders of the Republic of Bosnia and Herzegovina, as indicated in its resolution 787 (1992),

Noting the earlier preparedness of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to stop all but humanitarian supplies to the Bosnian Serb party, and urging full implementation of that commitment,

Considering that all appropriate measures should be undertaken to achieve a peaceful settlement of the conflict in

Bosnia and Herzegovina provided for in the Vance-Owen peace plan,

Bearing in mind paragraph 4 (a) of its resolution 757 (1992) concerning the prevention by all States of imports into their territories of all commodities and products originating in or exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) and paragraph 12 of its resolution 820 (1993) concerning import to, export from and trans-shipment through those areas of Bosnia and Herzegovina under the control of Bosnian Serb forces,

1. *Requests* the Secretary-General to submit to the Council as soon as possible a further report on options for the deployment of international observers to monitor effectively the implementation of the relevant Council resolutions, to be drawn from the United Nations and, if appropriate, from Member States acting nationally or through regional organizations and arrangements, on the borders of the Republic of Bosnia and Herzegovina, giving priority to the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) and taking into account developments since his report of 21 December 1992 as well as the differing circumstances affecting the various sectors of the borders and the need for appropriate coordination mechanisms;

2. *Invites* the Secretary-General to contact immediately Member States, nationally or through regional organizations or arrangements, to ensure the availability to him on a continuing basis of any relevant material derived from aerial surveillance and to report thereon to the Security Council;

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

Speaking after the vote, the representative of the United Kingdom noted that the resolution just adopted was an important element of the immediate steps that his Government believed needed to be taken straight way. The placing of border monitors, particularly on the border between Bosnia and the Federal Republic of Yugoslavia was of considerable significance since it could bring home to the Bosnian Serbs the bankruptcy of their present policies and the need to reconsider their rejection of the Vance-Owen Peace Plan. The decision taken a month ago by the authorities of the Federal Republic of Yugoslavia to limit to humanitarian supplies any traffic across the border between Bosnia and the Federal Republic of Yugoslavia had been welcome but it was essential to put that policy to the test by deploying monitors along that border.⁸⁷

The representative of France stated that the aim of the resolution just adopted was to show the intent of the Council to deploy the necessary observers for

⁸⁶ Letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Council (S/25829); letter dated 1 June 1993 from the representative of Croatia addressed to the President of the Council (S/25874); and letter dated 8 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Council (S/25907).

⁸⁷ S/PV.3234, pp. 6-7.

effective monitoring of the application of sanctions against the territories controlled by the Bosnian Serbs. By controlling the conditions for applications of the embargo against the territories controlled by the Serbs of Bosnia, Bosnian Serbs would be led to end their attacks and the practice of “ethnic cleansing”, and finally to start out along the road towards a peaceful settlement in the accordance with the provisions set out in the Vance-Owen Plan. He further stated that the reaction of the Federal Republic of Yugoslavia, and in particular that of Serbia, to the resolution would be significant. If the authorities of these countries were to decide to reject the deployment of observers on their side of the frontier with Bosnia, the situation would become clear and the Council would then have to draw the necessary conclusions.⁸⁸

The representative of Hungary stated that his delegation had voted in favour of the resolution just adopted, as it was convinced that all foreign interference in Bosnia and Herzegovina must cease immediately and that the neighbours of that country must respect its territorial integrity. It was clear that there could not be a settlement and lasting peace while such interference persisted. It was also clear that such a settlement would become possible only with the firm determination of the international community. Hungary attached particular importance to the fact that the resolution was in strict conformity with previous Council resolutions concerning the sanctions regime imposed on the Federal Republic of Yugoslavia. The speaker further stated that his delegation considered the resolution primarily as a declaration of intent that would have to be followed up as soon as possible by a report from the Secretary-General and a resolution on the deployment. In that context there were some important questions that would have to be clarified concerning the mandate, emplacement and other aspects of the observers’ activities.⁸⁹

The representative of China reiterated China’s support for a political settlement of the conflict in Bosnia and Herzegovina, within the framework of the International Conference on the Former Yugoslavia. China hoped that the measures envisaged by the resolution just adopted would help to realize that objective, and based on that consideration it had voted in favour of the resolution. At the same time, China’s

affirmative vote did not represent a change in its position vis-à-vis sanctions against the Federal Republic of Yugoslavia.⁹⁰

**Decision of 18 June 1993 (3241st meeting):
resolution 844 (1993)**

On 14 June 1993, pursuant to resolution 836 (1993), the Secretary-General submitted to the Council a report containing an analysis of the modalities for implementation of that resolution.⁹¹ The analysis indicated that such implementation would require the deployment of additional troops on the ground as well as the provision of air support. While an additional troop requirement of approximately 34,000 would be necessary, it would be possible, however, to start implementing the resolution under a light option envisaging a troop reinforcement of around 7,600.⁹² The Secretary-General noted that while that option could not completely guarantee the defence of safe areas, it relied on the threat of air action against any belligerents. He indicated in that regard that he had invited NATO to coordinate with him the use of air power in support of UNPROFOR. It was understood that the first decision to initiate the use of air power would be taken by him in consultation with the Security Council. The Secretary-General further noted that such option represented an initial approach and had limited objectives. It assumed the consent and cooperation of the parties and provided a basic level of deterrence. In conclusion, he recommended that the Council approve the arrangements outlined in his report. At the same time, he stressed the overwhelming importance of seeking a comprehensive political solution to the conflict, noting that a negotiated and equitable settlement would enable the international community to devote its resources to reconstruction and development rather than to successive expansions of the United Nations activities in the former Yugoslavia.

At its 3241st meeting, on 18 June 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members

⁸⁸ Ibid., pp. 7-8.

⁸⁹ Ibid., pp. 8-10.

⁹⁰ Ibid., pp. 11-12.

⁹¹ S/25939 and Corr.1 and Add.1.

⁹² For further details see S/25939 and Corr.1, para. 6.

to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom⁹³ and the United States. He also referred to several other documents.⁹⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 844 (1993), which reads:

The Security Council,

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

Having considered the report of the Secretary-General of 14 and 17 June 1993 pursuant to paragraph 12 of resolution 836 (1993) concerning the safe areas in the Republic of Bosnia and Herzegovina,

Reiterating once again its alarm at the grave and intolerable situation in Bosnia and Herzegovina arising from serious violations of international humanitarian law,

Recalling the overwhelming importance of seeking a comprehensive political solution to the conflict in Bosnia and Herzegovina,

Determined to implement fully the provisions of resolution 836 (1993) of 4 June 1993,

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

1. *Approves* the report of the Secretary-General;
2. *Decides* to authorize the reinforcement of the United Nations Protection Force to meet the additional force requirements mentioned in paragraph 6 of the report of the Secretary-General as an initial approach;
3. *Requests* the Secretary-General to continue the consultations, inter alia, with the Governments of the Member States contributing forces to the Force, called for in resolution 836 (1993);
4. *Reaffirms its decision* in paragraph 10 of resolution 836 (1993) on the use of air power in and around the safe areas to support the Force in the performance of its mandate, and encourages Member States, acting nationally or through regional organizations or arrangements, to coordinate closely with the Secretary-General in this regard;
5. *Calls upon* Member States to contribute forces, including logistic support and equipment, to facilitate the implementation of the provisions regarding the safe areas;

⁹³ S/25966.

⁹⁴ Letters dated 5, 6, 11, 13 and 16 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25908, S/25909, S/25933, S/25943 and S/25959).

6. *Invites* the Secretary-General to report to the Council on a regular basis on the implementation of resolution 836 (1993) and the present resolution;

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

Speaking after the vote, the representative of Hungary stated that his delegation's vote in favour of the resolution just adopted, reflected its conviction that resolution 836 (1993) establishing safe areas in Bosnia and Herzegovina must be implemented as quickly as possible. For Hungary, the only remaining question related to the specific modalities to do that and the modalities outlined in the resolution just adopted were not entirely what it had hoped for. They were acceptable only to the extent that under the present circumstances, the international community was neither in a position, nor was it inclined to do more. Hungary hoped that the measures proposed in the report of the Secretary-General would be taken as soon as possible and in such a way as to make possible progress towards a fair overall settlement of the Bosnian crisis.⁹⁵

The representative of the United States stated that his delegation had voted in favour of the resolution just adopted as an intermediate step that did not foreclose options involving tougher measures. The United States continued to expect the full cooperation of the Bosnian Serb party in implementing the resolution. If that cooperation was not forthcoming, then the United States would seek further action in the Security Council to stop the violence.⁹⁶

The representative of France said that, although the deployment of reinforcements was what might be called "the light option", it was nevertheless the only realistic option at that time, given the means available to UNPROFOR in the short term. France believed that those measures, coupled with the threat of air strikes, could deter attacks against the safe areas, in conformity with resolution 836 (1993).⁹⁷

The representative of the Russian Federation noted that his delegation shared the Secretary-General's view that the implementation of the decision to set up safe areas, needed to be predicated upon the consent and cooperation of all the Bosnian parties. The Russian Federation called upon them to cooperate with UNPROFOR in implementing the Council's resolutions

⁹⁵ S/PV.3241, pp. 6-8.

⁹⁶ *Ibid.*, p. 8.

⁹⁷ *Ibid.*, pp. 8-10.

on the safe areas. The parties needed to realize that if they refused such cooperation, then new, tougher measures might be adopted.⁹⁸

**Decision of 29 June 1993 (3247th meeting):
rejection of a draft resolution**

At its 3247th meeting, on 29 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, the Comoros, Costa Rica, Croatia, Egypt, Estonia, Indonesia, the Islamic Republic of Iran, Jordan, Latvia, the Libyan Arab Jamahiriya, Malaysia, Senegal, Slovenia, the Syrian Arab Republic, Tunisia, Turkey, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council. The President (Spain) then drew the attention of the Council members to the text of a draft resolution submitted by Cape Verde, Djibouti, Morocco, Pakistan and Venezuela,⁹⁹ who were joined as sponsors by Afghanistan, Algeria, the Comoros, Egypt, Estonia, Latvia, Malaysia, Senegal, the Syrian Arab Republic and Turkey.¹⁰⁰

Under the draft resolution, in its preambular part, the Council, *inter alia*, would have stressed that a solution to the conflict in Bosnia and Herzegovina must be based on the following principles: (a) immediate cessation of hostilities; (b) withdrawal from the territories occupied by forces and ethnic cleansing; (c) reversal of the consequences of the reprehensible policy of ethnic cleansing and recognition of the right of all Bosnian refugees to return to their homes; and (d) restoration of the territorial integrity and unity of the Republic of Bosnia and Herzegovina. In the operative part of the draft resolution, the Council would have reaffirmed the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina; and demanded that all hostilities within the territory of the Republic of Bosnia and

Herzegovina be halted forthwith and the consequences of hostilities against the Republic of Bosnia and Herzegovina be reversed in accordance with the principles outlined above. It would have also decided to exempt the Government of the Republic of Bosnia and Herzegovina from the arms embargo imposed on former Yugoslavia by its resolution 713 (1991) with the sole purpose of enabling the Republic of Bosnia and Herzegovina to exercise its inherent right of self-defence.

The representative of Cape Verde contended that the failure of the Council to implement effectively the Charter collective security provisions in respect of the situation in Bosnia, would have a negative impact on the outcome of current and future conflicts. He cautioned that one of the most negative lessons that might be drawn from the Bosnian conflict was that countries might have to rely on their own capacity to defend themselves in future. For small nations, which were the majority of the Members of the Organization, and which could meet their security needs only by relying on respect for the principles and norms of international law and on the effective implementation of the decisions of the Security Council, especially its Chapter VII decisions, the Bosnian experience was very disturbing. For a long time, calls for United Nations action to defend the Bosnian civilian population had gone unheeded, whilst safe areas declared under Chapter VII continued to be jeopardized. In submitting the draft resolution, the caucus of non-aligned members of the Security Council was responding to a moral call aimed at enabling the victims of aggression and ethnic cleansing to exercise their inherent right of self-defence, as recognized in the Charter of the United Nations. If the United Nations did not have the political will to take prompt and effective action to stop the killing of Bosnian Muslim civilians, then it should at least allow them legitimately to defend themselves. Indeed, the draft resolution made it clear that the sole purpose of lifting the arms embargo against Bosnia and Herzegovina was to enable that Republic to defend itself from attacks.¹⁰¹

The representative of Bosnia and Herzegovina contended that two questions were relevant in evaluating the merit of the draft resolution. First, had the Security Council compelled the necessary means to stop the aggression and genocide against Bosnia and

⁹⁸ *Ibid.*, p. 11.

⁹⁹ S/25997.

¹⁰⁰ During the 3247th meeting, the following also joined in sponsoring the draft resolution: Albania, Indonesia, the Islamic Republic of Iran, Jordan, the Libyan Arab Jamahiriya, Tunisia and the United Arab Emirates.

¹⁰¹ S/PV.3247, pp. 6-10.

Herzegovina? Second, if not, what were the measures that should be taken to stop the aggression and, particularly should the arms embargo against Bosnia and Herzegovina be declared invalid in accordance with the United Nations Charter's guarantee of the right of self-defence? Noting that Bosnia and Herzegovina had waited for over a year for "the most empowered members of the Council" to fulfil their commitment to confront the Serbians, the speaker pointed out that his country had sought to reassert its right to obtain the means of self-defence only after those members had failed to meet their commitment. The speaker further stated that the Bosnians must be provided with the leverage to undertake fair and promising negotiations or to confront the undiminished aggression.¹⁰²

The representative of Pakistan argued that Bosnia and Herzegovina had been at a "grave disadvantage" in responding to aggression, not only because of the large and well-equipped Serb army and paramilitary units, but also because it had been prevented by the United Nations from acquiring the means for self-defence. He also contended that it had become clear that Serbian forces would not be deterred by the exhortations of the Council so long as it was not prepared to take enforcement measures, including the use of force under Chapter VII of the Charter. The speaker further stated that his country could not accept and legitimize the consequences of blatant acts of aggression against a State Member of the United Nations, nor could it accept the "disintegration" of a sovereign State. He warned that the consequences of accepting the situation in Bosnia and Herzegovina would be terrible not only for the people of Bosnia and Herzegovina but for the international community as a whole. It would encourage those who believed that force could be a viable instrument for territorial expansion and political domination, and it would erode the credibility of the Security Council as an instrument of peace and justice, not only in respect of Bosnia and Herzegovina, but also in relation to other conflicts and disputes. Furthermore, it would revive the global arms race, as all nations exposed to aggression and domination would seek to arm themselves against such threats. Referring to the draft resolution, the speaker stated that the most important provision was the one exempting Bosnia and Herzegovina from the arms embargo imposed against the former Yugoslavia by resolution 713 (1991). That

¹⁰² Ibid., pp. 9-17.

measure had been proposed by a majority of the United Nations membership in General Assembly resolution 47/121 of 18 December 1992. It was also consistent with Article 51 of the Charter. The speaker concluded by stating that the options available to the Security Council were stark: either the international community, in accordance with the collective security system envisaged in the Charter, should take effective measures to defend Bosnia and Herzegovina, or it should remove the shackles preventing the victim from exercising its inherent right of self-defence.¹⁰³

The representative of Croatia said that it was unfortunate that the Security Council had not endorsed, nor been prepared to enforce, the Vance-Owen plan. Although it was necessary for the international community to stop the tragedy taking place in Bosnia and Herzegovina, Croatia did not believe that providing more arms to Bosnian Muslims would accomplish that purpose. If the arms embargo were to be lifted, the Croatian Government could only support a general lifting for all the victims of Serbian aggression. A selective approach to the issue would only aggravate the ongoing situation.¹⁰⁴

The representative of Morocco contended that the arms embargo, which the Council had adopted with a view to reducing violence and suffering, had unfortunately not had any effect on either the Serbs or the Croats. Rather, it had increased the military superiority of the Serbs. He argued that, as long as an imbalance existed, the Serbs would continue to impose conditions and refuse to compromise, as they had done with respect to the Vance-Owen plan. The legitimate Government of Bosnia and Herzegovina had suffered the most from the arms embargo. Authorizing the Bosnian Government to acquire the means to defend its civilian population would help deter the Serbs from pursuing policies of aggression and occupation. It was therefore essential to exempt it from the provisions of resolution 713 (1991). The speaker also argued that the lifting of the arms embargo should be accompanied by strengthened monitoring of the sanctions regime, in order to prevent the Bosnian Serbs from continuing to acquire additional weapons and territory.¹⁰⁵

Mr. Djokic stated that the Government of the Federal Republic of Yugoslavia strongly opposed

¹⁰³ Ibid., pp. 17-26.

¹⁰⁴ Ibid., pp. 33-37.

¹⁰⁵ Ibid., pp. 47-52.

exempting one side from the arms embargo imposed by resolution 713 (1991). He warned that, should the draft resolution be adopted, the Security Council would, under the pretext of protecting the inherent right to self-defence, merely be contravening its past efforts to contain the crisis and find a lasting solution. He further argued that lifting the arms embargo and supplying arms to one side would invariably lead to an arms race between the warring parties in Bosnia and Herzegovina, with unforeseeable consequences. The Federal Republic of Yugoslavia, despite the unfair and inhumane sanctions imposed against it, would spare no effort to help prevent further bloodshed between the “three constituent nations” and to find a solution based on their legitimate interests and rights. Before concluding, the speaker contended that the draft resolution was one of war rather than of peace and he urged the Security Council, not to adopt it.¹⁰⁶

The representative of Slovenia noted that although the Council had devoted much of its time to the conflict in Bosnia and Herzegovina the previous months, the resolutions adopted so far had not yielded the expected results and had in some cases avoided the crucial issues. He also stressed the following basic principles. First, the war in Bosnia and Herzegovina was neither a civil war, nor an ethnic conflict. It was a war of aggression perpetrated from outside Bosnia and Herzegovina, and it was a war for territory. Every State had the inherent right, in accordance with Article 51 of the Charter, to legitimate self-defence and that right should not be denied to Bosnia and Herzegovina. Second, genocide must be stopped, and deeds rather than words were necessary to do so. Third, the Security Council needed to find a way to preserve the existence of a United Nations Member State, or else the whole system of collective security would be put in jeopardy. Fourth, preservation of Bosnia and Herzegovina was a vital requirement for peace and political stability in south-eastern Europe and in Europe as a whole.¹⁰⁷

The representative of Ukraine urged the Council to consider additional effective measures to protect United Nations peacekeepers in Bosnia and Herzegovina, and expressed concern at the possibility that hostilities would be intensified if the arms embargo were lifted in Bosnia and Herzegovina. It favoured strict compliance with the resolutions that had

already been adopted by the Security Council. It suggested that an important step might be to put under effective United Nations control all heavy weapons at the disposal of the Bosnian Serbs. In its opinion, such a step would lower the level of military confrontation in the region and would remove from the agenda the question of lifting the arms embargo.¹⁰⁸

During the debate, other speakers also referred to the inability of the Security Council to fulfil its responsibilities under Article 24 of the Charter and to enforce its resolutions adopted under Chapter VII. They reaffirmed the right of Bosnia and Herzegovina to self-defence in accordance with Article 51 and urged the Council to lift the arms embargo against Bosnia and Herzegovina.¹⁰⁹

Speaking before the vote, the representative of the United Kingdom regretted that a political settlement had not yet been achieved. But the United Nations could not simply impose a political solution. While acknowledging that the existing situation in Bosnia and Herzegovina was “deeply worrying”, the speaker stated that his Government nevertheless did not see a reason for adopting what it regarded as a “solution of despair”, which was how it viewed the proposal to lift the arms embargo. He contended that lifting the arms embargo would clearly result in an increase in fighting and would provide an “irresistible temptation” to the Bosnian Serbs and Bosnian Croats to intensify their military efforts and to ensure that, by the time any substantial delivery of weapons was made to the Government of Bosnia, the military threat it posed to them had been neutralized. In addition to these drawbacks, the United Kingdom did not see how the United Nations current efforts in Bosnia and Herzegovina could be sustained following a decision to lift the arms embargo. The United Kingdom was of the view that the adoption of the draft resolution would be seen as a signal that the United Nations was turning its back on Bosnia and leaving its inhabitants to “fight it out, come what may”. It could not therefore support the draft. The speaker further stated that his delegation

¹⁰⁶ *Ibid.*, pp. 89-91.

¹⁰⁷ *Ibid.*, pp. 108-110.

¹⁰⁸ *Ibid.*, pp. 111-113.

¹⁰⁹ *Ibid.*, pp. 26-33 (Egypt); pp. 38-41 (Malaysia); pp. 41-47 (Jordan); pp. 52-54 (Albania); pp. 54-59 (Indonesia); pp. 60-63 (Turkey); pp. 72-77 (Islamic Republic of Iran); pp. 77-83 (United Arab Emirates); pp. 83-88 (Senegal); pp. 92-96 (Algeria); pp. 96-102 (Libyan Arab Jamahiriya); pp. 102-106 (Bangladesh); and pp. 106-108 (Costa Rica).

regretted that the issue of lifting the arms embargo, which was “so divisive”, was being pressed to a vote. The unity of the Council was an “absolute prerequisite” to achieving results in handling what was the “most complex and difficult” international issue in recent years. The United Kingdom believed that priority should be given to making the safe areas safer. In addition, the economic sanctions against Serbia and Montenegro should be sustained and strengthened. It was crucial that the Bosnian Serbs and the authorities in Belgrade understood that there would be no easing or lifting of the sanctions until the conditions set out in the Security Council’s resolutions, most recently in resolution 820 (1993), had been fulfilled. The United Kingdom also believed that the Council should do everything in its power to sustain and nourish the peace process.¹¹⁰

The representative of France stated that his Government did not believe that the draft resolution should be adopted for reasons of principle, timing and substance. He argued that the role of the United Nations and the Security Council was not to organize for war or to wage war. According to the Charter, its role was to contribute to the settlement of conflict by peaceful means. Deciding to lift the arms embargo selectively would mean, contrary to the principles of the Charter, setting out on the path of war rather than of peace. Moreover, lifting the arm embargo would put an end to the safe areas and could have dangerous consequences for the very existence of Bosnia and Herzegovina.¹¹¹

The representative of the Russian Federation stated that his delegation could not accept the draft resolution. The position of principle of the Russian Federation on the crisis in Bosnia was that there should be a halt in hostilities and a peaceful settlement, which would satisfy all three sides within the context of the territorial integrity of Bosnia and Herzegovina. Lifting the arms embargo would not increase the chance of achieving such a settlement; on the contrary, it would open the “floodgates” for an escalation of the war, potentially leading to results completely contradictory to the goals proclaimed in the draft. It might actually neutralize the entire United Nations operation in Bosnia and Herzegovina. The Russian Federation continued to support the concept of safe areas and of

building up an international presence in Bosnia and Herzegovina, as one way of making progress towards a peaceful settlement.¹¹²

The representative of Hungary stated that his delegation continued to endorse the principles set out in the draft resolution, including the cessation of hostilities, the withdrawal from territories occupied by force, reversal of the consequences of the policy of “ethnic cleansing”, and restoration of the territorial integrity of Bosnia. Furthermore, Hungary thought that it was “enormously important” to make a clear distinction between the aggressor and the victim of aggression. It was also intolerable that one of the parties to the conflict continued to be supplied with weapons from outside sources, while another party had no such ability. The point was to halt all supplies of weapons and ammunition to Bosnia and Herzegovina. To that end, international inspection facilities should be set up along all of the borders of Bosnia and Herzegovina, as had been indicated in resolution 838 (1993). The Serbs’ heavy weapons should be placed under effective control, as they were the weapons that were responsible for so much of the violence. The Security Council needed only to apply its own resolutions. The speaker further stated that the question before the Council was whether, in the existing circumstances, the actions envisaged in the draft resolution would promote a solution to the Bosnian problem. After carefully weighing the various arguments concerning the draft resolution, however, Hungary had concluded that lifting the arms embargo against Bosnia and Herzegovina would not necessarily have a positive impact on subsequent developments in that country and the vicinity. In Hungary’s opinion, lifting the arms embargo would be to admit the irreversible failure of efforts for a negotiated, political solution.¹¹³

The draft resolution was then put to the vote and received 6 votes to none, with 9 abstentions (Brazil, China, France, Hungary, Japan, New Zealand, Russian Federation, Spain and United Kingdom), and was not adopted as it had not obtained the required number of votes.

Speaking after the vote, the representative of the United States recalled that her Government had consistently advocated lifting the arms embargo on the

¹¹⁰ Ibid., pp. 132-135.

¹¹¹ Ibid., pp. 136-138.

¹¹² Ibid., pp. 138-142.

¹¹³ Ibid., pp. 143-147.

Government of Bosnia and Herzegovina. By voting in favour of the draft resolution, the United States reaffirmed its belief that Bosnia and Herzegovina, as a sovereign State and Member of the United Nations, had a right to defend itself. The speaker warned that, although the Council had not acted on the arms embargo, it would be a grave mistake for the Bosnian Serbs to interpret that action as an endorsement of their intransigence or of their attempts to use military force to change international boundaries and destroy a neighbour. Nor should the vote be seen as an indication that the international community was willing to turn a blind eye to the gross violations of human rights committed in Bosnia, primarily by the Bosnian Serbs. The United States would continue to insist that, if the authorities in Belgrade wanted to rejoin the family of nations, they would have to stop the violence and comply with all relevant Security Council resolutions. Until that day, the Council would have no choice but to maintain the pressure. The goal remained a negotiated settlement freely agreed to by all the parties, and the United States continued to believe that exempting Bosnia and Herzegovina from the arms embargo was a means to that end.¹¹⁴

The representative of China stated that his delegation held that the sovereignty, political independence and territorial integrity of all United Nations Member States should be fully respected by the international community. It therefore supported such elements in the draft. Based on China's principled position, the Chinese delegation had abstained on the vote on the draft resolution.¹¹⁵

The representative of Brazil stated that his delegation had supported many of the elements in the draft resolution, including that there should be an immediate cessation of hostilities, a halt to the abhorrent practice of ethnic cleansing, and that the acquisition of territories by the use of force could not be tolerated. Notwithstanding those considerations, however, the Brazilian delegation had not been in a position to vote in favour of the draft resolution. Brazil continued to believe in the overwhelming importance of seeking a comprehensive political solution to the Bosnian conflict. It maintained that the international community needed to aim its actions and decisions at restraining and putting an end to the armed conflict and

should avoid the risk that, as a consequence of its actions and decisions, war might escalate or expand. Furthermore, there appeared to be grounds to fear that some of the measures envisaged in the draft resolution, if they were to be implemented, might prompt drastic actions which would affect the very populations that the Security Council would be trying to protect. The international community should not give up on the hope of reaching a peaceful solution to the conflict.¹¹⁶

The representative of New Zealand noted that his delegation shared a deep sense of frustration about the situation in Bosnia and Herzegovina. It believed, however, that a durable solution to the situation in Bosnia and Herzegovina should come through intensified efforts towards a political settlement. New Zealand continued to support United Nations humanitarian efforts and Security Council measures, such as sanctions, designed to persuade the parties of the need to look for a political solution, but the action proposed in the draft resolution had been of quite a different nature. Lifting the arms embargo would, in New Zealand's view, immediately intensify the military pressure on the Bosnian forces, inevitably resulting in more civilian casualties and more refugees. It would also force an end to the United Nations humanitarian operations. The speaker cautioned that the Council's decision should not be misinterpreted as meaning that the Council had turned its back on the Bosnian people. On the contrary, the Council had established safe areas under resolution 836 (1993) and had decided to respond with force if those areas were threatened. It was necessary to address urgently the practical implementation of the safe areas.¹¹⁷

The President, speaking in his capacity as the representative of Spain, stated that his delegation shared, in large measure, the motivations of the countries that had sponsored the draft resolution. It was Spain's view, however, that lifting the arms embargo would lead to an escalation of the violence and would only increase the suffering of the civilian population. Moreover, the measures proposed in the draft resolution would escalate the risk of an expansion of the conflict, with potentially serious consequences for the entire region. In addition, lifting the arms embargo would be incompatible with the maintenance of the presence of UNPROFOR and that therefore the

¹¹⁴ Ibid., pp. 148-149.

¹¹⁵ Ibid., pp. 150-151.

¹¹⁶ Ibid., pp. 151-153.

¹¹⁷ Ibid., pp. 153-155.

humanitarian agencies would not be able to operate. Spain believed that the Council should not abandon its efforts to achieve the implementation of resolutions 836 (1993) and 844 (1993), on the safe areas. He noted that, if all else failed, Spain was prepared to consider recourse to more forceful measures, without prejudging or excluding consideration of any of them.¹¹⁸

Decision of 7 July 1993: letter from the President to the Secretary-General

On 1 July 1993, pursuant to resolution 838 (1993), the Secretary-General submitted to the Council a report on options for the deployment of international observers on the borders of the Republic of Bosnia and Herzegovina.¹¹⁹ The Secretary-General noted that the relevant resolutions of the Security Council would require border monitors to address movements of regular and irregular military personnel, weapons and other military equipment and supplies, as well as goods subject to sanctions from neighbouring countries destined for Bosnia and Herzegovina or the United Nations Protected Areas of Croatia. Two options were proposed, the first consisting of border monitoring and the second consisting of border control. Both options were based on the following assumptions: (a) border monitoring arrangements would require the full cooperation of all parties concerned; (b) border monitoring would include all international borders of Bosnia and Herzegovina, with priority given to those with the Federal Republic of Yugoslavia; (c) given the nature of the terrain and the length of the borders, only major crossing points could be effectively monitored; and (d) where applicable, UNPROFOR would focus its monitoring activity on the work of the national border control agencies.

The Secretary-General noted that option two would be unrealistic taking into account that the worldwide resources for additional peacekeeping troops were increasingly stretched. Option one, however, would also require substantial additional resources in terms of observers and equipment. He further noted that even if the necessary personnel and financial resources were available, the effectiveness of the first option would depend entirely on the cooperation of the neighbouring countries and of the parties concerned.

¹¹⁸ *Ibid.*, pp. 156-159.

¹¹⁹ S/26018 and Corr.1 and Add.1.

By a letter dated 7 July 1993,¹²⁰ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your report of 1 July 1993 on options for the deployment of international observers on the borders of the Republic of Bosnia and Herzegovina. The continue to believe that, in order to facilitate the implementation of the relevant Council resolutions, international observers should be deployed on the borders of Bosnia and Herzegovina, with priority being given to the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro).

Bearing in mind the observations in your report, they invite you to contact Member States in order to establish whether they are ready, individually or through regional organizations or arrangements, to make qualified personnel available to act as observers along the borders of Bosnia and Herzegovina and to continue to explore all possibilities for implementation of the border monitors concept. They also invite you to pursue the question of implementation with a view to obtaining full cooperation from the authorities in the neighbouring countries.

The members of the Council look forward to receiving further information on the contacts proposed in the previous paragraph, as well as reports pursuant to paragraph 2 of resolution 838 (1993) of 10 June 1993 concerning material derived from aerial surveillance.

Decision of 22 July 1993 (3257th meeting): statement by the President

By a letter dated 19 July 1993 addressed to the President of the Security Council,¹²¹ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the President of Bosnia and Herzegovina in which he reported that Serbian forces had launched an offensive towards the Sarajevo safe zone, and that forces had been also directed to Mount Igman. He called upon the Council to intervene immediately to stop the aggression against Bosnia and Herzegovina.

At its 3257th meeting, on 22 July 1993, the Council included the letter from the representative of Bosnia and Herzegovina in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (United Kingdom) stated that, after consultations among members of the

¹²⁰ S/26049.

¹²¹ S/26107.

Security Council, he had been authorized to make the following statement on behalf of the Council:¹²²

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

The Council renews its demand that all hostilities in Bosnia and Herzegovina cease and that the parties and others concerned refrain from any hostile acts. It supports the call from the Co-Chairmen of the International Conference on the Former Yugoslavia in this regard, designed to facilitate the peace talks.

The Council reaffirms its resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in the first of which it declared Sarajevo a safe area that should be free from armed attacks and any hostile acts, and from which Bosnian Serb military or paramilitary units should be withdrawn to a distance wherefrom they cease to constitute a menace to its security and that of its inhabitants. It condemns the offensive by the Bosnian Serbs on Mount Igman aimed at further isolating Sarajevo and escalating the recent unprecedented and unacceptable pressures on the Government and people of the Republic of Bosnia and Herzegovina before the forthcoming talks in Geneva. It demands an immediate end to this offensive and to all attacks on Sarajevo. It also demands an immediate end to all violations of international humanitarian law. It demands an end to the disruption of public utilities (including water, electricity, fuel and communications) by the Bosnian Serb party and to the blocking of, and interference with, the delivery of humanitarian relief by both the Bosnian Serb and the Bosnian Croat parties.

The Council calls on the parties to meet in Geneva under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia. It calls on the parties to negotiate in earnest with the aim of achieving a just and equitable settlement on the basis of the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the principles agreed at the International Conference on the Former Yugoslavia in London on 26 August 1992 and supported by the Council in its statement of 2 September 1992. In particular it reaffirms the unacceptability of ethnic cleansing, or the acquisition of territory by the use of force, or any dissolution of the Republic of Bosnia and Herzegovina.

The Council emphasizes that it will keep open all options, none of which is prejudged or excluded from consideration.

¹²² S/26134.

Decision of 24 August 1993 (3269th meeting): resolution 859 (1993)

At its 3269th meeting, on 24 August 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to letters dated 3, 6, 20 and 23 August 1993 from the Secretary-General addressed to the President of the Security Council,¹²³ conveying reports dated 2, 5 and 20 August 1993 of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, as well as to the text of a draft resolution prepared in the course of the Council's prior consultations¹²⁴ and a number of other documents.¹²⁵

The representative of Bosnia and Herzegovina stated that the last time he had spoken before the Council, his country had been told that its right to obtain defensive weapons and fully exercise self-defence would pose a threat to United Nations forces and prolong the war. Now it was being suggested that the reemphasis of the principles of the Charter of the United Nations, international law, Security Council resolutions, decisions of the International Court of Justice and the London Conference on the Former Yugoslavia would somehow undermine the chances for a negotiated settlement. He urged the Security Council to adhere to its resolutions and commitments, warning that failure to do so would be "catastrophic", not only for the people of Bosnia and Herzegovina, but also for the people of the world, who deserved and commanded the very ideals upon which the Council had been established. Turning to the draft resolution he stated that it was timely, in that it was being adopted prior to the resumption of the

¹²³ S/25233, S/26260 and S/26337 and Add.1, respectively.

¹²⁴ S/26182.

¹²⁵ Letters dated 2, 3, 4, 5, 6, 16 and 23 August 1993, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/26227, S/26232, S/26244, S/26245, S/26256, S/26309, S/26340 and S/26342); letters dated 6 August 1993 from the representative of Morocco addressed to the President of the Security Council (S/26257 and S/26266); and letter dated 9 August 1993 from the representative of Croatia addressed to the Secretary-General (S/26281).

Geneva process to find a just and durable peace. Bosnia and Herzegovina hoped that the members of the Security Council would remain committed to the application of the draft resolution's principles and that they would ensure that the Co-Chairmen of the Conference would promote those principles in Geneva.¹²⁶

Speaking before the vote, the representative of Pakistan noted that the non-aligned members of the Security Council had originally submitted the draft resolution with a view to achieving two fundamental objectives: first, to ensure a complete ceasefire and cessation of all hostilities throughout Bosnia and Herzegovina, which was an essential prerequisite for a just and equitable political solution to the conflict through peaceful negotiations; and second, to set out a framework of principles which should constitute the fundamental basis for peace and a politically negotiated settlement of the crisis. Despite the unanimous view that the tragedy in Bosnia and Herzegovina was caused by flagrant violations of international law and the principles enshrined in the Charter, the political will to end it appeared to be deficient. The draft resolution came at a crucial time, and Pakistan therefore hoped that its successful adoption would help to create the conditions necessary for transparent and free negotiations among the parties concerned.¹²⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 859 (1993), which reads:

The Security Council,

Recalling all its previous resolutions on the conflict in the Republic of Bosnia and Herzegovina,

Reaffirming the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Reaffirming also that Bosnia and Herzegovina, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Noting that Bosnia and Herzegovina has continued to be subject to armed hostilities in contravention of Security Council resolution 713 (1991) of 25 September 1991 and other relevant Council resolutions and that, despite all efforts by the United Nations as well as regional organizations and arrangements,

there is still no compliance with all relevant Council resolutions, in particular by the Bosnian Serb party,

Condemning once again all war crimes and other violations of international humanitarian law, by whomsoever committed, Bosnian Serbs or other individuals,

Deeply concerned at the deterioration of humanitarian conditions in Bosnia and Herzegovina, including in and around Mostar, and determined to support in every possible way the efforts by the United Nations Protection Force and the United Nations High Commissioner for Refugees to continue providing humanitarian assistance to civilian populations in need,

Concerned about the continuing siege of Sarajevo, Mostar and other threatened cities,

Strongly condemning the disruption of public utilities (including water, electricity, fuel and communications), in particular by the Bosnian Serb party, and calling upon all parties concerned to cooperate in restoring them,

Recalling the principles for a political solution adopted by the London International Conference on the Former Yugoslavia,

Reaffirming once again the unacceptability of the acquisition of territory through the use of force and the practice of "ethnic cleansing",

Stressing that an end to the hostilities in Bosnia and Herzegovina is necessary to achieve meaningful progress in the peace process,

Mindful of its primary responsibility under the Charter for the maintenance of international peace and security,

Taking into account the reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia contained in documents S/26233, S/26260 and S/26337,

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

Acting under Chapter VII of the Charter,

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

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

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

¹²⁶ S/PV.3269, pp. 7-15.

¹²⁷ *Ibid.*, pp. 22-23.

4. *Demands also* that the safety and operational effectiveness of personnel of the United Nations Protection Force and of the Office of the United Nations High Commissioner for Refugees in Bosnia and Herzegovina be fully respected by all parties at all times;

5. *Takes notes with appreciation* of the letter of the Secretary-General dated 18 August 1993 stating that the United Nations has now the initial operational capability for the use of air power in support of the Force in Bosnia and Herzegovina;

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

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

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

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

(d) Recognition and respect for the right of all displaced persons to return to their homes in safety and honour;

(e) The maintenance of Sarajevo, capital of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre;

7. *Recalls* the principle of individual responsibility for the perpetration of war crimes and other violations of international humanitarian law and its decision in resolution 827 (1993) of 25 May 1993 to establish an international tribunal;

8. *Declares its readiness* to consider taking the necessary measures to assist the parties in the effective implementation of a fair and equitable settlement once it has been freely agreed by the parties, which would require a decision by the Council;

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

Speaking after the vote, the representative of France contended that the terms for a comprehensive settlement as defined after the most recent negotiations certainly did not represent an ideal solution. However, they had the merit of preserving what was essential: the continued existence of Bosnia and Herzegovina

through a union of three member Republics; a territorial base for each of the three communities, but above all for the most sorely tried community, the Bosnian Muslims, economically viable areas; and finally the maintenance of Sarajevo as the united capital of that entity. Another essential element, the continued membership of Bosnia and Herzegovina in the United Nations, was presently assured by the Council. Therefore, in his Government view, such an accord, if scrupulously adhered to, would be a realistic solution, permitting the foundation of a lasting agreement. His delegation welcomed the fact that the Council had stressed its readiness to take immediately the necessary measures to implement a political solution. The speaker noted that such action clearly benefited the party who was in a situation of weakness. A massive United Nations presence in Bosnia was the best guarantee of the rights of the weakest.¹²⁸

The representative of New Zealand noted that for the past months the Council had been seriously divided on how to respond to the increasingly tragic situation in Bosnia. That division, and the consequent inaction, had put at risk not only the interests of Bosnia but also the longer-term credibility of the United Nations system and the Council's role in collective security. His delegation was pleased that the Council had finally rose to the challenge. The small and the vulnerable must be able to depend on the collective security mechanism of the United Nations, and that meant that the Council must be willing to act when it was seized of an issue. The speaker further stated that the resolution just adopted underlined the importance the Council attached to backing up UNPROFOR with force, and it emphasized the support that the Secretary-General enjoyed on that issue. The resolution also addressed three other matters that his delegation believed to be essential for any fair and freely accepted settlement: first, the continuity of the Bosnian State; secondly, the special status of Sarajevo as a unified capital; and, thirdly, the reiteration of the general principles under which the negotiations had proceeded. On the question of the implementation of the settlement, his delegation was very pleased that the resolution looked forward to the role that the Council would have to play once a settlement was concluded.¹²⁹

¹²⁸ *Ibid.*, pp. 26-27.

¹²⁹ *Ibid.*, pp. 33-36.

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution just adopted on the basis of its firm conviction that all steps taken by the Security Council on the issue of a Bosnian settlement must be aimed solely at assisting the negotiations in Geneva, which provided a “unique opportunity” to halt the bloodshed and lead to a political settlement. It was the Russian Federation’s fundamental position that the international community, through the Security Council, must give clear signals promoting peacemaking and not actions likely to impede the negotiating process. The speaker contended that there remained “unbalanced and biased elements” in the resolution concerning one of the parties to the conflict, thus incorrectly reflecting the state of affairs existing in Bosnia and Herzegovina. Moreover, in connection with paragraph 5, The Russian Federation unequivocally believed in the need for the Secretary-General to hold consultations with members of the Security Council before adopting a decision on air support for UNPROFOR. He warned that there should be no “automatic response” on that important question. The Russian Federation also emphasized that such air power could only be used in support of UNPROFOR, as provided in resolution 836 (1993). In conclusion, the speaker stated that, in the view of his delegation, the Security Council must not only promote the speedy achievement of an agreement on Bosnia and Herzegovina, but it should also specify its own role as a guarantor of the agreement’s implementation. Immediately after the signing of the Geneva package, the Security Council should therefore adopt a supporting resolution, providing not only for active, positive steps to implement the agreements, but also for stricter measures concerning those who violated them.¹³⁰

The President, speaking in her capacity as representative of the United States, stated that the resolution just adopted, fairly and properly urged the parties to reach a just and comprehensive political settlement as soon as possible. The resolution did not take a stand on the points that the parties had taken to their constituencies from the Geneva negotiations. The decision had to remain with the parties. It was also necessary to keep in mind that signing a political settlement was only the first step towards a return to normalcy. The United States would continue to support efforts to reach a solution, consistent with Security

¹³⁰ Ibid., pp. 47-50.

Council resolutions, to the problem of the United Nations protected areas in Croatia. Similarly, the parties must cooperate with the international war crimes tribunal. The speaker reiterated her Government’s belief that signing a political agreement was not enough; a willingness effectively to implement what they had signed would be the real test of any of the parties’ good will.¹³¹

Decision of 14 September 1993 (3276th meeting): statement by the President

At its 3276th meeting, on 14 September 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Venezuela) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹³²

The Security Council expresses its profound concern over recent reports that Bosnian Croats have been holding Bosnian Muslims in detention camps under deplorable conditions. The Council recalls the international revulsion and condemnation that accompanied revelations last year of the conditions under which Bosnian Muslims and Bosnian Croats were being held in Bosnian Serb detention camps.

The Council reiterates the principle that the International Committee of the Red Cross (ICRC) must be given access to all detainees in Bosnia wherever they may be held. It notes that the ICRC has recently been given access to some detainees, but recalls with condemnation the obstacles which the Bosnian Croats have previously placed in the way of the ICRC’s attempts to gain access to the camps in order to ascertain the conditions of the detained. It also notes the recent appeal addressed by the President of Croatia to the Bosnian Croats.

The Council emphasizes the fact that inhumane treatment and abuses in detention centres violate international humanitarian law. Moreover, as the Council has previously recalled, persons who commit or order the commission of grave breaches of the Geneva Conventions of 12 August 1949 are individually responsible in respect of such breaches.

The Council calls upon the Bosnian Croats to supply immediately to the ICRC complete information on all camps where Bosnian Muslim and other prisoners are being held, and to assure the ICRC and all other legitimately concerned

¹³¹ Ibid., pp. 58-59.

¹³² S/26437.

international bodies free and unhindered access to the detained, wherever they may be held.

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

The Council further reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions, and reminds them of its willingness to consider appropriate actions if any of them should fail to abide scrupulously by their obligations.

The Council decides to remain seized of the matter.

**Decision of 28 October 1993: statement by
the President**

On 28 October 1993, after consultations with the members of the Council, the President made the following statement on behalf of the members of the Council:¹³³

The members of the Security Council have heard an initial oral report by the Secretariat concerning the massacre of the civilian population in the village of Stupni Do on 23 October 1993 by troops of the Croatian Defence Council (HVO). They also heard accounts of attacks against the United Nations Protection Force (UNPROFOR) by armed persons bearing uniforms of the Bosnian Government forces, and of an attack to which a humanitarian convoy under the protection of UNPROFOR was subjected on 25 October 1993 in central Bosnia.

The members of the Council unreservedly condemn these acts of violence. They express their profound concern about the preliminary information to the effect that regular and organized armed forces were probably involved. They have requested the Secretary-General to submit as soon as possible a complete report on the responsibility for these acts. The members of the Council are prepared to draw all the relevant conclusions from this report, which will also be transmitted to the Commission of Experts established by resolution 780 (1992).

The members of the Council reiterate their demand that all the parties in the former Yugoslavia comply with their obligations under international humanitarian law, and that those responsible for such violations of international humanitarian law should be held accountable in accordance with the relevant Council resolutions. The members of the Council call upon all the parties in the former Yugoslavia to guarantee the unimpeded access of humanitarian assistance and the security of the personnel responsible for it.

¹³³ S/26661.

**Decisions of 9 November 1993 (3308th meeting):
statements by the President**

At its 3308th meeting, on 9 November 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Cape Verde) drew the attention of the members of the Council to several documents¹³⁴ and stated that, after consultations among members of the Security Council, he had been authorized to make two statements on behalf of the Council:

The first statement¹³⁵ reads:

The Security Council expresses its deep concern at the reports on the deterioration of the situation in central Bosnia where increased military activities are seriously threatening security of the civilian population.

The Council demands that all parties and others concerned refrain from taking any action that threatens the safety and well being of the civilian population.

The Council is equally concerned at the overall humanitarian situation prevailing in the Republic of Bosnia and Herzegovina. It reiterates its demand to all parties and others concerned to guarantee unimpeded access for humanitarian assistance.

The Council, aware of the heavy burden that these developments add to the existing precarious humanitarian situation of the refugees and displaced persons in Bosnia and Herzegovina and in the surrounding countries, calls on all parties to assist the competent United Nations agencies and other humanitarian organizations in their efforts to provide relief to the affected civilian population in those countries.

The Council urges all parties and others concerned to exert the utmost restraint and refrain from taking any action which might exacerbate the situation.

The second statement¹³⁶ reads:

The Security Council is profoundly shocked to learn of the incident which took place on 8 November 1993 in which two persons were taken hostage by the Bosnian Serb forces, while

¹³⁴ Letters dated 3 and 9 November 1993, respectively, from the representative of Croatia addressed to the President of the Security Council (S/26690 and S/26715); and letter dated 8 November 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/26692).

¹³⁵ S/26716.

¹³⁶ S/26717.

members of a delegation headed by Monsignor Vinko Puljic, the Archbishop of Sarajevo, travelling to the city of Vares on a mission of peace under the protection of the United Nations Protection Force (UNPROFOR).

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

The Council notes that, despite the prompt and commendable intervention of the Special Representative of the Secretary-General, neither of the hostages has been released, and it demands that the Bosnian Serb forces proceed immediately to release them. The Council reminds the perpetrators of this act that they are obligated to ensure that no harm comes to the individuals being held and that those responsible for violations of international humanitarian law will be held personally accountable for their actions.

The Council requests the Secretary-General to undertake a thorough investigation of the incident and to report to the Council without delay. It urges all parties and others concerned to refrain from taking any action which might further exacerbate the situation.

The Council condemns all attacks and hostile acts against UNPROFOR by all parties in the Republic of Bosnia and Herzegovina, as well as in the Republic of Croatia, which have become more frequent over the last weeks, and demands that they cease forthwith.

**Decision of 7 January 1994 (3327th meeting):
statement by the President**

At its 3327th meeting, on 7 January 1994, the Council resumed its consideration of the situation in Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) drew the attention of the members of the Council to a letter dated 6 January 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council,¹³⁷ transmitting a letter of the same date from the President of the Presidency of Bosnia and Herzegovina addressed to the President of the Security Council. The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹³⁸

The Security Council expresses its deep concern at the continuing widespread hostilities in the Republic of Bosnia and

¹³⁷ S/1994/15.

¹³⁸ S/PRST/1994/1.

Herzegovina. It deplores the failure of the parties to honour the agreements they have already signed, in the context of the International Conference on the Former Yugoslavia, to implement a ceasefire and to permit the delivery of humanitarian assistance. It condemns the flagrant violations of international humanitarian law which have occurred, for which it holds the perpetrators personally responsible.

The Council condemns any hostilities in the United Nations-designated safe areas, especially in the Sarajevo area. In particular, it strongly condemns the continuing military pressure on and the relentless bombardment by Bosnian Serb forces of the capital city, Sarajevo. It demands the immediate end to attacks against Sarajevo, which have resulted in a high number of civilian casualties, seriously disrupted essential services and aggravated an already severe humanitarian situation. In this regard, the Council once again reaffirms its commitment to implement fully all its relevant resolutions, in particular resolution 836 (1993) of 4 June 1993.

The Council strongly deplores the abhorrent practice of deliberate obstruction of humanitarian relief convoys by any party and reiterates its demand that there be unimpeded access of humanitarian relief assistance to their intended destinations. The Council further demands that all parties fully abide by their commitments in this regard and facilitate timely delivery of humanitarian aid.

The Council also condemns recent attacks against the personnel of the United Nations Protection Force as well as of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations. It reiterates the demand that all parties ensure the safety and security of the Force, as well as all other United Nations personnel and those of non-governmental organizations, and their unimpeded access throughout the Republic of Bosnia and Herzegovina.

The Council calls on all the parties to cease hostilities throughout the Republic of Bosnia and Herzegovina and to honour the commitments they have entered into. It calls upon them to negotiate in earnest in the framework of the International Conference on the Former Yugoslavia to achieve an early settlement.

The Council remains seized of the matter and is ready to consider further measures to ensure that all parties and others concerned abide by their commitments and fully respect relevant Council resolutions.

**Decision of 3 February 1994 (3333rd meeting):
statement by the President**

By a letter dated 28 January 1994 addressed to the President of the Security Council,¹³⁹ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the Prime Minister of Bosnia and Herzegovina addressed to the Security

¹³⁹ S/1994/95.

Council, in which he requested an emergency meeting of the Council pursuant to a military intervention of the armed forces of Croatia against Bosnia and Herzegovina. He further requested the Security Council to condemn firmly Croatia's military activities and to take all the necessary measures in accordance with Chapter VII of the Charter of the United Nations and all of the relevant General Assembly and Security Council resolutions.

At its 3333rd meeting, held on 3 February 1994 in response to the request contained in the above-mentioned letter, the Council included the letter of the representative of Bosnia in its agenda. Following the adoption of the agenda, the President (Djibouti) drew the attention of the members of the Council to several documents¹⁴⁰ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁴¹

The Security Council is deeply concerned that the Republic of Croatia has deployed elements of the Croatian Army along with heavy military equipment in the central and southern parts of the Republic of Bosnia and Herzegovina, as described in the letter from the Secretary-General dated 1 February 1994.

The Council strongly condemns the Republic of Croatia for this serious hostile act against a State Member of the United Nations, which constitutes a violation of international law, the Charter of the United Nations and relevant Council resolutions, in particular resolution 752 (1992) of 15 May 1992, in which the Council demanded an immediate end to all forms of interference and full respect for the territorial integrity of the Republic of Bosnia and Herzegovina.

The Council demands that the Republic of Croatia withdraw forthwith all elements of the Croatian Army along with military equipment and fully respect the territorial integrity of the Republic of Bosnia and Herzegovina.

The Council once again reaffirms the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina and the unacceptability of the acquisition of territory by force or ethnic cleansing, and condemns such acquisition, as well as the practice of ethnic cleansing, by whomsoever committed.

¹⁴⁰ Letter dated 1 February 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/109); and letters dated 30 January and 2 February 1994, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1994/101 and S/1994/110).

¹⁴¹ S/PRST/1994/6.

The Council requests the Secretary-General to monitor the situation closely and report to the Council within two weeks from the date of the present statement on progress towards the complete and full withdrawal of all elements of the Croatian Army, as well as military equipment, from the Republic of Bosnia and Herzegovina.

The Council will consider other serious measures if the Republic of Croatia fails to put an immediate end to all forms of interference in the Republic of Bosnia and Herzegovina.

The Council reiterates its presidential statement of 7 January 1994, in which it expressed its deep concern at the continuing widespread hostilities in the Republic of Bosnia and Herzegovina. The Council calls once more on all the parties to cease hostilities throughout the Republic of Bosnia and Herzegovina and to honour the commitments they have entered into and refrain from actions which escalate or widen the conflict. It calls upon them to negotiate in earnest in the framework of the International Conference on the Former Yugoslavia to achieve an early settlement.

The Council will remain seized of the matter.

Deliberations of 14 and 15 February 1994 (3336th meeting)

By a letter dated 5 February 1994 addressed to the President of the Security Council,¹⁴² the representative of Bosnia and Herzegovina transmitted a letter from the Prime Minister of Bosnia and Herzegovina in which he reported that Serbian gunners had shelled a market in Sarajevo, killing 66 civilians and wounding 197 civilians. The Prime Minister requested an emergency meeting of the Security Council to determine why the existing mandate given by the Council under resolution 836 (1993) to "deter attacks against the safe area" had not been utilized to confront those who had committed these acts.

By a letter dated 8 February 1994 addressed to the President of the Security Council,¹⁴³ the representative of Pakistan requested, on behalf of the OIC Contact Group on Bosnia and Herzegovina,¹⁴⁴ that an urgent meeting of the Council be convened, to consider the extremely grave situation in Sarajevo.

By a letter dated 10 February 1994 addressed to the President of the Security Council,¹⁴⁵ the representative of the Russian Federation transmitted a

¹⁴² S/1994/124.

¹⁴³ S/1994/135.

¹⁴⁴ Egypt, Islamic Republic of Iran, Malaysia, Pakistan, Saudi Arabia, Senegal and Turkey.

¹⁴⁵ S/1994/152.

statement dated 10 February 1994 by the Ministry of Foreign Affairs of the Russian Federation containing a request for an urgent meeting of the Security Council to consider practical ways to demilitarize Sarajevo and introduce a United Nations administration.

At its 3336th meeting, held on 14 and 15 February 1994 in response to the requests contained in the above-mentioned letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Canada, Colombia, Croatia, Denmark, Egypt, Estonia, Finland, Germany, Greece, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kuwait, Lithuania, Luxembourg, Malaysia, Morocco, the Netherlands, Norway, Portugal, Saudi Arabia, Senegal, Slovenia, the Sudan, Sweden, Tunisia, Turkey, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item. The Council further extended invitations to Mr. Mohammed Peyrovi, Deputy Permanent Observer of OIC, and Mr. Ahmet Engin Ansay, Permanent Observer of OIC to the United Nations.

The President (Djibouti) then drew the attention of the Council members to several documents.¹⁴⁶

¹⁴⁶ Letter dated 5 February 1994 from the Prime Minister of Bosnia and Herzegovina addressed to the President of the Council, transmitted by a letter of the same date from the representative of Bosnia and Herzegovina addressed to the President of the Council (S/1994/124); letter dated 8 February 1994 from the representative of Pakistan addressed, on behalf of the members of the OIC Contact Group on Bosnia and Herzegovina, to the President of the Council (S/1994/135); letter dated 10 February 1994 from the representative of the Russian Federation addressed to the President of the Council (S/1994/152); letters dated 4, 8 and 9 February 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/123, S/1994/134 and S/1994/142); letter dated 7 February 1994 from the representative of Turkey addressed to the President of the Security Council (S/1994/126); letter dated 6 February 1994 from the representative of Yugoslavia addressed to the Secretary-General (S/1994/127); letter dated 7 February 1994 from the representative of Slovenia addressed to the Secretary-

The representative of Bosnia and Herzegovina welcomed the NATO ultimatum to the Serbian forces besieging Sarajevo and commended the Secretary-General for initiating the use of air strikes to deter further attacks. He observed in that regard, that resolutions 824 (1993) and 836 (1993) did not require any further action or consultation by the Security Council, if the terms of those resolutions and ultimatum were not met by the Serbians. The conditions of resolutions 824 (1993) and 836 (1993) and the withdrawal of Serbian forces and their weapons should be executed fully and in a timely manner. The speaker added that the Secretary-General and NATO had been delegated that responsibility, and the international community and Member States expected that those delegated obligations and commitments would be carried out without equivocation. Noting that the plight of Sarajevo was "only the tip of the iceberg" of the suffering of the Bosnian people, the speaker stressed that, if peace were to be secured and the

General (S/1994/129); letter dated 8 February 1994 from the representative of Pakistan addressed to the Secretary-General (S/1994/136); letter dated 7 February 1994 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/1994/137); letter dated 7 February 1994 from the representative of the Russian Federation addressed to the Secretary-General (S/1994/138); letter dated 8 February 1994 from the representative of Egypt addressed to the President of the Security Council (S/1994/139); letter dated 9 February 1994 from the representative of the Sudan addressed to the President of the Security Council (S/1994/143); letter dated 9 February 1994 from the representative of Azerbaijan addressed to the Secretary-General (S/1994/144); letter dated 7 February 1994 from the representative of Algeria addressed to the Secretary-General (S/1994/145); letter dated 9 February 1994 from the representative of Malaysia addressed to the President of the Security Council (S/1994/146); note verbale dated 5 February 1994 from the representative of Tunisia addressed to the Secretary-General (S/1994/148); letter dated 10 February 1994 from the representative of Lithuania addressed to the Secretary-General (S/1994/153); letter dated 10 February 1994 from the representative of Israel addressed to the Secretary-General (S/1994/158); letter dated 11 February 1994 from the representative of Yugoslavia addressed to the Secretary-General (S/1994/166); and letter dated 14 February 1994 from the Secretary-General addressed to the President of the Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (S/1994/173).

credibility of the negotiating process established, the international community must implement resolutions 824 (1993) and 836 (1993) in the other five safe areas and take the necessary measures to secure the safety of Bosnians throughout the country. He contended that the Council's commitment to ensure full and timely compliance with resolutions 824 (1993) and 836 (1993) around Sarajevo, and to extend that commitment to the other safe areas and the remainder of the country would be critical in determining the necessity for Bosnia and Herzegovina to exercise its full rights under Article 51. He added that although his delegation was prepared to consider United Nations demilitarization and administration of Sarajevo as part of a final and overall peace plan, such premature attempts could only delay the taking of the necessary steps and deviate from the desired conclusion. In conclusion, Bosnia and Herzegovina would support any efforts to broaden the involvement of the Security Council and Member States in the peace process, and in that context it backed the relocation of talks to New York.¹⁴⁷

The representative of France stated that the only purpose of recent decisions of States members of NATO was to make available to the United Nations the means to implement Security Council decisions, and thus to improve the chances for peace. In that perspective, the top priority was to lift the siege of Sarajevo, to begin the demilitarization of the city, by giving UNPROFOR control of heavy weapons, and to place the city under provisional United Nations administration as contemplated in the European Union plan. He contended that the NATO decisions fell "squarely" within the framework of resolutions 824 (1993) and 836 (1993). There was thus no need for the decisions of the NATO Council to be submitted to the Security Council for any further decision. Moreover, the Government of France believed that the Secretary-General had been acting within his authority and in accordance with Security Council resolutions when he had contacted NATO. The Government of France also took note of the desire of the Russian Federation that the Security Council consider steps to raise the siege of Sarajevo, and to place the city under United Nations administration. While it shared that objective, it believed that such a consideration should in no way

¹⁴⁷ S/PV.3336, pp. 7-13.

call into question the decisions of the NATO Council, which should be implemented fully.¹⁴⁸

The representative of the United States stated that her Government believed that the conflict should be resolved at the negotiating table, not on the battlefield. She argued, however, that diplomacy must be backed by a willingness to use force, when essential, in the cause of peace, for it was only "force plus diplomacy" that could stop the "slaughter" in Sarajevo and break the "stalemate" in Geneva. Referring to the decisions taken by the NATO Council, she stated that those steps were consistent with resolutions adopted by the Council, and did not require further Council action. She recalled in that regard that the decision to initiate air strikes lay in the hands of the Secretary-General and that it had been the Council that had placed it there. Acknowledging that neither NATO nor the Security Council should impose a settlement upon the parties, as such a settlement would not be lasting, the speaker stated that by seeking to reduce the level of violence around Sarajevo, it was hoped that the negotiating process would be reinvigorated. She also noted that, for the first time, a regional security organization, NATO, had acted to implement a decision of the Council to use force under Chapter VII of the Charter. Cooperation between NATO and the United Nations would be essential, not only for the citizens of Sarajevo and the other safe areas in Bosnia, but also for the precedent it would set for the future of collective security.¹⁴⁹

The representative of Pakistan recalled that his country had consistently urged the international community to act decisively in order to halt and reverse aggression against the Bosnian Government. Pakistan had advocated resolute action, including the use of force, and in particular air strikes, to enforce and implement the mandatory decisions of the Council. Regrettably, despite the fact that most of the Council resolutions on Bosnia and Herzegovina were adopted under Chapter VII, they remained by and large unimplemented. His delegation believed that only the decisive use of force, through the use of "surgical, punitive air strikes", would make the Serbs conform to Security Council resolutions. It further considered that the requisite legal framework for such action existed in Security Council resolutions, and in particular in

¹⁴⁸ *Ibid.*, pp. 14-18.

¹⁴⁹ *Ibid.*, pp. 18-21.

resolution 836 (1993). The speaker also reiterated the view that the arms embargo against Bosnia and Herzegovina was “selective” and “contrary” to Article 51 of the Charter, arguing that it had prevented the victim of aggression from exercising its legitimate right of self-defence. He observed that the need to allow the Government of Bosnia to defend itself had become all the more urgent given recent reports of the presence of regular troops of the Serbian and Croatian armies in Bosnia and Herzegovina. His delegation was awaiting with “keen interest” a report by the Secretary-General on the full withdrawal of Croatian army troops and military equipment from Bosnia and Herzegovina. If Croatia failed to comply with the demands of the Council than stringent sanctions should be imposed against that country. In conclusion, his delegation shared the view that the peace negotiations should be moved to New York, so that they would be under the “direct supervision” of the Security Council.¹⁵⁰

The representative of the Russian Federation stated that the proposal to convene an immediate meeting of the Council to consider practical ways to demilitarize Sarajevo and introduce United Nations control had been put forward by his country, in view of the need for the international community to take the most decisive action to put an end to the escalating violence in Bosnia and Herzegovina. His delegation welcomed the agreement between the Bosnian Serbs and the Government of Bosnia and Herzegovina on a ceasefire and on action towards ensuring that all sides either placed their heavy weapons in the Sarajevo area under UNPROFOR control or withdrew them from the area. Such steps would constitute major progress towards settling the conflict. The speaker noted, however, that as past ceasefires and agreements between the parties had often broken down, it was of great importance that the Security Council “back up” its demands with a strong decision supporting the Secretary-General’s request to NATO, encouraging positive progress in Sarajevo, and supporting the prompt conclusion of an agreement on an effective ceasefire in and around Sarajevo; the withdrawal or placing under United Nations control of heavy weapons; and ensuring strict compliance with the security regime in the Sarajevo area, including

¹⁵⁰ *Ibid.*, pp. 36-41.

protection for UNPROFOR personnel, in accordance with Security Council decisions.¹⁵¹

The representative of China believed that the fundamental solution to the conflict in Bosnia and Herzegovina would come in the form of a political settlement, which depended on the parties themselves. Recalling that China had always advocated the peaceful settlement of conflict through dialogue and negotiation, he noted that his delegation was opposed to the use or threat of force. He contended that the peace process was at a crucial juncture and further military actions would not help achieve a political settlement. Rather, such actions would entail negative consequences. His delegation’s understanding with regard to the use of air power in Bosnia and Herzegovina was that such actions should be limited to self-defence by UNPROFOR. The speaker also expressed his country anxiety at the possible serious consequences of air strikes for the safety of UNPROFOR and humanitarian personnel. It was therefore necessary to act prudently and refrain from taking hasty action.¹⁵²

The representative of Germany welcomed the decision by the NATO Council, noting that the decisions taken by the NATO Council and the Council of Europe were part of the political process towards a negotiated settlement. Only when a political solution proved impossible was the use of force permitted to achieve the aims set out in Security Council resolutions 824 (1993) and 836 (1993). The decision of the NATO Council was aimed at demilitarizing Sarajevo and placing it under United Nations administration, through negotiations and in agreement with the European Union’s Action Plan. Germany had always supported the Bosnian Muslims in the search for a solution which secured the physical and political survival of the Muslims as a nation in their home State of Bosnia and Herzegovina. That implied a satisfactory territorial solution, including access to the Sava River and to the sea. The speaker also argued that the city of Mostar should be placed under the administration of the European Union and noted that Germany had offered to provide an administrator for that city.¹⁵³

The representative of Malaysia stated that his Government had always maintained that firmness of

¹⁵¹ *Ibid.*, pp. 41-44.

¹⁵² S/PV.3336 (Resumption 1), pp. 68-70.

¹⁵³ *Ibid.*, pp. 76-79.

authority and commitment were necessary to make the Serbs respond positively or comply. It would appeal to the United States and other members of NATO that the recourse to credible threat of force should not apply only to Sarajevo. His Government further opposed the idea of a United Nations administration in Sarajevo, contending that Sarajevo was the political capital, symbol and heart of Bosnia and Herzegovina's resistance against genocide and aggression. It was also of the view that the efforts so far had not taken fully into account the serious implications of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. That raised the question again of whether the Council arms embargo on Bosnia and Herzegovina remained valid in the presence of evidence that maintaining the embargo favoured or contributed to the commission of genocide. In such circumstances, resolution 713 (1991) could not apply to Bosnia and Herzegovina, thus making the lifting of the arms embargo against Bosnia and Herzegovina the most pressing issue before the Council. The speaker also noted that his Government had always maintained that the central authority and responsibility for bringing about a comprehensive and honourable peace in Bosnia and Herzegovina lay with the Security Council and not with the efforts in Geneva, which Malaysia contended had deviated from the relevant Security Council resolutions. Malaysia therefore felt that it was time for the negotiations to be held directly under the auspices of the Council, in New York.¹⁵⁴

The representative of Croatia believed that the decision of NATO to relieve the siege of Sarajevo was mandated by the Council's existing resolutions. What was needed in Bosnia and Herzegovina was a carefully balanced policy of a credible threat of force and straight forward support for the peace plans. Croatia had always advocated a peaceful, political settlement of the conflict. It had accepted the Vance plan for Croatia and it was now advocating the European Union Action Plan for Croatia and for Bosnia. Furthermore, it was the view of the Croatian Government that the Council should also give its unequivocal support to that plan. Stressing that the recent joint statement made by the Foreign Minister of Croatia and the Prime Minister of Bosnia and Herzegovina was a further step towards peace, the speaker noted that the statement had, *inter alia*, requested international control of the borders of Bosnia and Herzegovina, in accordance with

¹⁵⁴ *Ibid.*, pp. 79-85.

Security Council resolutions 787 (1992) and 838 (1993), and that it had called for a ceasefire agreement between the Bosnian Croat army and the Bosnian Muslim army within seven days.¹⁵⁵

The representative of Egypt stated that the Council must take the following measures. First, it should implement previous resolutions such as those concerning a ceasefire and the use of international force, including air strikes. Secondly, it should exempt Bosnia and Herzegovina from the arms embargo, so that the Government of Bosnia and Herzegovina could ensure its self-defence under Article 51 of the Charter. Thirdly, it was necessary to ensure that any settlement was peaceful and just. In that regard, the speaker stressed that the Council must exercise its prerogatives in order to bring about a peaceful resolution. The Council, in that regard, should examine existing settlement plans to ensure that they were in accordance with the Charter, norms of international law and Council resolutions. It must also directly oversee the negotiations, because it was the body which determined the mandate of the Secretary-General's Special Representative. He stressed that the Special Representative must in no circumstances deviate from the mandate given to him by the Council. He must also return to the Council and report to it and he must not make any amendments to the settlement plan contrary to Council's resolutions without its prior authorization. The speaker noted that it was time to change the mandate of the negotiations in Geneva, as well as the team charged with those negotiations. Neighbouring States, States which had contributed to United Nations forces in Bosnia and Herzegovina, and States members of the Islamic contact group dealing with Bosnia and Herzegovina should be included in the negotiations.¹⁵⁶

The representative of Slovenia noted that many lessons could be drawn from the efforts made so far for peace in Bosnia and Herzegovina. The most important lesson was that diplomacy could not produce good results without realistic and well-informed analysis. Another major lesson was that diplomacy without strength was fruitless when confronted with the forces of aggression. Noting that the efforts for peace had been evolving for two years, he stressed the need to develop an imaginative framework for these efforts. In that context, the speaker recalled that his Government

¹⁵⁵ *Ibid.*, pp. 85-90.

¹⁵⁶ *Ibid.*, pp. 95-101.

had recently formulated a four-point appeal containing the core elements of a framework to resolve the situation. First, heavy weapons should be withdrawn from the vicinity of Sarajevo and other areas with a high concentration of civilians. Second, there should be unimpeded delivery of humanitarian assistance to the civilian population. Third, private property should be restored and places of worship safeguarded. Fourth, territories seized by force and “ethnic cleansing” should be returned without delay.¹⁵⁷

Mr. Djokic stated that his country strongly opposed the NATO decision to use air strikes. That decision was politically and military unwise and could have serious consequence on the ground. He further argued that it did not fall within the purview of the relevant resolutions of the Security Council authorizing air strikes and that any attempt to carry out air strikes on the basis of that decision would represent a direct involvement in the civil war, on one side. He also contended that while the Muslim side had rejected all peace projects, the Serbian Serbs had proved their readiness to accept a viable compromise by offering numerous concessions. Yugoslavia expected that, in the light of that situation, the international community would make it clear to the Muslim side that it only stood to lose if it persisted with the war option. Instead, some influential countries were ready to use force, thus jeopardizing the results of the negotiations reached so far. The speaker concluded by stating that peace could not be achieved in Bosnia and Herzegovina through “one-sided accusations” or “irrational demands” for the lifting of the arms embargo for one of the sides, nor through the escalation of military activities. The only possible solution was a political one.¹⁵⁸

While considering the NATO decision as another important element of international efforts aimed at resolving the Yugoslav crisis that under certain circumstances could bring about positive results, the representative of Ukraine warned that that decision could have negative consequences, such as bringing about new suffering, jeopardizing the delivery of international humanitarian aid, and placing UNPROFOR personnel at risk of retaliatory strikes by the Serb forces. His delegation, however, did not rule out the possibility of using all necessary means,

¹⁵⁷ S/PV.3336 (Resumption 2), pp. 141-145.

¹⁵⁸ *Ibid.*, pp. 194-199.

including force, to address deliberate hostile acts against areas of deployment of United Nations contingents, where there was no other option to stop the killing of innocent people. Such a course of action should be undertaken only in the event of a clearly expressed decision by the international community, namely the Security Council, and not as a result of a decision by an individual State. The seriousness of the matter required that all relevant procedures be employed, in accordance with the Charter, in order to reaffirm previous Council resolutions regarding the complex situation in Bosnia and Herzegovina. Ukraine shared the view that a viable solution to the crisis might include a ceasefire, placing heavy weapons under UNPROFOR control, the withdrawal of Serb units from Sarajevo, and the takeover of their positions by UNPROFOR. The demilitarization of Sarajevo and the introduction of United Nations administrative control in the city would stop the “senseless bloodshed” and serve as a starting-point for the achievement of lasting peace. Before concluding, the speaker stated that the time had come to address the question of the effectiveness of the economic sanctions against the Federal Republic of Yugoslavia in the context of an overall settlement, with the aim of mitigating the adverse consequences of the sanctions regime on the economies of third countries, in accordance with Article 50 of the Charter.¹⁵⁹

The representative of Greece noted that his Government had expressed reservations with regard to the advisability and the repercussions of eventual air strikes, and the ensuing escalation of the conflict in Bosnia and Herzegovina. The ultimate goal was the restoration of peace in former Yugoslavia, and the consequences of such air strikes ought to be evaluated very carefully. Greece was one of the countries that were closest to the crisis area and as such, all its initiatives were geared towards the exhaustion of all possible means, rather than the resort to force. It could not become involved in military activities and no other country in the region should.¹⁶⁰

Mr. Ansay recalled that an extraordinary Ministerial Meeting of the OIC Contact Group on Bosnia and Herzegovina, held in Geneva on 17 January 1994, had stressed that, in order to have any success and legitimacy, the peace process must ensure the

¹⁵⁹ *Ibid.*, pp. 199-203.

¹⁶⁰ S/PV.3336 (Resumption 3), pp. 223-226.

following: the independence, territorial integrity and sovereignty of Bosnia and Herzegovina; a geographically and economically viable and defensible territory for Bosnia and Herzegovina; the return of all lands seized by force and “ethnic cleansing”; the retention by Bosnia and Herzegovina of access to the Sava river and the Adriatic Sea; the retention of Sarajevo as the undivided capital of Bosnia and Herzegovina; the return of refugees and displaced persons to their homes; and international guarantees for the implementation of a peace agreement and guarantees for future security. The OIC Ministers had also called for the reopening of the Tuzla airport, as well as the lifting of the siege against Sarajevo. The speaker noted that OIC saw the decision of the NATO Council as “a step in the right direction”, but that it believed that the international community should also pay attention to the security of the civilian population in all “safe areas”, and that it supported the concept of declaring the city of Mostar a “safe area”. OIC also believed that the International Tribunal should start functioning without further delay. Reiterating the full support of OIC for the right of Bosnia and Herzegovina to defend itself under Article 51 of the Charter, the speaker called for the lifting of the arms embargo against Bosnia and Herzegovina. Referring to reports of the presence of regular troops of the Serbian and Croatian armies in Bosnia and Herzegovina, the speaker noted that OIC was awaiting with keen interest the report by the Secretary-General regarding the full withdrawal of Croatian army elements from Bosnia. If the Croats failed to comply with the Council’s demand on that score, then stringent economic sanctions should be imposed on Croatia immediately.¹⁶¹

Most of the speakers in the debate supported the use of air strikes by NATO to deter further attacks against Sarajevo by Bosnian Serbs, and shared the view that the decisions taken by NATO were consistent with resolutions 824 (1993) and 836 (1993) and did not require further approval by the Security Council.¹⁶² A

¹⁶¹ *Ibid.*, pp. 237-242.

¹⁶² S/PV.3336, pp. 22-25 (United Kingdom); pp. 25-32 (Spain); pp. 44-49 (New Zealand); pp. 49-54 (Nigeria); pp. 54-59 (Argentina); pp. 60-63 (Oman); and pp. 64-67 (Czech Republic); S/PV.3336 (Resumption 1), pp. 71-73 (Rwanda); pp. 73-76 (Djibouti); pp. 90-92 (Austria); pp. 93-95 (Norway); pp. 102-106 (Afghanistan); pp. 107-111 (Turkey); pp. 112-116 (Sweden); pp. 116-120 (Italy); pp. 120-124 (Islamic Republic of Iran); pp. 129-133 (Indonesia); pp. 133-136

number of them, however, stressed that the use of force should always be an instrument of last resort.¹⁶³ Others advocated the extension of use of force to the other five safe areas.¹⁶⁴

Some speakers supported the proposal to place Sarajevo under temporary United Nations administration.¹⁶⁵

Several speakers reiterated that Bosnia and Herzegovina should be allowed to exercise its right of self-defence and demanded that the Council lift the arms embargo against the Government of Bosnia.¹⁶⁶

A number of speakers called for the perpetrators of war crimes and crimes against humanity committed on the territory of Bosnia and Herzegovina to be

(Netherlands); pp. 136-139 (Canada); and pp. 139-140 (Japan); S/PV.3336 (Resumption 2), pp. 146-148 (Algeria); pp. 148-156 (Jordan); pp. 157-163 (Tunisia); pp. 164-167 (Albania); pp. 167-174 (Senegal); pp. 174-177 (Colombia); pp. 178-179 (Finland); pp. 179-181 (Belgium); pp. 181-187 (Saudi Arabia); pp. 187-190 (Sudan); pp. 190-193 (Ireland); pp. 204-207 (Portugal); pp. 207-210 (Luxembourg); and pp. 210-211 (Denmark); and S/PV.3336 (Resumption 3), pp. 213-216 (Morocco); pp. 216-219 (Bangladesh); pp. 219-223 (United Arab Emirates); pp. 226-231 (Kuwait); pp. 232-235 (Estonia); pp. 235-236 (Brunei Darussalam); and pp. 242-244 (Lithuania).

¹⁶³ S/PV.3336, pp. 44-49 (New Zealand); pp. 90-92 (Austria); and pp. 112-116 (Sweden); and S/PV.3336 (Resumption 2), pp. 178-179 (Finland).

¹⁶⁴ S/PV.3336, pp. 73-76 (Djibouti); and pp. 120-124 (Islamic Republic of Iran); S/PV.3336 (Resumption 2), pp. 157-163 (Tunisia); pp. 167-174 (Senegal); and pp. 181-187 (Saudi Arabia); and S/PV.3336 (Resumption 3), pp. 213-216 (Morocco); pp. 216-219 (Bangladesh); pp. 219-223 (United Arab Emirates); and pp. 226-231 (Kuwait).

¹⁶⁵ S/PV.3336, pp. 54-59 (Argentina); and S/PV.3336 (Resumption 2), pp. 204-207 (Portugal).

¹⁶⁶ S/PV.3336, pp. 49-54 (Nigeria); and pp. 60-63 (Oman); S/PV.3336 (Resumption 1), pp. 71-73 (Rwanda); pp. 102-106 (Afghanistan); pp. 107-111 (Turkey); pp. 120-124 (Islamic Republic of Iran); pp. 124-129 (Azerbaijan); and pp. 129-133 (Indonesia); S/PV.3336 (Resumption 2), pp. 146-148 (Algeria); pp. 148-156 (Jordan); pp. 157-163 (Tunisia); pp. 164-167 (Albania); pp. 181-187 (Saudi Arabia); and pp. 187-190 (Sudan); and S/PV.3336 (Resumption 3), pp. 219-223 (United Arab Emirates); pp. 226-231 (Kuwait); and pp. 232-235 (Estonia).

brought before the International Tribunal on the Former Yugoslavia.¹⁶⁷

Some speakers endorsed the proposal that the peace talks be relocated to New York, in the proximity of the Security Council.¹⁶⁸

Decision of 25 February 1994: letter from the President to the Secretary-General

On 10 February 1994, pursuant to the statement by the President dated 28 October 1993,¹⁶⁹ the Secretary-General submitted to the Council a report on the massacre of the civilian population in Stupni Do, on 23 October 1993.¹⁷⁰ The Secretary-General reported on the findings of the investigation carried out by UNPROFOR military police. Twenty-three victims so far had been clearly identified, with a further 13 villagers unaccounted for and presumed dead. The main suspects for the crimes appeared to be extremist elements of the Croatian Defence Council. Investigations were continuing in order to gather as much evidence as possible, with a view to identifying the perpetrators for eventual trial before the International Tribunal.

By a letter dated 25 February 1994,¹⁷¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council are grateful for your report of 10 February 1994 on the massacre of the civilian population in Stupni Do, Bosnia and Herzegovina.

The members of the Council are greatly disturbed by the findings of the investigation contained in your report and thus request you to transmit the report, as well as all information at the disposal of the Secretariat that may reveal serious violations of international humanitarian law committed in the territory of the Former Yugoslavia, to the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The members of the Council welcome the fact that investigations are continuing in order to gain as much evidence

as possible and would be grateful if they could be kept informed of the progress of the investigations.

Decision of 4 March 1994 (3344th meeting): resolution 900 (1994)

At its 3344th meeting, on 4 March 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States,¹⁷² and to several other documents.¹⁷³

The representative of Bosnia and Herzegovina noted that three recent developments had created a sense of optimism. First, the NATO ultimatum to the Bosnian Serbs had resulted in the cessation of the shelling of Sarajevo. Second, NATO aircraft had recently confronted Serbian aircraft violating the no-fly zone over the airspace of Bosnia and Herzegovina. Third, there had been an agreement between Croatia, Bosnia and Herzegovina and Bosnian Croat elements establishing a confederation between Croatia and Bosnia and Herzegovina, as well as a federation within Bosnia and Herzegovina. The speaker felt that the draft resolution before the Council should aim for the full implementation of resolutions 824 (1993) and 836 (1993) in regard to Sarajevo, thus resulting in the full withdrawal of Serb forces, the full lifting of the road blocks and the restoration of essential services to the city and its population. He stressed that unless the draft resolution was correctly implemented, Sarajevo would remain under siege. While the Government of Bosnia and Herzegovina welcomed the assistance of all Governments in trying to bring peace, it would not feel bound by agreements reached between forces

¹⁷² S/1994/224.

¹⁷³ Letter dated 24 February 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/216); letter dated 24 February 1994 from the representative of Indonesia addressed to the Secretary-General (S/1994/221); letter dated 3 March 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/249); and letter dated 3 March 1994 from the representatives of Bosnia and Herzegovina and Croatia addressed to the Secretary-General (S/1994/255).

¹⁶⁷ S/PV.3336, pp. 107-111 (Turkey); and pp. 124-129 (Azerbaijan); S/PV.3336 (Resumption 2), pp. 148-156 (Jordan); and S/PV.3336 (Resumption 3), pp. 219-223 (United Arab Emirates); and pp. 226-231 (Kuwait).

¹⁶⁸ S/PV.3336 (Resumption 2), pp. 157-163 (Tunisia); and S/PV.3336 (Resumption 3), pp. 226-231 (Kuwait).

¹⁶⁹ S/26661.

¹⁷⁰ S/1994/154.

¹⁷¹ S/1994/217.

occupying Bosnia and Herzegovina and members of the Security Council, unless such agreements were consistent with the status of Bosnia and Herzegovina as a Member of the United Nations and with its sovereignty and territorial integrity.¹⁷⁴

Speaking before the vote, the representative of Pakistan, while welcoming the progress that had resulted from the NATO ultimatum, expressed concern over the fact that the Bosnian Serbs were persisting with the siege of Sarajevo and were refusing to remove all their heavy weaponry from certain locations around the city. He warned that the international community should not become complacent, nor relent in its resolve to secure the safety and security of the civilian population in all designated “safe areas” and other threatened towns and cities in Bosnia and Herzegovina. Turning to the draft resolution, the speaker noted that the draft resolution reflected the determination of the international community to secure the end of the siege of Sarajevo, including the restoration of essential services and a return to normal life, in accordance with the objectives set by the Council in resolution 824 (1993). It, however, could have been reinforced by a reference to the threat of air strikes, in the event that the aggressors were to resume bombardment of Sarajevo or to redeploy heavy weapons in the exclusion zone. The speaker further noted that with the adoption of the draft resolution, the Council would be setting in motion a process which could lead to the effective lifting of the siege of Sarajevo. It should also lead to a mechanism to secure the protection of other safe areas and threatened towns such as Maglaj, Mostar and Vitez.¹⁷⁵

The representative of the Czech Republic stated that the draft resolution before the Council was directed at capitalizing on the Sarajevo success. Several warning points, however, had to be made in that context. First, the Security Council had declared as safe areas not just Sarajevo, nor the three cities mentioned in the preamble of the draft resolution, but six cities, including Zepa, Gorazde and Bihac. It was necessary to pay heed to seeing that earlier commitments made by the Council were met as well. Secondly, UNPROFOR was already stretched thin and it was important that its size be commensurate to the tasks it was given by the Council. Thirdly, while the

draft welcomed the significant developments that had taken place in negotiations between Bosnia and Herzegovina, Croatia and the Bosnian Croats, there still remained the “vexing” question of the involvement of Croatian troops in Bosnia and Herzegovina. Those troops must leave, as the Council had demanded in its presidential statement of the previous month.¹⁷⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 900 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina,

Taking note of the positive developments in and around Sarajevo, which constitute only a first step towards the restoration of peace and security throughout the Republic of Bosnia and Herzegovina on the basis of a negotiated settlement between the parties, recalling the measures taken in and around Sarajevo under resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, and welcoming the agreement between the Government of the Republic of Bosnia and Herzegovina and the Special Representative of the Secretary-General for the Former Yugoslavia and between the Bosnian Serb party and the Special Representative of the Secretary-General on the ceasefire and measures related to heavy weapons in and around Sarajevo, reached on 9 February 1994,

Emphasizing the crucial importance of achieving complete freedom of movement for the civilian population and humanitarian goods and of the restoration of normal life in Sarajevo,

Determined to restore essential public services in Sarajevo,

Welcoming, as part of the international effort to restore normal life to the city, the intention of the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America, announced on 2 March 1994, to send immediately a joint civil mission to Sarajevo to assess the requirements for the restoration of essential public services, within the United Nations framework,

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

Reiterating the importance of maintaining Sarajevo, capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre,

Welcoming the goal of achieving the prompt rotation of United Nations Protection Force personnel in Srebrenica and the early reopening of the Tuzla airport,

¹⁷⁴ S/PV.3344, pp. 2-4.

¹⁷⁵ *Ibid.*, pp. 4-5.

¹⁷⁶ *Ibid.*, pp. 6-7.

Mindful of the serious discussions which have taken place on the issue of Sarajevo, as part of an overall settlement, at the negotiations in the context of the International Conference on the Former Yugoslavia,

Deeply concerned by the deteriorating situation in Maglaj,

Deeply concerned also by the situation of the civilian population in other parts of the territory of the Republic of Bosnia and Herzegovina, including in and around Mostar and Vitez,

Welcoming in this context the recent significant developments in peace negotiations between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and with the Government of the Republic of Croatia, as steps towards an overall political settlement, as well as negotiations involving the Bosnian Serb party,

Bearing in mind the importance of facilitating the return of refugees and displaced persons to their homes,

Stressing the importance it attaches to full compliance with international humanitarian law in all its aspects in the Republic of Bosnia and Herzegovina,

Recalling the provisions of its resolution 824 (1993) concerning safe areas, determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, and in this context acting under Chapter VII of the Charter of the United Nations,

1. *Calls* for all parties to cooperate with the United Nations Protection Force in the consolidation of the ceasefire in and around Sarajevo;

2. *Calls upon* all parties, with the assistance of the United Nations, to achieve complete freedom of movement for the civilian population and humanitarian goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement, and to help restore normal life to the city;

3. *Requests* the Secretary-General to appoint, as a matter of urgency, for a limited period, a senior civilian official, who will act under the authority of the Special Representative of the Secretary-General for the Former Yugoslavia, to draw up an overall assessment and plan of action, in conjunction with the Government of the Republic of Bosnia and Herzegovina and also in consultation with all relevant local authorities, for the restoration of essential public services in the various *opstine* of Sarajevo, other than the city of Pale; this official will be empowered to assist the Government of the Republic of Bosnia and Herzegovina and, in close coordination with all relevant local authorities and the local representatives of the United Nations, to work to implement the plan;

4. *Invites* the Secretary-General to establish a voluntary trust fund, to be disbursed within the framework set out in paragraph 3 above, for the restoration of essential public services in Sarajevo to promote a return to normal life in the city, and encourages States and other donors to contribute thereto;

5. *Requests* the Secretary-General to present within one week of the adoption of the present resolution a report on ways and means for, including the estimated cost of, the implementation of the objectives set forth above;

6. *Calls upon* States and other donors to assist the Secretary-General, in particular by contributing personnel and equipment, in the implementation of the relevant Security Council resolutions concerning Bosnia and Herzegovina;

7. *Further requests* the Secretary-General to report within ten days of the adoption of the present resolution on the feasibility and modalities for the application of the protection, defined in resolutions 824 (1993) and 836 (1993), to Maglaj, Mostar and Vitez, taking into account all developments both on the ground and in the negotiations between the parties;

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

Speaking after the vote, the representative of China noted that the main purpose of the resolution just adopted was to improve the humanitarian situation in Sarajevo and to restore essential services. On the basis of humanitarian considerations, the Chinese delegation had voted in favour. Reiterating the Chinese position that conflicts should be settled by peaceful means, the speaker expressed his delegation's reservations on the resolution's invocation of Chapter VII of the Charter. China also maintained that the establishment of safe areas in Bosnia and Herzegovina was only a temporary measure and not a fundamental solution. When considering additional safe areas, it would be necessary to conduct a serious review of whether the expected results had been achieved in the safe areas already established and whether, in existing circumstances, UNPROFOR possessed sufficient human and financial resources to perform additional tasks.¹⁷⁷

The President, speaking in his capacity as the representative of France, noted that the Council had adopted the resolution under Chapter VII of the Charter, as the other resolutions on Bosnia had been since August 1992. In the existing context, not to have resorted to Chapter VII would have been "the worst of signals". Beyond that, the application of Chapter VII, which did not imply an automatic resort to force, would give UNPROFOR the authority necessary to surmount obstacles that might complicate the execution of its mandate.¹⁷⁸

¹⁷⁷ *Ibid.*, p. 11.

¹⁷⁸ *Ibid.*, pp. 14-15.

**Decision of 14 March 1994 (3349th meeting):
statement by the President**

On 11 March 1994, pursuant to resolution 900 (1994), the Secretary-General submitted to the Council a report on the feasibility of extending the safe area concept to the cities of Maglaj, Mostar and Vitez.¹⁷⁹ The report also provided an outline of the major concepts and requirements of UNPROFOR. The Secretary-General noted that the utility of extending the concept of safe areas to Mostar and Vitez must be considered in the larger context of the overall situation on the ground. Had the conflict still been in progress, the prospect of deterring attacks might have warranted such a step. With the ceasefire signed on 23 February between Bosnia and Croatia, new priorities commended themselves. UNPROFOR did not believe there was, at that point, a need to apply the protection defined in resolutions 824 (1993) and 836 (1993) to Mostar and Vitez. It, however, believed that there might be merit, in extending the safe area concept to Maglaj, in view of the continuing hostilities there. At the same time, it was clear that UNPROFOR would not be able to provide the protection concerned with its present resources. The Secretary-General observed in that regard that should the Council decide to declare Maglaj a safe area, an additional 1,500 troops would be required. In addition, implementation of resolution 900 (1994) would require an increase of the authorized strength of UNPROFOR by a total of 8,250 troops. He therefore recommended that the Council authorize such an increase in order to enable UNPROFOR to demilitarize Sarajavo, restore normal life to the city and preserve peace in central Bosnia.

At its 3349th meeting, on 14 March 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the members of the Council to the report of the Secretary-General and to a letter dated 11 March 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General.¹⁸⁰ The President then stated that, after consultations among members of the Security Council, he had been

authorized to make the following statement on behalf of the Council:¹⁸¹

The Security Council remains gravely concerned at the continuing hostilities in the Republic of Bosnia and Herzegovina. It especially deplors the rapidly deteriorating situation in the Maglaj area and the threat it poses to the survival of the remaining civilian population. It notes that this intolerable situation has been perpetuated by the intensity of the nine-month siege of the town, for which the Bosnian Serb party is primarily responsible.

The Council strongly condemns the indiscriminate shelling by the Bosnian Serb party of the civilian population of Maglaj, which has resulted in heavy casualties, loss of life and material destruction.

The Council notes with particular concern reports of the recurrent obstruction and looting of humanitarian aid convoys destined for the civilian population of Maglaj, including the most recent incident which took place on 10 March 1994, in which six aid trucks were prevented from reaching the town. It is appalled that not one convoy has reached the town since 25 October 1993. The Council notes that the civilian population has been totally dependent on airdrops and commends those who have provided these vital missions. The Council demands that the Bosnian Serb party and the Bosnian Croat party allow forthwith and without conditions passage to all humanitarian convoys and the immediate evacuation of those in need of urgent medical attention. The Council also demands that the siege of Maglaj be ended immediately.

The Council welcomes the fact that United Nations Protection Force personnel have now obtained access to Maglaj. It demands that the Bosnian Serb party permit unimpeded and continuing access by the Force to Maglaj.

The Council also condemns recent attacks against the personnel of the Force as well as of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations. It reiterates its demands that all parties ensure the safety and security of the Force as well as all other United Nations personnel and those of non-governmental organizations and their unimpeded freedom of movement throughout the Republic of Bosnia and Herzegovina.

The Council affirms its determination to maintain and build upon the recent positive developments towards peace in the Republic of Bosnia and Herzegovina, and in this context notes the importance of protecting Maglaj and its civilian population from further hostilities. It will consider the situation in Maglaj further in the context of its examination of the report of the Secretary-General pursuant to its resolution 900 (1994) of 4 March 1994.

¹⁷⁹ S/1994/291.

¹⁸⁰ S/1994/293.

¹⁸¹ S/PRST/1994/11.

**Decision of 6 April 1994 (3359th meeting):
statement by the President**

By a letter dated 2 April 1994 addressed to the President of the Security Council,¹⁸² the representative of Bosnia and Herzegovina transmitted a letter dated 1 April 1994 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council. In that letter, the Prime Minister reported that a new Serb offensive was under way against the besieged town of Gorazde, in defiance of relevant Council resolutions, and particularly resolutions 824 (1993) and 836 (1993), according to which Gorazde had been designated a “safe area”. He requested that the Security Council convene an emergency session to determine why the mandate to “deter attacks against the safe area” given by resolution 836 (1993) had not been utilized to confront those who had attacked the United Nations designated “safe area” of Gorazde.

At its 3359th meeting, held on 6 April 1994 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the members of the Council to several documents¹⁸³ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁸⁴

The Security Council is deeply concerned at the continuing violence in the Republic of Bosnia and Herzegovina, particularly the attacks on the safe area of Gorazde and the recent acts of violence and terror, including reported acts of ethnic cleansing in Banja Luka and Prijedor.

The Council takes note of the letter dated 1 April 1994 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, in which he reported, *inter alia*, on the hostilities in the eastern parts of his country. The Council, taking note also of the assessment of the situation provided by the

Secretariat and in paragraphs 16 and 17 of the report of the Secretary-General of 11 March and paragraphs 29 and 30 of his report of 16 March 1994, calls for an end to any provocative actions by whomsoever committed in and around the safe areas.

The Council strongly condemns the shelling and infantry and artillery attacks by the besieging Bosnian Serb forces against the safe area of Gorazde in which many civilians have lost their lives and several hundreds have been wounded. The Council takes serious note of the continuing defiance of the relevant Council resolutions, in particular of resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993 related to the protection of safe areas. The Council demands the immediate cessation of any further attacks against the safe area of Gorazde and its population and calls upon those concerned to take all measures to ensure full respect for the status of the safe areas in accordance with the relevant provisions of resolution 824 (1993).

The Council welcomes the measures being taken by the United Nations Protection Force to strengthen its presence in Gorazde, and the impending visit of the Force Commander for Bosnia and Herzegovina to assess the situation further. The Council calls upon the parties to ensure that troops of the Force have unimpeded access to the area in and around Gorazde and to assure the safety and security of those troops. The Council underlines the importance it attaches to ensuring the safety and security of the troops of the Force in and around Gorazde.

The Council stresses the need to achieve normal conditions of life in Gorazde, including restoration of essential public services, with the assistance of the United Nations and with the cooperation of the parties.

The Council deplores recent acts of violence and terror including ethnic cleansing, particularly in Prijedor and Banja Luka. It reaffirms that the International Tribunal was established under its resolution 827 (1993) of 25 May 1993 for the purpose of investigating crimes of this sort and trying persons accused of committing such crimes. The Council stresses the importance it attaches to full compliance with international humanitarian law in all its aspects throughout the Republic of Bosnia and Herzegovina.

The Council calls upon all parties to join the negotiation process aimed at the peaceful resolution of the conflict in the Republic of Bosnia and Herzegovina, and further calls for an immediate ceasefire, the cessation of hostilities and an exchange of all persons imprisoned as a result of the war. The Council welcomes the planned meeting between the military commanders in Sarajevo under the auspices of the Force.

The Council affirms its determination to remain seized of the matter.

¹⁸² S/1994/378.

¹⁸³ Letters dated 30 March and 4 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/364, S/1994/382 and S/1994/386); and letters dated 5 and 6 April 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/396 and S/1994/400).

¹⁸⁴ S/PRST/1994/14.

**Decision of 14 April 1994 (3364th meeting):
statement by the President**

At its 3364th meeting, on 14 April 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (New Zealand) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:¹⁸⁵

The Security Council is deeply concerned at recent incidents in the Republic of Bosnia and Herzegovina affecting the safety and freedom of movement of United Nations Protection Force personnel as reported by the Secretariat. These incidents constitute clear violations of the Council's resolutions, which bind the parties. The Council condemns such incidents and warns those responsible of the serious consequences of their actions.

The Council affirms its full support for the Force in its execution of the Council's relevant resolutions. It demands that all parties, in particular the Bosnian Serb party, allow the Force unimpeded freedom of movement and refrain from any further actions which could threaten the safety of Force personnel. It calls upon them to work closely with the Force, to cease all hostilities and to cooperate fully in efforts to achieve a peaceful resolution of the conflict throughout the Republic of Bosnia and Herzegovina.

The Council will remain seized of the matter.

**Decision of 22 April 1994 (3367th meeting):
resolution 913 (1994)**

At its 3367th meeting, on 21 and 22 April 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Egypt, Finland, Greece, Hungary, Indonesia, the Islamic Republic of Iran, Jordan, Malaysia, Morocco, Norway, Poland, Qatar, Saudi Arabia, Senegal, Slovenia, the Sudan, Sweden, Tunisia, Turkey and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item, and extended an invitation to Mr. Engin Ahmet Ansay, Permanent Observer of OIC to the United Nations.

¹⁸⁵ S/PRST/1994/19.

The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain and the United Kingdom,¹⁸⁶ and to several other documents.¹⁸⁷

The representative of Bosnia and Herzegovina endorsed the letter dated 18 April 1994 from the Secretary-General of the United Nations to the Secretary-General of NATO, in which he requested the latter to authorize the launching of air strikes against Serbian positions in and around the five other safe areas in Bosnia and Herzegovina, as well as the draft resolution before the Council. He also welcomed President Clinton's course of action with respect to NATO. The speaker noted, however, that none of these

¹⁸⁶ S/1994/465.

¹⁸⁷ Letters dated 6, 7, 9, 13, 15, 17 and 19 April 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/400, S/1994/404, S/1994/412, S/1994/426, S/1994/451, S/1994/456 and S/1994/467); letter dated 7 April 1994 from the representative of the Islamic Republic of Iran addressed to the Secretary-General (S/1994/407); letters dated 12 and 15 April 1994, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1994/418 and S/1994/449); letter dated 14 April 1994 from the representative of the Russian Federation addressed to the Secretary-General (S/1994/443); letter dated 15 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/450); letter 15 April 1994 from the representative of Turkey addressed to the President of the Security Council (S/1994/453); letter dated 17 April 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1994/457); letter dated 18 April 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/460); letter dated 18 April 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/466); letter dated 18 April 1994 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/1994/469); letter dated 20 April 1994 from the representative of India addressed to the Secretary-General (S/1994/475); letter dated 20 April 1994 from the representative of Malaysia addressed to the Secretary-General (S/1994/478); letter dated 21 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/480); and letter dated 21 April 1994 from the representative of Brunei Darussalam addressed to the President of the Security Council (S/1994/483).

steps addressed the following considerations. First, it was imperative that the Council act immediately to respond to the “slaughter of innocents” in Gorazde. Those who had voted for the designation of Gorazde as a safe area could not avoid the burden they bore for the lives of the city’s residents. It was that designation and the Council’s commitment to it that had been offered in lieu of Bosnia right to self-defence. Second, the Council could not continue to impede Bosnia right to self-defence unless it was prepared to accept responsibility in full for the safety of the citizens of Bosnia. Third, the precedent of Gorazde posed a danger to the peace process in Croatia as well as in Bosnia and Herzegovina, and must be addressed directly. Lastly, Bosnia and Herzegovina was fully prepared to take part in good faith negotiations. The speaker concluded by reminding Members of the United Nations that the Security Council and NATO already possessed the necessary authority to provide close air-to-ground support for humanitarian workers and did not need new debates or authority.¹⁸⁸

The representative of Croatia stated that, after two years of “unthinkable suffering”, during which 150,000 innocent lives had been lost, the time had come to impose peace in Bosnia and Herzegovina. A credible threat of resolute force combined with equally assertive diplomatic efforts should finally bring peace to the people of Bosnia and Herzegovina. That was why Croatia supported President Clinton’s call that the Sarajevo model of a clear ultimatum be extended to Gorazde and other safe areas in Bosnia and Herzegovina. Croatia would also support the use of the Sarajevo ultimatum model in the implementation of the Security Council’s resolutions and the peace agreements for the occupied territories in Croatia. It would consider the extension of the exclusion zones for certain safe areas, such as Bihac and Tuzla, into the territory of Croatia. If the international community was not able to impose peace in Bosnia and Herzegovina by the resolute use of force and assertive diplomacy, then the Security Council would have to consider other ways to achieve the desired balance of power in the region, including through allowing Bosnia and Herzegovina to exercise its right to defend itself under Article 51 of the Charter of the United Nations.¹⁸⁹

¹⁸⁸ S/PV.3367, pp. 3-5.

¹⁸⁹ *Ibid.*, pp. 5-7.

The representative of Turkey stated that Gorazde was a “test case” for the United Nations commitments in Bosnia and Herzegovina and for the role it would play in shaping the future of the international system. The lack of decisive action had sent the wrong signals to the aggressors. In order to be viable, the peace process must be backed by sufficient force to make the Serbs realize that more war would lead to “more pain than gain”. That would only be possible if the Government and people of Bosnia and Herzegovina were given the chance to exercise their right to self-defence. Arguing that the arms embargo adopted by the Council in resolution 713 (1991) was in clear contradiction of Article 51 of the Charter, the speaker urged the Council to clarify the legal opinion that resolution 713 (1991) should not apply to Bosnia and Herzegovina. Turning to the safe areas, the speaker recalled that the concept of safe areas had been based on the assumption that the resolutions establishing them would be implemented effectively and immediately. Regrettably, however, those areas had been almost abandoned by the United Nations. Emphasizing that resolutions 824 (1993) and 836 (1993) provided a clear legal framework for the use of all necessary means, including air strikes against the aggressors for the defence of the safe areas, the speaker welcomed the letter from the Secretary-General to NATO and President Clinton’s announcement as “steps in the right direction”. Nevertheless, Turkey wanted to see “concrete action”. It also welcomed the preambular paragraph of the draft resolution reaffirming the urgency of bringing the perpetrators of crimes against humanity before the International Tribunal established by resolution 827 (1993). He emphasized that what was needed was a quick prosecution process. Furthermore, Turkey had hoped that the draft resolution would contain a reference to the need to tighten the diplomatic isolation and economic embargo imposed on “the aggressor”.¹⁹⁰

The representative of Tunisia stated that the draft resolution should have indicated the Council’s determination to use any means to put an end to the systematic violation of its resolutions by the Serb side. He argued that Article 51 of the Charter permitted resort to Article 42 of Chapter VII as the provisions of Article 41, which had been the only provisions invoked during the two years since the Council first passed a resolution on the matter, had not achieved the desired

¹⁹⁰ *Ibid.*, pp. 7-9.

results. If the Council was not prepared, however, to follow the sequence of the various provisions in Chapter VII, then it should redefine the applicability of resolution 713 (1991) in respect of the Bosnian side. Referring to the safe areas, the speaker welcomed the movement towards applying the “Sarajevo model” to the other safe areas. He noted, however, that the Republic of Bosnia and Herzegovina was not confined to a few zones defined by the Security Council, and he urged the Council to declare the whole of Bosnia and Herzegovina to be a safe area and to clarify that the acquisition of any portion of that territory was “null and void”. Before concluding, the speaker stated that Bosnia and Herzegovina was an integral part of the international community and that the States Member of the United Nations had only agreed, in the Charter, to delegate a portion of their responsibilities with respect to the maintenance of international peace and security on the understanding that the Council would be “the instrument of legality and right”.¹⁹¹

Noting that the international community, the United Nations and the Security Council had exerted great efforts over the preceding two years to resolve the crisis, Mr. Djokic contended that those efforts had not sought a comprehensive solution taking account of the vital interests of the three constituent peoples on the basis of equality. Rather, support and legitimacy had effectively been given to one side only — the Bosnian Muslims. At the same time, only the Bosnian Serbs and the Federal Republic of Yugoslavia had been confronted with “harsh sanctions”. The speaker contended that there would not be and could not be peace in Bosnia and Herzegovina if the pressure was put only on one side — the Serb side — demanding that only it make concessions whereas the Muslim sides enjoyed massive political and military support to advance the military option. He stated that calls for lifting the arms embargo against the Bosnian Muslim side, and for offensive air strikes to be carried out against the Bosnian Serbs could only lead to an escalation of the conflict. The speaker warned that, if those calls were acted upon, the United Nations would become fully engaged on one side in the civil war. What was most important was that the Security Council gave full support to an urgent, unconditional cessation of hostilities and to a comprehensive ceasefire, which could be reached only through

negotiations on the basis of equality, thus implying the lifting of sanctions.¹⁹²

Mr. Ansary indicated that the Ministers for Foreign Affairs of the member countries of the OIC Contact Group on Bosnia and Herzegovina would hold an extraordinary ministerial meeting in New York in the following days, aiming to secure all necessary measures to be taken by the United Nations to protect the safe areas. Meanwhile, OIC urged the Council to take effective steps to enforce the observance of its resolutions relating to the protection of the safe areas, and in particular Gorazde, and to authorize strong retaliatory action, including NATO air strikes, against the Serbian aggressor, to prevent the continuation of massacres and genocide in Gorazde and the spread of conflict to other areas. The Council should also restore without delay the right of individual and collective self-defence of Bosnia and Herzegovina. OIC believed that any decision precluding Bosnia and Herzegovina from exercising that right was unconstitutional. The only entity that should be bound by the embargo was the Serbian aggressor. The European Union, NATO and the international community as a whole must take urgent steps to restore the status quo ante in Bosnia and Herzegovina, and to demonstrate that they were prepared to stand up in defence of international law and morality by all necessary means at their disposal to stop aggression and atrocities. OIC also believed that for the sake of international justice and the prevention of more acts of genocide and other crimes against humanity, the International Tribunal should start functioning without delay.¹⁹³

The representative of Slovenia said that his delegation joined those who had expressed support for the Secretary-General’s recent appeal to NATO to provide the necessary protection of the safe areas. It also supported the approach proposed by President Clinton, agreeing that it was time for vigorous action and tightened sanctions. Moreover, Slovenia felt that equal resolve should be shown in matters concerning State succession and other issues resulting from the dissolution of the former Yugoslavia. The United Nations should definitively terminate the membership of the former Yugoslavia in order to improve the conditions for a real and durable peace. Referring to the issue of the arms embargo, the speaker stated that it

¹⁹¹ Ibid., pp. 9-11.

¹⁹² Ibid., pp. 11-13.

¹⁹³ Ibid., pp. 25-26.

was important to recognize that the embargo had been extended on the former Yugoslavia and its successor States in a specific situation in 1992. It was therefore time for a decision that took into account the new realities and different situations of each of the successor States. There were reasons for keeping the arms embargo as a part of the sanctions against the main successor State of the former Yugoslavia, against which sanctions were imposed, however, there was a need to reconsider the merits of applying the embargo against those engaged in legitimate self-defence, which was an inherent right of all United Nations Members. Finally, in the case of Slovenia, there was no justification for maintaining the embargo, as Slovenia was not involved in the armed conflicts which had prompted the adoption of that measure.¹⁹⁴

The representative of Bulgaria noted that, as his country was in close proximity to the conflict, it had always insisted on firm judgement and energetic steps on the part of the United Nations to contain and end the war in Bosnia and Herzegovina. Bulgaria had a key role to play in implementing the sanctions against Serbia and Montenegro and, being fully aware of its responsibilities, it was adhering strictly to the relevant resolutions, at great economic sacrifice. It was Bulgaria's expectation that its difficulties would be kept in mind and taken into account.¹⁹⁵

Other speakers also welcomed the request of the Secretary-General to NATO to authorize air strikes to protect Gorazde,¹⁹⁶ while some reiterated their support for the lifting of the arms embargo against Bosnia and Herzegovina.¹⁹⁷

Speaking before the vote, the representative of Pakistan stated that his delegation had expected the draft resolution to include a reference to the review of the applicability of resolution 713 (1991). Regrettably, its inclusion had not been acceptable to some members of the Council. His delegation support for the draft had

therefore been diluted by that omission. Pakistan was also concerned that the draft resolution did not address the issue of an increase in troop levels. Therefore, while his delegation would reserve the right to introduce another draft resolution calling for the lifting of the arms embargo against Bosnia and Herzegovina, it would nevertheless support the draft resolution.¹⁹⁸

The representative of the United States observed that the civilians of Gorazde were being subjected to murderous attacks by the Bosnian Serbs on a daily basis. These attacks were an outrage to the conscience of the Council and an affront to international law. Noting that President Clinton had outlined the position of her Government in that regard, she indicated that her delegation was consulting with other members of the Council on measures to provide more adequate protection to the safe areas, in keeping with Council resolutions, and it had proposed the extension of the approach used around Sarajevo to other safe areas. The United States would also work with other members of the Council to tighten enforcement of the sanctions against Serbia and Montenegro and it would continue to support UNPROFOR, which genuinely needed increased manpower. It would also continue to support fully the International Tribunal. The speaker further indicated that the United States Senate had debated a resolution calling for the United States to lift the arms embargo unilaterally. So far, the United States had resisted a unilateral approach, because it believed in the sanctity of the sanctions imposed by the United Nations. Nevertheless, Council members should understand that the Government of the United States supported changing resolution 713 (1991) so that the victims of aggression might finally be permitted to defend themselves.¹⁹⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 913 (1994), which reads as follows:

The Security Council,

Recalling all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina, and reaffirming in this context its resolution 908 (1994) of 31 March 1994,

Recalling also the statement by the President of the Security Council of 6 April 1994 relating to the situation in the safe area of Gorazde,

¹⁹⁴ Ibid., pp. 35-36.

¹⁹⁵ Ibid., pp. 38-39.

¹⁹⁶ Ibid., pp. 17-18 (Hungary); pp. 20-21 (Senegal); pp. 21-22 (Indonesia); pp. 27-28 (United Arab Emirates); pp. 29-31 (Malaysia); p. 31 (Norway); pp. 31-32 (Austria); and pp. 36-37 (Poland).

¹⁹⁷ Ibid., pp. 18-20 (Afghanistan); pp. 20-21 (Senegal); pp. 21-22 (Indonesia); pp. 22-24 (Jordan); pp. 27-28 (United Arab Emirates); pp. 29-31 (Malaysia); pp. 33-34 (Islamic Republic of Iran); pp. 37-38 (Qatar); and pp. 39-41 (Sudan).

¹⁹⁸ Ibid., pp. 43-45.

¹⁹⁹ Ibid., pp. 49-50.

Reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Deeply concerned by the ongoing hostilities in and around Gorazde, as well as by the consequences for the situation in other areas of the Republic of Bosnia and Herzegovina and on the negotiation process aimed at an overall political settlement,

Condemning in the strongest possible terms the Bosnian Serb forces for their continued offensive against the safe area of Gorazde, which has resulted in the death of numerous civilians and tremendous human suffering,

Condemning all attacks against civilian populations and humanitarian relief workers, and reiterating that any persons committing violations of international humanitarian law will be held individually responsible,

Condemning also the Bosnian Serb party for its failure to negotiate in good faith and to uphold its commitments made to the representatives of the United Nations and the Russian Federation in respect of ceasefire arrangements in and around Gorazde,

Sharing the concern expressed by the Secretary-General in his reports of 11 March and 16 March 1994, and taking note of the recommendations of the Secretary-General concerning the definition and implementation of the concept of safe areas,

Determined to contribute to the immediate establishment of a lasting ceasefire in Gorazde as well as throughout the territory of the Republic of Bosnia and Herzegovina through negotiations between the parties, and to ensure its respect,

Reaffirming the mandate conferred on the United Nations Protection Force by its resolutions 824 (1993) of 6 May 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 908 (1994), and emphasizing that the Force will continue to make full use of this mandate as and when needed in execution of the relevant resolutions of the Council,

Praising the untiring and courageous action of the personnel of the Force and of other United Nations agencies in the Republic of Bosnia and Herzegovina,

Condemning the harassment and the detention of Force personnel by the Bosnian Serb forces and all obstacles to the freedom of movement of the Force,

Paying tribute to the enlargement of diplomatic efforts towards the conclusion of an overall political settlement, welcoming in this context the ongoing international efforts by representatives of the United Nations, the European Union, the United States of America and the Russian Federation, and determined to strengthen and coordinate these international efforts in order to bring together the current diplomatic initiatives with the aim of securing the participation of all the parties concerned in an overall political settlement,

Determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

A

1. *Demands* the immediate conclusion by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serb party of a ceasefire agreement, under the auspices of the United Nations Protection Force, in Gorazde and throughout the territory of the Republic of Bosnia and Herzegovina, leading to an agreement on cessation of hostilities, and demands that all parties comply strictly with such agreements;

2. *Invites* the Secretary-General to take the necessary steps to ensure that the Force is able, within the limits of its available resources, to monitor the situation in Gorazde and respect of any ceasefire and disengagement of the military forces in Gorazde, including any measure to put heavy weapons of the parties under United Nations control;

3. *Condemns* the shelling and attacks by the Bosnian Serb forces against the safe area of Gorazde as defined in resolution 824 (1993), and demands the withdrawal of these forces and their weapons to a distance to be agreed by the Force wherefrom they cease to constitute a threat to the status of Gorazde as a safe area;

B

4. *Calls* for an end to any provocative action by whomsoever committed in and around the safe areas;

5. *Demands* the immediate release of all United Nations personnel still held by the Bosnian Serb forces;

6. *Also demands* unimpeded freedom of movement for the Force in the fulfilment of all its tasks and the removal of all obstacles to such freedom of movement;

7. *Confirms* the decision in resolution 908 (1994) to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General;

C

8. *Underlines* the urgent need to intensify the efforts towards an overall political settlement agreed by all parties in the Former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

9. *Calls* for the intensification of the efforts to achieve a peaceful settlement with coordination and close consultation between the representatives of the United States of America and the Russian Federation and those of the United Nations and the European Union, with the aim of bringing together current diplomatic initiatives;

D

10. *Decides* to remain actively seized of the matter, and stands ready promptly to consider taking further measures as required.

Speaking after the vote, the representative of France stated that firm pressure on the Bosnian Serbs was indispensable. The resolution just adopted provided an appropriate response in that respect, by calling for the immediate conclusion of a ceasefire agreement and the withdrawal of Serb forces to a distance that would guarantee the security of Gorazde. These demands would be more rapidly implemented and the protection of the safe areas ensured when there was a credible prospect for military action against those responsible for the attacks upon the safe areas. France supported the Secretary-General's request that NATO authorize air strikes, as well as the proposals by the United States Government to expand the use of air action to protect the safe areas in Bosnia and Herzegovina. In addition to these initiatives, diplomatic efforts should be resumed in order to achieve a political settlement and should revolve around a common position between the various protagonists participating in the quest for a settlement — the United States, the Russian Federation, the European Union and the United Nations. Such a common position should be based upon the major principles of the European Union plan, including, *inter alia*, programming the progressive suspension and lifting the sanctions at the appropriate time.²⁰⁰

The representative of the Russian Federation stated that the resolution just adopted was an important, unanimous step in response to the alarming situation around Gorazde and in Bosnia and Herzegovina as a whole. The leadership of the Bosnian Serbs should comply with its obligations, cease attacks, withdraw their forces from Gorazde and allow the entry of the United Nations into that city. At the same time, acts of provocation in and around Gorazde should be halted. That demand in the resolution was addressed to all sides. In that context, it was important that the resolution adopted shared the concern expressed by the Secretary-General in his reports of 10 and 16 March, regarding the misuse of the safe areas, and took note of his recommendations concerning the definition and implementation of the concept of safe areas. In order to steer the conflict towards peaceful settlement, resolute

²⁰⁰ *Ibid.*, pp. 50-51.

and determined steps were needed. At the same time, however, the Russian Federation called for restraint and caution, because the logic of increasing air strikes contained an inherent danger of escalation. It also emphasized that the idea of lifting the arms embargo in an area of conflict ran counter to the idea of the speedy attainment of peace and could only “fan the flames” of the conflict. Referring to a recent initiative by President Yeltsin to hold a high-level meeting between his country, the United States, the European Union and the United Nations, the speaker stated that the time was ripe for those parties to work together towards a political solution to the Bosnian problem, and to put it before the belligerent parties, so that they were absolutely clear that it was essential to negotiate. At the same time, the Serbian side should understand that each step towards a complete cessation of hostilities would be accompanied by a corresponding lifting of the sanctions.²⁰¹

The representative of Brazil stated that his delegation was in full agreement with the main objectives of the resolution just adopted. It had been the consistent position of the Government of Brazil that the use of force must be a last resort, to be employed only under well-defined circumstances and in strict compliance with relevant Security Council resolutions. As a corollary to that principle, the Council should direct its actions to facilitating the achievement of an overall negotiated settlement. Brazil therefore welcomed endeavours to bring together the various existing diplomatic initiatives. Referring to UNPROFOR, the speaker stated that Brazil believed that the Force must be provided with the necessary means and “humanpower” to carry out its mandate. Nevertheless, should circumstances so require, the Council must be prepared to review all aspects of the United Nations presence in Bosnia and Herzegovina.²⁰²

The representative of the United Kingdom stated that the resolution just adopted was clear-cut in its condemnation of the way in which the Bosnian Serbs had continued to shell Gorazde, while giving undertakings to the United Nations and others about ceasefires. Noting that UNPROFOR had been given a “multiplicity” of roles in Bosnia, the speaker urged that the Force must be given the troops to do its job without delay. Observing that a negotiated settlement remained

²⁰¹ *Ibid.*, pp. 52-53.

²⁰² *Ibid.*, pp. 53-54.

the only path to a lasting peace, he stated that the latest actions of the Serbs had only served to underline the case for tightening the sanctions against the Federal Republic of Yugoslavia. As the Council had made clear, the road to lifting the sanctions would first require the negotiation and implementation of a just overall settlement of hostilities in the former Yugoslavia. Referring to the Secretary-General's request to NATO, the speaker noted that his Government was participating actively in NATO's consultations regarding the next step. The Serbs would be well advised to withdraw, respect the resolution just adopted and seek in good faith a peace settlement which could secure the interests of all communities in Bosnia and Herzegovina.²⁰³

The representative of China stated that there were no alternatives to settling the conflict through peaceful negotiation. China supported the efforts to strengthen and coordinate the various political and diplomatic initiatives, and had therefore voted in favour of the resolution just adopted. The speaker reiterated, however, that China opposed the use or threat of force, as well as any attempt to stop war by expanding its scope. Any escalation of military conflict could only lead to further military confrontation and intensified conflict, thus making more remote any chance of political settlement. China continued to have reservations on the invocation of Chapter VII for mandatory actions and the implied possible military actions in the resolution.²⁰⁴

Deliberations of 27 April 1994 (3370th meeting)

By a letter dated 22 April 1994 addressed to the President of the Security Council,²⁰⁵ the representative of Pakistan, in his capacity as the Chairman of the Islamic Conference of Foreign Ministers, requested that a formal meeting of the Security Council on the situation in Bosnia and Herzegovina be scheduled for 27 April 1994. The request was being made to facilitate a debate on the deteriorating situation in Bosnia and Herzegovina.

At its 3370th meeting, held on 27 April 1994 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the

Council invited the representatives of Albania, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, Greece, India, the Islamic Republic of Iran, Malaysia, Norway, Saudi Arabia, Senegal, the Sudan, Sweden, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion, and extended an invitation to Mr. Hamid Algabid, Secretary-General of the Islamic Conference.

The representative of Pakistan stated that the Council should use its authority to persuade the Bosnian Serbs to accept the agreement signed between the Government of Bosnia and the Croats on the creation of a federation. He contended that a new political process, which should secure the full participation of the Islamic countries and enjoy the support of the Council, could create a momentum towards a comprehensive peace agreement. The speaker further indicated that at a meeting of the Foreign Ministers of the OIC Contact Group on Bosnia and Herzegovina, held that same day, the Ministers had declared, *inter alia*, that resolution 713 (1991) did not apply to Bosnia and Herzegovina and that the arms embargo against the Government of Bosnia was "unjust, illegal and in direct contradiction of Article 51 of the Charter of the United Nations". The Ministers had also demanded the withdrawal of Serbian heavy weapons from Gorazde, and had called for the strengthening of UNPROFOR. Furthermore, OIC Ambassadors in New York had been mandated to pursue the objectives of the declaration, in particular with respect to the modification of resolution 713 (1991) to enable the Government of Bosnia to exercise its right to self-defence. Pakistan would propose, on behalf of OIC, that the Council adopt a resolution declaring that the provisions of resolution 713 (1991) did not apply to Bosnia and Herzegovina. If these efforts were to fail, an urgent session of the General Assembly would be sought, in order to seek "peace with justice" in Bosnia and Herzegovina.²⁰⁶

The representative of Turkey noted that his delegation had tried several times to convince the Security Council to set a time limit for the Serbian side to comply with its resolutions. It had also underlined that the aggressors should be warned very clearly that

²⁰³ *Ibid.*, pp. 54-55.

²⁰⁴ *Ibid.*, p. 55.

²⁰⁵ S/1994/492.

²⁰⁶ S/PV.3370, pp. 2-5.

if they failed to comply they would face the consequences. It was such convictions that had prompted Turkey to actively participate in the formulation of the NATO decisions. The speaker pointed out that the option of air strikes had been favoured by his Government since 1992. Turkey had also defended the view that it should be applicable not only to Sarajevo but to all six United Nations safe areas. The speaker argued that had that proposal been accepted on time, it would have spared many lives in Gorazde. He further contended that while the accountability of the perpetrators of war crimes constituted one of the main pillars of credible deterrence against aggression, nothing was more important for deterrence, however, than letting the Bosnians acquire the means to exercise their inherent right to defend themselves. Turkey would continue to insist that the Council clarify the legal opinion that its resolution 713 (1991) did not and should not apply to Bosnia and Herzegovina. Noting that the Council had reaffirmed in all relevant resolutions the sovereignty and territorial integrity of Bosnia and Herzegovina and rejected the acquisition of territory through the use of force and the practice of “ethnic cleansing”, the speaker stated that the time had come for the Council to put these principles into practice. Furthermore, the diplomatic isolation and economic embargo imposed on the Federal Republic of Yugoslavia should be tightened. Welcoming the calls for the convening of a high-level meeting on Bosnia, Turkey expected the States members of the OIC Contact Group on Bosnia to be invited to take part to such a meeting.²⁰⁷

The representative of Egypt welcomed the decision by NATO, as a regional organization under Chapter VIII of the Charter, to carry out air strikes against Serb military positions from which attacks had been launched. His delegation was also considering with interest the idea of holding a new international conference. If such a conference were to proceed, it would need to address a number of points. First, the terms of reference must be in conformity with the Charter and international law and should include the non-acquisition of territory by force. Second, any proposed peace settlement must be in accordance with the Charter and the resolutions of the Council. Third, the conference should concentrate on settling the problem of Bosnia and Herzegovina. Fourth, the international community must ensure that the plan was

²⁰⁷ Ibid., pp. 6-7.

put into effect through binding international measures. Finally, the International Tribunal must be provided with the necessary resources to undertake its responsibilities. The speaker further stated that the Council must take charge and decide on a set of measures, including lifting the arms embargo. Otherwise, the only alternative would be to have recourse to a special emergency session of the General Assembly to take a decision on that important issue. Quoting Article 51 of the Charter, he argued that the provision implied that no international body or authority, including the Council itself, should undermine the natural or inherent right of all States to self-defence. Furthermore, the right to self-defence applied and was applied, as provided by Article 51, “until the Council had taken measures necessary to maintain international peace and security”. Obviously, all resolutions adopted by the Council in that regard over the past two years were far from adequate to preserve international security since fighting and acts of aggression had continued. Therefore, the Council could not use these resolutions as a pretext for not lifting the embargo. Lastly, by placing the aggressor and the victim on an equal footing, the Council had contravened the provisions of the Charter. Stressing that the legality of the measures taken by the Council depended on the degree to which they conformed to the provisions of the Charter and referring to Article 103 of the Charter, the speaker contended that Council’s decisions did not prevail over the Charter. The speaker hoped that the Council would shoulder its responsibilities in accordance with the provisions of the Charter, adopt a resolution to support Bosnia and Herzegovina, and decide to lift the arms embargo in order to enable it to exercise its legitimate right to self-defence.²⁰⁸

The representative of Bosnia and Herzegovina called for a decisive approach by the United Nations towards his country pointing out that the recent ultimatum issued by NATO and the United Nations was an example of what could be achieved when the international community showed resolve and will for action. The speaker stressed a number of points. Firstly, the Serbs should withdraw from the safe areas and their surroundings and their heavy weapons should be removed and returned to Serbia. The arms embargo should be lifted and Bosnia and Herzegovina’s right to self-defence under Article 51 of the Charter restored.

²⁰⁸ Ibid., pp. 17-20.

Secondly, a process of neutralization of weaponry must be workable. Thirdly, the peace process must be based on respect for the sovereignty and territorial integrity of Bosnia and Herzegovina and the return of territories seized by force. Fourthly, the United Nations had an obligation to ensure that resolution 913 (1994), which called for the withdrawal of Serbian forces from the safe area of Goradze, was implemented based upon resolution 824 (1993), by which Goradze was declared a safe area. It must also ensure that the boundaries of the safe area existing prior to the Serbian offensive were restored pending the final outcome of the negotiations. Lastly, the newly formed Contact Group on Bosnia and Herzegovina should include a representative of OIC.²⁰⁹

The representative of Greece, speaking on behalf of the European Union, noted that the European Union had called for an intensified diplomatic effort by the international community, involving the United Nations, the European Union, the United States and the Russian Federation, to ensure the convergence of their initiatives. Particularly at that critical juncture, the goal was to establish conditions which would lead to a comprehensive cessation of hostilities and a peace settlement. It was now more important than ever that the parties engaged in meaningful negotiations. The speaker further stated that the European Union Action Plan provided the only appropriate basis for a negotiated settlement and a lasting peace. Referring to UNPROFOR, he urged that the Force should be provided with the necessary means to carry out its mandate without which any progress in the peace process would be meaningless. In that regard, the adoption of resolution 914 (1994) that day on the strengthening of UNPROFOR was welcomed.²¹⁰

The representative of the Russian Federation noted that the normalization of the situation around Goradze and the fulfilment by the Bosnian Serb party of its obligations were creating positive opportunities for a swift settlement in Bosnia and Herzegovina. He further noted that the initiative of his President for holding a summit meeting between the Russian Federation, the United States, the European Union and the United Nations was aimed at achieving such a settlement. The most important point was that military measures should not overshadow the political

settlement. The Russian Federation expected that the Bosnian parties and the Russian Federation's partners would join in that process and concentrate their efforts on the following. First, the system of safe areas should be strengthened in accordance with Council resolutions. Second, the Serbs and the Muslims should sign an unconditional agreement as soon as possible on a halt to all hostilities. Third, there should be a comprehensive political settlement in Bosnia and Herzegovina, taking into account the legitimate interests and equal status of all inhabitants of that territory. Lastly, progress in restoring peace to Bosnia and Herzegovina should be accompanied by an appropriate easing of sanctions against the Federal Republic of Yugoslavia. Referring to the arms embargo, the speaker argued that the demands for the embargo to be lifted ran counter to efforts aimed at political settlement and could only lead to an escalation of the war. He further noted that his delegation had repeatedly drawn attention to the ideas expressed by the Secretary-General with respect to the need for a revision of the concept of safe areas, whose status was frequently abused. In that connection, his delegation believed that the United Nations forces, together with the parties concerned, should be entrusted with the task of defining a system and borders for each of the safe areas. It was important that United Nations forces be deployed in the safe areas. An important condition for respecting the status of the safe areas was their demilitarization. Heavy weapons must be placed under control and unimpeded humanitarian assistance to the safe areas must be guaranteed. The Russian Federation felt that it was particularly important for the Council to begin work and shoulder its responsibility for determining the system of safe areas.²¹¹

Mr. Djokic stated that in that critical phase, it was imperative that the international community and the Council did everything in their power to facilitate a negotiated settlement of peace. All efforts must be concerted to establish a comprehensive ceasefire throughout Bosnia and Herzegovina. Only the urgent and unconditional cessation of all hostilities, without prejudice to the final political solution, could pave the way for the resumption of the peace process. For its part, the leadership of the Federal Republic of Yugoslavia had throughout the conflict invested efforts towards finding a peaceful solution and influencing the Bosnian Serbs to make compromises. The Federal

²⁰⁹ Ibid., pp. 22-23.

²¹⁰ Ibid., pp. 23-24.

²¹¹ Ibid., pp. 25-27.

Republic of Yugoslavia welcomed the recent renewed efforts directed towards the resumption of the peace process and the active participation of the United Nations, the European Union, the Russian Federation and the United States in that regard. The activities of the newly created Contact Group could be a step in the right direction. The Federal Republic of Yugoslavia, however, was concerned by the reservations of some countries regarding the initiatives for resolving the conflict by peaceful means and the persistence of threats and punitive measures. The speaker further argued that the complex nature of the conflict in Bosnia and Herzegovina made it necessary that no former occupying Power of the territories of the former Yugoslavia or any neighbouring States should be involved in peacekeeping activities. In that regard, the decision to send Turkish troops to Bosnia and Herzegovina was not only against the interest of easing the situation in the region, but could also have a direct bearing on the escalation of the conflict.²¹²

The representative of Croatia noted that the presence of so many high representatives of the Governments in the debate indicated on the one hand the urgency of the situation in the region and, on the other hand, gave hope that their commitment would bring that crisis to a fair conclusion. In that regard, Croatia emphasized the importance of the views of OIC in the peace process. That was why it had called for the inclusion of a high-ranking representative of OIC in the process of finding a political solution to the conflict. International mediation could, however, have its limits. The international community had been unable to find the appropriate balance of power to match its attempts at political mediation. As long as this imbalance continued, the Government of Croatia would support the lifting of the arms embargo. The speaker emphasized in that regard, that the arms embargo would not necessarily promote war. Rather it would create a balance that would promote non-violent options for a fair and sustainable settlement. He argued that the international community must use all necessary means to “disengage” the Serbian military capacity, or lift the arms embargo, thus enabling Bosnia and Herzegovina and Croatia to acquire the defence capacity to compel the Serbian side to accept and implement the results of international mediation and the relevant Security Council resolutions. Otherwise, the war in Bosnia and Herzegovina would continue,

²¹² Ibid., pp. 32-33.

and the political solution in Croatia might be jeopardized to the point of renewed fighting.²¹³

The representative of Albania reiterated his country’s position, that intensive diplomatic action combined with other measures, including the use of force, would be the most suitable means to bring peace. He welcomed the initiative to convene a high-level conference, whilst drawing attention to the serious situation in Kosovo and stating that dealing with the crisis in Kosovo should be an integral element in the peace process. The Government of Albania reiterated the view that the sanctions against the Federal Republic of Yugoslavia constituted an important component of the international community’s efforts to bring peace to the region and should be maintained despite the fact that Albania was experiencing “enormous difficulties” as a result of these sanctions.²¹⁴

During the debate, a number of speakers called for the lifting of the arms embargo in order to enable Bosnia and Herzegovina to exercise its inherent right to self-defence in accordance with Article 51 of the Charter.²¹⁵ Other speakers opposed the idea, arguing that such a step would not facilitate a peaceful resolution of the conflict.²¹⁶

Decision of 29 April 1994: letter from the President to the Secretary-General

By a letter dated 29 April 1994,²¹⁷ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council, while discussing the situation in the Republic of Bosnia and Herzegovina and in the safe areas established by the relevant resolutions of the Council, took note of the recommendations of the Secretary-General concerning the definition and implementation of the

²¹³ Ibid., pp. 34-36.

²¹⁴ Ibid., p. 40.

²¹⁵ Ibid., pp. 3-5 (Pakistan); pp. 6-7 (Turkey); pp. 8-11 (Malaysia); pp. 11-13 (Islamic Republic of Iran); pp. 13-14 (Senegal); pp. 14-16 (Saudi Arabia); pp. 16-17 (Tunisia); pp. 17-20 (Egypt); pp. 20-22 (OIC); pp. 22-23 (Bosnia and Herzegovina); pp. 24-25 (Oman); pp. 27-28 (Djibouti); pp. 34-36 (Croatia); pp. 36-37 (Sudan); and pp. 37-38 (Bangladesh).

²¹⁶ Ibid., pp. 25-27 (Russian Federation); pp. 28-29 (New Zealand); pp. 29-30 (Canada); pp. 31-32 (Sweden); pp. 32-33 (Yugoslavia); and pp. 33-34 (Norway).

²¹⁷ S/1994/521.

concept of safe areas, as contained in his reports of 11 March and 16 March 1994.

The members of the Council request the Secretary-General to submit by 10 May 1994 further specific recommendations on modalities of the implementation of the concept of safe areas as defined in resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993.

**Decision of 4 May 1994 (3374th meeting):
statement by the President**

At its 3374th meeting, on 4 May 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²¹⁸

The Security Council calls upon the parties to the conflict in the Republic of Bosnia and Herzegovina to agree to a complete cessation of hostilities, to comply fully therewith, and to resume immediately negotiations, without preconditions, for the conclusion of an overall settlement. It demands that the parties immediately refrain from any offensive military action and any action likely to lead to renewed fighting.

The Council is concerned at recent indications of increasing tension in a number of areas in the Republic of Bosnia and Herzegovina, in particular the Posavina "corridor".

The Council welcomes the arrangements reported by the Secretariat to establish a United Nations Protection Force presence in the region of the Posavina "corridor". It encourages the Special Representative of the Secretary-General for the Former Yugoslavia to pursue this rapidly and also to seek enhanced aerial surveillance of this and other areas of tension. The Council calls on all the parties to cooperate fully with the Special Representative and the Force in the planned deployment. It warns the parties of the serious consequences of any offensive military action in or around the Posavina "corridor".

The Council is considering further decisions on the matter and will remain actively seized of it.

**Decision of 25 May 1994 (3380th meeting):
statement by the President**

On 19 May 1994, pursuant to resolution 913 (1994), the Secretary-General submitted to the Council a report on the situation in Bosnia and Herzegovina, in particular in Gorazde.²¹⁹ The Secretary-General

²¹⁸ S/PRST/1994/23.

²¹⁹ S/1994/600.

reported that the situation in Gorazde remained one of stalemate and tensions continued to be high. He further noted that despite the limitation of its mandate and military resources, UNPROFOR had played a major stabilizing role and contributed to normalizing the situation, particularly in and around Sarajevo, along the entire confrontation line between Bosnian Croat and Bosnian government forces, in Gorazde, and in Brcko and the Posavina corridor with the deployment of military observers since 7 May 1994. UNPROFOR could not, however, be expected indefinitely to preserve such achievements unless early progress was made towards an agreement on a comprehensive cessation of hostilities and a halt to the movement of military forces, equipment and supplies. In that regard, the Secretary-General had requested his Special Representative and UNPROFOR to approach the parties immediately to bring about an early meeting and an agreement on such issue taking into account the separation of forces, the withdrawal of heavy weapons and the interposition of UNPROFOR troops. He also welcomed the call by the Troika of the European Union, France, the Russian Federation, the United States and the United Kingdom in Geneva, on 13 May 1994, for a further reinforcement of UNPROFOR and requested the Council's support for his proposals.

At its 3380th meeting, on 25 May 1994, the Council included the report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²⁰

The Security Council has considered the report of the Secretary-General pursuant to its resolution 913 (1994).

The Council reiterates the urgent need to intensify efforts towards an overall political settlement of the conflict in the Republic of Bosnia and Herzegovina. It calls on the parties to resume, without preconditions, serious efforts to reach a political settlement.

The Council reaffirms the urgent need for a comprehensive cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina. In this regard, the Council supports the decision of the Secretary-General, in accordance with paragraph 1 of resolution 913 (1994), to entrust his Special Representative and the Force Commander of the

²²⁰ S/PRST/1994/26.

United Nations Protection Force with the task of achieving a comprehensive cessation of hostilities. In this context it welcomes the call for such a cessation of hostilities in the communiqué dated 13 May 1994 issued at the meeting of Ministers for Foreign Affairs at Geneva.

The Council demands immediate and full compliance with its resolution 913 (1994) and, in respect of Gorazde, calls upon the parties to cooperate fully with the Force to that end.

**Decision of 1 June 1994 (3387th meeting):
statement by the President**

At its 3387th meeting, on 1 June 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Oman) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²¹

The Security Council recalls its presidential statement of 25 May 1994.

The Council reiterates the urgent need for a comprehensive cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina, and calls upon the parties to resume, without preconditions, serious efforts to reach a political settlement. In that regard, it fully supports efforts by the Special Representative of the Secretary-General for the Former Yugoslavia and the Force Commander of the United Nations Protection Force to negotiate such a cessation of hostilities, and welcomes the decision to convene a meeting with the parties at Geneva on 2 June 1994. It also welcomes the reported decision of the Government of the Republic of Bosnia and Herzegovina and of the Bosnian Serb party to attend that meeting. The Council strongly encourages the parties to negotiate in good faith, so that a cessation of hostilities can be agreed to as quickly as possible.

To that end, the Council strongly demands immediate, full and unconditional compliance with its resolution 913 (1994) of 22 April 1994, and in this context endorses the efforts made by the Force to ensure the implementation of that resolution. It calls upon both parties to cooperate fully with the Force in these efforts.

**Decision of 30 June 1994 (3399th meeting):
statement by the President**

At its 3399th meeting, on 30 June 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council

²²¹ S/PRST/1994/29.

invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Oman) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²²

The Security Council underlines its support for the 8 June 1994 agreement of the parties to the conflict, in which they agreed to observe a ceasefire for a period of one month starting from 10 June 1994. The Council expresses its grave concern at the parties' failure to comply with the agreement to date.

The Council calls once again on the parties to stop all offensive military operations and other provocative actions, as well as all ceasefire violations and ethnic cleansing, and to cooperate with the Special Representative of the Secretary-General for the Former Yugoslavia and the United Nations Protection Force. It also calls on the parties to resume negotiations on a comprehensive cessation of hostilities for the entire territory of the Republic of Bosnia and Herzegovina, with a view to reaching agreement before the expiration of the 8 June agreement on 10 July 1994, while continuing negotiations to achieve a just and comprehensive peace agreement.

The Council deplores all attacks on United Nations personnel and calls on those responsible to ensure that such attacks do not take place. It also condemns the restrictions imposed on the freedom of movement of the Force, and demands that these restrictions be immediately lifted, so as to enable the Force to assist in the implementation of the 8 June agreement.

**Decision of 7 July 1994: letter from the
President to the Secretary-General**

By a letter dated 24 May 1994 addressed to the President of the Security Council,²²³ the Secretary-General transmitted the final report of the Commission of Experts established pursuant to resolution 780 (1992). The Commission had been established to examine and analyse information gathered with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The Commission had concluded that such breaches had been committed on a large scale. It further had noted that the practice of the so-called "ethnic cleansing" had been carried out by some of the parties so systematically that they strongly appeared to be the product of a policy. The Secretary-General indicated that he shared the conclusions of the

²²² S/PRST/1994/31.

²²³ S/1994/674.

Commission and had instructed that all relevant information gathered by the Commission be forwarded to the Office of the Prosecutor of the International Tribunal.

By a letter dated 7 July 1994,²²⁴ the President of the Security Council informed the Secretary-General of the following:

I have the honour to refer to your letter dated 24 May 1994 transmitting the final report of the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992.

The members of the Council are grateful to the Commission of Experts for the work done in the discharge of its mandate. They have noted with appreciation that the database and all the other information gathered by the Commission in the course of its work have been forwarded to the office of the Prosecutor of the International Tribunal.

**Decision of 2 September 1994 (3421st meeting):
statement by the President**

At its 3421st meeting, on 2 September 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the members of the Council to a letter dated 1 September 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council²²⁵ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²²⁶

The Security Council is deeply disturbed at continuing reports of acts of ethnic cleansing by the Bosnian Serb party in the Bijeljina area. It condemns this practice wherever it occurs and by whomsoever it is committed and demands its immediate cessation. It further condemns all violations of international humanitarian law in the conflict in the Republic of Bosnia and Herzegovina, for which those who commit them are personally responsible. In this context it calls for the full implementation of the agreement on the release of detainees contained in the 8 June 1994 agreement concluded at Geneva. It calls for the early

²²⁴ S/1994/800.

²²⁵ S/1994/1023.

²²⁶ S/PRST/1994/50.

release of all detainees and, to this end, calls for the delegates of the International Committee of the Red Cross to be granted access in particular to all detainees in Lopare and other parts of the Bijeljina area.

The Council reaffirms the importance it attaches to the right of freedom of movement throughout the Republic of Bosnia and Herzegovina of the United Nations Protection Force. It notes with dismay that the Bosnian Serb party has not allowed the Special Representative of the Secretary-General for the Former Yugoslavia to visit Banja Luka, Bijeljina and other areas of concern, and strongly urges it to permit such access both to the Special Representative and to the Force. It also expresses its concern about continuing restrictions on access to Sarajevo, in particular the closure by the Bosnian Serb party of the routes across the airport opened in cooperation with the Force following the 17 March 1994 agreement.

**Decisions of 23 September 1994 (3428th
meeting): resolutions 941 (1994), 942 (1994)
and 943 (1994)**

At its 3428th meeting, on 23 September 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Jordan, Malaysia, Senegal, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item. The President (Spain) then drew the attention of the Council members to the texts of three draft resolutions: the first draft resolution had been prepared in the course of the Council's prior consultations;²²⁷ the second draft resolution had been submitted by Argentina, the Czech Republic, Djibouti, France, Germany, Nigeria, Oman, Pakistan, the Russian Federation, Rwanda, Spain, the United Kingdom and the United States;²²⁸ and the third draft resolution had been submitted by the Czech Republic, France, Germany, the Russian Federation, Spain, the United Kingdom and the United States.²²⁹ The President also

²²⁷ S/1994/1083.

²²⁸ S/1994/1084.

²²⁹ S/1994/1085.

drew the attention of the Council members to several other documents.²³⁰

The representative of Bosnia and Herzegovina noted that his delegation had “mixed views” on the three draft resolutions before the Council. While his delegation supported the first draft resolution addressing the crimes of ethnic cleansing being perpetrated in Serb-occupied areas of Bosnia and Herzegovina, it wondered why it had taken in excess of three months to bring that draft to a vote and why the text had been so watered down as to diminish the commitment of UNPROFOR to deploy in the places where ethnic cleansing had been executed. Concerning the second draft resolution on the tightening of sanctions against the Bosnia Serbs, his delegation supported its spirit but questioned the effectiveness of

such measure in securing the desired objectives, especially the reversal of the consequences of aggression and ethnic cleansing. Regarding the third draft resolution on easing the sanctions against Serbia and Montenegro, Bosnia and Herzegovina was opposed to it for it sought to reward those who had been complicit in crimes and war-making, without assisting the victim to confront ongoing crimes and aggression, therefore lacking balance. Furthermore, the draft undermined the necessary improvements in human rights standards within Kosovo, Vojvodina and Sandzak, and did not address the ongoing occupation of Croatia. It also sought to reward Serbia and Montenegro for a set of “self-designed measures of self-policing”, and Serbia and Montenegro had not been required to endorse the Contact Group peace plan by recognizing Bosnia and Herzegovina within its own borders. The speaker also questioned the ability of the monitoring regime to monitor effectively the closure of the border between Bosnia and Herzegovina and Serbia and Montenegro. In conclusion, he urged members of the Council not to support the draft resolution.²³¹

The representative of Croatia expressed his Government’s reservations on the draft resolution easing sanctions against the Federal Republic of Yugoslavia. He argued that the sanctions should only be suspended after the Council had received concrete and undisputed evidence of real progress on the ground, not only in Bosnia and Herzegovina, but also in Croatia. Furthermore, his delegation could not overlook the fact that the draft resolution might not follow the spirit of resolution 871 (1993), which linked the sanction regime imposed on the Federal Republic of Yugoslavia to the implementation of all relevant Council resolutions, including those relating to the United Nations peacekeeping plan for the Republic of Croatia. His Government would therefore support the suspension of the sanctions regime against the Federal Republic of Yugoslavia only if there was real progress on the ground in relation to the implementation of resolution 871 (1993). An essential first step would be the recognition by the Federal Republic of Yugoslavia of the new States on the territory of the former Yugoslavia, within their internationally recognized borders. Should the Council adopt the draft resolution, however, the monitoring mission of the International Conference on the Former Yugoslavia, which was operating with meagre resources, would become very

²³⁰ Letters dated 7, 12, 14 and 22 September 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1037, S/1994/1038, S/1994/1046, S/1994/1056 and S/1994/1087); letters dated 9 and 19 September 1994, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1994/1040 and S/1994/1072); letters dated 8 and 21 September 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1044 and S/1994/1079); letters dated 14 and 16 September 1994, respectively, from the representative of Croatia addressed to the Secretary-General (S/1994/1052 and S/1994/1062); letter dated 9 September 1994 from the representative of Slovenia addressed to the President of the Security Council (S/1994/1055); letter dated 15 September 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/1060); letter dated 19 September 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the establishment and commencement of operations of an International Conference on the Former Yugoslavia mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) (S/1994/1074); letters dated 19 and 20 September 1994, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1994/1075 and S/1994/1076); letter dated 21 September 1994 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General (S/1994/1081); and letter dated 22 September 1994 from the representative of Pakistan addressed to the President of the Security Council (S/1994/1088).

²³¹ S/PV.3428, pp. 3-5.

important. He warned that the mission should not be used to satisfy short-term political goals.²³²

The representative of Germany, speaking on behalf of the European Union, stated that the adoption of the three draft resolutions would constitute an important step in the international peace effort and would convey an unequivocal message to the Bosnian Serbs. Firstly, the European Union condemned “the ethnic cleansing” which the Bosnian Serbs had systematically carried out in the areas they occupied and reemphasized the importance of the work of the International Tribunal for the former Yugoslavia. Secondly, the Bosnian Serbs must realize that they would remain totally isolated as long as they blocked the peace process and continue the abhorrent practice of “ethnic cleansing.” The European Union therefore welcomed the tightening of sanctions as a means to increase the pressure on the Bosnian Serbs to accept the territorial proposal submitted by the Contact Group. Thirdly, concerning the suspension of certain sanctions against the Federal Republic of Yugoslavia, the European Union was united in the view that the decision of President Milosevic to close the border deserved a positive reaction from the international community. Thus through the adoption of the three draft resolutions, the Council would emphasize that those who choose the course of peace would receive its support and those who persisted in rejecting peace and embracing war would be isolated and prosecuted.²³³

The representative of Turkey noted that his delegation considered both the first draft resolution, on ethnic cleansing, and the second draft resolution, on strengthening sanctions against the Bosnian Serbs, to be timely steps and believed that they should both be adopted immediately and implemented effectively. Turkey had serious doubts, however, about the timing and content of the third draft resolution, relaxing sanctions against Serbia and Montenegro, as it was necessary to verify Serbia’s claim that it had closed its border with Bosnia and Herzegovina. Moreover, the conclusion of the mission of the International Conference on the Former Yugoslavia was in direct contradiction with independent reports suggesting that there had been continuing unauthorized helicopter flights between Serbia and Montenegro and the Serbian-held areas of Bosnia and Herzegovina. Turkey

²³² Ibid., pp. 5-6.

²³³ Ibid., pp. 11-12.

had appealed to the President of the Security Council to postpone consideration of the draft resolution in order to allow a comprehensive investigation into that matter. Regrettably, that request had not been considered favourably. The speaker argued that the easing of sanctions at that time would send the wrong signal to the aggressor and would undermine the peace process. Meanwhile, Bosnia and Herzegovina, which had accepted the Contact Group peace plan in good faith, was awaiting the fulfilment of the promises made by the Contact Group, including true and effective border-monitoring, measures in response to the “strangulation” of Sarajevo, the expansion of exclusion zones, and the lifting of the arms embargo on Bosnia and Herzegovina. Before concluding, the speaker urged the Serbian side to stop its genocidal campaign to consolidate its territorial gains and to accept the peace plan. If it failed to do so, then the Government of Bosnia and Herzegovina should be provided with all means necessary to exercise its inherent right to self-defence.²³⁴

Mr. Djokic noted that the decision to partially suspend the existing sanctions, while it represented an important shift in attitude towards Yugoslavia, did not constitute an adequate response to the constructive role played by the Federal Republic of Yugoslavia in the search for a solution to the crisis in Bosnia and Herzegovina. What was really needed was the complete lifting of all sanctions and it was unfortunate therefore that the conditions were set for the ultimate and absolute lifting of all sanctions exclusively in the function of maintaining political pressure. The Federal Republic of Yugoslavia expected that, with the adoption of the draft resolution relaxing the sanctions, the process of lifting all sanctions would gather momentum and the legitimate rights of the Federal Republic of Yugoslavia in the United Nations and other international organizations would soon be restored so that it could be fully reintegrated into the international community.²³⁵

During the debate several speakers questioned the appropriateness of a decision easing sanctions against the Federal Republic of Yugoslavia, raising doubts about the credibility of the claims by the Belgrade authorities regarding the closure of their borders with the territories occupied by the Bosnian Serbs, in the

²³⁴ Ibid., pp. 13-14.

²³⁵ Ibid., pp. 14-17.

absence of an effective monitoring mechanism. They argued that before adopting such decision, the Council should ensure that Serbia and Montenegro take a number of steps, including its recognition of Bosnia and Herzegovina within its current borders, its cooperation with the International Tribunal, and its acceptance of the designation of 51 per cent of the territory of Bosnia and Herzegovina allocated to the Muslim Croat federation as a safe area, and the lifting of the Sarajevo siege. Instead of easing the sanctions, the Security Council should enforce the implementation of its earlier resolutions, and enable the Government of Bosnia and Herzegovina to exercise its right of self-defence by lifting the arms embargo imposed against it.²³⁶

Other speakers, however, supported the easing of sanctions as a way of acknowledging the positive reaction by the Belgrade authorities to the peace plan put forward by the Contact Group and their decision to close their borders, arguing that it was a measure that could be reversed if Serbia and Montenegro violated its commitments.²³⁷

Speaking before the vote, the representative of Djibouti was of the view that some crucial issues ought to have been addressed before embarking on the exercise of easing sanctions such as the military and humanitarian imbalance in the conflict, the recognition by the Federal Republic of Yugoslavia of Bosnia within its current borders, the cooperation of the Federal Republic of Yugoslavia with the International Tribunal, the protection of Bosnia's safe area and the end of the siege of Sarajevo. His delegation therefore found it very difficult to support any draft resolution calling for the partial lifting of sanctions at that moment.²³⁸

The representative of China stated that his delegation would vote in favour of the draft resolutions condemning violations of international humanitarian law and suspending aspects of the sanctions against the Federal Republic of Yugoslavia, as both draft resolutions reflected China's basic position on those

questions. He reiterated, however, that his country, in principle, was not in favour of using sanctions or mandatory measures to resolve the conflict in the former Yugoslavia. All efforts should be made to resolve the conflict peacefully. The speaker argued that instead of bringing the war to an end, the use of sanctions or mandatory measures had brought enormous suffering to the countries and people of the region, and had inflicted tremendous losses on the economies of those third countries that had implemented the sanctions, in particular the States neighbouring the Federal Republic of Yugoslavia. Therefore, on the basis of that principled position, China would abstain on the draft resolution tightening sanctions against the Bosnian Serbs.²³⁹

The representative of Pakistan stated that his delegation was not prepared to consider even the partial lifting of sanctions against the Federal Republic of Yugoslavia unless and until the consequences of its aggression in Bosnia and Herzegovina were reversed and territories occupied by force surrendered. Easing the sanctions in the current circumstances was tantamount to appeasing and rewarding the aggressor and would undermine the peace process, sacrificing the principles of justice and equity enshrined in the Charter of the United Nations. Furthermore, his delegation considered the timing for the submission of the draft resolution to be most inopportune, inappropriate and premature. Pakistan would therefore vote against the draft relaxing the sanctions.²⁴⁰

The representative of Rwanda expressed his delegation's support for the draft resolutions on ethnic cleansing and on strengthening the sanctions against the Bosnian Serbs. While his delegation had no quarrel with the content of the draft resolution relaxing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), it believed that its adoption would not be opportune, because developments on the ground clashed with the Rwandan Government policy with regard to the universal principles of human rights, and because previous Council resolutions had not been implemented. His delegation would therefore abstain in the voting of that draft resolution.²⁴¹

²³⁶ Ibid., pp. 3-5 (Bosnia and Herzegovina); pp. 5-6 (Croatia); pp. 6-8 (Malaysia); pp. 8-9 (Islamic Republic of Iran); pp. 9-10 (Senegal); pp. 10-11 (Albania); pp. 12-13 (Egypt); pp. 13-14 (Turkey); pp. 18-20 (Jordan); pp. 20-21 (Afghanistan); p. 21 (Bangladesh); and p. 22 (Tunisia).

²³⁷ Ibid., pp. 11-12 (Germany on behalf of the European Union); and pp. 17-18 (Canada).

²³⁸ Ibid., pp. 22-23.

²³⁹ Ibid., pp. 23-24.

²⁴⁰ Ibid., pp. 26-27.

²⁴¹ Ibid., p. 27.

The first draft resolution²⁴² was then put to the vote and was adopted unanimously as resolution 941 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

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

Taking note of the information provided by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and that contained in other relevant reports, particularly regarding grave violations of international humanitarian law affecting the non-Serb population in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

Gravely concerned at the persistent and systematic campaign of terror perpetrated by the Bosnian Serb forces in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as described in paragraphs 5 to 79 of the above-mentioned report,

Emphasizing that this practice of ethnic cleansing by the Bosnian Serb forces constitutes a clear violation of international humanitarian law and poses a serious threat to the peace effort,

Expressing its deep concern over the continued denial by Bosnian Serb forces of prompt and unimpeded access to the Special Representative of the Secretary-General for the Former Yugoslavia and the United Nations Protection Force to Banja Luka, Bijeljina and other areas under Bosnian Serb control as demanded by the Security Council in its presidential statement of 2 September 1994,

Recognizing that the International Tribunal has jurisdiction over serious violations of international humanitarian law committed in the territory of the Former Yugoslavia and that the Council remains committed to its previous resolutions on the importance of cooperation with the Tribunal,

Determined to put an end to the abhorrent and systematic practice of ethnic cleansing wherever it occurs and by whomsoever it is committed,

Determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949;

2. *Strongly condemns* all violations of international humanitarian law, including in particular the unacceptable practice of ethnic cleansing perpetrated in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and reaffirms that those who have committed or have ordered the commission of such acts will be held individually responsible in respect of such acts;

3. *Reaffirms its support* for the established principles that all declarations and actions made under duress, particularly those regarding land and ownership, are null and void, and that all displaced persons should be enabled to return in peace to their Former homes;

4. *Demands* that the Bosnian Serb authorities immediately cease their campaign of ethnic cleansing;

5. *Demands* that the Bosnian Serb party accord the Special Representative of the Secretary-General, the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross immediate and unimpeded access to Banja Luka, Bijeljina and other areas of concern;

6. *Requests* the Secretary-General to arrange, when conditions permit, the deployment of troops of the Force and United Nations monitors to Banja Luka, Bijeljina and other areas of concern and to intensify his efforts in this regard;

7. *Also requests* the Secretary-General to report urgently to the Council on the implementation of the present resolution;

8. *Determines* to consider any further steps that it may deem necessary;

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

The second draft resolution²⁴³ was then put to the vote and was adopted by 14 votes to none, with 1 abstention (China) as resolution 942 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Affirming its commitment to a negotiated settlement of the conflict in the Former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

Expressing appreciation for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties and implemented in good faith

²⁴² S/1994/1083.

²⁴³ S/1994/1084.

by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement,

Viewing the measures imposed by the present resolution and by its previous relevant resolutions as a means towards the end of producing a negotiated settlement to the conflict,

Expressing its support for the continuing efforts of Member States, in particular States in the region, to implement its relevant resolutions,

Determining that the situation in the Former Yugoslavia continues to constitute a threat to international peace and security,

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

A

1. *Expresses its approval* of the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties as part of an overall peace settlement;

2. *Expresses its satisfaction* that the proposed territorial settlement has now been accepted in full by all except the Bosnian Serb party;

3. *Strongly condemns* the Bosnian Serb party for its refusal to accept the proposed territorial settlement, and demands that that party accept this settlement unconditionally and in full;

4. *Requires* all parties to continue to observe the ceasefire as agreed on 8 June 1994 and to refrain from all new acts of hostility;

5. *Declares its readiness* to take all measures necessary to assist the parties to give effect to the proposed settlement once it has been accepted by all parties, and in this connection encourages States, acting nationally or through regional agencies or arrangements, to cooperate in an effective manner with the Secretary-General in his efforts to aid the parties to implement the proposed settlement;

B

Resolved to reinforce and extend the measures imposed by its previous resolutions with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

6. *Calls upon* States to desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full;

7. *Decides* that States shall prevent:

- (i) Economic activities carried on, after the date of adoption of the present resolution, within their territories by any entity, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by:

- (a) Any person in, or resident in, or any entity, including any commercial, industrial or public utility undertaking, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

- (b) Any entity incorporated in or constituted under the law of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as well as

- (ii) Economic activities carried on, after the date of adoption of the present resolution, within their territories, by any person or entity, including those identified by States for the purpose of the present resolution, found to be acting for or on behalf of and to the benefit of any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or any entity identified in subparagraph (i) above,

provided that:

- (a) States may authorize such activities to be carried on within their territories, having satisfied themselves on a case-by-case basis that the activities do not result in the transfer of property or interests in property to any person or entity described in subparagraph (i) (a) or (b) above;

- (b) Nothing in this paragraph shall prevent the provision of supplies intended strictly for medical purposes and foodstuffs notified to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, or commodities and products for essential humanitarian needs approved by the Committee;

8. *Decides* that States shall revoke existing, and issue no further, authorization under paragraph 7 above in respect of any person or entity violating the measures imposed by the present resolution or violating the measures imposed by earlier relevant resolutions, where those violations have occurred after the date of adoption of the present resolution;

9. *Decides* that States shall consider the term "economic activities" used in paragraph 7 above to mean:

- (a) All activities of an economic nature, including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property or interests in property;

- (b) The exercise of rights relating to property or interests in property;

- (c) The establishment of any new entity or change in management of an existing entity;

10. *Decides* that States shall consider the term "property or interests in property" used in paragraphs 7 and 9

above to mean funds, financial, tangible and intangible assets, property rights and publicly and privately traded securities and debt instruments and any other financial and economic resources;

11. *Decides* that States in which there are funds or other financial assets or resources of:

- (i) Any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or
- (ii) Any entity identified in paragraph 7 (i) above or any person or entity identified in paragraph 7 (ii) above,

shall require all persons and entities within their territories holding such funds or other financial assets or resources to freeze them to ensure that neither they nor any other funds or any other financial assets or resources are made available directly or indirectly to or for the benefit of any of the above-mentioned persons or entities, except:

(a) Payments made in connection with activities authorized in accordance with paragraph 7 above, or

(b) Payments made in connection with transactions authorized by the Government of the Republic of Bosnia and Herzegovina with regard to persons or entities within its territory,

provided that States are satisfied that payments to persons outside their territories will be used for the purpose or in connection with the activities and transactions for which permission is sought, and that in the case of payments made under exception (a) above, States may authorize such payments only after they are satisfied on a case-by-case basis that the payments do not result in the transfer of funds or other financial assets or resources to any person or entity described in subparagraph (a) or (b) of paragraph 7 (i) above;

12. *Decides* that States shall ensure that all payments of dividends, interest or other income on shares, interest, bonds or debt obligations or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with, tangible and intangible assets and property rights, accruing to:

- (i) Any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or
- (ii) Any entity identified in paragraph 7 (i) or any person or entity identified in paragraph 7 (ii) above,

are made only into frozen accounts;

13. *Decides* that the provision of services, both financial and non-financial, to any person or body for the purposes of any business carried on in those areas of the Republic of Bosnia and Herzegovina under the control of

Bosnian Serb forces shall be prohibited, the only exceptions being (a) telecommunications, postal services and legal services consistent with the present resolution and earlier relevant resolutions, (b) services whose supply may be necessary for humanitarian or other exceptional purposes, as approved on a case-by-case basis by the Committee established pursuant to resolution 724 (1991), and (c) services authorized by the Government of the Republic of Bosnia and Herzegovina;

14. *Decides* that States shall prevent the entry into their territories of:

(a) The members of the authorities, including legislative authorities, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and officers of the Bosnian Serb military and paramilitary forces, and those acting on behalf of such authorities or forces;

(b) Persons found, after the adoption of the present resolution, to have provided financial, material, logistical, military or other tangible support to Bosnian Serb forces in violation of relevant resolutions of the Council;

(c) Persons in or resident in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces found to have violated or contributed to the violation of the measures set out in resolution 820 (1993) of 17 April 1993 and in the present resolution,

and requests that the Committee established pursuant to resolution 724 (1991) establish and maintain an updated list, based on information provided by States and competent regional organizations, of the persons falling within this paragraph, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals; and provided that the entry of a person included in the list into a particular State on a specified date may be authorized, for purposes consistent with the pursuit of the peace process and with the present resolution and earlier relevant resolutions, by the Committee or, in the event of disagreement in the Committee, by the Council;

15. *Decides* to prohibit all commercial riverine traffic from entering ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces except when authorized on a case-by-case basis by the Committee established pursuant to resolution 724 (1991), or by the Government of the Republic of Bosnia and Herzegovina for its territory, or in case of *force majeure*;

16. *Decides* that States shall require that all shipments of commodities and products destined for those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces be properly manifested and either be physically inspected by the Sanctions Assistance Missions or the competent national authorities at loading to verify and seal their contents or be laden in a manner which permits adequate physical verification of the contents;

17. *Decides* that States shall, in notifying or submitting applications to the Committee established pursuant to resolution

724 (1991) in respect of supplies intended strictly for medical purposes and foodstuffs and essential humanitarian supplies in respect of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, report for information purposes to the Committee on the source of funds from which payment is to be made;

18. *Decides* that States shall, in implementing the measures imposed by the present resolution, take steps to prevent the diversion of benefits to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces from other places, in particular from the United Nations Protected Areas in Croatia;

19. *Requests* the Secretary-General to provide the necessary assistance to the Committee established pursuant to resolution 724 (1991) and to make the necessary arrangements in the Secretariat for that purpose;

20. *Decides* that the provisions set forth in the present resolution do not apply to activities related to the United Nations Protection Force, the International Conference on the Former Yugoslavia or the European Community Monitoring Missions;

21. *Decides* to review the measures imposed by the present resolution whenever appropriate and in any event every four months from the date of adoption of the present resolution, and expresses its readiness to reconsider those measures if the Bosnian Serb party accepts the proposed territorial settlement unconditionally and in full;

22. *Decides* to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council.

The third draft resolution²⁴⁴ was then put to the vote and was adopted by 11 votes in favour to 2 against (Djibouti, Pakistan), with 2 abstentions (Nigeria, Rwanda), as resolution 943 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Affirming its commitment to a negotiated settlement of the conflict in the Former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

Expressing its appreciation for the efforts of the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

Welcoming the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to support the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties,

Also welcoming the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Further welcoming the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to invite international assistance with regard to the passage of supplies for essential humanitarian needs through the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina,

Noting in this regard the letter dated 19 September 1994 from the Secretary-General addressed to the President of the Security Council, conveying a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the establishment and commencement of operations of a mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro),

Calling upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to maintain the effective closure of the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Noting that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

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

1. *Decides* that:

- (i) The restrictions imposed by paragraph 7 of resolution 757 (1992), paragraph 24 of resolution 820 (1993) with regard to aircraft which are not impounded at the date of adoption of the present resolution and by other relevant resolutions which relate to the provision of goods and services, with respect to all civilian passenger flights to and from the Belgrade airport carrying only passengers and personal effects and no cargo unless authorized under the procedures of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia;
- (ii) The restrictions imposed by paragraphs 24 and 28 of resolution 820 (1993) and by other relevant resolutions which relate to the provision of goods and services, with respect to the ferry service between Bar in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bari in Italy carrying only passengers and personal effects and no cargo unless authorized under the procedures of the Committee established pursuant to resolution 724 (1991);

²⁴⁴ S/1994/1085.

- (iii) The measures imposed by paragraph 8 (b) and (c) of resolution 757 (1992) concerning participation in sporting events and cultural exchanges,

shall be suspended for an initial period of one hundred days from the day following the receipt by the Security Council of a report from the Secretary-General that the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and that arrangements are in place pursuant to the decision of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to invite international assistance with regard to the passage of supplies for essential humanitarian needs through that border;

2. *Invites* the Committee established pursuant to resolution 724 (1991) to adopt appropriate streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. *Requests* that every thirty days the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and further requests the Secretary-General to report to the Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, that those authorities are not effectively implementing their decision to close the border;

4. *Decides* that if at any time the Secretary-General reports that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not effectively implementing their decision to close the border, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

5. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the Russian Federation stressed the importance of operative paragraph 5 of resolution 943 (1994), which provided that the Council would consider further steps to ease the sanctions in the light of further progress in the situation. Concerning resolution 942 (1994), tightening sanctions against the Bosnian Serbs, the speaker stated that the purpose of that resolution was to make the Bosnian Serbs recognize that there was no alternative to a political solution. He further stated that his country deemed the policy of “ethnic cleansing” to be repugnant and demanded its immediate cessation. Accordingly, his delegation had supported the adoption of the resolution that condemned the policy conducted by the Bosnian Serbs and noted, in particular, the provision of the resolution that condemned any “ethnic cleansing” of whatever origin, and whoever might perpetrate it. The Russian Federation also deemed important the provisions contained in the resolutions adopted on the commitment to a settlement of the conflict in the former Yugoslavia through negotiation, while maintaining the territorial integrity of all States there within the confines of their internationally recognized borders.²⁴⁵

The representative of the United States noted that the resolutions just adopted aimed to pressure the Bosnian Serbs and to demonstrate the Council’s determination to use “both carrots and sticks” to move the parties towards a negotiated settlement. In preparing to ease sanctions against the Federal Republic of Yugoslavia, the Council was acknowledging that its Government had taken an important step to persuade the Bosnian Serbs to accept the negotiated settlement. The United States continued to believe that Belgrade bore primary responsibility for events in the former Yugoslavia over the preceding three years. While it welcomed the first indications that the Federal Republic of Yugoslavia might have changed course, it would insist that that country comply with its commitment to keep the border closed. The suspended sanctions would come into effect, without the need for further Council action, if at any time the international Mission was no longer able to confirm the border closure. The Government of the Federal Republic of Yugoslavia should not doubt the will of the United States to cancel the suspension of the sanctions if it believed that the border had been reopened. The people of Serbia and Montenegro should

²⁴⁵ S/PV.3428, pp. 30-31.

also understand that further concrete steps towards peace would lead to additional easing of sanctions. The United States urged Belgrade to recognize Croatia and Bosnia within their internationally recognized borders, and to use its influence with the Croatian Serbs to push them towards a settlement consistent with Croatia's territorial integrity. It would also insist that the Federal Republic of Yugoslavia not be allowed to rejoin the family of nations until it was in compliance with all relevant Council resolutions. Belgrade should understand that a decision to choose conflict would stop limited sanctions relief and would lead to the adoption of even tougher measures. Referring to resolution 941 (1994), the speaker noted that the condemnation of ethnic cleansing was an integral part of efforts to end the conflict.²⁴⁶

The representative of Nigeria observed that it was appropriate that resolution 941 (1994) had been adopted under Chapter VII, for the Council could not be indifferent to grave violations of international humanitarian law. Referring to resolution 942 (1994), the speaker stated that the Bosnian Serb leadership must be made to realize that the only way to join other members of the international community was to accept a negotiated settlement. Nigeria called on the members of the international community, especially neighbouring States and the Federal Republic of Yugoslavia, to discharge their obligations under that resolution in order to ensure a complete and total isolation of the Bosnian Serb political and military leadership. Referring to resolution 943 (1994), the speaker noted that his delegation was uneasy with the loosening of sanctions against the Federal Republic of Yugoslavia, primarily due to its timing. If the Council had considered the draft resolution on easing the sanctions after it had received a report from the Secretary-General that the border was being effectively closed, then some of Nigeria's concerns would have been addressed. The Council's decision to loosen sanctions when nothing had changed on the ground, however, might give the wrong impression. In addition, a fundamental condition for the easing of the sanctions should have been an immediate and explicit recognition of Bosnia and Herzegovina within its internationally recognized borders. Nigeria had

²⁴⁶ Ibid., pp. 33-34.

therefore abstained in the vote on resolution 943 (1994).²⁴⁷

The representative of Oman stated that, despite the positions of both OIC and the Non-Aligned Group which advocated that submitting resolution 943 (1994) at that stage was premature, his delegation had voted in favour of resolution 943 (1994) in deference to the wishes of the majority of members of the Council, and in the hope that the resolution would help to resolve the situation in Bosnia and Herzegovina. Nevertheless, it stressed that the lifting of the sanctions must be subject to a "trial period", in order to gauge the peaceful intentions of the Federal Republic of Yugoslavia. Should there be no concrete progress, then the measures in the resolution would become null and void and the situation would revert to its earlier status.²⁴⁸

Decision of 30 September 1994 (3433rd meeting): statement by the President

At its 3433rd meeting, on 30 September 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Spain) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁴⁹

The Security Council is deeply concerned at the deteriorating security situation in the safe area of Sarajevo and elsewhere in Bosnia and Herzegovina, which has included increased levels of armed violence, deliberate attacks on United Nations Protection Force troops and on humanitarian flights, severe restrictions on public utilities and continued restriction of the flow of transport and communications. It notes that normal life has not been fully restored to Sarajevo, as called for in its resolution 900 (1994) of 4 March 1994.

The Council expresses concern at the deliberate interruptions of utilities and communications to the civilian population in Sarajevo, as well as the extended period of closure of the Sarajevo airport to humanitarian flights and of the route across that airport opened in cooperation with the Force following the agreement of 17 March 1994, as a result of the actions by the Bosnian Serb party. The Council calls upon the Bosnian Serb party not to interfere with the normal functioning

²⁴⁷ Ibid., pp. 34-36.

²⁴⁸ Ibid., pp. 37-39.

²⁴⁹ S/PRST/1994/57.

of the Sarajevo airport. It further calls upon the Bosnian Serb party to cooperate with efforts to restore fully the flow of gas and electricity to Sarajevo, to reopen all land routes to Sarajevo and, now and in the future, to refrain from impeding the normal operations of these and all other utilities and means of communication and transport. It calls upon all parties not to interfere with the supply of gas or electricity to the civilian population. It reiterates its call to all parties, with the assistance of the United Nations, to achieve complete freedom of movement for the civilian population and for humanitarian goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement and to help restore normal life to the city.

The Council condemns in particular the deliberate attack on 22 September 1994 on troops of the Force in Sarajevo, just one of a number of attacks which clearly suggest a deliberate pattern. The Council also notes with alarm, and condemns without reservation, the reported statements of the Bosnian Serb leadership that the Bosnian Serb party would target activities of the Force in retaliation for the passage of a Council resolution tightening sanctions against the Bosnian Serbs. It warns the Bosnian Serb leadership against any retaliatory action, whether against the Force or any other party and in that context welcomes efforts to support troops of the Force.

The Council fully supports the efforts of the Force to assure compliance with measures designed by the international community to improve conditions in Sarajevo. It advises both parties, in particular the Bosnian Serbs, to comply with those measures.

The Council strongly condemns any provocative actions in Sarajevo and elsewhere in Bosnia and Herzegovina by whomsoever committed, and demands immediate cessation of such actions.

The Council encourages the Special Representative of the Secretary-General for the Former Yugoslavia and the Force to explore as a matter of priority proposals for the demilitarization of Sarajevo.

The Council affirms its determination to remain seized of the matter.

Deliberations of 8 and 9 November 1994 (3454th meeting)

By a letter dated 3 November 1994 addressed to the President of the Security Council,²⁵⁰ the representative of Pakistan requested an urgent meeting of the Security Council to consider the situation in Bosnia and Herzegovina in the light of resolution 49/10, which had been adopted by the General Assembly on the same date.

²⁵⁰ S/1994/1248.

At its 3454th meeting, on 8 and 9 November 1994, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Cambodia, Canada, Croatia, Ecuador, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, the Islamic Republic of Iran, Jordan, Latvia, Malaysia, Morocco, Nicaragua, Norway, the Republic of Korea, Romania, Senegal, Slovenia, the Sudan, Thailand, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item, and extended an invitation to Mr. Engin Ahmet Ansay, Permanent Observer of OIC to the United Nations.

The representative of Pakistan, speaking also as the Chairman of the OIC Contact Group, noted that the OIC Foreign Ministers at their seventh extraordinary session, held at Islamabad from 7 to 9 September 1994, had reiterated the inapplicability of the arms embargo imposed by resolution 713 (1991) to Bosnia and Herzegovina and Croatia, and had called upon the Security Council to confirm that position. They had further noted that should the Council not confirm that position, then the OIC membership, along with other States Members of the United Nations, would conclude that members acting individually or collectively could provide the means of self-defence to the Government of Bosnia and Herzegovina. As far as Pakistan was concerned, it had consistently advocated that the inherent right of the Bosnian people to self-defence under Article 51 of the Charter should be restored without delay. In that context, Pakistan welcomed the United States recent initiative to lift the arms embargo and would extend its support to the early adoption of the draft resolution. At the same time, measures should be adopted by the Council to declare the entire 51 per cent of the territory allocated to the Muslim-Croat Federation a "safe area". The Council should also respond effectively to any further violations of its resolutions, particularly those concerning safe areas, by the use of force and air strikes.²⁵¹

The representative of France stated that the international community would now be pursuing its efforts to overcome the obstinacy of the Bosnian Serbs,

²⁵¹ S/PV.3454, pp. 2-4.

who had rejected the peace plan presented by the Contact Group, and to encourage those who had approved it to work towards an overall settlement. In that regard, Belgrade was expected to recognize Bosnia and Herzegovina, to continue its support for the plan of the Contact Group, and to have no political and economic relations with the Bosnian Serbs, and to approve the plan of the International Conference on the Former Yugoslavia. With respect to the Bosnian Serbs, there were two ways to bring them to accept the Contact Group's plan, through continued strict political and economic isolation or by confirming that the various communities would enjoy equal rights with regard to the constitution. Addressing the question of lifting the arms embargo against Bosnia and Herzegovina, the speaker cautioned that if the embargo were lifted, diplomatic efforts would be jeopardized. In addition, UNPROFOR would be exposed to the consequences of offensive military action and reprisals. Such a measure would lead to withdrawal, which would mean the end of assistance and protection for many peoples. Moreover, a lifting of the arms embargo would intensify tensions between the communities of Bosnia and Herzegovina and the successor countries of the former Yugoslavia.²⁵²

The representative of the Russian Federation expressed concern at reports that the present military escalation in Bosnia had resulted from continued deliveries of arms to the Bosnian Government troops, in violation of resolution 713 (1993). Particularly alarming had been the use of the safe areas by those same troops to carry out attacks. The Russian Federation called on the Government of Bosnia and all parties to reject attempts to solve the problem by military means. In addition, it was necessary to introduce certain changes into the concept and regime of the safe areas, taking into account the Secretary-General's recommendations contained in his report of 9 May 1994. Referring to the question of lifting the embargo, the speaker expressed the belief that such a step would be an extreme measure and should be considered only after all political means had been exhausted. He argued that lifting the embargo would have negative consequences for the political process, for the continued provision of humanitarian assistance, and for the activities of UNPROFOR.²⁵³

²⁵² *Ibid.*, pp. 4-6.

²⁵³ *Ibid.*, pp. 6-7.

The representative of the United Kingdom stated that the continued intransigence of the Bosnian Serbs represented by far the greatest obstacle on the path to peace in Bosnia. But the new readiness of Belgrade to back the Contact's Group efforts and to isolate the Bosnian Serbs also offered an opportunity. What was asked from Belgrade was that it took significant steps and recognized Croatia and Bosnia, maintained its support for the Contact Group plan, continued its embargo against the Bosnian Serbs and threw its weight behind a peace plan for Croatia as well. The speaker further warned that the progress achieved so far in the quest for peace would be endangered if the arms embargo were to be lifted. The United Kingdom therefore could not support the draft resolution before the Council.²⁵⁴

The representative of Senegal argued that the conflict in Bosnia and Herzegovina had shown that sanctions, however effective, would not be sufficient to stem the hostile inclinations of the aggressor. Senegal, therefore, believed that the adoption of the proposed draft resolution, lifting the arms embargo, could make a decisive contribution to restoring the balance of power. Referring to General Assembly resolution 49/10, the speaker noted that the General Assembly had urged the Council to fulfil its responsibility under Article 24 of the Charter and to take appropriate steps to restore the sovereignty, political independence, territorial integrity and unity of Bosnia and Herzegovina. He noted that the measures proposed in the draft resolution before the Council came in response to a renewed appeal by the General Assembly, most of whose members were of the view that the non-application to the Bosnian and Croat parties of resolution 713 (1991) constituted not a potential threat of wider conflict, but an easing of a burden which had seriously hampered the ability of a Member of the United Nations to exercise its inherent right to individual and collective self-defence under Article 51 of the Charter. In conclusion, his delegation fully supported the draft resolution before the Council.²⁵⁵

The representative of Germany, speaking on behalf of the European Union, stated that Belgrade could significantly improve the prospects for a peaceful settlement by taking a number of steps, including recognizing Bosnia and Croatia within their

²⁵⁴ *Ibid.*, pp. 7-9.

²⁵⁵ *Ibid.*, pp. 16-17.

internationally recognized borders, continuing to endorse the Contact Group plan, endorsing the plan for Croatia of the International Conference on the Former Yugoslavia, and continuing to implement the sanctions against the Bosnian Serbs. Referring to the question of lifting the arms embargo, the speaker stated that such a step must remain a last resort, to be used only once all avenues for a political settlement had been exhausted.²⁵⁶

The representative of Slovenia recalled that the embargo was imposed on the former Yugoslavia back in 1991, when that former State still existed and had been extended to the successor States of the former Yugoslavia in a specific situation in 1992. Since that time almost everything had changed for each of the successor States and a debate which would take into account the new realities was long overdue. The speaker noted that while there were many reasons for keeping the arms embargo as a part of sanctions imposed by the Council, until the conditions for lifting these sanctions were fulfilled, there was a need to recognize the inapplicability of an arms embargo to those engaged in legitimate self-defence. The entire concept of collective security was based upon complementarity of self-defence and international action so as to provide effective protection of States' existence and their territorial integrity and political independence. He further contended that in the case of his country, there was no justification for continuing the arms embargo. Slovenia was not, and had never been, involved in an armed conflict that prompted the imposition of that arms embargo. Therefore, it would be not only appropriate, but necessary for the Council to declare that relevant paragraphs of resolutions 713 (1991), 724 (1991), 727 (1992) and 762 (1992) no longer applied.²⁵⁷

Referring to the question of lifting the arms embargo, the representative of the Republic of Korea stated that his delegation shared the apprehensions of those States who were concerned that lifting the embargo would aggravate the situation. For that reason, the Republic of Korea had abstained in the voting the previous year on General Assembly resolution 48/88. In the most recent vote, however, on resolution 49/10, the Republic of Korea had registered an affirmative vote, with the view that as the

international community had failed to secure peace in the region, it had a moral and political obligation to respond to the legitimate concern of the Bosnian people for their very existence. His delegation noted that the draft resolution provided for the deferral of such lifting for a period of six months, which it believed to be a "judicious step". It emphasized that the draft was not meant to lead to an intensified arms struggle in Bosnia, but to bring armed hostilities to an end. The international community must exert more pressure on the Bosnian Serbs, and the Republic of Korea believed that the prospect of lifting the arms embargo was the most persuasive weapon against "Serbian intransigence".²⁵⁸

The representative of Croatia noted that the balance of power which was a prerequisite for a political settlement and for a just and lasting peace in Bosnia and Herzegovina, had not been achieved through the measures thus far taken by the international community. The Council must now plan for new mechanisms that would impose peace such as the lifting of arms embargo against the Federation of Bosnia and Herzegovina. The lifting of the arms embargo would be not a step towards war but a "leap towards peace", moving the region towards a new, desirable balance. Referring to the situation in Croatia, the speaker welcomed the inclusion of a paragraph in the preamble of the draft resolution before the Council which called into question the continued application of the arms embargo against Croatia. The speaker argued that since the draft resolution deferred the lifting of the arms embargo for six months, it was only logical to make his Government, too, eligible for a lifting of the arms embargo in six months.²⁵⁹

Mr. Djokic argued that calls for lifting the arms embargo against the Bosnian Muslims and carrying out air strikes against the Bosnian Serbs could only lead to an escalation of the conflict. Noting that the effort to resolve the crisis had been ineffective so far, he contended that the urgent and unconditional lifting of all sanctions against the Federal Republic of Yugoslavia would create the conditions for the establishment of an early, just and lasting peace. Yugoslavia was ready to accept any solution agreed to by the warring parties, on the basis of full equality and respect for the legitimate rights of all three Bosnian

²⁵⁶ Ibid., pp. 19-20.

²⁵⁷ Ibid., pp. 22-24.

²⁵⁸ Ibid., pp. 24-25.

²⁵⁹ Ibid., pp. 26-27.

peoples and it stood ready to recognize the former Yugoslav republics once all outstanding issues had been resolved. It was convinced that the Contact Group plan was the only viable way to end the crisis and establish a just and lasting solution and it called on all sides to cease immediately and unconditionally all military activities and to abide strictly by the ceasefire agreement.²⁶⁰

The representative of Bosnia and Herzegovina questioned what option was left to his country. If the choice were between retaining UNPROFOR and the lifting of arms embargo, then his country would choose the latter. The choice, however, might not be between one and the other. Rather, both options might be possible. His Government believed that UNPROFOR efforts could be supplemented by measures that effectively allowed the Bosnians to defend themselves by the lifting of the arms embargo or, through an overall peacemaking process. Noting that his country had made many concessions in the past, the representative of Bosnia and Herzegovina believed that one more compromise had been made by asking the Council to lift the arms embargo and to defer the application of that decision for six months, to give the international community and the Contact Group a last opportunity to compel the Bosnian Serbs to accept the peace plan.²⁶¹

The President, speaking in her capacity as the representative of the United States, stated that her Government had presented a draft resolution that would lift the arms embargo after six months if the Bosnian Serbs had not yet agreed to a settlement. She argued that there were no grounds in justice or law for denying the Government of Bosnia the right to defend itself. Bosnia and Herzegovina had not attacked its neighbours, supported international terrorism or otherwise abused its responsibilities as a sovereign Power. The real question before the Council was whether it would at long last translate words into actions, for it was only bold action that could provide the pressure necessary to end the war. The speaker argued that, under the draft resolution, arms would not begin to flow into Bosnia for a period of six months. During that time, the capacity of the Bosnian Serbs to wage war could be limited through tighter sanctions. Moreover, the prospect that the embargo would be

lifted if the Bosnian Serbs continued to reject the peace process should give them a “weighty” reason to accept the Contact Group’s proposed territorial arrangements. The United States was determined to proceed on a firm course. Debates in the Council and the General Assembly had indicated that a strong majority of the United Nations membership supported lifting the arms embargo against Bosnia.²⁶²

While several speakers expressed support to the United States draft resolution on the lifting of the arms embargo²⁶³ and a number of them called for the strengthening of UNPROFOR mandate,²⁶⁴ others opposed the lifting or expressed doubts about it,²⁶⁵ arguing that it would lead to the disintegration of UNPROFOR and that efforts should be focused on a political solution.

Decision of 13 November 1994 (3456th meeting): statement by the President

By a letter dated 11 November 1994 addressed to the President of the Security Council,²⁶⁶ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the President of Bosnia and Herzegovina. In that letter, the President reported

²⁶² S/PV.3454 (Resumption 2), pp. 68-70.

²⁶³ S/PV.3454, pp. 2-4 (Pakistan); p. 12 (Oman); p. 16 (Senegal); pp. 17-18 (Malaysia); pp. 18-19 (Turkey); pp. 20-21 (Brunei Darussalam); pp. 21-22 (Afghanistan); pp. 24-25 (Republic of Korea); pp. 25-27 (Croatia); pp. 27-28 (Bangladesh); pp. 28-30 (Islamic Republic of Iran); pp. 30-31 (Algeria); S/PV.3454 (Resumption 1), pp. 36-43 (Bosnia and Herzegovina); pp. 44-46 (Jordan); pp. 46-48 (Morocco); pp. 48-50 (Egypt); pp. 51-52 (Cambodia); pp. 52-53 (Nicaragua); pp. 53-54 (Albania); and pp. 54-55 (Indonesia); and S/PV.3454 (Resumption 2), pp. 58-59 (Sudan); pp. 59-60 (Tunisia); pp. 63-64 (Guinea-Bissau); pp. 64-66 (OIC); p. 66 (Thailand); pp. 67-68 (Djibouti); and pp. 68-70 (United States).

²⁶⁴ S/PV.3454, pp. 17-18 (Malaysia); pp. 18-19 (Turkey); and pp. 27-28 (Bangladesh); and S/PV.3454 (Resumption 2), pp. 64-66 (OIC).

²⁶⁵ S/PV.3454, pp. 4-6 (France); pp. 6-7 (Russian Federation); pp. 7-9 (United Kingdom); pp. 9-10 (Czech Republic); pp. 10-12 (New Zealand); pp. 13-14 (Brazil); pp. 14-15 (Spain); pp. 19-20 (Germany on behalf of the European Union); pp. 31-34 (Yugoslavia); S/PV.3454 (Resumption 1), pp. 43-44 (Norway, on behalf of the Nordic countries); p. 50 (Ecuador); and p. 56 (Honduras); and S/PV.3454 (Resumption 2), pp. 61-62 (Canada); and pp. 62-63 (Bulgaria).

²⁶⁶ S/1994/1283.

²⁶⁰ *Ibid.*, pp. 31-34.

²⁶¹ S/PV.3454 (Resumption 1), pp. 36-43.

that the situation in and around the Bihac “safe area” continued to deteriorate, and that numerous attacks had been launched by rebel Serbs from the United Nations Protected Areas, inflicting heavy casualties upon the civilian population. In view of the situation, he requested an emergency meeting of the Security Council.

By a letter dated 12 November 1994 addressed to the President of the Security Council,²⁶⁷ the representative of Croatia transmitted a letter of the same date from the Deputy Prime Minister of Croatia. In that letter, the Deputy Prime Minister reported that the situation in the United Nations Protected Areas and in Bosnia and Herzegovina had deteriorated to such an extent that it warranted decisive and immediate action by the Security Council, UNPROFOR and NATO, and requested that the Council, at an emergency meeting, review the overall situation in the area and consider the demands that had been elaborated in a letter dated 11 November 1994 from the representative of Croatia addressed to the President of the Security Council.²⁶⁸ Those demands included (a) the extension of the exclusion zone regime in the occupied parts of Croatian territory; and (b) the engagement of NATO forces in the occupied territories and the airspace of Croatia, whenever Security Council and General Assembly resolutions were being violated.

At its 3456th meeting, held on 13 November 1994 in response to the requests contained in the above-mentioned letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to several documents²⁶⁹ and stated that, after consultations

²⁶⁷ S/1994/1286.

²⁶⁸ S/1994/1285.

²⁶⁹ Letter dated 9 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1271); letter dated 11 November 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/1285); and letter dated 12 November from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting a letter dated 11 November 1994 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1287).

among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁷⁰

The Security Council views with alarm the escalation in recent fighting in the Bihac area and the flow of refugees and displaced persons resulting from it. It strongly urges all parties and others concerned to refrain from all hostile actions and to exercise the utmost restraint.

The Council condemns any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina. It demands that all parties and others concerned, in particular the so called Krajina Serb forces, fully respect that border and refrain from hostile acts across it.

The Council calls upon all parties and others concerned to abstain from any action that could cause a further escalation in the fighting.

The Council demands that all parties and others concerned immediately ensure, in cooperation with the United Nations Protection Force, unimpeded access for humanitarian supplies.

The Council expresses full support for the efforts of the Force and calls on the parties to respect the safety and security of the Force, its unimpeded access to supplies and its freedom of movement.

The Council emphasizes the significance of its resolutions on safe areas and demands that all concerned facilitate implementation of these resolutions, and in this connection requests the Secretary-General to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac, drawing on the experience of the Force in Bihac and the other safe areas.

Decision of 18 November 1994 (3460th meeting): statement by the President

At its 3460th meeting, on 18 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to several documents²⁷¹ and stated that,

²⁷⁰ S/PRST/1994/66.

²⁷¹ Letters dated 14, 14, 15 and 16 November 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1289, S/1994/1292, S/1994/1294 and S/1994/1300); and letter dated 15 November 1994 from the representative of the Islamic Republic of Iran addressed to the Secretary-General (S/1994/1295).

after consultations among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁷²

The Security Council condemns in the strongest possible terms the attack on the safe area of Bihac by aircraft belonging to the so-called Krajina Serb forces, which involved the dropping of napalm and cluster bombs in south-west Bihac, in clear violation of the status of Bihac as a safe area. This violation is all the more grave because of the threat it poses to the United Nations Protection Force troops deployed in the safe area of Bihac.

The Council also condemns the shelling by the so-called Krajina Serb forces from the United Nations Protected Areas as a flagrant violation of the territorial integrity of the Republic of Bosnia and Herzegovina and relevant Council resolutions. It demands that all parties and others concerned, in particular the so-called Krajina Serb forces, cease immediately all hostile actions across the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

The Council further demands an immediate end to all military activity which endangers the lives of the Force personnel deployed in the Bihac area and demands that all parties and others concerned, in particular the so-called Krajina Serb forces, restore the freedom of movement of Force personnel in and around the Bihac area, including their unimpeded access to supplies.

The Council calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting, and also calls on them to achieve urgently a ceasefire in the Bihac area.

Decision of 19 November 1994 (3462nd meeting): resolution 959 (1994)

At its 3462nd meeting, on 19 November 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and Germany, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution submitted by France, Germany, the Russian Federation, Spain, the United Kingdom and the United States.²⁷³

The representative of Bosnia and Herzegovina stated that it was his delegation's understanding that the draft resolution was designed to facilitate the efforts of UNPROFOR under its peacekeeping

mandate. Bosnia and Herzegovina supported all such efforts in keeping with its territorial integrity and sovereignty and the interests of its citizens. Until the Bosnian Serbs accepted the Contact Group plan and until there was a comprehensive effort at peacemaking, the safe areas concept would only be a secondary tool to Bosnia and Herzegovina's responsibilities and efforts at defence and peacemaking. Referring to the issue of Sarajevo, the speaker noted that his delegation favoured the demilitarization of that city, consistent with the Contact Group plan. Bosnia and Herzegovina was prepared to evaluate options for other safe areas that would not undermine its territorial integrity or sovereignty.²⁷⁴

The draft resolution was then put to the vote and was adopted unanimously as resolution 959 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina, in particular its resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993,

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties and implemented in good faith by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement,

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

Expressing special concern about the escalation in recent fighting in the Bihac pocket, including in, from and around the safe areas, and the flow of refugees and displaced persons resulting from it,

Bearing in mind the importance of facilitating the return of refugees and displaced persons to their homes,

Taking note of the reports of the Secretary-General of 11 March and 16 March 1994 and of his recommendations concerning the definition and implementation of the concept of safe areas in his report of 9 May 1994,

Recalling the statements by the President of the Security Council of 6 April, 30 June, 13 November and 18 November 1994,

Reaffirming its previous calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting and to achieve urgently a ceasefire in the Bihac area,

Reiterating the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united

²⁷² S/PRST/1994/69.

²⁷³ S/1994/1317.

²⁷⁴ S/PV.3462, pp. 2-3.

city and a multicultural, multi-ethnic and plurireligious centre, and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo and to achieving an overall settlement, consistent with the peace plan of the Contact Group,

Taking note of the communiqué on Bosnia and Herzegovina issued on 30 July 1994 by the Troika of the European Union and the foreign ministers of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America and, in particular, of their commitment to strengthen the regime of safe areas,

1. *Expresses its grave concern* over the recent hostilities in Bosnia and Herzegovina;

2. *Condemns* any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and demands that all parties and others concerned, in particular the so-called Krajina Serb forces, fully respect the border and refrain from hostile acts across it;

3. *Expresses its full support* for the efforts by the United Nations Protection Force to ensure implementation of the Security Council resolutions on safe areas;

4. *Calls upon* all the Bosnian parties to respect fully the status and functions of the Force and to cooperate with it in its efforts to ensure implementation of the Security Council resolutions on safe areas, and demands that all parties and others concerned show maximum restraint and put an end to all hostile actions in and around the safe areas in order to ensure that the Force can carry out its mandate in this regard effectively and safely;

5. *Requests* the Secretary-General to update his recommendations on modalities of the implementation of the concept of safe areas and to encourage the Force, in cooperation with the Bosnian parties, to continue the efforts to achieve agreements on strengthening the regimes of safe areas taking into account the specific situation in each case, and recalls its request to the Secretary-General made in the statement by the President of the Security Council of 13 November 1994 to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac;

6. *Further requests* the Secretary-General and the Force to intensify efforts aimed at reaching agreement with the Bosnian parties on the modalities of demilitarization of Sarajevo, bearing in mind the need for the restoration of normal life to the city and for free access to and from the city by land and air and the free and unimpeded movement of people, goods and services in and around the city in line with its resolution 900 (1994), particularly paragraph 2 thereof;

7. *Requests* the Secretary-General to report on the implementation of the present resolution by 1 December 1994;

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

Speaking after the vote, the representative of New Zealand noted that, while his delegation had voted in favour of the resolution just adopted, it nevertheless retained some reservations. Those reservations stemmed from the belief that the safe areas had been restrictively implemented on a number of occasions, contrary to the spirit and intention of resolutions 824 (1993) and 836 (1993). Moreover, his delegation had reservations about many of the conclusions of the Secretary-General's reports. New Zealand believed that any updating, as called for in operative paragraph 5 of the resolution would, require some radical new thinking rather than simple updating. It further believed that the Contact Group plan had significantly changed the underlying parameters against which the concept of safe areas should be reviewed. The Security Council had approved and endorsed the Contact Group plan, but any proposals for defining the geographical scope of future demilitarized safe areas, if they were to meet with consensus in the Council, should envisage sufficiently large areas for the population to lead a normal life. Moreover, the overall framework for such future demilitarized safe areas should reinforce, not undermine, the areas envisaged in the Contact Group plan.²⁷⁵

Decision of 26 November 1994 (3466th meeting): statement by the President

By a letter dated 25 November 1994 addressed to the President of the Security Council,²⁷⁶ the representative of Bosnia and Herzegovina requested an emergency meeting of the Council, in view of the continuing attacks on, and occupation of, the Bihac safe area, by the so-called Bosnian/Croatian Serb forces.

At its 3466th meeting, held on 26 November 1994 in response to the request contained in the above-mentioned letter, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the

²⁷⁵ *Ibid.*, pp. 5-6.

²⁷⁶ S/1994/1342.

members of the Council to a number of documents²⁷⁷ and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁷⁸

The Security Council reiterates its deep concern over the deteriorating situation in the Republic of Bosnia and Herzegovina, particularly the Bihac region and especially in the safe area of Bihac. It condemns in the strongest possible terms all the violations of the safe area of Bihac by whomsoever committed, in particular the flagrant and blatant entry into the safe area by the Bosnian Serb forces. It also notes with concern the hostilities around Velika Kladusa. It demands that all parties and others concerned agree to and implement an immediate and unconditional ceasefire in the Bihac region, in particular in and around the safe area of Bihac. It calls on all parties to intensify negotiations for a ceasefire and a cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina in pursuit of the territorial settlement for the Republic of Bosnia and Herzegovina proposed by the Contact Group as part of an overall peace settlement.

The Council expresses its full support for the continued efforts by United Nations personnel to achieve a ceasefire in the Bihac area, as well as for the efforts of the United Nations Protection Force to implement its mandate to deter attacks against the safe areas. The Council insists on the withdrawal of all Bosnian Serb military forces from the Bihac safe area and on the need to ensure full respect by all parties of the safe areas, particularly for the benefit of the civilian population. The Council calls on all parties and others concerned fully to cooperate with these efforts. The Council underlines the terms of resolution 836 (1993) of 4 June 1993, which enable the Force to carry out its mandate in relation to safe areas.

The Council commends the Force, including those of its personnel serving in the Bihac region, in particular the Bangladeshi troops, for the important contributions they are making under the most difficult conditions. It calls on the parties and all others concerned to ensure freedom of movement for personnel of the Force and the Office of the United Nations High Commissioner for Refugees and access to necessary supplies for the Force and the civilian population throughout the

²⁷⁷ Letters dated 19, 21, 22, 25, 26, 26 and 26 November 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1319, S/1994/1325, S/1994/1328, S/1994/1343, S/1994/1346, S/1994/1347 and S/1994/1348); letter dated 22 November 1994 from the representative of Croatia addressed to the President of the Security Council (S/1994/1327); letter dated 22 November 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/1329); and letter dated 25 November 1994 from the representative of the Russian Federation addressed to the Secretary-General (S/1994/1345).

²⁷⁸ S/PRST/1994/71.

Republic of Bosnia and Herzegovina and the Republic of Croatia.

The Council condemns violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina by the so-called Krajina Serb forces and others concerned in the Bihac region. It demands that all hostile acts across that international border cease immediately, and also demands that all so-called Krajina Serb forces withdraw immediately from the territory of the Republic of Bosnia and Herzegovina.

The Council reiterates its full support for the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put by the Contact Group to the parties as part of an overall peace settlement. The Council reiterates its condemnation of the Bosnian Serb party's refusal to accept the proposed territorial settlement and demands that that party accept it unconditionally and in full.

The Council will monitor compliance with the terms of the present statement and react appropriately.

**Decision of 29 November 1994 (3471st meeting):
statement by the President**

At its 3471st meeting, on 29 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (United States) drew the attention of the members of the Council to several documents²⁷⁹ and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement on behalf of the Council:²⁸⁰

The Security Council reiterates its concern over the continuing conflict in the Republic of Bosnia and Herzegovina, including in the Bihac region and in particular in and around the safe area of Bihac. It remains concerned over the blatant violation of the Bihac safe area. The Council remains determined fully to support efforts to negotiate a peaceful resolution of that conflict consistent with its previous resolutions and the proposals of the Contact Group.

The Council expresses its full support for the efforts of United Nations officials to stabilize the situation in and around the safe area of Bihac. It takes note with satisfaction of the proposal put to the parties by United Nations officials for an immediate and unconditional ceasefire in the Bihac region to be followed by a ceasefire throughout the territory of the Republic of Bosnia and Herzegovina, the interposition of the United Nations Protection Force in the Bihac safe area, a complete

²⁷⁹ Letters dated 26 and 28 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1348 and S/1994/1351).

²⁸⁰ S/PRST/1994/74.

demilitarization of the safe area involving the withdrawal from it by all military forces and opening corridors for humanitarian relief. The Council welcomes the acceptance by the Bosnian Government of this proposal and calls on the Bosnian Serb party also to accept it.

The Council welcomes the impending visit of the Secretary-General to the Republic of Bosnia and Herzegovina. It demands that all parties and others concerned cooperate fully with the Secretary-General's efforts to stabilize the situation in and around the safe area of Bihac and throughout the territory of the Republic of Bosnia and Herzegovina and ensure the security of the Force as it implements its mandate.

**Decision of 2 December 1994 (3475th meeting):
rejection of a draft resolution**

At its 3475th meeting, on 2 December 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt and Turkey, at their request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the Council members to the text of a draft resolution submitted by Bosnia and Herzegovina, Croatia, Djibouti, Egypt, Nigeria, Oman, Pakistan, Rwanda and Turkey,²⁸¹ and to a number of other documents.²⁸²

²⁸¹ S/1994/1358.

²⁸² Letters dated 2 November and 1 December 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) (S/1994/1246 and S/1994/1372); letter dated 2 December 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the conclusion of an Economic Agreement between the Croatian Government and the Serb local authorities (S/1994/1375); letter dated 25 November 1994 from the representative of Pakistan addressed to the President of the Security Council (S/1994/1355); letter dated 28 November 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/1361); and letters dated 30 November 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1994/1364) and the President of the Security Council (S/1994/1366).

Under the draft resolution, in its preambular part, the Council, *inter alia*, would have: expressed concern about the continuing threat to international peace and security posed by the conflict in Bosnia and Herzegovina and the situation in the United Nations Protected Areas in Croatia, and at the military activities by the local Serb paramilitary forces within the United Nations Protected Areas in Croatia against Bosnia and Herzegovina and the Bihac safe area. In the operative part of the draft resolution, the Council, *inter alia*, would have (i) reconfirmed that the requirements of all relevant Security Council resolutions, including in particular paragraph 12 of resolution 820 (1993) and resolution 943 (1994), should be strictly applied in respect of all goods crossing the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina, including goods destined for the United Nations Protected Areas in Croatia; and (ii) demanded that the provisions of paragraph 12 of resolution 820 (1993) be applied strictly and in full on the international border between Croatia and the Federal Republic of Yugoslavia, and on the international border between Croatia and Bosnia and Herzegovina, in regard to the import, export, and trans-shipment of all commodities with the exception of essential humanitarian supplies, including medical supplies and foodstuffs distributed by international humanitarian agencies.

The representative of Bosnia and Herzegovina contended that the need for the draft resolution had been brought about not only because resolution 820 (1993), and specifically paragraph 12 of that resolution, had not been implemented, but also because the monitoring Mission of the International Conference on the Former Yugoslavia itself had facilitated the violation of that paragraph, as indicated in the 2 November report of the International Conference's Co-Chairmen. It was unfortunate that because of an absence of will on the part of UNPROFOR command to implement Council resolutions, the Council had, for the second time in as many weeks, to consider mandates already in existence. Nevertheless, the Bosnian delegation would welcome the draft resolution, as it sent a message that strategic resources such as fuel could not be used for the pursuit of war, violations of international law, nor for the benefit of the Bosnian Serbs. The draft resolution would also help to reinforce the importance of the delivery of

humanitarian aid. Failure to adopt the draft resolution, however, would signify an evasion of responsibility.²⁸³

The representative of Croatia stated that his delegation believed that the draft resolution would send the message that the international community was willing to take steps to minimize the suffering of the civilian population in the region. Contending that the Security Council had not been addressing adequately the violation of the border between Croatia and Bosnia and Herzegovina, the speaker stated that the result was the promotion of a *de facto* unification of the local Croatian Serb and Bosnian Serb parties, into a single military and territorial entity. The draft resolution would dispel any possibility of such unification by reinforcing principles already established in resolution 820 (1993). Moreover, the draft would send a message that strategic resources, such as fuel, directed to the local Croatian Serb party, could not be used for the benefit of the Bosnian Serbs, nor by the local Croatian Serb party to violate the territorial integrity of Bosnia and Herzegovina, and that arrangements to supply the Croatian Serb party must cease unless there had been approval by the Government of Croatia. Noting that some delegations had expressed the view in prior consultations that the draft resolution would negatively affect the economic reintegration agreement between the Government of Croatia and the local Croatian Serb party, the speaker argued that, on the contrary, the draft resolution would promote the implementation of the agreement. The implementation of the agreement would only be possible when the borders were sealed and the local Croatian Serb party had decided to cooperate with the Government of Croatia to satisfy its economic and humanitarian needs. Thus, the adoption of the draft resolution would give political support to the implementation of the agreement.²⁸⁴

Speaking before the vote, the representative of Nigeria noted that the primary objective of the draft resolution was to reaffirm and clarify the provisions of previous resolutions on the movement of non-humanitarian goods across the international borders in the areas of conflict in the former Yugoslavia. The draft would not create new measures. Rather, it would strengthen the implementation of the relevant resolutions already adopted. Nigeria also believed that the draft would create neither new

incentives nor disincentives. It was Nigeria's view that the draft would not negatively affect the economic agreement, but would facilitate efforts on the ground, such as the attempts of the Contact Group to gain the acceptance of the peace plan by the Bosnian Serbs.²⁸⁵

The representative of China, while noting that his delegation understood the concern of the sponsors of the draft resolution over the worsening situation in Bosnia and Herzegovina, stated that it could not agree to invoking Chapter VII of the Charter for sanctions in the region of the former Yugoslavia. China believed that such a step would only further aggravate the confrontation and would not be conducive to a final, comprehensive political solution to the problems in the region of the former Yugoslavia. Based on its stated position on resolution 820 (1993), China would have difficulties with regard to the portion of the draft resolution that sought to reaffirm the relevant elements of resolution 820 (1993). The Chinese delegation would therefore abstain in the voting on the draft resolution.²⁸⁶

The representative of the Russian Federation expressed regret that the draft resolution had been brought to the vote. It was his delegation's view that tightening restrictions against the Krajina and Bosnian Serbs would in fact lead to a "tightening of screws" in the implementation of resolution 820 (1993), whose basic purpose had been to strengthen the sanctions against the Federal Republic of Yugoslavia. The speaker argued that there could hardly have been a more untimely moment for the submission of the draft resolution, given that the Government of the Federal Republic of Yugoslavia had begun to cooperate with international efforts, such as those of the Contact Group, had unconditionally supported the territorial settlement plan, had closed its border to all prohibited deliveries of goods to the Bosnian Serbs, and was cooperating with the mission of the International Conference on the Former Yugoslavia. The Russian Federation was therefore of the opinion that the positive approach of the Federal Republic of Yugoslavia deserved further encouragement, *inter alia* by suspending the applicability of resolution 820 (1993). Accordingly, it had no choice but to vote against the draft resolution.²⁸⁷

²⁸³ S/PV.3475, pp. 2-4.

²⁸⁴ *Ibid.*, pp. 4-5.

²⁸⁵ *Ibid.*, p. 7.

²⁸⁶ *Ibid.*, pp. 9-10.

²⁸⁷ *Ibid.*, pp. 10-11.

The draft resolution was then put to the vote and received 13 votes in favour to 1 against (Russian Federation), with 1 abstention (China), and was not adopted, owing to the negative vote of a permanent member of the Council.

Speaking after the vote, the representative of the United States stated that the draft resolution would have reaffirmed decisions already taken by the Council. It would have addressed a serious discrepancy between the requirements of resolution 943 (1994) and actual practice, and more specifically the trans-shipment of prohibited goods from the Federal Republic of Yugoslavia through Bosnia to the United Nations Protected Areas in Croatia. The draft's failure to pass was regrettable, but that did not change the fact that a strict regime of economic measures against the Bosnian Serbs was already embodied in binding Council resolutions. The United States would continue its efforts to ensure the firm application of those measures, in order to persuade the Bosnian Serbs that acceptance of the Contact Group plan was in their best interests and rejection was not.²⁸⁸

**Decision of 11 December 1994 (3478th meeting):
statement by the President**

At its 3478th meeting, on 11 December 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the members of the Council to a letter dated 12 December 1994 from the representative of Bangladesh addressed to the President of the Security Council²⁸⁹ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁹⁰

The Security Council strongly condemns the deliberate attack on Bangladeshi United Nations peacekeepers on 12 December 1994 in Velika Kladusa, in the region of Bihac in the Republic of Bosnia and Herzegovina. The attacked personnel of the United Nations Protection Force were travelling in an armoured personnel carrier, unmistakably carrying clear United Nations markings. It was hit by a wire guided anti tank missile

resulting in one death and injuries to four other Bangladeshi personnel.

The Council expresses profound regret at the casualties suffered by the United Nations peacekeepers as a result of this unprovoked and dastardly attack. It wishes to convey its deep condolences to the Government of Bangladesh as well as to the families of the affected soldiers.

The Council endorses the protest that the Force has made to the Abdic forces and to the local Serb authorities in Knin, and its warning to the authorities in Pale.

The Council is outraged at this incident of direct attack on the Force personnel and demands that such attacks do not recur. It warns the perpetrators of the attack that their heinous act of violence carries corresponding individual responsibility.

**Decision of 6 January 1995 (3486th meeting):
statement by the President**

At its 3486th meeting, on 6 January 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Argentina) drew the attention of the members of the Council to several documents²⁹¹ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:²⁹²

The Security Council welcomes the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 and 31 December 1994. It commends the efforts of all who worked to achieve them.

The Council stresses the importance it attaches to immediate and full compliance with the agreements. It attaches the highest priority at this juncture to the timely completion of the various steps envisaged in the agreement on a complete cessation of hostilities. It looks to the parties and others concerned to cooperate fully with the United Nations Protection Force in their implementation. The Council calls upon all forces

²⁸⁸ Ibid., p. 11.

²⁸⁹ S/1994/1414.

²⁹⁰ S/PRST/1994/79.

²⁹¹ Letter dated 6 January 1995 from the Secretary-General addressed to the President of the Council, transmitting the text of the Comprehensive Ceasefire Agreement, signed on 23 December 1994, and the Agreement on Complete Cessation of Hostilities, signed on 31 December 1994 (S/1995/8); report of the Secretary-General pursuant to resolution 959 (1994) (S/1994/1389); and letter dated 27 December 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1994/1452).

²⁹² S/PRST/1995/1.

to cease fighting around Bihac. It supports efforts in train to strengthen the Force, and encourages Member States to make available the personnel and equipment needed for the Force to supervise and monitor the agreements.

The Council will continue its consideration of all aspects of the crisis in Bosnia and Herzegovina and of the report of the Secretary-General of 1 December 1994.

The Council deems it imperative to intensify efforts under the auspices of the Contact Group to achieve an overall settlement on the basis of the acceptance of the Contact Group peace plan as a starting point. It will give its full support to such efforts.

**Decision of 12 January 1995 (3487th meeting):
resolution 970 (1995)**

By a letter dated 4 January 1995 addressed to the President of the Security Council,²⁹³ the Secretary-General transmitted the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference's mission to the Federal Republic of Yugoslavia. The report contained the certification referred to in paragraph 3 of resolution 943 (1994).²⁹⁴

At its 3487th meeting, on 12 January 1995, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Malaysia, Pakistan and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Argentina) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Italy and the United Kingdom²⁹⁵ as well as to a letter dated 11 January 1995 from the representative of Morocco addressed to the President of the Security Council,²⁹⁶

transmitting a note by the OIC Contact Group concerning the report of the Co-Chairmen.

The representative of Bosnia and Herzegovina, noting that the draft resolution before the Council would extend, for a further 100 days, the suspension of certain aspects of the sanctions against the Federal Republic of Yugoslavia contained in resolution 943 (1994), pointed out that none of the objectives sought by that resolution had been realized. Moreover, there had been counter-productive consequences due to the fact that mechanisms established to monitor the border and implement resolution 943 (1994) had been flawed, enabling the transport of fuel that allowed the Croatian and Bosnian Serbs to carry out aggression against the Bihac region and to pose a threat to UNPROFOR personnel. Nevertheless, Bosnia and Herzegovina welcomed the elements of the draft resolution that were designed to strengthen the effectiveness of the border monitoring mission. It also welcomed the clarification requiring that the trans-shipment of goods or personnel through or to Bosnia and Herzegovina and Croatia be approved by the respective Government. Bosnia and Herzegovina's endorsement of the draft was, however, tempered by the following. First, the monitoring border mission should be provided with adequate resources and a command structure that would genuinely seal and monitor the border. Second, the Council should not reward Belgrade with a further suspension of aspects of the sanctions regime unless it had recognized the sovereignty and territorial integrity of Bosnia and Herzegovina and the other former Yugoslav Republics. Third, the cross-border aggression being carried out by Croatian Serbs must stop.²⁹⁷

The representative of Croatia stated that the draft resolution before the Council contained elements that would be of great benefit to the peace process in Croatia and in the region in general. He noted that paragraph 3 of the draft extended the Yugoslav-Bosnian border blockade so that it would affect Croatia, meaning that Belgrade would not be able to send non-humanitarian assistance to the occupied territories of Croatia via the Bosnia and Herzegovina border, without consequences. Furthermore, should the Belgrade authorities choose to violate paragraph 12 of resolution 820 (1993), in that way, the Council would be left with no alternative but to reinstate the sanctions suspended by resolution 943 (1994). The speaker,

²⁹³ S/1995/6.

²⁹⁴ In paragraph 3 of resolution 943 (1994), the Council requested that every 30 days the Secretary-General submit to the Council a report on whether the Co-Chairmen of the Steering Committee had certified that the Federal Republic of Yugoslavia was effectively implementing its decision to close the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina with respect to all goods except for humanitarian needs.

²⁹⁵ S/1995/21.

²⁹⁶ S/1995/30.

²⁹⁷ S/PV.3487, pp. 2-4.

however, pointed out that the extension of the border blockade was incomplete, because the border between the Federal Republic of Yugoslavia and Sector East in the United Nations Protected Areas in Croatia could still be used by Belgrade without consequences. He contended that a complete blockade of the border between Serbia and Montenegro and Croatia would further the peace process in Croatia. Noting that a political solution for Bosnia and Herzegovina did not appear likely in the near future, he argued that by addressing the situation in Croatia first, the international community could help Bosnia and Herzegovina, in the short term, by reallocating the necessary additional UNPROFOR resources into that country, and, in the long term, by creating conditions of balance favourable to continuing with the Contact Group Plan. The draft resolution was a small but important step in that direction.²⁹⁸

The representative of Turkey said that his delegation had serious reservations about the draft resolution. It believed that the monitoring mechanism established under resolution 943 (1994) was not effective. Despite the certification provided by the International Conference on the Former Yugoslavia mission monitoring the border, independent international sources acknowledged that the border continued to be violated, with the transport of strategic material and personnel. It was therefore extremely important that the monitoring mechanisms be strengthened and the number of monitors increased. Noting that the mission had approved fuel shipments to the Croatian Serbs, the speaker contended that such a measure violated the territorial integrity and sovereignty of Bosnia and Herzegovina and Croatia, as well as resolution 820 (1993). He further argued that the fuel shipments had enabled the Croatian Serbs to undertake aggression against the safe area of Bihac. Turkey hoped that the adoption of the draft resolution would contribute to the termination of such shipments and it looked forward to the strengthening of mechanisms for deterring and reporting violations.²⁹⁹

The representative of Egypt was of the view that the Council should look into taking immediate, firm and effective measures to implement earlier resolutions on Bosnia and Herzegovina before adopting new ones on the subject. He recalled that for years the Council

had tried different means of exerting pressure on the “aggressor responsible for the outbreak and continuation of the military confrontation in Bosnia and Herzegovina”. But the Serbian party remained intransigent. It was therefore necessary for the international community to continue to exert pressure, including through the application of sanctions, until the Bosnian Serb party engaged with the peace plan. Egypt called upon the Council to adopt a draft resolution, under which international military observer forces would be deployed along the borders between Bosnia and Herzegovina and the Federal Republic of Yugoslavia, in order to ensure effective monitoring and the cutting of the supply line between Serbia and Montenegro and the Bosnian Serbs.³⁰⁰

The representative of Pakistan expressed the belief that it was essential that the resolutions of the Security Council be effectively enforced, in particular those authorizing the use of force and air strikes. The lack of resolve to implement those resolutions had emboldened the Serbs in their “intransigence” and had enabled them to continue to assault the sovereignty and territorial integrity of Bosnia and Herzegovina. Pakistan reiterated the decision of the Seventh Islamic Summit Conference, held in Casablanca from 11 to 15 December 1994, which had expressed opposition to the lifting or easing of sanctions against Serbia and Montenegro until it had satisfied the following conditions: first, the recognition of Bosnia and Herzegovina within its internationally recognized borders; second, the acceptance of United Nations forces on the border to undertake effective monitoring; and third, the implementation of the Contact Group peace plan, including the full withdrawal from all occupied territories of Bosnia and Herzegovina.³⁰¹

Mr. Djokic contended that his Government had fulfilled all the obligations and met all the conditions set by the relevant Security Council resolutions. Therefore the decision by the Council to extend the partial suspension of sanctions for another 100 days and to put forward new conditionalities and restrictions was very disappointing. References in the draft resolution to the export of products from the Federal Republic of Yugoslavia to the Krajina Serbs had nothing to do with the primary objective of the closure of the border, which was to influence the Bosnian

²⁹⁸ Ibid., pp. 4-6.

²⁹⁹ Ibid., pp. 6-7.

³⁰⁰ Ibid., pp. 7-8.

³⁰¹ Ibid., pp. 8-9.

Serbs to accept the Contact Group's plan. Rather, it represented an attempt to impose new conditions on the Federal Republic of Yugoslavia. The draft resolution was not a mere extension of the partial suspension of the sanctions but rather called for the cessation of practically all economic relations between the Federal Republic of Yugoslavia and the Krajina Serbs. Moreover, it sought to exact an indirect recognition of Croatia and Bosnia and Herzegovina, which was unacceptable before a political solution had been accepted by all parties to the conflict. The speaker further argued that, during the preceding 100 days, the limited suspension of sanctions had not been entirely fulfilled. Despite a call by resolution 943 (1994) to the sanctions Committee to adopt streamlined procedures for expediting its consideration of applications for exemptions for legitimate humanitarian assistance, the Committee had in fact resorted to stricter implementation of the sanctions.³⁰²

Speaking before the vote, the representative of Germany stated that, in order to extend the provisions of resolution 943 (1994), the Council must decide whether the Federal Republic of Yugoslavia had closed the border effectively and whether it had sustained its course with regard to accepting the Contact Group plan and isolating the Bosnian Serbs. The answer to both of those questions was "a sober yes". Since the adoption of resolution 943 (1994), however, the provision of fuel originating from the Federal Republic of Yugoslavia had facilitated the military activities of the Krajina Serb forces, who continued to be active in cross-border attacks on the Bihac area. That situation was unacceptable and Germany demanded that all Krajina Serb forces withdraw from Bosnian territory. Germany had supported the inclusion in the draft of new provisions to cut off the shipment of fuel and other non-humanitarian supplies via Bosnia to the United Nations Protected Areas. It therefore welcomed the fact that the International Conference on the Former Yugoslavia mission would now be reporting on the Federal Republic of Yugoslavia's compliance with that requirement. The speaker further stated that the message of the draft resolution was clear: the Federal Republic of Yugoslavia must withhold all support for the Bosnian Serb military and block all border crossings that the mission could not monitor. Germany also expected Belgrade to use its influence with the various Serb parties to bring them closer to a

³⁰² Ibid., pp. 10-12.

negotiated solution. In addition, mutual recognition between all the States of the former Yugoslavia was an urgent political necessity.³⁰³

The representative of the Czech Republic was of the view that the Federal Republic of Yugoslavia was cooperating with the International Conference on the Former Yugoslavia mission. His delegation had seen no evidence that the Federal Republic of Yugoslavia would have condoned, let alone participated in, the violations of the border regime that the mission had detected. The situation on the border was far more favourable now than it had been when resolution 943 (1994) was adopted. That was why his delegation saw no reason to change the regime that resolution had introduced. His delegation would have agreed to an extension even longer than 100 days, but had no problem with the proposal at hand. As for the future of sanctions themselves, that was not the time even to consider their further abatement.³⁰⁴

The representative of China stated that the international community should encourage the Federal Republic of Yugoslavia to make further efforts to bring peace to Bosnia and Herzegovina. He reiterated that China was not in favour of settling the dispute through sanctions or mandatory measures, for such steps would aggravate the situation, bringing suffering to the people and causing serious damage to the economy of third countries. Based on that position, China supported the extension of the provisions of resolution 943 (1994) and would vote in favour of the draft. The speaker pointed out, however, that China's position had not changed in relation to certain elements of the draft resolution that were related to resolutions 757 (1992) and 820 (1993).³⁰⁵

The representative of the Russian Federation stated that his country was convinced that there were more than adequate grounds for agreeing on new measures to encourage Belgrade and that the Council could, as a minimum, decide on the indefinite extension of the measures provided for in resolution 943 (1994) and consider a further easing of sanctions. The Council had received four reports from the International Conference on the Former Yugoslavia mission corroborating the effective closure of the border between the Federal Republic of Yugoslavia and

³⁰³ Ibid., pp. 14-15.

³⁰⁴ Ibid., pp. 16-17.

³⁰⁵ Ibid., pp. 19-20.

Bosnia and Herzegovina. Furthermore, Belgrade's constructive attitude was yielding practical results, including the economic agreements between the Croatian Government and the local Serbian authorities in the United Nations Protected Areas, an agreement on the complete cessation of hostilities in Bosnia and Herzegovina, and changes in the Bosnian Serb leadership. Russia, therefore, regretted that the Council had not been able to agree on a draft that would have provided for further measures of encouragement, and it felt that certain aspects of the draft before the Council were "completely unwarranted", running counter to the recommendations of the Co-Chairmen of the International Conference on the Former Yugoslavia. In unreservedly favouring the extension of the partial extension of sanctions, Russia could not share responsibility for the potential negative consequences of the adoption of the draft resolution, and thus could not support it. It hoped that the principle that a deserving party should be encouraged would be implemented more consistently in the future.³⁰⁶

The draft resolution was then put to the vote and was adopted by 14 votes to none, with 1 abstention (Russian Federation), as resolution 970 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolution 943 (1994) of 23 September 1994,

Welcoming the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 4 January 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting that those measures were a necessary condition for the adoption of the present resolution,

Stressing the importance of the maintenance by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the effective closure of that border, and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission of the International Conference on the Former Yugoslavia,

³⁰⁶ *Ibid.*, pp. 20-21.

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and stressing the importance it attaches to the availability of all resources necessary for the work of the Mission,

Noting that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended for a further period of one hundred days from the adoption of the present resolution;

2. *Calls upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region;

3. *Reaffirms* that the requirements in paragraph 12 of resolution 820 (1993) that import to, export from and trans-shipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina respectively, apply to all shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina;

4. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) urgently to expedite its elaboration of appropriate streamlined procedures as referred to in paragraph 2 of resolution 943 (1993), and to give priority to its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the International Committee of the Red Cross and from the Office of the United Nations High Commissioner for Refugees and other organizations in the United Nations system;

5. *Requests* that every thirty days the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs and are complying with the requirements of paragraph 3 above in respect of all shipments across the international border between the Federal

Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and further requests the Secretary-General to report to the Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee, that those authorities are not effectively implementing their decision to close that border;

6. *Decides* that, if at any time the Secretary-General reports that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not effectively implementing their decision to close that border, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

7. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United Kingdom stated that the economic sanctions against the Federal Republic of Yugoslavia and the Bosnian Serbs had undoubtedly been a major factor in recent progress. The impact of the sanctions upon the economy of the Federal Republic of Yugoslavia had been largely responsible for Belgrade's decision to cease assisting the Bosnian Serbs, and to support the Contact Group plan. The Federal Republic of Yugoslavia's cooperation with the International Conference on the Former Yugoslavia mission must continue if the sanctions were to continue to be suspended. The resolution just adopted represented a balanced response to the cooperation provided by Belgrade over the preceding hundred days. The resolution allowed for the continued suspension of aspects of the sanctions for a further 100 days. It also sought to remove any ambiguity about the application of resolution 820 (1993) concerning trans-shipments across the Federal Republic of Yugoslavia-Bosnian border, and to give clear priority to applications for humanitarian assistance. The speaker further noted that sanctions were being imposed to achieve changes in policy, rather than to punish. Sanctions reinforced the Contact Group's strategy of increasing the pressure on the Bosnian Serbs to return to the negotiating table. It was essential that Belgrade continued to support the Contact Group approach, maintained the embargo on the Bosnian Serbs and kept up the pressure on the Krajina Serbs to cease violating the Croatian-Bosnian border, and to implement the economic agreement in Croatia. Further sanctions relief might be possible, but only if there was substantial progress towards the

objective of achieving a lasting political settlement in the former Yugoslavia.³⁰⁷

The representative of Indonesia reiterated his country's position that the suspension of certain aspects of the sanctions against the Federal Republic of Yugoslavia, contained in resolution 943 (1994), had been premature. Equally important, resolutions adopted by the Council had explicitly stipulated the steps that the Federal Republic of Yugoslavia should take if sanctions were to be eased. These clearly went beyond the mere promise to close the border with Bosnia and Herzegovina. Indonesia therefore had serious reservations regarding the provision for an extension of the suspension of sanctions as contained in the resolution just adopted. Despite its misgivings, however, Indonesia was cognizant of the positive elements contained in the resolution, such as the call upon all States to respect the sovereignty, territorial integrity and international borders of all States in the region and the provision reaffirming the requirement contained in paragraph 12 of resolution 820 (1993) that imports to, exports from and trans-shipment through the United Nations Protected Areas in Croatia and those areas of Bosnia and Herzegovina under the control of the Bosnian Serbs should be permitted only with the authorization of the Government of Croatia or Bosnia and Herzegovina. Against that background, Indonesia had voted in favour of the resolution just adopted. Its position was based on the understanding that Belgrade would scrupulously uphold its commitments and that, should the Secretary-General report a wilful violation, then the suspension of the sanctions would be terminated forthwith.³⁰⁸

The representative of the United States observed that the sanctions regime had been vital to the effort to persuade the Federal Republic of Yugoslavia and the Bosnian Serbs that a peaceful resolution of the conflict was in their best interests. The resolution just adopted was an indication that the effort to persuade Belgrade to pressure the Bosnian Serbs had begun to show results. There should be no doubt that the willingness of the United States Government to support the resolution had been a direct result of the conclusion that Belgrade had moved to implement its decision to close the border. Nevertheless, further efforts must be made to ensure that the border was effectively closed.

³⁰⁷ *Ibid.*, pp. 22-23.

³⁰⁸ *Ibid.*, pp. 23-25.

The United States was therefore gratified that the Council had reaffirmed its prohibition of trans-shipments through Bosnian territory controlled by the Bosnian Serbs. Such trans-shipments without the permission of the relevant Governments had been, and continued to be, violations of paragraph 12 of resolution 820 (1993). The speaker further stated that the effectiveness of the border closure would require continued vigilance on the part of the international community, the International Conference on the Former Yugoslavia mission and Federal Republic of Yugoslavia officials. The United States expected that a number of measures would be taken to ensure effective closure.³⁰⁹

**Decision of 17 February 1995 (3501st meeting):
statement by the President**

At its 3501st meeting, on 17 February 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Botswana) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³¹⁰

The Security Council is deeply concerned at the continued fighting around Bihac and deplores the serious humanitarian situation in the Bihac area. It reaffirms its support for the Special Representative of the Secretary-General and the United Nations Protection Force.

The Council recalls the statement of the President of the Security Council of 6 January 1995. It reiterates the importance it attaches to full compliance with the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 and 31 December 1994. All involved must now make a concerted effort to consolidate what has been achieved so far to avoid the risk of a renewed outbreak of hostilities.

The Council demands that all forces in the Bihac area cease fighting immediately and cooperate fully with the United Nations Protection Force in achieving an effective ceasefire. The Council reiterates its condemnation of the continued violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

The Council condemns the recent obstruction of humanitarian convoys destined for the Bihac area by the Croatian Serb and Abdic forces. It welcomes the fact that convoys are now getting through and calls upon all parties and

others concerned henceforth to facilitate the unhindered flow of humanitarian assistance and complete freedom of movement for the United Nations Protection Force.

**Decision of 14 April 1995 (3520th meeting):
statement by the President**

At its 3520th meeting, on 14 April 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Czech Republic) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³¹¹

The Security Council is gravely concerned at the recent attacks on the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina and, in this regard, has learnt with particular indignation that once again a soldier of the Force, this time a soldier of the French contingent, was deliberately targeted and shot to death by an unidentified sniper in Sarajevo today. The Council notes with similar concern that several other soldiers of the United Nations have been killed recently in similar circumstances.

The Council condemns in the strongest terms such acts directed at peacekeepers who are serving the cause of peace in the Republic of Bosnia and Herzegovina. Deliberate targeting of the United Nations Protection Force personnel reflects the overall deterioration of the situation in the Republic of Bosnia and Herzegovina. The Council wishes to state once again that this is totally unacceptable. It reiterates that the cooperation of all parties and others concerned is indispensable for the missions of the Force to be carried out and demands that they respect fully the status of United Nations personnel.

The Council invites the Secretary-General to investigate the circumstances of these acts and to report to the Council, taking into consideration the views of troop-contributing countries, on any measures which might be necessary to prevent further similar attacks, which should not remain unpunished.

**Decision of 19 April 1995 (3521st meeting):
resolution 987 (1995)**

At its 3521st meeting, on 19 April 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Czech Republic) then drew the attention of the Council members to the text of a draft resolution submitted by France.³¹²

³⁰⁹ Ibid., pp. 25-26.

³¹⁰ S/PRST/1995/8.

³¹¹ S/PRST/1995/19.

³¹² S/1995/311.

The representative of Bosnia and Herzegovina stated that the deaths of two UNPROFOR soldiers in Sarajevo testified to the continuing terrorization of that city; and to the fact that resolutions on safe areas continued to be violated. He argued that the soldiers' deaths would not be in vain if they contributed to a change in the situation. The draft resolution before the Council was a first step in that direction. His delegation supported the establishment of new measures to prevent further attacks against UNPROFOR troops and improve their security. It hoped that the Council would also review the UNPROFOR mandate.³¹³

The draft resolution was put to the vote and adopted unanimously as resolution 987 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, and reaffirming in this context its resolution 982 (1995) of 31 March 1995, in particular paragraphs 6 and 7 thereof,

Expressing its grave concern at the continued fighting in the Republic of Bosnia and Herzegovina despite the agreements on a ceasefire and on a complete cessation of hostilities concluded on 23 and 31 December 1994, and deploring the violations of these agreements and of the ban imposed by its resolutions 781 (1992) of 9 October 1992 and 816 (1993) of 31 March 1993 by whomsoever committed,

Stressing the unacceptability of all attempts to resolve the conflict in the Republic of Bosnia and Herzegovina by military means,

Noting once again the need for resumed negotiations aimed at an overall peaceful settlement of the situation in the Republic of Bosnia and Herzegovina on the basis of the acceptance of the Contact Group peace plan as a starting-point,

Gravely preoccupied at the recent attacks on the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina and at the fatalities resulting therefrom, condemning in the strongest terms such unacceptable acts directed at members of peacekeeping forces, and determined to obtain a strict respect of the status of United Nations personnel in the Republic of Bosnia and Herzegovina,

Reaffirming its determination to ensure the security of the United Nations Protection Force and freedom of movement for all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Emphasizes once again* the responsibility of the parties and others concerned in the Republic of Bosnia and

Herzegovina for the security and safety of the United Nations Protection Force, and in this context demands again that all parties and others concerned refrain from any act of intimidation or violence against the Force and its personnel;

2. *Recalls* its invitation to the Secretary-General, in this context, to submit proposals on any measures which could be taken to prevent attacks against the United Nations Protection Force and its personnel and allow it to perform effectively its mission, and invites him to submit such proposals on an urgent basis;

3. *Calls upon* the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities concluded on 23 and 31 December 1994 beyond 30 April 1995, and looks to all parties and all others concerned to cooperate fully with the United Nations Protection Force in their implementation;

4. *Urges* all parties and others concerned to resume forthwith negotiations towards an overall peaceful settlement on the basis of the acceptance of the Contact Group peace plan as a starting-point;

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

Speaking after the vote, the representative of France stated that it had been a matter of urgency for the Council to react to the murders of UNPROFOR personnel by condemning those unacceptable acts and by giving a sign of its determination that the status of United Nations personnel be respected. It had also been essential to remind the Bosnian parties of the need to extend the ceasefire and cessation-of-hostilities agreements beyond 30 April and to recommence immediately negotiations towards an overall settlement, by accepting the Contact Group peace plan as a starting point.³¹⁴

**Decision of 21 April 1995 (3522nd meeting):
resolution 988 (1995)**

By a letter dated 13 April 1995 addressed to the President of the Security Council,³¹⁵ the Secretary-General transmitted a report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference's mission. The report contained the certification referred to in resolution 970 (1995).

At its 3522nd meeting, on 21 April 1995, the Council resumed its consideration of the item and included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council

³¹³ S/PV.3521, pp. 2-3.

³¹⁴ *Ibid.*, p. 5.

³¹⁵ S/1995/302.

invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion. The President (Czech Republic) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Italy, the United Kingdom and the United States,³¹⁶ as well as to several other documents.³¹⁷

Mr. Djokic noted with regret that, despite consistently positive reports by the International Conference on the Former Yugoslavia mission that the Federal Republic of Yugoslavia was adhering to its commitment to close its border with the Bosnian Serbs, and despite the fact that it had fulfilled the provisions of relevant resolutions by which the sanctions had been introduced, the Council was not able to lift the sanctions altogether. He argued that, by opting to maintain the greatest part of the most comprehensive sanctions regime adopted against any State Member of the United Nations, the Council was continuing to pursue a policy of punishing the Federal Republic of Yugoslavia and the Serbian and Montenegrin people for matters for which they bore no responsibility. The speaker further argued that the new conditions being set by some members of the Contact Group, including in particular the calls for the recognition by the Federal Republic of Yugoslavia of Bosnia and Herzegovina and Croatia as a prerequisite for the further suspension of sanctions, lacked a basis in Security Council resolutions and represented a counterproductive form of pressure. Recalling that the decision by the Federal Republic of Yugoslavia to cut political and economic links with the Bosnian Serbs had been unilateral, the speaker noted that that step had been taken in order to pressure the Bosnian Serbs to accept the Contact Group plan. Yugoslavia had therefore accepted the International Conference on the Former Yugoslavia mission in order to facilitate that unilateral decision. If further pressure were brought to bear on the Federal

Republic of Yugoslavia, however, then Belgrade might begin to question the activities of the mission.³¹⁸

The representative of Bosnia and Herzegovina expressed appreciation for the Council's efforts to improve the effectiveness of the border-sealing regime. While he noted that the new mechanism and reporting system contained in the draft resolution before the Council should help advance towards the desired results, he also stressed that Member States must provide all the necessary resources for the new system to be effective. That included the provision of independent evidence of violations and more experts and troops deployed along the border. In that context, Bosnia and Herzegovina welcomed the provision in paragraph 16 of the draft resolution, calling upon the mission to provide the relevant Government with its observations and findings. It also took note of the expiration date of the provision easing the sanctions against the Federal Republic of Yugoslavia, stating that it was long enough to test the efficacy of both the border closure and monitoring mechanism and of the Belgrade regime's authority. The speaker concluded by saying that the most critical variable in the search for peace was the acceptance and implementation of the peace plan by the Bosnian Serbs. Until that occurred, the international community should maintain its commitment to the United Nations mandate in Bosnia and Herzegovina, Croatia and elsewhere. Bosnia and Herzegovina would continue to use its capacity, including the right and means to defend its population, territorial integrity and sovereignty. In that connection, it reasserted its "unabridgable right" to defend itself.³¹⁹

Speaking before the vote, the representative of Argentina noted that whilst his delegation was in favour of continuing the suspension of the sanctions, it wished to place on record its interpretation of certain provisions of the draft resolution. His delegation interpreted the date mentioned in operative paragraph 1 not as curtailing the deadline set by resolution 970 (1995), but rather as establishing a new and more clear-cut policy. The reason was that it would not be particularly meaningful to interpret it as a setting of a shorter deadline for the suspension of sanctions, when it was acknowledged that there had been no substantive changes warranting that suspension. His delegation also understood the authorization for the Federal

³¹⁶ S/1995/319.

³¹⁷ Letter dated 13 April 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/301); and letter dated 15 April 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/309).

³¹⁸ S/PV.3522, pp. 2-4.

³¹⁹ *Ibid.*, pp. 4-7.

Republic of Yugoslavia to operate commercial flights in operative paragraph 2 to mean that it should be able to obtain the necessary quantities of fuel, lubricants, equipment and spare parts to ensure that the flights were safe.³²⁰

The representative of the Russian Federation stated that his delegation would not be able to support the draft resolution, because it did not consider it to be consistent with the principle of positive and negative incentives previously agreed upon in the Contact Group and the Security Council, according to which those that supported the peace plan would be encouraged while pressure would be exerted on those that rejected it. Recalling that it was the Federal Republic of Yugoslavia's own decision to close its border with Bosnia and Herzegovina, the speaker stated that the Government of the Federal Republic of Yugoslavia had stuck strictly to its decision to close its border with Bosnia and Herzegovina to all except humanitarian goods, as corroborated by numerous reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. In addition, its cooperation with the Conference's mission remained very good. Under these circumstances, the Council would have been justified in adopting further positive stimuli, such as making the partial suspension of sanctions indefinite. Unfortunately, with each extension of the partial suspension, the Council had been inclined to make fresh demands on the Federal Republic of Yugoslavia. An example of that approach was that the draft resolution attempted to link the voluntary decision by the Federal Republic of Yugoslavia to close its border with Bosnia and Herzegovina to the situation on its border with Croatia, thus constituting a serious step towards changing the mandate of the International Conference on the Former Yugoslavia mission without consulting Belgrade. It was beyond the understanding of the Russian Federation why it had been necessary to cut back the draft resolution's duration to 75 days when a mechanism, which was still operational, was agreed upon in September last year that provided for the immediate reimposition of full sanctions should the Government of the Federal Republic of Yugoslavia fail to implement its decision to close the border. The Russian Federation also considered a number of provisions of the draft resolution to be "puzzling". The speaker contended that the Council was engaging in

³²⁰ Ibid., pp. 7-8.

"unwarranted micromanagement" whereas in other instances it closed its eyes to flagrant violations of its own decisions, as had long happened with respect to the arms embargo on all successor States of the former Yugoslavia.³²¹

The representative of China reiterated that his delegation was against the introduction of sanctions or mandatory measures in relation to the conflict in the former Yugoslavia, contending that events had proved that sanctions or pressure would further complicate the issue. Stating that the Federal Republic of Yugoslavia was an important factor for restoring peace and stability in the region, and that his Government had supported the mission in the discharge of its duties, and had taken measures to effectively close its border with Bosnia and Herzegovina, the speaker contended that the international community should continue to encourage rather than discourage the Federal Republic of Yugoslavia for fulfilling its commitment to close the border. Regrettably, although the draft resolution further extended the provisions for easing the sanctions, it had shortened the period of extension and attached more restrictive conditions to the extension, which was a step backward from resolutions 943 (1994) and 970 (1995). China would therefore abstain from the vote on the draft resolution.³²²

The draft resolution was then put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation) as resolution 988 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994 and resolution 970 (1995) of 12 January 1995,

Noting the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), as described in the reports transmitted by the letters dated 31 March 1995 and 13 April 1995 from the Secretary-General to the President of the Security Council, to maintain the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting that those measures were a necessary condition for the adoption of the present resolution,

Concerned, however, about reports suggesting that helicopter flights may have crossed the border between the

³²¹ Ibid., pp. 13-15.

³²² Ibid., pp. 15-16.

Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), and noting that an investigation of those reports is being undertaken by the Mission of the International Conference on the Former Yugoslavia,

Noting with satisfaction that the cooperation of the Mission of the International Conference with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good, and stressing the importance of effective closure by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro),

Noting that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 5 July 1995;

2. *Confirms* that commodities and products, including fuel beyond immediate needs for a flight or ferry voyage, taking into account internationally recognized safety requirements, shall not be carried on flights and ferry services permitted in accordance with paragraph 1 above, except in accordance with the provisions of relevant resolutions and in conformity with the procedures of the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991, and that, if a need is established for the supply of additional fuel for the operation of flights permitted in accordance with paragraph 1 above, the Committee established pursuant to resolution 724 (1991) shall consider such applications on a case-by-case basis;

3. *Reminds* States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and calls upon all States which allow flights or ferry services permitted in accordance with paragraph 1 above from their territories or using their flag vessels or aircraft to report to the Committee established pursuant to resolution 724 (1991) on the controls adopted by them to implement such measures in earlier relevant resolutions;

4. *Calls upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region;

5. *Underlines* the importance it attaches to the work of the Mission of the International Conference on the Former Yugoslavia, expresses its concern that a shortage of resources hampers the effectiveness of that work, and requests the Secretary-General to report to the Security Council within thirty days of the adoption of the present resolution on measures to increase the effectiveness of the work of the Mission, including on the question of helicopter flights;

6. *Requests* Member States to make available the necessary resources to strengthen the capacity of the Mission of the International Conference to carry out its tasks, and encourages the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to give additional support for the operation of the Mission;

7. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Mission of the International Conference, in particular in investigating alleged breaches of the closure of the border, whether by land or by air, between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina and ensuring the continued closure of that border;

8. *Stresses* the importance it attaches to a thorough investigation of reports that helicopter flights may have crossed the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to comply with their commitment to cooperate fully in that investigation, and requests the Secretary-General to report to the Security Council on the outcome of the investigation;

9. *Reaffirms its decision* that import to, export from and trans-shipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina;

10. *Encourages* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reinstate the severance of international telecommunication links between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces which they instituted in August 1994;

11. *Requests* the Committee established pursuant to resolution 724 (1991) to conclude urgently its elaboration of appropriate streamlined procedures, and invites the Chairman of that Committee to report to the Security Council as soon as possible on the matter;

12. *Also requests* the Committee established pursuant to resolution 724 (1991) to continue to give priority to its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the International Committee of the Red Cross and from the Office of the United Nations High Commissioner for Refugees and other organizations in the United Nations system;

13. *Requests* that, every thirty days and no fewer than ten days before the expiration of the period referred to in paragraph 1 above, the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, on the basis of information made available to them from the Mission of the International Conference and all other available sources deemed relevant by the Mission, have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are implementing their decision to close the international border, on land and in the air, between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs and are complying with the requirements of paragraph 3 of resolution 970 (1995) in respect of all shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and requests that the Secretary-General inform the Council in his report if the Co-Chairmen of the Steering Committee have received substantiated evidence, from sources deemed relevant by the Mission, of substantial trans-shipments of goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs, from the Federal Republic of Yugoslavia (Serbia and Montenegro) through the Republic of Croatia to the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in violation of earlier relevant resolutions;

14. *Also requests* the Secretary-General to report to the Security Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee of the International Conference, that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina;

15. *Decides* that if at any time the Secretary-General reports that, from sources deemed relevant by the Mission of the International Conference, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina or that they are permitting substantial diversion of goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs, from the Federal Republic of Yugoslavia (Serbia and Montenegro) through the Republic of Croatia to the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in

violation of earlier relevant resolutions, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

16. *Encourages* the Co-Chairmen of the Steering Committee of the International Conference to ensure that the Mission of the International Conference keeps the Government of the Republic of Bosnia and Herzegovina, the Government of the Republic of Croatia and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) fully informed about the findings of the Mission;

17. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States expressed her delegation's belief that Belgrade had not done enough to comply with its commitment to isolate the Bosnian Serbs. The United States could not, therefore, have supported a resolution that represented "business as usual". The resolution just adopted was designed to acknowledge progress, but also to close remaining loopholes. Belgrade must close the land and air border with Bosnia, and must not seek to circumvent the closure of the border by illegally shipping goods through Serb-controlled Croatia. The United States had been prepared to block the resolution just adopted if those steps to tighten the border closure had not been included. During the subsequent 75 days, the United States would be watching closely to see if Belgrade was improving its compliance with its commitment to close the border. The speaker urged the International Conference on the Former Yugoslavia mission, the Co-Chairmen of the Steering Committee and the Secretary-General to implement fully paragraphs 13 and 15 of the resolution, stressing that it was up to them to make sure that the Council's decisions were more than words on pieces of paper. He noted that border closure was not an end in itself and that the objective remained obtaining the agreement of the Bosnian Serbs to the Contact Group plan. Thus it was necessary to maintain the pressure upon the Bosnian Serbs. The authorities in Belgrade also needed to understand that the suspension of additional sanctions would depend on their willingness to take further steps towards peace, most notably by recognizing Croatia and Bosnia and

Herzegovina within their internationally recognized borders.³²³

The representative of France noted that his country had been called upon to make a difficult choice, which it did on the basis of a number of considerations. Firstly, France was convinced that the mechanisms now in place to monitor the border closure were, overall, achieving their objectives. It reaffirmed that the best way of improving the Mission's operation was by increasing the resources allocated to it. At the same time, France recognized that the Federal Republic of Yugoslavia had demonstrated that it was cooperating with the Mission. That was essentially why the French delegation wished to extend the suspension of sanctions. Secondly, a number of steps had proved useful in plugging the gaps resulting from the shortfalls, the most striking examples of which were the helicopter flights and the sidestepping of the frontier closure by passing goods for Bosnia and Herzegovina by way of Croatian territory, which was why a part of the resolution included a strengthening of the existing measures. That strengthening in France view, was not such as to cast doubt on the degree of cooperation being afforded by the Belgrade authorities, but did respond to the loopholes that had shown up by experience. The speaker further stressed that, even though the length of the extension of the suspension of sanctions had been shortened, it had only been shortened slightly. France would have agreed with the period provided in previous resolutions, but had accepted the time frame in the resolution in a spirit of compromise.³²⁴

The representative of the United Kingdom stated that the Bosnian Serb leadership must understand that there was no alternative to resuming peace negotiations, with the Contact Group plan as the starting point. In relation to the suspended sanctions against the Federal Republic of Yugoslavia, two important issues should be addressed without delay. The first was to ensure that the border closure was effective, and the second was to reinforce the International Conference on the Former Yugoslavia mission so that it was able to carry out its tasks effectively. A limited suspension of the sanctions was the appropriate response to Belgrade's cooperation. Additional sanctions relief would only be justified,

³²³ Ibid., pp. 16-17.

³²⁴ Ibid., pp. 17-18.

however, if Belgrade were to make further commitments to advancing the peace process.³²⁵

The President, speaking in his capacity as the representative of the Czech Republic, stated that keeping up the pressure on the Bosnian Serbs and maintaining the regime of abated sanctions was the best way forward. In fact, the Czech Republic would have preferred that the suspension had been extended significantly beyond the 5 July deadline because it felt that Belgrade was substantively cooperating.³²⁶

**Decisions of 3 May 1995 (3530th meeting):
statements by the President**

At its 3530th meeting, on 3 May 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (France) then stated that, after consultations among members of the Security Council, he had been authorized to make two statements on behalf of the Council. The first statement³²⁷ reads:

The Security Council is deeply concerned about the failure of the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina and the recent deterioration of the situation there. It stresses once again the unacceptability of all attempts to resolve the conflict in the Republic of Bosnia and Herzegovina by military means.

The Council calls upon the Bosnian parties to agree without further delay to a further ceasefire and a complete cessation of hostilities and, in this regard, fully supports the negotiating efforts of the United Nations Protection Force and other international efforts aimed at persuading the Bosnian parties to agree to such a ceasefire and complete cessation of hostilities. The Council urges the Bosnian parties to abstain from any steps which may lead to further escalation of the conflict and reaffirms the need for a political settlement on the basis of the acceptance of the Contact Group peace plan as a starting point.

The second statement³²⁸ reads:

The Security Council is deeply concerned about the obstruction of the normal operation of Sarajevo airport, including the suspension of the humanitarian relief airlift,

³²⁵ Ibid., pp. 20-21.

³²⁶ Ibid., p. 21.

³²⁷ S/PRST/1995/24.

³²⁸ S/PRST/1995/25.

caused by Bosnian Serb threats against United Nations aircraft and humanitarian relief flights, and by their attempts to impose restrictions on the use of Sarajevo airport by official missions as foreseen in the 5 June 1992 agreement (S/24075). Such obstruction is in breach of the agreement of 5 June 1992 and of the Council's previous resolutions, in particular resolution 761 (1992), and is unacceptable. Obstruction of the humanitarian relief also constitutes a violation of international humanitarian law.

In that context, the Council demands that all parties and others concerned comply fully with the agreement of 5 June 1992 and create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in the Republic of Bosnia and Herzegovina. It calls upon the Bosnian Serb party to guarantee the safety of all flights to Sarajevo supervised by the United Nations Protection Force, including humanitarian relief flights.

The Council requests the Secretary-General to keep it informed of discussions with the Bosnian Serb party on the restoration of the normal functioning of the Sarajevo airport so that it might take further action as necessary.

**Decision of 23 June 1995 (3548th meeting):
statement by the President**

At its 3548th meeting, on 23 June 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Germany) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³²⁹

The Security Council reiterates its condemnation of interference with humanitarian supplies and the freedom of movement of the United Nations Protection Force by all parties within the territory of the Republic of Bosnia and Herzegovina. In this context, it is deeply concerned by the blockading by Bosnian Government forces of the United Nations Protection Force personnel in the Visoko, Gorazde, Gornj Vukov and Kladanj areas, which included placing mines outside the United Nations Protection Force camp in Visoko on 20 June 1995. The Council is also deeply concerned at the deterioration in the situation in and around Sarajevo, the obstruction by the Bosnian Serb party of freedom of movement and utilities to the city and the continued obstruction of the normal operation of Sarajevo airport.

The Council stresses that all such actions are unacceptable and demands that all parties fully respect the safety and security of the United Nations Protection Force personnel and ensure their complete freedom of movement to

³²⁹ S/PRST/1995/31.

enable the Force to carry out its mandate in accordance with the resolutions of the Council.

The Council calls upon the parties to enter into negotiations as provided for in its resolution 998 (1995) of 16 June 1995 and to agree without further delay to a ceasefire and a complete cessation of hostilities in the Republic of Bosnia and Herzegovina. The Council emphasizes that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina. It stresses the importance it attaches to the vigorous pursuit of a political settlement and reiterates its demand that the Bosnian Serb party accept the Contact Group peace plan as a starting point.

**Decision of 5 July 1995 (3551st meeting):
resolution 1003 (1995)**

By a letter dated 25 June 1995 addressed to the President of the Security Council,³³⁰ the Secretary-General transmitted a report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference's mission. The report contained the certification referred to in resolution 988 (1995).

At its 3551st meeting, on 5 July 1995, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Honduras) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, the United Kingdom and the United States,³³¹ as well as to a letter dated 5 July 1995 from the representatives of Bosnia and Herzegovina and Croatia addressed to the President of the Security Council.³³²

The representative of Bosnia and Herzegovina said that if Belgrade wished to secure further sanctions relief or even to maintain the easing of sanctions, it must understand that the border closure should be real, that the recognition of its neighbours must be unambiguous, and that its support for the peace process needed to be sincere and not just tactical. Instead, Belgrade was continuing to provide strategic support

³³⁰ S/1995/510.

³³¹ S/1995/537.

³³² S/1995/538.

for the so-called Krajina and Bosnian Serb armies. Bosnia and Herzegovina did not ask anything more than the legal recognition by Belgrade of its sovereignty and territorial integrity, which the United Nations had already recognized in the context of its membership in the United Nations.³³³

The representative of Croatia reiterated his Government's position that the only way out of the existing impasse was for the Federal Republic of Yugoslavia to recognize Bosnia and Herzegovina and Croatia, and for the international community to ensure the effective closure of the relevant borders between the Federal Republic of Yugoslavia and Bosnia and Herzegovina and Croatia. He contended that the peace process had been derailed by the devaluation of the Security Council mandate for the International Conference on the Former Yugoslavia mission. Clearly, the Conference had reinterpreted its mandate to mean partial closing of the border, and not effective closing, as was originally envisaged by the Council. The Government of Croatia had given ample evidence that the relevant border was not effectively closed. It therefore considered the International Conference on the Former Yugoslavia certification of the border closure to be "null and void" and called on the Council to review the work of the mission, and to clarify whether its mandate was to certify a partial or an effective closure of the border. If the Council were to decide that the mandate was indeed for a partial closure, then Croatia would have to re-evaluate its position in the peace process and on the likelihood of the successful implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO), calling for border control between Croatia and Serbia and Montenegro, and Croatia and Bosnia and Herzegovina.³³⁴

Mr. Djokic stated that his country was prepared to recognize the border of Bosnia and Herzegovina once the political problems affecting its nations were closer to being resolved. The Federal Republic of Yugoslavia also insisted that the sanctions be lifted before there was any such recognition. The speaker argued that the perpetuation of the sanctions and the setting of additional conditions for their lifting were absurd and that their maintenance was untenable now, especially as the Federal Republic of Yugoslavia was investing

major efforts to contribute to the search for a just and peaceful settlement. Only negotiations could be conducive to such an outcome, not the use of force, the lifting of the arms embargo or the deployment of new troops. If the Council truly wished to open the road towards peace, it must have the courage to lift the sanctions altogether. The sanctions only fostered resistance and established limits within the Federal Republic of Yugoslavia on greater cooperation.³³⁵

Speaking before the vote, the representative of the Russian Federation said that his delegation would abstain in the vote on the draft resolution, for it believed that the draft did not encourage a constructive policy on the part of the Federal Republic of Yugoslavia. He argued that since the adoption of resolution 943 (1994), the Federal Republic of Yugoslavia had been playing a positive role. In the Russian Federation's view, that merited appropriate encouragement in the form of a further easing of the sanctions. At the very least, the Council should have made the partial suspension of the sanctions indefinite, as the Russian Federation itself had proposed. Instead, the draft resolution was extending the suspension of the sanctions for a reduced period of only 75 days, as was the case in the previous resolution. Moreover, a new preambular paragraph had appeared that referred to the importance of the cessation of military assistance to the Bosnian Serbs. In addition to the fact that that provision went beyond resolution 713 (1991), which established a general and complete embargo on all deliveries of weapons and military equipment, it was also particularly untenable with respect to assertions concerning the financing and coordination of air defence, and was in no way confirmed by the reports of the International Conference on the Former Yugoslavia. Most important, that provision was directed at one of the parties to the conflict, while the responsibility for the recent drastic deterioration of the situation there was borne not only and not so much by the Bosnian Serbs. His delegation could not agree with operative paragraph 3 which contained a call for mutual recognition between the successor States of the former Yugoslavia. That provision did not fit within the context of a generally technical and limited extension of the suspension of a minimal set of sanctions for a short period of time.³³⁶

³³³ S/PV.3551, pp. 2-4.

³³⁴ *Ibid.*, pp. 4-5.

³³⁵ *Ibid.*, pp. 5-6.

³³⁶ *Ibid.*, pp. 6-7.

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (Russian Federation) as resolution 1003 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995 and 988 (1995) of 21 April 1995,

Calling upon all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

Noting the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 25 June 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good,

Reaffirming the importance of further efforts by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Underlining the particular importance it attaches to there being no provision of military assistance, in terms of finance, equipment, coordination of air defences or recruitment of troops, to the Bosnian Serb forces,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and underlining the importance of the necessary resources being made available so as to strengthen the capacity of the Mission to carry out its tasks,

Noting with satisfaction that the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991 has adopted streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, as well as a number of measures facilitating legitimate trans-shipments via the Danube river,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 September 1995;

2. *Decides also* that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

3. *Renews its call* for early mutual recognition between the States of the former Yugoslavia within their internationally recognized borders, recognition between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) being an important first step, and urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take that step;

4. *Reaffirms its decision* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States observed that, while the Co-Chairmen of the International Conference on the Former Yugoslavia had reported some improvement in the effectiveness of the border closure, they had also pointed out some shortcomings in Belgrade's willingness to implement its decision to isolate the Bosnian Serbs. It was those shortcomings that made the United States Government unwilling to accept an extension of 100 days and to insist on 75 days. She recalled that the goal of extending limited sanctions relief to Belgrade was to increase the pressure on the Bosnian Serbs to accept a settlement based on the Contact Group plan. The United States continued to believe that an effectively enforced border closure would help to achieve that goal. It was therefore disturbed by indications of increasing military cooperation between Belgrade and the Bosnian Serbs, including reports that the authorities of the Federal Republic of Yugoslavia were providing financial assistance and equipment to the Bosnian Serb army, cooperating with Bosnian Serb air defence systems, and returning draft-age Bosnian Serb males to Bosnia. If those reports were accurate, they would weaken the case for continuing the limited suspension of sanctions. Such violations would undermine the Council's key objective of persuading the Bosnian Serbs that there was no alternative to a negotiated solution. The speaker also expressed concern over reports of increased military support by Belgrade for the Croatian Serbs, and noted that her Government

would pay close attention to the manner in which Belgrade continued to implement the border closure.³³⁷

The representative of China reiterated that his delegation opposed resorting to sanctions or mandatory actions in relation to the conflict in the former Yugoslavia, as facts had proven that sanctions or pressure would only further complicate the situation. The international community should encourage the efforts made by the Federal Republic of Yugoslavia by gradually removing the sanctions. China regretted that the views of all delegations had not been taken into account during the negotiating process on the draft resolution. As the main purpose of the draft, however, had been to continue the partial suspension of the sanctions, China had voted in favour of the resolution just adopted.³³⁸

**Decision of 12 July 1995 (3553rd meeting):
resolution 1004 (1995)**

At its 3553rd meeting, on 12 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Honduras) then drew the attention of the Council members to the text of a draft resolution submitted by France, Germany, Italy, the United Kingdom and the United States³³⁹ and read out a revision that had been made to the draft.

The representative of Bosnia and Herzegovina stated that by attacking Srebrenica and threatening Zepa, the Bosnian Serbs continued to realize their main goal: the elimination of the Contact Group plan and the strengthening of their own position with the goal of the legalization of the *fait accompli*. He recalled the statement made by his President, on 12 July 1995, in which he urged the United Nations and NATO to re-establish by force the violated safe zone of Srebrenica, and that tents, food and medicine be provided to the population expelled from that safe area. The speaker further noted that his Government preferred the full rehabilitation of the mandate of UNPROFOR and its strengthening. UNPROFOR had an obligation to defend safe areas since that defence

had been used as a basis for the argument in favour of the maintenance of the arms embargo against Bosnia and Herzegovina. The establishment and activation of the rapid reaction force also could make a crucial contribution to the rehabilitation of the UNPROFOR mandate and UNPROFOR capabilities in Bosnia and Herzegovina. That, combined with NATO activities, could help to reverse the situation in the country.³⁴⁰

The representative of Croatia expressed the concern of his Government at recent developments in the six safe areas in Bosnia and Herzegovina. He noted that both the decision by the Bosnian Serb leadership to renew its advances in the safe areas and the lack of an appropriate response by the international community posed serious risks to Croatia and the Bosnian Croat federation. Croatia was especially concerned about the situation in the safe area of Bihac. It would consider the displacement of the population to be a serious threat to its internal security and may be compelled to undertake measures to secure the status of Bihac as a safe area if that status ever became threatened. Croatia also would have to draw conclusions from the international community's lack of an appropriate response to the situation in Srebrenica, in respect of the mandate of the United Nations in Croatia and the ability and willingness of UNCRO to achieve its objectives and to control Croatia's relevant international borders. It took the view that developments in Bosnia and Herzegovina were a consequence of the international community having ignored a serious increase in Serbia's interference in the occupied territories of Croatia and Bosnia and Herzegovina.³⁴¹

Speaking before the vote, the representative of France noted that the action undertaken by the Bosnian Serbs against Srebrenica was of a different nature since it represented a deliberate intention on the part of the Bosnian Serbs to use force to occupy a safe area. He stated that the international community could not accept any questioning of the status of the safe areas. The draft resolution therefore called on the Secretary-General to take the necessary steps to bring about the withdrawal of Bosnian Serb forces from Srebrenica. In supporting that request, France did not wish to impose the use of any particular means. It was simply signifying its preparedness to make troops available for

³³⁷ *Ibid.*, pp. 11-12.

³³⁸ *Ibid.*, pp. 13-14.

³³⁹ S/1995/560.

³⁴⁰ S/PV.3553, pp. 2-4.

³⁴¹ *Ibid.*, pp. 4-5.

any operations the civilian and military authorities and the United Nations force might consider realistic and realizable.³⁴²

The representative of the Russian Federation condemned the actions of the Bosnian Serb army in violation of Security Council decisions on the safe areas in Bosnia and Herzegovina. His delegation concurred with the view that it was necessary to restore the demilitarized status of the safe area of Srebrenica. That task was complex, but in the Russian Federation's view, the solution would not be reached through the use of air power or through the withdrawal of United Nations forces from Bosnia. Rather, the secure and effective functioning of UNPROFOR should be ensured. Noting that the draft resolution mandated the Secretary-General to use all resources available to restore the status of the safe area, the speaker expressed the view that that provision precluded the option of using force, as that would exceed the existing mandate of the peacekeeping operation. It was also extremely important that efforts to restore the safe area status did not violate the impartiality of UNPROFOR. United Nations forces could not and should not undertake actions that would convert them into a party to the conflict. The Russian Federation fully concurred with the Secretary-General's view that attacks launched from safe areas were inconsistent with the safe area concept and precipitated a disproportionate response from the Bosnian Serbs. The Russian Federation also agreed with the Secretary-General that the only way to make safe areas truly safe was to define a regime acceptable to both parties and to promote mutual respect for that regime.³⁴³

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 1004 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

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

Gravely concerned at the deterioration in the situation in and around the safe area of Srebrenica, Republic of Bosnia and Herzegovina, and at the plight of the civilian population there,

Gravely concerned also at the very serious situation which confronts personnel of the United Nations Protection Force and a great number of displaced persons within the safe area at Potocari, especially the lack of essential food supplies and medical care,

Paying tribute to the United Nations Protection Force personnel deployed in the safe area of Srebrenica,

Condemning the offensive by the Bosnian Serb forces against the safe area of Srebrenica and, in particular, the detention by the Bosnian Serb forces of United Nations Protection Force personnel,

Condemning also all attacks on United Nations Protection Force personnel,

Recalling the agreement of 18 April 1993 by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serb party for the demilitarization of Srebrenica, and regretting that it has not been implemented in full by either party,

Stressing the importance of renewed efforts to achieve an overall peaceful settlement, and the unacceptability of any attempt to resolve the conflict in the Republic of Bosnia and Herzegovina by military means,

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

1. *Demands* that the Bosnian Serb forces cease their offensive and withdraw from the safe area of Srebrenica immediately;
2. *Demands also* that the parties respect fully the status of the safe area of Srebrenica in accordance with the agreement of 18 April 1993;
3. *Demands further* that the parties respect fully the safety of United Nations Protection Force personnel and ensure their complete freedom of movement, including resupply;
4. *Demands* that the Bosnian Serb forces immediately and unconditionally release unharmed all detained United Nations Protection Force personnel;
5. *Demands also* that all parties allow unimpeded access for the Office of the United Nations High Commissioner for Refugees and other international humanitarian agencies to the safe area of Srebrenica in order to alleviate the plight of the civilian population and, in particular, that they cooperate on the restoration of utilities;
6. *Requests* the Secretary-General to use all resources available to him to restore the status, as defined by the agreement of 18 April 1993, of the safe area of Srebrenica in accordance with the mandate of the United Nations Protection Force, and calls upon the parties to cooperate to that end;
7. *Decides* to remain actively seized of the matter.

³⁴² Ibid., p. 5

³⁴³ Ibid., pp. 9-10.

Speaking after the vote, the representative of the United States stated that the resolution just adopted must be the beginning of “credible resolve”. She further stated that, peaceful means were to be preferred, but when “brutal force” was used the Secretary-General must have the right to use the resources available, in consultation with the relevant troop contributors, to meet the humanitarian needs of the civilian population and to achieve lasting peace. The United States therefore believed that UNPROFOR must remain in Bosnia, supported by the rapid reaction force. The leadership of UNPROFOR would have to make tough decisions in the days ahead. The United States further believed that the role of NATO would be vital to decisions in support of UNPROFOR. It supported the full and speedy deployment of the rapid reaction force and was prepared to provide the necessary air and logistical resources for the purpose.³⁴⁴

The representative of China stated that his delegation had voted in favour of the resolution just adopted because it was aimed at protecting the Srebrenica safe area, stopping offensives against UNPROFOR, and preventing the further deterioration of the humanitarian situation. China nevertheless had reservations about taking enforcement action by invoking Chapter VII of the Charter, as set forth in the resolution. It was also concerned at the serious political and military consequences that might result from the actions authorized by the resolution, including the possibility that the peacekeeping force could become a party to the conflict and thus lose the basis of its continued existence.³⁴⁵

**Decision of 14 July 1995 (3554th meeting):
statement by the President**

At its 3554th meeting, on 14 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to several

³⁴⁴ Ibid., pp. 10-11.

³⁴⁵ Ibid., pp. 12-13.

documents³⁴⁶ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁴⁷

The Security Council recalls its resolution 1004 (1995). The Council is deeply concerned about the ongoing forced relocation of tens of thousands of civilians from the Srebrenica safe area to the Tuzla region by the Bosnian Serb party. Such forced relocation is a clear violation of the human rights of the civilian population. It is especially concerned about reports of grave mistreatment and killing of innocent civilians. It is equally concerned about reports that up to 4,000 men and boys have been forcibly removed by the Bosnian Serb party from the Srebrenica safe area. It demands that in conformity with internationally recognized standards of conduct and international law the Bosnian Serb party release them immediately, respect fully the rights of the civilian population of the Srebrenica safe area and other persons protected under international humanitarian law and permit access by the International Committee of the Red Cross.

The Council again condemns the unacceptable practice of ethnic cleansing and reaffirms that those who have committed or have ordered the commission of such acts will be held individually responsible in respect of such acts.

The Council demands that the Bosnian Serb party immediately allow unimpeded access to the civilian population of the Srebrenica safe area by international humanitarian organizations and cooperate with any procedure established by those organizations to determine which civilians wish to depart from the area of Srebrenica. It further demands that the Bosnian Serb party respect fully the rights of those civilians who wish to remain in the safe area and cooperate with efforts to ensure that civilians who wish to depart are allowed to do so with their families in an orderly, safe way in conformity with international law.

The Council demands that both sides allow the unhindered movement of humanitarian relief and cooperate with

³⁴⁶ Letter dated 12 July 1995 from the representative of Morocco addressed to the President of the Security Council, transmitting a statement adopted on 11 July 1995 by the OIC Contact Group at its meeting on the situation in Bosnia and Herzegovina (S/1995/563); letter dated 13 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/571); letters dated 13 July 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/572 and S/1995/573); and letter dated 12 July 1995 from the representative of Spain addressed to the Secretary-General, transmitting the text of a communiqué of the same date, issued by the Presidency of the European Union, concerning Srebrenica (S/1995/574).

³⁴⁷ S/PRST/1995/32.

efforts by international organizations and agencies and concerned Governments to provide food, medicine, facilities and housing to the displaced.

The Council reiterates its demand that the Bosnian Serb forces immediately and unconditionally release unharmed all detained personnel of the United Nations Protection Force and that the parties respect fully the safety of all Force personnel and ensure their complete freedom of movement.

The Council pays tribute to all the personnel of the United Nations Protection Force and of the Office of the United Nations High Commissioner for Refugees, especially those deployed in the area of Srebrenica. It notes that the presence and bravery of the troops has undoubtedly saved the lives of many civilians in the Srebrenica area.

**Decision of 20 July 1995 (3556th meeting):
statement by the President**

By a letter dated 17 July 1995 addressed to the President of the Security Council,³⁴⁸ the representative of Bosnia and Herzegovina transmitted a letter of the same date from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council. In that letter, the Foreign Minister reported that attacks against the safe area of Zepa were continuing and requested an emergency meeting of the Security Council to consider security measures and the safe evacuation of the civilian population from Zepa.

At its 3556th meeting, held on 20 July 1995 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to a number of documents³⁴⁹ and stated that,

³⁴⁸ S/1995/582.

³⁴⁹ Letter dated 14 July 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/576); letter dated 14 July 1995 from the representative of Ukraine addressed to the Secretary-General (S/1995/577); letter dated 14 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/579); letter dated 14 July 1995 from the representative of Iraq addressed to the President of the Security Council, transmitting the declaration issued by the Group of Arab States at its meeting of the same date (S/1995/581); letter dated 17 July 1995 from the representative of Hungary addressed to the Secretary-General,

after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁵⁰

The Security Council, recalling its previous resolutions, is deeply concerned by the situation in and around the safe area of Zepa. It condemns in the strongest possible terms the offensive by the Bosnian Serb forces against the safe area. The Council is also concerned in particular at the plight of the civilian population there.

The Council attaches the utmost importance to the safety and well-being of the civilian population in Zepa. It demands that the Bosnian Serb forces refrain from any further action that threatens the safety of that population and that they respect fully the rights of the civilian population and other persons protected under international humanitarian law. The Council reaffirms its condemnation of all violations of international humanitarian law, and reiterates to all concerned that those who have committed or ordered the commission of such acts will be held individually responsible in respect of such acts. It reminds the military and political leaders of the Bosnian Serb party that this responsibility extends to any such acts committed by forces under their command.

The Council underlines the importance it attaches to the fullest cooperation with the Office of the United Nations High Commissioner for Refugees and other international humanitarian organizations and demands that they be given unhindered freedom of movement and access to that area. It further demands that the Bosnian Serb authorities cooperate with all efforts, including those of the United Nations Protection Force, to ensure the safety of the civilian population and, in particular, its most vulnerable members, including evacuation as requested by the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina in his letter of 17 July 1995.

The Council strongly condemns the recent acts of violence and intimidation which have occurred against United Nations Protection Force personnel. It demands that both parties ensure the safety and freedom of movement of Force personnel at all times.

transmitting the text of a statement by the Chairman-in-Office of the Organization for Security and Cooperation in Europe concerning the situation in Bosnia and Herzegovina (S/1995/583); letter dated 17 July 1995 from the representative of Malaysia addressed to the Secretary-General (S/1995/584); letter dated 18 July 1995 from the representative of Egypt addressed to the President of the Security Council (S/1995/589); letter dated 17 July 1995 from the representative of Ukraine addressed to the Secretary-General (S/1995/590); and letter dated 19 July 1995 from the representative of Jordan addressed to the Secretary-General (S/1995/598).

³⁵⁰ S/PRST/1995/33.

**Decision of 25 July 1995 (3557th meeting):
statement by the President**

By a letter dated 24 July 1995 addressed to the President of the Security Council,³⁵¹ the representative of Bosnia and Herzegovina, in the light of the deteriorating situation in the safe area of Zepa and the imminent threat to its civilian population, requested an emergency meeting of the Security Council, to address the immediate and urgent need for all measures to be taken to ensure a safe and UNPROFOR-escorted evacuation of the civilian population of Zepa.

At its 3557th meeting, held on 25 July 1995 in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Honduras) drew the attention of the members of the Council to several documents³⁵² and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁵³

The Security Council is deeply concerned about the situation in and around the safe area of Zepa in the Republic of Bosnia and Herzegovina. The Council notes the letter of 25 July 1995 from the President of the Republic of Bosnia and Herzegovina to the President of the Security Council.

The Council reaffirms its previous relevant resolutions and the statement by its President of 20 July 1995. It reiterates in the strongest possible terms its condemnation of the Bosnian Serb offensive against the safe area and demands that the Bosnian Serbs comply fully with the requirements set out in that statement as well as its earlier resolutions. The Council further demands that Bosnian Serb forces withdraw from the safe areas of Srebrenica and Zepa.

³⁵¹ S/1995/610.

³⁵² Letter dated 25 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting a letter of the same date from the President of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/611); letter dated 25 July 1995 from the representative of Morocco addressed to the President of the Security Council (S/1995/612); letter dated 24 July 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/613); and letter dated 25 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/617).

³⁵³ S/PRST/1995/34.

The Council remains particularly concerned at the plight of the civilian population and other persons protected under international humanitarian law in the Zepa area. It welcomes and supports the efforts being made by the United Nations Protection Force and the international humanitarian agencies, as requested by the President of the Republic of Bosnia and Herzegovina, to achieve a safe evacuation of those civilians who wish to leave and stresses the importance it attaches to the success of these efforts. It requests the Secretary-General to use all resources available to him to that end and calls upon the parties to cooperate.

The Council demands that the United Nations Protection Force and the international humanitarian agencies be provided with immediate and unhindered access to the population of the area and, in particular, that the Bosnian Serb party provide access for representatives of the International Committee of the Red Cross to all civilians who decide to remain and permit the International Committee of the Red Cross to register any persons detained against their will and visit them immediately.

**Decision of 10 August 1995 (3564th meeting):
resolution 1010 (1995)**

At its 3564th meeting, on 10 August 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Indonesia) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations³⁵⁴ and to two other documents.³⁵⁵

The representative of Bosnia and Herzegovina stated that the draft resolution was a small step forward. Nevertheless, it was a resolution that more clearly articulated care, even though it might be irreparably late for many. The draft did not mention the destiny of those refugees from Zepa who had fled to Serbia. Bosnia and Herzegovina requested international humanitarian organizations to register those refugees and to prevent their disappearance or further abuse in violation of the Geneva Conventions and humanitarian law. The Bosnian delegation also looked forward to the

³⁵⁴ S/1995/677.

³⁵⁵ Letter dated 8 August 1995 from the representative of Kazakhstan addressed to the Secretary-General (S/1995/674); and letter dated 9 August 1995 from the representative of the Sudan addressed to the Secretary-General (S/1995/679).

report by the Secretary-General on these issues, as requested by the Council in the draft resolution.³⁵⁶

Speaking before the vote, the representative of Germany stated that his country had taken the initiative which had led to the draft resolution because it was appalled and alarmed. Several weeks after the fall of Srebrenica and Zepa, the whereabouts of about 7,000 to 8,000 male Bosnians who were taken prisoners by Serbian Serbs were still unknown. According to the latest update by the International Committee of the Red Cross (ICRC), only 164 detainees from Srebrenica and 44 from Zepa had been registered. Germany insisted that immediate access be granted to international humanitarian organizations to all detainees from Srebrenica and Zepa and that the civilian Bosnians taken prisoner be released immediately. It condemned the persistent refusal by the Bosnian Serbs to allow such access to ICRC representatives. That practice constituted a violation of international humanitarian law. The speaker also urged United Nations representatives to continue their efforts to obtain information on the missing men.³⁵⁷

The representative of the Russian Federation expressed concern at reports of flagrant violations of the norms of international humanitarian law in Srebrenica, which should be duly investigated, as well as at the unavailability of information on the whereabouts of many former inhabitants of Srebrenica. The Russian Federation supported the demand in the draft resolution that the Bosnian Serbs grant representatives of UNHCR, ICRC and other international humanitarian agencies access to those who had been displaced from Srebrenica and Zepa. It also expected all prisoners of war to be treated in accordance with international norms and noted that, if the Secretary-General were to confirm that violations of international humanitarian law had indeed taken place, then the Council would have to respond appropriately. The speaker noted that the lesson to be drawn from events in Srebrenica and Zepa was that there was a need to address the concept of safe areas and the modalities for its implementation. It was important to determine what kind of safe area was acceptable to both sides. In addition, the relevant agreements should include provision for the demilitarization of all territories. He contended that if that had been done earlier, the tragic

³⁵⁶ S/PV.3564, pp. 2-3.

³⁵⁷ *Ibid.*, pp. 3-4.

events in and around Zepa and Srebrenica might have been avoided.³⁵⁸

The representative of the United States stated that Srebrenica and Zepa should not be forgotten because they were areas for which the Council had assumed a special responsibility. They were United Nations protected safe areas, where the Council hoped its authority and legitimacy would offer protection from violence and attack. Tragically, the authority of the Council and the good opinion of the world appeared to mean little to the Bosnian Serb leadership. The Council had a responsibility to investigate what had happened and to ensure that those responsible were brought to justice. Turning to the resolution, the speaker noted the demand that the Bosnian Serbs give immediate access to persons displaced from Srebrenica and Zepa, as well as the demand that access be granted to detained persons and that the rights of those persons be respected. He also noted the resolution's reiteration that those who had violated international humanitarian law would be held accountable as individuals for their acts. Establishing the truth about what had happened in Srebrenica was essential not only to justice, but to peace. Responsibility for the atrocities lay with the individuals who had ordered and committed the crimes and true reconciliation would not be possible until the perception of collective guilt had been expunged and personal responsibility assigned.³⁵⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 1010 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, and reaffirming its resolution 1004 (1995) of 12 July 1995,

Reaffirming the statements by its President of 20 and 25 July 1995, and deeply concerned that the demands set out therein have not been fully complied with by the Bosnian Serb party,

Reiterating the unacceptability of the violation of the safe areas of Srebrenica and Zepa by Bosnian Serb forces,

Reaffirming its commitment to the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia

³⁵⁸ *Ibid.*, pp. 5-6.

³⁵⁹ *Ibid.*, pp. 6-7.

ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Deeply concerned at reports of grave violations of international humanitarian law in and around Srebrenica and at the fact that many of the former inhabitants of Srebrenica cannot be accounted for,

Concerned also at the plight of the civilian population and other persons protected under international humanitarian law, originating in the Zepa area,

Expressing its strong support for the efforts of the International Committee of the Red Cross in seeking access to displaced persons, and condemning the failure of the Bosnian Serb party to comply with their commitments to the International Committee of the Red Cross in respect of such access,

1. *Demands* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate access to persons displaced from Srebrenica and Zepa who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross to visit and register any persons detained against their will, including any members of the forces of the Republic of Bosnia and Herzegovina;

2. *Also demands* that the Bosnian Serb party respect fully the rights of all such persons and ensure their safety, and urges that any persons detained be released;

3. *Reiterates* that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

4. *Requests* the Secretary-General to report to the Council as soon as possible, and no later than 1 September 1995, with any information available to United Nations personnel regarding compliance with the present resolution and concerning violations of international humanitarian law;

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

Speaking after the vote, the representative of France noted that the Council requested the Secretary-General to report to the Council before the end of the month on the implementation of the resolution just adopted, and on the measures taken to end violations of humanitarian law. He, however, warned that the Council might have to take action before that date arguing that it owed it to itself to remain vigilant on a question which involved the fate of thousands of civilians subjected to vile and barbaric treatment.³⁶⁰

Decision of 7 September 1995 (3572nd meeting): statement by the President

On 30 August 1995, pursuant to resolution 1010 (1995), the Secretary-General submitted to the Council a report concerning events in Srebrenica and Zepa.³⁶¹ The Secretary-General reported that, despite repeated requests by his Special Representative, the Bosnian Serb authorities had refused access to persons displaced from Srebrenica and Zepa, making it impossible to collect direct, first-hand evidence of the extent to which the Bosnian Serbs had respected the rights of displaced persons. There was significant prima facie evidence, however, that violations of international humanitarian law had occurred during and after the Bosnian Serb offensive on Srebrenica. The Secretary-General thus recommended that the Council reiterate its urgent call to the Bosnian Serb leadership to authorize immediate and full access to displaced persons. Such access should include the possibility for an impartial international investigation to take place and remained a crucial step in ascertaining the full extent of violations of international humanitarian law and human rights and in addressing any persisting abuses.

At its 3572nd meeting, on 7 September 1995, the Council included that report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Italy) then stated that, after consultations among members of the Council, he had been authorized to make the following statement on behalf of the Council:³⁶²

The Security Council has considered the report of the Secretary-General of 30 August 1995 submitted pursuant to Council resolution 1010 (1995) of 10 August 1995.

The Council strongly condemns the failure of the Bosnian Serb party to comply with the demands contained in resolution 1010 (1995). The Bosnian Serb party's refusal to cooperate with the United Nations High Commissioner for Refugees and the International Committee of the Red Cross cannot but reinforce the deep concern expressed in that resolution and in previous resolutions and statements.

The Council stresses its determination that the fate of persons displaced from Srebrenica and Zepa be established. It reaffirms its demands to the Bosnian Serb party to give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and

³⁶⁰ Ibid., p. 7.

³⁶¹ S/1995/755.

³⁶² S/PRST/1995/43.

other international agencies immediate access to such persons who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and to permit representatives of the International Committee of the Red Cross to visit and register any persons detained against their will.

The Council also reaffirms its demands to the Bosnian Serb party to respect fully the rights of all such persons, to ensure their safety and to release them.

The Council reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts.

The Council takes note of the investigations that are being carried out by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993). The Council reiterates in this context that all States shall cooperate fully with the Tribunal and its organs, including by providing access to sites the Tribunal deems important for its investigations.

The Council requests the Secretary-General to continue his efforts and to report to the Council no later than 6 October 1995 regarding compliance with resolution 1010 (1995) and any further relevant information that may become available.

The Security Council will remain actively seized of the matter.

Deliberations of 8 September 1995 (3575th meeting)

At its 3575th meeting, on 8 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Pakistan, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion. The President (Italy) then drew the attention of the Council members to several documents.³⁶³

³⁶³ Letter dated 7 September 1995 from the representative of the Russian Federation addressed to the Secretary-General (S/1995/776); letter dated 7 September 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/778); and letter dated 8 September 1995 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General (S/1995/780).

The representative of the Russian Federation noted that his country had requested an urgent meeting of the Security Council, to consider the situation that had arisen in Bosnia and Herzegovina as a result of the bombing of Bosnian Serb positions by NATO aircraft. The Russian Federation was convinced that the NATO air strikes and the shelling of the Bosnian Serbs by the Rapid Reaction Force were undermining, rather than strengthening, efforts to reach a political settlement. Such steps were beyond the decisions of the Security Council, changing the peacekeeping character of the United Nations operation in Bosnia and involving the international community in a conflict against one of the parties. The speaker also raised a number of objections to the manner in which the air strikes had proceeded. Firstly, the agreed procedures for the use of force in Bosnia and Herzegovina had been seriously violated. Consultations had not been held with members of the Council, despite the stipulation in resolution 844 (1993) that they should take place, and the members of the Council had not been informed in a timely fashion of the actions taken. Those oversights were particularly inadmissible because the actions represented a qualitative change in the nature of the use of force. Secondly, the bombing and shelling had been “disproportionate and excessive”. Thirdly, there had been a qualitative change in the “dual key” procedure, meaning that the United Nations had no authority to end the use of force without the agreement of NATO. Fourthly, apparently a memorandum of understanding had been drawn up between NATO and the United Nations concerning the use of air power under the new conditions, according to which force would be applied to areas outside the boundaries of Bosnia and Herzegovina. Such a use of air power would be in direct violation of the resolutions of the Council. Lastly, the active participation of the Rapid Reaction Force exceeded its mandate, as set out in resolution 988 (1995). The recent actions had not been taken to protect United Nations personnel and humanitarian convoys. Rather, they amounted to virtual participation in military action against one side. Thus, the Rapid Reaction Force no longer remained impartial, even though it remained an integral part of the United Nations peacekeeping operation in Bosnia.³⁶⁴

The representative of the United Kingdom stated that his delegation was confident that the recent United Nations/NATO action in Bosnia had been appropriate

³⁶⁴ S/PV.3575, pp. 2-4.

and justified. The action had had clear and specific objectives, designed to protect the safe areas in line with Security Council resolutions. If the Bosnian Serbs were to comply with the requirements explained to them by the United Nations commanders, then the action would end.³⁶⁵

The representative of France emphasized that the military action taken by the United Nations and NATO had been the outcome of decisions taken at the London Conference of July 1994, as part of a plan to protect the safe areas. Those operations had been triggered by the shelling of the Sarajevo market and had been based upon the “dual key” mechanism, whose legitimacy was beyond reproach, and on respect for the prerogatives of the Council and the responsibilities of the United Nations. He further stated that military firmness was an essential condition for the success of diplomatic action. It was essential that the siege of Sarajevo be lifted, that heavy weapons be withdrawn beyond the exclusion zone, and that all attacks against the safe areas cease.³⁶⁶

The representative of the United States stated that, in order to defend the possibility of a diplomatic solution, the international community had had no choice but to respond forcefully to the Bosnian Serb attack on the Sarajevo marketplace. The Bosnian Serbs had been warned that continued attacks on the safe areas would lead to a strong response. They had chosen to ignore that warning and must accept the consequences of their actions. The United Nations and NATO had made it clear that they were not at war with the Bosnian Serbs. The air strikes would end as soon as the Bosnian Serb leadership complied with certain conditions, which called for nothing more than the implementation of Security Council resolutions. The speaker further noted that these actions were fully authorized by Security Council resolutions. The Security Council had created the safe areas and had given UNPROFOR the mandate to deter attacks and it should support the efforts of UNPROFOR to implement that mandate.³⁶⁷

The representative of Nigeria stated that the NATO air strikes had been an appropriate and measured response to the recent attack by the Bosnian Serb forces against a civilian centre. At the same time,

however, Nigeria regretted that it had become necessary to employ such force. Nigeria hoped that the air strikes had not done irreparable harm to the neutrality of the United Nations. It was not too late to make a reassessment of strategy.³⁶⁸

The representative of China welcomed the progress achieved in Geneva. He noted, however, that his country was not in favour of using air strikes to exert pressure. Taking such action would further complicate the situation and create obstacles to a political settlement. In the light of the progress achieved, it was necessary to cease the air strikes immediately, in order to create an environment conducive to a political settlement.³⁶⁹

The representative of Bosnia and Herzegovina stated that her Government fully supported the United Nations and NATO action against military targets of the Bosnian Serbs and considered the legitimacy of such actions to be beyond doubt, as they were being taken in accordance with resolution 836 (1993).³⁷⁰

The representative of Croatia stated that his country supported the operation of NATO in Bosnia. Croatia believed that it was necessary to continue exerting pressure on the Bosnian Serb party, and that NATO’s course of action would decisively assist to bring about an overall lasting peaceful settlement in the region. It was assisting in that effort by allowing the use of its airspace by NATO air forces, and providing the use of its ports for the rapid reaction capacity of UNPROFOR. While supporting the newest peace initiative, the speaker emphasized the importance of mutual recognition of the countries in the former Socialist Federal Republic of Yugoslavia. It was essential to protect and unconditionally respect all international borders and territorial integrity of all the successor States of the former Socialist Federal Republic of Yugoslavia. His delegation also stated that Croatia did not find encouragement in the reluctance of the Federal Republic of Yugoslavia to subscribe to the basic principle of the peaceful reintegration of Eastern Slavonia into the rest of Croatia.³⁷¹

Mr. Djokic demanded that the Security Council take urgent measures to end the NATO air strikes and attacks by the Rapid Reaction Force against Bosnian

³⁶⁵ *Ibid.*, p. 4.

³⁶⁶ *Ibid.*, pp. 4-5.

³⁶⁷ *Ibid.*, pp. 5-6.

³⁶⁸ *Ibid.*, pp. 7-8.

³⁶⁹ *Ibid.*, p. 8.

³⁷⁰ *Ibid.*, pp. 10-11.

³⁷¹ *Ibid.*, p. 12.

Serb military and civilian targets. Noting that NATO air strikes had commenced as a retaliation for the shelling of Sarajevo, the speaker contended, however, that the scale, intensity and duration of the strikes went far beyond retaliatory measures, and their clear aim was to inflict serious injury on the Bosnian Serb military capability, economic infrastructure and even civilian facilities. Moreover, the scope and intensity of the bombing had greatly exceeded the mandate given to the Secretary-General and NATO by relevant Security Council resolutions with the aim of protecting the safe areas in Bosnia and Herzegovina. By departing from the traditional principles of peacekeeping, neutrality and impartiality, the United Nations and NATO had set out on a “slippery slope”, which could lead to further involvement on the side of the Bosnian Muslims and full-scale war against the Bosnian Serbs. At a time when a just and lasting peace was at last within reach, it was essential that that opportunity should not be missed, and that NATO air strikes be stopped.³⁷²

The representative of Ukraine stated that in view of the very encouraging progress which had been achieved in the process of securing a peace settlement in the Balkans, it would be desirable to review the question of putting an end to any further bombing of military targets belonging to the Bosnian Serbs by NATO. Such a step would help create a favourable atmosphere at the talks and help to strengthen trust between the parties. A second matter, of even greater immediacy, was the question of lifting economic sanctions against the Federal Republic of Yugoslavia.³⁷³

During the debate, other speakers supported the air operation conducted by NATO which was consistent with Security Council resolutions, in particular resolution 836 (1993).³⁷⁴ Some were of the view that the operation should continue until its objectives were fully met.³⁷⁵

³⁷² Ibid., pp. 12-13.

³⁷³ Ibid., pp. 13-14.

³⁷⁴ Ibid., pp. 6-7 (Germany); p. 7 (Czech Republic); pp. 8-9 (Indonesia); p. 9 (Argentina); pp. 14-15 (Egypt); p. 16 (Turkey); and pp. 16-17 (Pakistan).

³⁷⁵ Ibid., pp. 14-15 (Egypt); and p. 16 (Turkey).

Decision of 8 September 1995 (3576th meeting): statement by the President

At its 3576th meeting, on 8 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Italy) drew the attention of the members of the Council to a letter dated 8 September 1995 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General,³⁷⁶ transmitting the text of the Joint Statement and Agreed Basic Principles signed on 8 September 1995, in Geneva, by the Ministers for Foreign Affairs of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). He then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁷⁷

The Security Council welcomes the meeting of the Ministers for Foreign Affairs of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) held under the auspices of the Contact Group at Geneva on 8 September 1995. It welcomes the joint statement issued at the conclusion of that meeting and in particular the agreement by the parties on the Agreed Basic Principles. It strongly urges the parties to negotiate in good faith and expeditiously on the basis of those Principles with the aim of achieving a lasting peace throughout the region.

Decision of 15 September 1995 (3578th meeting): resolution 1015 (1995)

By a letter dated 6 September 1995 addressed to the President of the Security Council,³⁷⁸ the Secretary-General transmitted the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the Conference’s mission to the Federal Republic of Yugoslavia. The report contained the certification referred to in resolution 1003 (1993).³⁷⁹

At its 3578th meeting, on 15 September 1995, the Council included the above-mentioned letter in its

³⁷⁶ S/1995/780.

³⁷⁷ S/PRST/1995/45.

³⁷⁸ S/1995/768.

³⁷⁹ See footnote 294.

agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Bulgaria, Croatia and Ukraine, at their request, to participate in the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.³⁸⁰

The representative of Bosnia and Herzegovina stated that the findings of his Government differed drastically from those of the International Conference on the Former Yugoslavia mission. According to the Government of Bosnia, deliveries of military assistance from the Federal Republic of Yugoslavia to the Bosnian Serbs had doubled between January and July. His delegation was surprised that the draft resolution before the Council supported the suspension of sanctions against the Federal Republic of Yugoslavia for 180 days. At the same time it believed that the time “when the international community was willing to be deceived by the regime in Belgrade was irretrievably gone”. Bosnia hoped that the latest peace initiative would mean that the draft resolution would be the last in a series of sanctions resolutions.³⁸¹

The representative of Ukraine considered the draft resolution to constitute a recognition by the international community of the desire of the Federal Republic of Yugoslavia to cooperate for a peaceful settlement. Ukraine believed, however, that the continuation of the suspension of sanctions for a further 180 days was an inadequate step. Rather, the Council should be considering lifting the sanctions altogether. A first step in that direction could be renewing transit to the Federal Republic of Yugoslavia of a list of individual products, together with a lifting of the ban on trade in products not regarded as strategic. In that connection, Ukraine welcomed paragraph 3 of the draft resolution, which made it possible for the Council to consider adjustments to the sanctions regime. Before concluding, the speaker stated that the process for lifting the sanctions could take place at the same time as the process of mutual recognition of the successor States of the former Yugoslavia.³⁸²

³⁸⁰ S/1995/789.

³⁸¹ S/PV.3578, pp. 2-3.

³⁸² Ibid., pp. 3-5.

The representative of Bulgaria, referring to the continuing sanctions against the Federal Republic of Yugoslavia, noted that Bulgaria, as a State Member of the United Nations that was strictly observing the sanctions regardless of their devastating effect on its economy, hoped that the peace process might lead to a discussion about the suspension and gradual lifting of the sanctions. Recalling the statement of 18 May by the Foreign Ministers of Bulgaria, Greece, Moldova, Romania and Ukraine, which had expressed concern at the overall situation in the region aggravated by the sanctions, the speaker reiterated his Government’s support for the concrete proposals made by the Foreign Ministers to mitigate the impact of the sanctions. He further emphasized that one of the major challenges facing the United Nations was the extent to which it would be able to resolve the special economic problems of non-target countries affected by the implementation of sanctions.³⁸³

The representative of Croatia noted that his delegation believed that the sanctions were still one of the most effective instruments of the international community for bringing an end to the conflict. Eliminating that instrument would undermine the established balance and the international community’s leverage. His delegation also believed that the gradual lifting of the sanctions against Belgrade must be related to deeds and not promises. It also reminded the Council that resolution 871 (1993) had clearly established the linkage between ending Belgrade’s economic and political isolation, and its cooperation in ending the occupation of parts of Croatia. It warned that any exclusion of the question of the remaining occupied territories of Croatia from the comprehensive peace plan, including delinking them from the sanctions against Belgrade, would inevitably force the Government of Croatia to consider other legitimate means of restoring its sovereignty.³⁸⁴

Speaking before the vote, the representative of Indonesia took note of the certification issued by the International Conference on the Former Yugoslavia mission. At the same time, Indonesia was concerned by the continued shortcomings experienced in the border closure and, in particular, by the fact that uniformed personnel were continuing to cross the border between the Federal Republic of Yugoslavia and Bosnia and

³⁸³ Ibid., pp. 5-6.

³⁸⁴ Ibid., pp. 6-7.

Herzegovina. Clearly, it was possible to improve the closure of the border. Indonesia would vote in favour of the draft resolution, however, for it believed that the closure of the border remained an instrumental pillar for the achievement of a negotiated settlement.³⁸⁵

The representative of China noted that the Federal Republic of Yugoslavia had made many efforts to implement the relevant resolutions of the Council, including continuing to meet its commitment to close the border with Bosnia and Herzegovina. China was of the view that Belgrade's efforts to meet its commitments should be recognized and encouraged by the Council, through concrete action. China would vote in favour of the draft resolution extending the partial suspension of sanctions against the Federal Republic of Yugoslavia to 180 days. In keeping with its position on sanctions, however, China was not in favour of using pressure tactics such as mandatory sanctions in the region of the former Yugoslavia, for such steps would only complicate the issue and hurt innocent civilians. China therefore believed that the Council should lift the sanctions against the Federal Republic of Yugoslavia and ease the remaining economic sanctions. Such a step would alleviate the suffering of the people in the Federal Republic of Yugoslavia, facilitate the economic development of all the countries of the region, and contribute to restoring peace and stability.³⁸⁶

The representative of the Russian Federation stated that, in his delegation's view, the draft resolution was a significant improvement over previous resolutions on the subject, in particular because it did not contain provisions pertaining to Belgrade's decision to close the border to all but humanitarian deliveries. Another step in the right direction was the substantial increase in the timeframe for the next suspension of some sanctions. In light of those factors, the Russian Federation would support the draft. In a broader context, it believed that the constructive policy of the Yugoslav leadership should meet with an appropriate response from the international community. The sanctions should be lifted without delay, as their retention was hindering efforts to reach a political settlement. Given the Russian Federation's position in favour of an immediate lifting of the sanctions, it took note of paragraph 3, reaffirming the Council's decision to consider further steps with regard to measures

applicable to the Federal Republic of Yugoslavia in the light of further progress. Such steps towards a further easing of sanctions might be adopted at any time, without waiting for the resolution's deadline to expire.³⁸⁷

The representative of Honduras stated that maintaining sanctions indefinitely would not help to resolve the conflict. Honduras hoped that lifting the sanctions would lighten the burden upon the economic and social development of the Federal Republic of Yugoslavia and neighbouring countries. It further hoped that the draft resolution would motivate the Belgrade authorities to continue cooperating with the international community, so that the Council might consider revoking the sanctions regime.³⁸⁸

The representative of Botswana stated that the proposed length of the suspension of aspects of the sanctions was a clear recognition of the positive role played by Belgrade in the peace process in recent weeks. Botswana welcomed the agreement signed the previous day for the withdrawal of the Bosnian Serb heavy weapons from Sarajevo. Turning to the question of the air strikes, the speaker cautioned against the appearance of partiality by the United Nations in the Balkan conflict. The shelling of the Sarajevo marketplace in Sarajevo had constituted a cynical provocation against the authority of the United Nations and deserved a strong response. The United Nations should, however, avoid the appearance of taking sides. It could not wage war in Bosnia and hope to make peace at the same time, without compromising the execution of one of those aims. Furthermore, it was critical that the Council guard against losing control of the transfer of authority of the United Nations to regional arrangements. In such situations, the United Nations should never assume the position of a bystander in an operation that was supposed to be under the command and control of the Council.³⁸⁹

The representative of Nigeria noted with satisfaction Belgrade's continuing political commitment to the closure of the border. Nigeria was concerned, however, at reports of continuing violations of that border. It therefore called on Belgrade to take adequate steps to put a stop to all illegal activities and border violations. It would support the draft resolution,

³⁸⁵ *Ibid.*, pp. 7-8.

³⁸⁶ *Ibid.*, p. 8.

³⁸⁷ *Ibid.*, pp. 8-9.

³⁸⁸ *Ibid.*, p. 9.

³⁸⁹ *Ibid.*, pp. 9-10.

however, because it had seen signs that the Council's "carrot-and-stick policy" was modifying the behaviour of the authorities in Belgrade.³⁹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 1015 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995, 988 (1995) of 21 April 1995 and 1003 (1995) of 5 July 1995,

Calling upon all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

Noting the measures taken by the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 6 September 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia with the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be generally good,

Reaffirming the importance of further efforts by the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Expressing its appreciation for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and underlining the importance of the necessary resources being made available so as to strengthen the capacity of the Mission to carry out its tasks,

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

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 March 1996;

2. *Decides also* that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

³⁹⁰ *Ibid.*, p. 10.

3. *Reaffirms its decision* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States underlined some fundamental points about the resolution just adopted. First, the suspended sanctions were limited strictly to cultural and sports exchanges, the restoration of passenger air transport to and from Belgrade, and ferry service to the port of Bar. There was no suspension of economic sanctions, meaning that there had been no increase of sanctions relief. Rather, the existing relief had been extended for six months. The United States continued to believe that further sanctions relief must follow real steps towards peace, such as mutual recognition among the successor States to the former Yugoslavia. Secondly, the requirements of resolution 988 (1995) remained in full force, including the requirement in paragraphs 14 and 15 that the Secretary-General report to the Council immediately if he had evidence of non-compliance by the authorities of Serbia and Montenegro with the border closure. If such a report were to be submitted, the suspension of the sanctions would terminate. In that connection, there had been indications of shortcomings in the implementation of Serbia and Montenegro's commitment to close its border. In particular, efforts by Serbia and Montenegro to assist the Bosnian Serbs in restoring their military communications and air defence networks and providing other military assistance would violate the commitment to close the border.³⁹¹

The representative of France stated that while the resolution just adopted was technical in nature, the improvement made to it — the extension of the suspension period to 180 days — reflected his delegation's conviction that a dynamic of negotiation seemed to have begun and must be encouraged. France hoped that the Council would have the opportunity to decide, on the basis of the evolving situation, on the further alleviation of sanctions.³⁹²

³⁹¹ *Ibid.*, pp. 11-12.

³⁹² *Ibid.*, pp. 12-13.

Decision of 18 September 1995 (3580th meeting): statement by the President

At its 3580th meeting, on 18 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Italy) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁹³

The Security Council deploras the rapidly escalating military situation on the ground in the Republic of Bosnia and Herzegovina, and expresses its deep concern about the plight of the civilian population resulting therefrom.

The Council demands that all the parties involved in offensive military activities and hostile acts in western Bosnia cease them immediately and respect fully the rights of the local population. It stresses the importance it attaches to intensified efforts to alleviate the plight of refugees and displaced persons and to the fullest cooperation in this regard by the parties with the United Nations Protection Force and the international humanitarian agencies. The Council reiterates that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina and urges all parties not to take military advantage of the present situation. It once again expresses its full support for the Agreed Basic Principles signed at Geneva on 8 September 1995, which provide a basis for negotiations with the aim of achieving a lasting peace throughout the region.

The Council furthermore deploras the death of one Danish peacekeeper and injury to nine others and expresses its condolences to the Government of Denmark and to the family of the peacekeeper who lost his life.

Decision of 21 September 1995 (3581st meeting): resolution 1016 (1995)

At its 3581st meeting, on 21 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution prepared in the course

of the Council's prior consultations³⁹⁴ and to several other documents.³⁹⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 1016 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions and the statement by its President of 18 September 1995,

Deeply concerned by the military situation on the ground in the Republic of Bosnia and Herzegovina and by the plight of the civilian population there, which constitutes a humanitarian crisis of significant proportions,

Especially concerned by the humanitarian consequences, as a result of the recent fighting, including loss of life and suffering among the civilian population, and a new flow of tens of thousands of refugees and displaced persons,

Reiterating its full support for the Agreed Basic Principles signed at Geneva on 8 September 1995,

Gravely concerned about all offensives and hostile acts in the Republic of Bosnia and Herzegovina by the parties concerned, including those most recently undertaken,

1. *Notes* the assurances given by the Governments of the Republic of Bosnia and Herzegovina and the Republic of Croatia regarding offensive actions in western Bosnia and, while taking note of the reports that the offensive actions have slowed down, affirms the need for full compliance with the demands set out in the statement by its President of 18 September 1995;

2. *Deploras* the casualties suffered by the Danish peacekeepers, expresses its condolences to the Government of Denmark and to the families of the peacekeepers who lost their lives, and demands that all parties fully respect the safety of United Nations personnel;

3. *Calls upon* all parties and others concerned to refrain from violence and hostile acts and to reach immediately a ceasefire and a cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina;

4. *Calls upon* Member States involved in promoting an overall peaceful settlement in the region to intensify their efforts to this end with the parties to ensure that they take no advantage from the current situation and show utmost restraint;

5. *Demands* that the parties negotiate in good faith on the basis of the Agreed Basic Principles signed at Geneva on

³⁹³ S/PRST/1995/47.

³⁹⁴ S/1995/810.

³⁹⁵ Letter dated 19 September 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/808); and letter dated 20 September 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/812).

8 September 1995 with the aim of achieving lasting peace throughout the region;

6. *Reiterates* that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina;

7. *Urges* all States and international humanitarian organizations to intensify their efforts to help to alleviate the plight of refugees and displaced persons;

8. *Requests* the Secretary-General to provide to the Council as soon as possible information on the humanitarian situation, including information available through the United Nations High Commissioner for Refugees and other sources;

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

**Decision of 12 October 1995 (3587th meeting):
statement by the President**

At its 3587th meeting, on 12 October 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:³⁹⁶

The Security Council welcomes the entry into force of the ceasefire agreement of 5 October 1995 between the Bosnian parties.

The Council takes this opportunity to express its gratitude to all those who negotiated the ceasefire agreement and to the United Nations Protection Force and others who, often at risk to their own lives, have made possible, with the cooperation of all the parties, the restoration of gas and electricity supplies to the inhabitants of Sarajevo, enabling them to live in more decent conditions.

The Council demands that all parties fully comply with the provisions of the ceasefire agreement and refrain from any military activity that could jeopardize the peace process. It expresses its deepest concern at any operation that provokes large-scale movements of population detrimental to the peace process and a final and fair settlement. The Council is particularly concerned about new reports related to the movements of the displaced population in the areas of Sanski Most and Mrkonjic Grad.

The Council reiterates its strong condemnation of all practices of ethnic cleansing wherever they occur and by whomsoever committed. It demands their immediate cessation and underlines the need to alleviate the sufferings caused by these acts. The Council urges all Bosnian parties to respect fully

³⁹⁶ S/PRST/1995/52.

the rights of all communities, including their right to remain where they are or to return to their homes in safety.

The Council is, in particular, deeply concerned about new reports concerning acts of ethnic cleansing committed in the Banja Luka and Prijedor areas, especially about reports, including those by international humanitarian organizations, that non-Serb men and boys of draft age are being taken away by Bosnian Serb and other paramilitary forces. The Council demands that those persons be immediately released.

The Council demands that the Bosnian Serb party grant United Nations personnel and the representatives of the International Committee of the Red Cross immediate and unimpeded access to all the areas of concern. It also demands that representatives of the International Committee of the Red Cross be allowed to visit and register any persons detained against their will. The Council reiterates in this context the demands set out in resolution 1010 (1995) and in the statement by its President of 7 September 1995 on Srebrenica and Zepa.

The Council reaffirms that those who have committed or have ordered the commission of violations of international humanitarian law will be held individually responsible for them. The Council recalls in this context the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, pursuant to its resolution 827 (1993) and reiterates that all States shall cooperate fully with the Tribunal and its organs.

The Council will remain actively seized of the matter.

**Decision of 30 November 1995 (3601st meeting):
resolution 1026 (1995)**

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report on the three peacekeeping missions in the former Yugoslavia.³⁹⁷ The report was intended to assist the Council in its deliberations on the future of those missions.

In his report, the Secretary-General noted that the general framework agreement, which had been initialled by the Presidents of Bosnia and Herzegovina, Croatia and Serbia on 21 November 1995 in Dayton, provided the basis for peace to become reality. The framework agreement contained many aspects with far-reaching implications not only for the United Nations peacekeeping forces deployed in the former Yugoslavia, but also for the future role of the

³⁹⁷ S/1995/987. The report was considered by the Council also at its 3600th meeting, under the item "The situation in Croatia" (see sect. 21.K of the present chapter).

Organization in that region, which had yet to be fully assessed and analysed. In connection with UNPROFOR, the Secretary-General noted that since the agreement envisaged the implementation of the military and regional stabilization aspects to be the responsibility of a new Implementation Force (IFOR), to be authorized by the Security Council, a primary task for UNPROFOR was to arrange for the transfer of responsibility to IFOR. Pending finalization of the arrangements for the transfer of responsibility to IFOR, the Secretary-General recommended that the existing mandate of UNPROFOR be extended for two months, or until the appropriate transfer of authority had been executed between UNPROFOR and the incoming Implementation Force, subject to authorization of the Security Council.

At its 3601st meeting, on 30 November 1995, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina and included the above-mentioned report in its agenda. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the United Kingdom and the United States,³⁹⁸ as well as to a letter dated 29 November 1995 from the representative of the United States addressed to the Secretary-General,³⁹⁹ transmitting the text of the General Framework Agreement for Peace in Bosnia and Herzegovina.

The draft resolution was then put to the vote and adopted unanimously as resolution 1026 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 982 (1995) of 31 March 1995 and 998 (1995) of 16 June 1995,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

Welcoming again the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by the

Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

Stressing the need for all parties to comply fully with all provisions of the Peace Agreement and, prior to the entry into force of that agreement, the need for all parties to cooperate fully with the United Nations Protection Force and to maintain the current ceasefire agreement,

Welcoming the positive role played by the United Nations Protection Force, and paying tribute to the personnel of the Force in the performance of their mandate,

Having considered the report of the Secretary-General of 23 November 1995,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 23 November 1995;

2. *Decides* to extend the mandate of the United Nations Protection Force for a period terminating on 31 January 1996, pending further action by the Council with regard to the implementation of the Peace Agreement;

3. *Invites* the Secretary-General to keep the Council informed of developments in the peace process and to submit as soon as possible to the Council reports, containing the necessary information and recommendations, on aspects of the implementation of the Peace Agreement as they affect the United Nations in order to enable the Council to take a decision ensuring an orderly transfer of authority as envisaged in the Peace Agreement;

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

**Decision of 7 December 1995 (3603rd meeting):
statement by the President**

At its 3603rd meeting, on 7 December 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁰⁰

³⁹⁸ S/1995/995.

³⁹⁹ S/1995/999.

⁴⁰⁰ S/PRST/1995/60.

The Security Council expresses deep concern over the looting and burning of houses by the forces of the Croatian Defence Council in the area of Mrkonjic Grad and Sipovo, which have continued for some time, and it also notes with concern that similar acts have been committed by Bosnian Serb forces in other areas of Bosnia and Herzegovina. The Council is also deeply concerned by reports that the Croatian Defence Council is moving mine-laying equipment into the Mrkonjic Grad and Sipovo areas.

The Council considers that such actions are dangerous and detrimental to the spirit of confidence essential for the implementation of the Peace Agreement on Bosnia and Herzegovina.

The Council demands that all such actions be stopped immediately and stresses the need for all parties to exercise maximum restraint and to demonstrate the cooperation essential for the successful implementation of the Peace Agreement.

**Decision of 15 December 1995 (3607th meeting):
resolution 1031 (1995)**

On 13 December 1995, pursuant to resolution 1026 (1995), the Secretary-General submitted to the Council a report on developments in the peace process in Bosnia and Herzegovina.⁴⁰¹ The report noted that the most important development since the adoption of resolution 1026 (1995) was the Peace Implementation Conference convened in London on 8 and 9 December which had resulted in the adoption of a document known as “the London conclusions”. The Conference had also approved the designation of Mr. Carl Bildt as High Representative and had invited the Security Council to agree to it. The report also addressed aspects of implementation of the peace agreement that affected the United Nations and dealt with the future of certain existing United Nations activities which would either be discontinued or transferred to other agencies. The Secretary-General observed that the Peace Agreement offered real hope of bringing an end to the conflict in Bosnia and Herzegovina. He welcomed the fact that Member States had decided that the task of helping to implement the Peace Agreement in Bosnia and Herzegovina should not be entrusted to the United Nations alone. He noted, in that regard, that only a cooperative effort between many international organizations and Member States could generate the skills and resources, and above all, the political will required to end the fighting and start building the peace in Bosnia and Herzegovina. Referring to the ways in which the United Nations could make its contribution

⁴⁰¹ S/1995/1031.

to that common effort, he stated that the most important of them were in the fields of humanitarian relief and return of refugees, and civilian police, where the parties had asked the Organization to deploy a United Nations civilian police greater than any previously seen. Other areas, where the United Nations could make a contribution, included human rights.

At its 3607th meeting, on 15 December 1995, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina and included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Brazil, Canada, Croatia, Egypt, Japan, Malaysia, Norway, Spain, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address it in the course of the subsequent discussion. The President (Russian Federation) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States,⁴⁰² as well as to several other documents.⁴⁰³

The representative of Bosnia and Herzegovina noted that the Council would be deciding upon a comprehensive resolution on the various aspects of the implementation of the Dayton Peace Agreement. As a host country to the Implementation Force, Bosnia and Herzegovina pledged partnership in the implementation of the agreement. Bosnia and Herzegovina was committed to furthering existing democratic institutions and establishing new ones to restore the rule of law and order in every part of the country, thus guaranteeing safety, justice and respect for all citizens of Bosnia and Herzegovina, regardless of ethnic or religious background. The speaker argued that restoration of mutual confidence would be possible if

⁴⁰² S/1995/1033.

⁴⁰³ Letter dated 29 November 1995 from the representative of the United States addressed to the Secretary-General (S/1995/999); letter dated 7 December 1995 from the representatives of Bosnia and Herzegovina and Croatia addressed to the Secretary-General (S/1995/1021); letter dated 11 December 1995 from the representative of the United Kingdom addressed to the Secretary-General (S/1995/1029); and letter dated 14 December 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/1034).

the Bosnian Serb authorities were to do the same in the territories under their control, including by bringing to justice those who had committed war crimes and by preventing them from playing any future political role. Finally, Sarajevo should again be not only a symbol of the ethnic, religious and cultural diversity and richness of Bosnia and Herzegovina, but also the birthplace of new international hope and solidarity.⁴⁰⁴

The representative of Croatia noted that no matter how difficult and tragic the past four years had been, the peace agreement would move Bosnia and the whole region forwards and the timely deployment of IFOR, to be authorized by the draft resolution, would continue the momentum for peace. It would also be necessary, however, to implement the economic and electoral aspects of the Agreement with the same commitment and vigour. IFOR alone could not secure a lasting and just peace in Bosnia. Croatia regretted that the agreement on the normalization of relations between it and Bosnia and Herzegovina, including mutual recognition, had not been signed in Paris. Croatia's position remained that unconditional recognition was a prerequisite for the equitable resolution of all outstanding issues between two sovereign States. Turning to the draft resolution, the speaker emphasized paragraph 8, which recognized the right of all Bosnian refugees and displaced persons to return to their homes of origin in safety and called on the United Nations to play a leading role in their repatriation. Those refugees and displaced persons must be given the opportunity to return home or they must be compensated for their property fairly and in a timely manner. The speaker concluded by presenting the position of his Government on the report of 13 December of the Secretary-General⁴⁰⁵ on the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium.⁴⁰⁶ Croatia expressed concern that that report placed emphasis on external risks and not enough emphasis on the most important element of the agreement which was demilitarization. It could not accept an attempt to build a new and improved safe area in the occupied Vukovar region. Therefore, the deployment of a large international force to Croatia was unacceptable. Rather, the military aspects of the implementation force should be reduced and the civilian aspects strengthened. The speaker

⁴⁰⁴ S/PV.3607, pp. 3-4.

⁴⁰⁵ S/1995/1028.

⁴⁰⁶ S/1995/951, annex.

further noted any delay in addressing the implementation of the Basic Agreement would minimize the possibility of its success. The momentum for peace that was evident in implementing the Peace Agreement in Bosnia should be emulated and utilized to secure peace in Croatia as well.⁴⁰⁷

Mr. Jovanovic noted that it had not been an easy task to achieve the Peace Agreement, but the essential thing was that peace had finally prevailed and that the implementation of the Agreement would strengthen stability, not only in Bosnia and Herzegovina but also in the Balkans and Europe. The basic task ahead was full implementation of the Peace Agreement. The responsibility for such implementation lay not only with the Republika of Srpska and the Muslim-Croat Federation and other interested parties, but also with international entities assigned major implementation tasks. For its part, Yugoslavia stood ready to implement fully the commitments it had undertaken under the Agreement. The speaker further stated that it was imperative that the military and civilian components of the international presence in Bosnia and Herzegovina took an impartial and objective position towards all parties. It was also imperative that the Serbs of Sarajevo receive concrete guarantees that their freedom, security, equality and human rights would be fairly and unconditionally respected. Referring to the question of sanctions, the speaker stated that his delegation expected that, in accordance with the Peace Agreement, the Council would soon lift all sanctions against the Federal Republic of Yugoslavia. Having been "crippled" by international sanctions and isolated from the international community, the Federal Republic of Yugoslavia was eagerly seeking to restore its place in the family of nations. It believed that, by pursuing a constructive policy for peace in the former Yugoslavia, it had earned the right to normalize its status in all international organizations, and to normalize relations with the European Union. As a founding Member, the Federal Republic of Yugoslavia requested that the Council allow it to resume its rightful place in the United Nations without delay, in accordance with the Charter of the United Nations and international law. It was particularly unacceptable that additional conditions were being set for the normalization of the status of the Federal Republic of Yugoslavia in the United Nations. With the signing of

⁴⁰⁷ S/PV.3607, pp. 4-6.

the Peace Agreement, it was only logical that Yugoslavia's rights be fully restored.⁴⁰⁸

Speaking before the vote, the representative of the United Kingdom stated that the conclusion of the Peace Agreement and the draft resolution before the Council sounded the call for the most comprehensive operation to reconstruct a European country since the Marshall Plan half a century earlier. Sustaining that process would be vital, if the promise of peace were to become a reality. One important task was military in nature. The role of IFOR would be even-handed and limited in scope and duration. The force would not be imposing the peace settlement, but it would take necessary action to ensure compliance. Furthermore, should it be decided that IFOR would detain and transfer to the appropriate authorities any persons indicted by the Tribunal with whom it came into contact, then the authority to do so was provided by the draft resolution, when read in conjunction with the Peace Agreement. The implementation of the Peace Agreement, however, was simply not a military task. IFOR was necessary, but not a sufficient, condition for rebuilding the civil, political and economic institutions and structures that would form the basis of a unified, prosperous and stable society. The international community faced a huge commitment in implementing the Peace Agreement. That commitment needed to be matched by a similar determination on the part of the Bosnian people, the Federal Republic of Yugoslavia and Croatia. Before concluding, the speaker warned that failure by the Bosnian Serbs to cooperate would lead to the continuation of economic sanctions.⁴⁰⁹

The representative of Germany stated that the draft resolution conferred a challenging responsibility upon the members of the Council. By an affirmative vote, the Council would set in motion an enormous international military and civilian operation. Noting that all parties had consented to the deployment of IFOR, including the use of force if necessary, the speaker stated that it was essential that the parties comply with their commitment to refrain from the use of force, and that they cooperate fully with IFOR in the military side of the implementation of the Peace Agreement. However, while the military component of the implementation of the Dayton Agreement represented the foundation of peace, the construction

of peace would be a civilian task. It was therefore necessary to strengthen the political consensus achieved so far by holding free and fair elections. It was also necessary to assist the local security forces, to monitor human and minority rights, to undertake important humanitarian tasks, and to reconstruct and develop a devastated country and its economy. In that effort, the United Nations would continue to have an important peacekeeping role, and Germany fully supported the concept of a strong International Police Task Force and of a United Nations civilian mission. Referring to the question of the admission of the Federal Republic of Yugoslavia to the General Assembly, the speaker noted that his delegation would welcome such a development under the conditions determined by the respective organs of the United Nations. Turning to the question of coordination of the civilian tasks to be carried out in the implementation of the Peace Agreement, the speaker stated that the many international organizations involved must work in the same direction. It was important that there be no duplication of effort. In that respect, the draft resolution spelled out clearly the responsibilities of the High Representative, as the final authority in theatre regarding civilian implementation and as coordinator of the civilian operations with the authority to give guidance as appropriate. In conclusion, the speaker stated that those responsible for war crimes and violations of international humanitarian law must be brought to justice. Without uncovering the truth and without justice, national reconciliation could not be achieved. The draft rightly stressed the importance of full cooperation with the International Tribunal and made it clear that IFOR had a role to play in that respect.⁴¹⁰

The representative of Argentina stated that, as clearly set out in one of the preambular paragraphs of the draft resolution, the conflict in the former Yugoslavia remained a threat to international peace and security. That factor explained the widespread concern that the principal role for the United Nations, through the Council, would be to keep the implementation of the Peace Agreement under permanent review. With the draft resolution, work of great importance to the United Nations would begin in such areas as the protection of human rights, humanitarian assistance, civil policing and the removal of mines. Argentina was struck, however, by the fact that the supervision of electoral

⁴⁰⁸ Ibid., pp. 6-7.

⁴⁰⁹ Ibid., pp. 8-9.

⁴¹⁰ Ibid., pp. 9-11.

processes, which was an area where the United Nations had unparalleled experience and aptitude — had been assigned to the Organization for Security and Cooperation in Europe (OSCE). It therefore supported the Secretary-General's offer to OSCE that the invaluable experience of the United Nations might be put to use in Bosnia. Argentina also emphasized the importance of the International Tribunal. Peace would only be lasting if those responsible for atrocities were made to face the consequences of their actions.⁴¹¹

The representative of China welcomed the positive developments in relation to the situation in Bosnia and Herzegovina. Observing that the Federal Republic of Yugoslavia had made unremitting efforts in the peace process and should be acknowledged and encouraged by the international community, he stated that the Council should resolve soon the question of the status of the Federal Republic of Yugoslavia in the United Nations. On the basis of China's position in support of the peace process in the former Yugoslavia, and the fact that the draft resolution called for extraordinary action in extraordinary circumstances, the Chinese delegation would vote in favour of the draft resolution. That did not represent, however, a change in China's position. China had long disapproved of operations authorized by the Council when Chapter VII was invoked and mandatory measures adopted, and it could not approve the Council's authorization of the unlimited use of force. It therefore believed that IFOR must maintain neutrality and impartiality and avoid the wanton use of force, in order not to damage the image of the United Nations. IFOR should thus provide the Council with timely and full reports on the implementation of its tasks and should accept the necessary control of and guidance from the Council.⁴¹²

The representative of Nigeria noted that his delegation would have preferred a United Nations operation under the policy control of the Council and the managerial supervision of the Secretary-General, in spite of the fact that the parties to the agreement had requested a multinational force. While mindful of the Secretary-General's observations about the inability of the United Nations to undertake such an operation at that time, Nigeria believed that it was a lack of political backing and of the resource support of

Member States that was preventing the Organization from undertaking directly the enforcement operations envisaged in Chapter VII of the Charter. Nigeria also believed that the Council should not continue to contract out what would normally be a United Nations responsibility to a group of powerful States. Questions about the timeframe and concept of operations were not quite clear, nor could one say exactly whence the post of High Representative derived its legitimacy and authority. As States Members of the United Nations, the members of the Council should not support decisions that had the effect of subordinating the Organization or its Secretary-General to another organization. The United Nations was still the most universal expression of the will of the international community. However, in view of its policy of supporting all peace initiatives and of the primary objective of helping to resolve the Balkan conflict, Nigeria would support the draft resolution.⁴¹³

The draft resolution was then put to the vote and adopted unanimously as resolution 1031 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

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

Welcoming the signing on 14 December 1995 at the Paris Peace Conference of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto,

Welcoming also the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995,

Welcoming further the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions,

Paying tribute to the International Conference on the Former Yugoslavia for its efforts aimed at achieving a peace settlement, and taking note of the decision of the London Conference that the Peace Implementation Council will subsume the International Conference on the Former Yugoslavia,

⁴¹¹ *Ibid.*, pp. 11-12.

⁴¹² *Ibid.*, pp. 13-14.

⁴¹³ *Ibid.*, pp. 14-15.

Having considered the report of the Secretary-General of 13 December 1995,

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

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

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

I

1. *Welcomes and supports* the Peace Agreement, and calls upon the parties to fulfil in good faith the commitments entered into in that Agreement;

2. *Expresses its intention* to keep the implementation of the Peace Agreement under review;

3. *Welcomes* the progress made towards mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders;

4. *Reaffirms* its resolutions concerning compliance with international humanitarian law in the former Yugoslavia, reaffirms also that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former since 1991 and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute, and calls upon them to allow the establishment of offices of the Tribunal;

5. *Recognizes* that the parties shall cooperate fully with all entities involved in the implementation of the peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal, and that the parties have in particular authorized the multinational force referred to in paragraph 14 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

6. *Welcomes* the agreement by the Organization for Security and Cooperation in Europe to adopt and put in place a programme of elections for Bosnia and Herzegovina, at the request of the parties to annex 3 of the Peace Agreement;

7. *Welcomes also* the parties' commitment, as specified in the Peace Agreement, to securing for all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, stresses that compliance with this commitment is of vital importance in achieving a lasting peace, and welcomes the invitation by the parties to the United Nations Commission on Human Rights, the

Organization for Security and Cooperation in Europe, the United Nations High Commissioner for Human Rights and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;

8. *Welcomes further* the parties' commitment to the right of all refugees and displaced persons freely to return to their homes of origin in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, in assisting with the repatriation and relief of refugees and displaced persons, and stresses the importance of repatriation being phased, gradual and orderly;

9. *Emphasizes* the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina, and encourages Member States to provide assistance for the programme of reconstruction in that country;

10. *Underlines* the relationship, as described in the conclusions of the London Conference, between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

11. *Welcomes* the agreement of the parties to annex 1-B of the Peace Agreement that the establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region, emphasizes the importance of all Member States supporting their efforts to this end, and supports the commitment of the Organization for Security and Cooperation in Europe to assist the parties with the negotiation and implementation of such measures;

II

12. *Welcomes* the willingness of the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to assist the parties to the Peace Agreement by deploying a multinational implementation force;

13. *Notes* the invitation of the parties to the international community to send to the region for a period of approximately one year a multinational implementation force to assist in implementation of the territorial and other militarily related provisions of annex 1-A of the Peace Agreement;

14. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish a multinational Implementation Force under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement;

15. *Authorizes* the Member States acting under paragraph 14 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall be held

equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Implementation Force as may be necessary to ensure implementation of that annex and the protection of the Force, and takes note that the parties have consented to the taking of such measures by the Implementation Force;

16. *Authorizes* the Member States acting under paragraph 14 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of the Implementation Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Authorizes* Member States to take all necessary measures, at the request of the Implementation Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

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

19. *Decides* that, with effect from the day on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force to the Implementation Force has taken place, the authority to take certain measures conferred upon States by resolutions 770 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, 816 (1993) of 31 March 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 958 (1994) of 19 November 1994 shall be terminated, and that the provisions of resolution 824 (1993) of 6 May 1993 and subsequent resolutions regarding safe areas shall also be terminated from the same date;

20. *Requests* the Government of Bosnia and Herzegovina to cooperate with the Commander of the Implementation Force to ensure the effective management of the airports in Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1 A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

21. *Decides*, with a view to terminating the authorization granted in paragraphs 14 to 17 above one year after the transfer of authority from the United Nations Protection Force to the Implementation Force, to review by that date and to take a decision whether that authorization should continue, based upon the recommendations from the States participating in the Implementation Force and from the High Representative through the Secretary-General;

22. *Decides also* that the embargo imposed by resolution 713 (1991) of 25 September 1991 shall not apply to weapons and military equipment destined for the sole use of the Member States acting under paragraph 14 above, or of international police forces;

23. *Invites* all States, in particular those in the region, to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 14 above;

24. *Welcomes* the conclusion of the agreements concerning the status of forces as referred to in appendix B to annex 1 A of the Peace Agreement, and demands that the parties comply fully with those agreements;

25. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1 A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals, the first such report be made not later than ten days following the adoption of the present resolution;

26. *Endorses* the establishment of a High Representative, following the request of the parties, who, in accordance with annex 10 on civilian implementation, will monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to and coordinate the activities of the civilian organizations and agencies involved, and agrees to the designation of Mr. Carl Bildt as High Representative;

27. *Confirms* that the High Representative is the final authority in theatre regarding interpretation of annex 10 of the Peace Agreement on civilian implementation;

28. *Decides* that all States concerned, and in particular those where the High Representative establishes offices, shall ensure that the High Representative enjoys such legal capacity as may be necessary for the exercise of his functions, including the capacity to contract and to acquire and dispose of real and personal property;

29. *Notes* that close cooperation between the Implementation Force, the High Representative and the agencies will be vital to ensure successful implementation;

30. *Affirms* the need for the implementation of the Peace Agreement in its entirety, and in this context stresses the importance it attaches to the urgent implementation of annex 11 of the Peace Agreement, decides to act expeditiously on the report of the Secretary-General recommending the establishment of a United Nations civilian police force with the tasks set out in that annex, together with a civilian office with the responsibilities described in the report of the Secretary-General, and further decides that in the interim civilian police, demining, civil affairs and other personnel that might be required to carry out the tasks described in that report shall continue in theatre, notwithstanding the provisions of paragraphs 33 and 34 below;

31. *Stresses* the need for early action in Sarajevo to create confidence between the communities, and, to this end, requests the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo;

32. *Requests* the Secretary-General to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement;

III

33. *Decides* that the mandate of the United Nations Protection Force shall terminate on the date on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force to the Implementation Force has taken place;

34. *Approves* the arrangements set out in the report of the Secretary-General on the withdrawal of the United Nations Protection Force and headquarters elements from the United Nations Peace Force, including the arrangements for the command and control of the United Nations Protection Force following the transfer of authority from it to the Implementation Force;

35. *Expresses its warmest appreciation* to all United Nations Protection Force personnel who have served the cause of peace in the former Yugoslavia, and pays tribute to those who have given their lives and those who have suffered serious injuries in that service;

36. *Authorizes* the Member States, acting under paragraph 14 above, to use all necessary means to assist in the withdrawal of the United Nations Protection Force;

37. *Calls upon* the parties to ensure the safety and security of the United Nations Protection Force and confirms that the Force will continue to enjoy all existing privileges and immunities, including during the period of withdrawal;

38. *Requests* the Secretary-General to report to the Council when the withdrawal of the United Nations Protection Force is complete;

IV

39. *Recognizes* the unique, extraordinary and complex character of the present situation in Bosnia and Herzegovina, requiring an exceptional response;

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

Speaking after the vote, the representative of the United States stated that, while much of the Council's work had borne fruit, often its resolutions and statements had promised much but accomplished little. Often the Council's message to the people of Bosnia had been a tragic one: "We cannot defend you and we will not let you defend yourselves". Now, however, the Council's message was different. It had helped Bosnia to negotiate a peace agreement, it was authorizing a powerful military force to implement that peace, and it would enable Bosnia to ensure that peace once the international presence had left. Noting that the purpose

of IFOR was to make peace work, not to fight a war or to occupy, the speaker warned nevertheless that, if anyone were foolish enough to attack or threaten IFOR, then they would regret having done so. The speaker noted that the resolution just adopted recognized that the parties must cooperate fully with the International Tribunal and that IFOR had authority to take actions, including the use of necessary force, to ensure compliance with the relevant provisions of the Peace Agreement. That was a welcome supplement to the duties and authorities stemming from resolution 827 (1993). The NATO Council could now underscore the obligation of the parties to cooperate fully with the Tribunal by explicitly authorizing IFOR to transfer indicted persons to the Tribunal and to detain such persons for that purpose. The United States also stressed the importance of every country's obligation to cooperate with the Tribunal and to comply with its orders. Unless they complied with their obligations, the parties to the conflict could not expect to reap the benefits of peace, ensure the permanent easing of economic sanctions, or hope to rejoin fully the community of civilized nations, including as a Member of the United Nations. The speaker further stated that special attention must be given to holding democratic elections, ensuring respect for human rights, planning for the safe return of refugees and displaced persons, creating a professional police force, and initiating a comprehensive programme of economic reconstruction.⁴¹⁴

The representative of France expressed his country's view that the Council must assume three tasks. First, it must finalize the necessary arrangements to implement the civilian and military aspects integral to the Peace Agreement. Second, it must maintain the United Nations presence whenever that presence was indispensable. Third, the authority of the Council must be affirmed. It was the Council, and the Council alone, that under the Charter could give legitimacy to the military means to be used. It must also ensure the overall coherence of the operation by regularly assessing both the civilian and military aspects of its implementation. The speaker noted that the resolution just adopted met those objectives.⁴¹⁵

The President, speaking in his capacity as the representative of the Russian Federation, emphasized

⁴¹⁴ *Ibid.*, pp. 19-21.

⁴¹⁵ *Ibid.*, pp. 21-22.

what he considered as the most important feature of the resolution that the Member States providing forces to IFOR were authorized by the resolution to do only what the Bosnian parties themselves had agreed to. Thus, should force be used against violators of the Agreement, the resolution clearly made those sides' agreement conditional on an equal, impartial approach to all sides to the Bosnian conflict. The Russian Federation would consistently defend the need to avoid unjustified use of force in the course of the operation. It was important that, under the resolution, the Security Council must take a decision a year later regarding the need to extend the military component of the operation. That provision, together with regular reporting to the Council on the conduct of the entire operation, ensured reliable political control by the Security Council and indicated that the massive military operation in no way represented a replacement of the United Nations by individual or regional organizations. The speaker further noted that the resolution defined the need to strengthen regional stability and control over armaments, which meant that all sides must ensure that the arms reserves of the Bosnian side should be reduced rather than increased. The Council had also confirmed that the achievement of a just and lasting peace was impossible without securing internationally recognized human rights, including the right of refugees and displaced persons freely to return. Another necessity was the cooperation of all parties with the International Tribunal, in accordance with Council decisions and commitments entered into by the parties themselves in Dayton. Of primary importance in creating an appropriate climate between the parties were immediate measures to strengthen and build confidence, particularly in areas where ethnic groups were living side by side. The most complex situation arose in Sarajevo, where there was an urgent need to prevent a massive exodus of the Serbian population. The Russian Federation expected the immediate implementation of tasks entrusted to the Secretary-General by the resolution for ensuring a speedy redeployment to Sarajevo of additional contingents of the United Nations civilian police. The Russian Federation was also in favour of deciding on an immediate repeal of sanctions against Belgrade and against the Serb Republic, in order to foster the successful implementation of the Agreements.⁴¹⁶

⁴¹⁶ *Ibid.*, pp. 24-26.

The representative of Ukraine stressed that the ultimate responsibility for the implementation of the Peace Agreement lay with the conflicting parties. In that context, Ukraine fully supported paragraph 10 of the resolution just adopted, underlining the relationship between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development. Referring to the military aspects of the resolution just adopted, the speaker noted that his Government supported the authorization by the Council of IFOR, which would provide monthly reports to the Council on its activities, thus enabling an appropriate means of political monitoring by the Council. The establishment of IFOR was a decisive step towards a comprehensive settlement of the conflict. IFOR would be deployed as a neutral and impartial force, capable of ensuring implementation of the Peace Agreement and of protecting itself. At the same time, Ukraine hoped that IFOR commanders would take all necessary steps to ensure that the right to take all necessary measures to defend against the threat of attack was not abused. The speaker, finally, suggested that the establishment of a "special regime" of participation in the rehabilitation and development of Bosnia might be appropriate for the States that had been most affected economically by their strict observance of the sanctions against the Federal Republic of Yugoslavia. Such an initiative could be regarded as partial compensation for the billions of dollars in losses suffered by the States neighbouring the Federal Republic of Yugoslavia.⁴¹⁷

The representative of Egypt welcomed the Peace Agreement and the resolution just adopted. Egypt hoped that a negotiated settlement would be reached by all concerned parties on outstanding issues related to the succession of States within the former Yugoslavia, so that the successor States might resume the international role that the Federated Republic of Yugoslavia had played in the past. It also hoped that the peoples of the successor States would be able to live in safety, security and dignity in the context of mutual friendly relations amongst all successor States. Egypt considered it important that there be a guarantee of the voluntary return of all refugees and displaced persons, that there be cooperation with the International Tribunal, and that IFOR would be deployed and would act in the context of a Security

⁴¹⁷ *Ibid.*, pp. 28-30.

Council resolution, thus meaning that the force would be acting on behalf of the international community.⁴¹⁸

**Decision of 21 December 1995: letter from the
President of the Secretary-General**

On 13 December 1995, pursuant to resolution 1025 (1995), the Secretary-General submitted to the Council a report⁴¹⁹ on aspects of the establishment by the Council of an operation consisting of a transitional administration and a transitional peacekeeping force to implement the relevant provisions of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium,⁴²⁰ which had been signed on 12 November 1995.

The Secretary-General observed that, although the conclusion of the Framework Agreement for peace in the neighbouring Bosnia and Herzegovina should contribute to a vastly improved climate in the region as a whole, the past record of the parties to the Basic Agreement in honouring their undertakings was not encouraging and the imprecise nature of the agreement made it unwise to assume that compliance would be readily forthcoming. The force deployed must therefore have a mandate under Chapter VII of the Charter, as well as the capacity to take the necessary action to maintain peace and security, deter attack from any side, and defend itself. A Chapter VII mandate would also be necessary to give the transitional administrator the power to “govern”, as stipulated in the Agreement. The Secretary-General remained of the view that the deployment and command of the force required would best be entrusted to a coalition of Member States, rather than to the United Nations. One option was therefore for the Council to authorize Member States to establish a multinational force to conduct the operation. However, in consultations with the Secretariat, some Member States had expressed a preference for the Basic Agreement to be implemented by a United Nations force. If that point of view were to be accepted by the Council, then the arguments in favour of giving the force a Chapter VII mandate would remain no less compelling. The Secretary-General further noted that, while effective demilitarization at the outset of the operation would be a major key to success, it would be important for the implementation of the civilian aspects to begin as soon

as possible. He therefore recommended that the Council authorize the establishment of the transitional council and local implementation committees. He would soon nominate a suitable official to serve as the transitional administrator.

By a letter dated 21 December 1995,⁴²¹ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have reviewed your report of 13 December 1995 on the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium. The members of the Council agree with you that the agreement merits full international support for its effective and timely implementation.

In the agreement it is requested that the Council establish a transitional administration and authorize the deployment of an international force. The members of the Security Council, reaffirming resolution 1025 (1995) of 30 November 1995, stand ready to consider the option that both be components of a United Nations operation and, if the Council decides to establish such an operation, they stress the need for the necessary financial resources to be made available in a timely fashion.

The members of the Council agree that the force should operate under an appropriate mandate and be provided with the necessary protection. They encourage you to accelerate discussions with possible troop contributors so that the force can be deployed at the earliest possible date.

The members of the Council agree with your observation that implementation of the Agreement of 12 November will be complex and difficult. They recognize the danger that the two sides might have different interpretations of some of its provisions. They therefore welcome your decision to send an envoy to the region as soon as is convenient to discuss the implementation of the Agreement with the Government of Croatia and representatives of the local Serbs, and practical aspects of the establishment of a United Nations operation, including the possibilities for assistance from the host country in offsetting its cost.

**Decision of 21 December 1995 (3612th meeting):
resolution 1034 (1995)**

On 27 November 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Council a report on violations of international humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most.⁴²² The Secretary-General noted that United Nations personnel had had very limited access to the areas mentioned and

⁴¹⁸ Ibid., pp. 33-34.

⁴¹⁹ S/1995/1028.

⁴²⁰ S/1995/951, annex.

⁴²¹ S/1995/1053.

⁴²² S/1995/988.

that most of the information had been gathered from refugees and displaced persons. He reported that the last few months had seen further despicable acts of cruelty and violence. There were reports of a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances, which had yet to be properly investigated. Access to the areas in question was crucial and the international community should insist that the Bosnian Serb leadership provide full cooperation to all relevant international mechanisms, in order to enable events to be thoroughly investigated and the truth to be established. The Secretary-General also noted that, on 16 November 1995, the International Tribunal had issued further indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic, for their direct and individual responsibilities in the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995, after the fall of the enclave to Bosnian Serb forces. They were charged with genocide, crimes against humanity and violations of the laws or customs of war. It was imperative that the Prosecutor of the International Tribunal be provided with the ability and powers to gather the necessary evidence swiftly. Moreover, States had an obligation to take the actions needed to create the conditions for the Tribunal to perform its task.

At its 3612th meeting, on 21 December 1995, the Council resumed its consideration of the item and included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the Council members to the text of a draft resolution submitted by Argentina, France, Germany, Italy, the United Kingdom and the United States,⁴²³ and read out some changes that had been made to the draft.

Speaking before the vote, the representative of Germany noted that the report of the Secretary-General was a particularly worrying summary of the state of information on the missing persons, executions and the involvement of Bosnian Serb leaders and of Serbian paramilitary forces in those crimes. His delegation, together with the French delegation, had taken the

initiative for the draft resolution, because it had felt that the Council could not shy away from a specific, clear and unequivocal reaction to the specific crimes and violations of international law described in the report. The speaker reiterated his country position with regard to two fundamental principles. First, it was of the utmost importance that the same legal standards, the same norms of law and the same critical objectivity be applied. There must be no selectivity, no attempts to “diminish” or “enlarge”, for partisan reasons, the violations of international humanitarian law committed by one side. In the same manner, Germany opposed attempts to “balance” the crimes committed by one side with human rights violations committed by another or to equate behaviours that cannot be equated. Second, it was equally important that the Council honour the general principle of the separation of powers, by seeing to it that the judicial prerogatives and competences of the International Tribunal were fully respected. In order to establish the full truth about the crimes and human rights violations in question, three aspects were of particular importance: there must be a full investigation of the violations in question; there must be access to the area; and the international community must be firm in its support of the efforts of the International Tribunal.⁴²⁴

The representative of Oman stated that substantial evidence supported the conclusion that Bosnian Serb soldiers were responsible for the crime of genocide. Justice should prevail and those who had committed crimes against humanity must be brought to justice. Oman hoped that IFOR would act according to its mandate, including by apprehending those indicted by the International Tribunal.⁴²⁵

The representative of the United Kingdom stated that the adoption of the draft resolution would be the clearest signal that the Council had not forgotten what had happened in Srebrenica, Zepa, Banja Luka and Sanski Most. The report of the Secretary-General provided irrefutable evidence of atrocities in those places and elsewhere. Given the scale of the human rights abuses, it was right that the Council should focus on those events in particular. There should be no misunderstanding, however: the Council’s commitment was to human rights, irrespective of ethnic background, nationality or religion. By focusing on crimes against

⁴²³ S/1995/1047.

⁴²⁴ S/PV.3612, pp. 5-6.

⁴²⁵ *Ibid.*, p. 7.

non-Serbs, the Council did not in any way condone or ignore human rights violations committed against members of the Serb population. Nor did the draft seek to condemn the Bosnian Serb people. The crimes in question had been committed by individuals and those involved would be held responsible as individuals. Noting that the Peace Agreement set out a road map designed to re-establish the rule of law throughout all the communities in Bosnia, the speaker observed that implementation would be hindered if those responsible for the acts contained in the report of the Secretary-General were not brought to justice. Thus, all should support the work of the International Tribunal. It was also essential that UNHCR and ICRC be given full access to those displaced or detained or missing from Srebrenica and elsewhere. If there were to be a durable peace in Bosnia, then it must be based upon reconciliation between communities. That reconciliation would only be complete if accomplished by justice.⁴²⁶

The representative of China said that his delegation would vote in favour of the draft resolution, however it believed that, in dealing with violations of international humanitarian law, the Council should distinguish its purview from those of other bodies, and refrain from intervening in matters falling in the purview of others. China therefore expressed reservations relating to elements of the draft resolution that should have been dealt with by the International Tribunal or other related United Nations bodies.⁴²⁷

The representative of the United States stated that the responsibility for the atrocities committed in eastern Bosnia was not in doubt; it rested with the Bosnian Serbs, as it was made clear by the Secretary-General's report. The Secretary-General's report underlined the importance of support for the work of the Tribunal and the necessity for the parties to cooperate with the Tribunal in every way. The draft resolution also condemned the burning and looting of houses and territory which, under the Dayton Agreement, were to be returned to Bosnian Serb control. Although the nature and extent of those violations of human rights could not be equated to those committed by the Bosnian Serbs, the United

States deplored them and joined the Council in urging an end to all such practices.⁴²⁸

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 1034 (1995), which reads:

The Security Council,

Reaffirming all its earlier relevant resolutions on the situation in Bosnia and Herzegovina, including resolution 1019 (1995) of 9 November 1995, and condemning the Bosnian Serb party's failure, despite repeated calls that it should do so, to comply with the demands contained therein,

Having considered the report of the Secretary-General of 27 November 1995 pursuant to resolution 1019 (1995) on violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most,

Gravely concerned at the information contained in the above-mentioned report that there is overwhelming evidence of a consistent pattern of summary executions, rape, mass expulsion, arbitrary detentions, forced labour and large-scale disappearances,

Reiterating its strong support for the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993) of 25 May 1993,

Noting that the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), initialled at Dayton, Ohio, on 21 November 1995, provides that no person who is serving a sentence imposed by the International Tribunal and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina,

Condemning the failure of the Bosnian Serb party to comply with its commitments in respect of giving access to displaced persons and to persons detained or reported missing,

Reiterating its concern expressed in the statement by its President of 7 December 1995,

Deeply concerned by the plight of hundreds of thousands of refugees and displaced persons as a result of hostilities in the former Yugoslavia,

1. *Strongly condemns* all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia, demands that all concerned comply fully with their obligations in this regard, and reiterates that all those

⁴²⁶ Ibid., pp. 7-8.

⁴²⁷ Ibid., p. 10.

⁴²⁸ Ibid., pp. 12-13.

who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

2. *Condemns in particular in the strongest possible terms* the violations of international humanitarian law and of human rights by Bosnian Serb and paramilitary forces in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most as described in the report of the Secretary-General of 27 November 1995 and showing a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances;

3. *Notes with the utmost concern* the substantial evidence referred to in the report of the Secretary-General that an unknown but large number of men in the area of Srebrenica, namely in Nova Kasaba-Konjevic Polje (Kaldrumica), Kravice, Rasica Gai, Zabrdje and two sites in Karakaj, and possibly also in Bratunac and Potocari, have been summarily executed by Bosnian Serb and paramilitary forces, and condemns in the strongest terms the commission of such acts;

4. *Reiterates its strong support* for the efforts of the International Committee of the Red Cross in seeking access to displaced persons and to persons detained or reported missing, and calls upon all parties to comply with their commitments in respect of such access;

5. *Reaffirms its demand* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate and unimpeded access to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka and Sanski Most who are within the areas of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross (a) to visit and register any persons detained against their will, whether civilians or members of the forces of Bosnia and Herzegovina, and (b) to have access to any site it may deem important;

6. *Affirms* that the violations of humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most from July to October 1995 must be fully and properly investigated by the relevant United Nations and other international organizations and institutions;

7. *Notes* that the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to resolution 827 (1993), issued on 16 November 1995 indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic for their direct and individual responsibilities for the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995;

8. *Reaffirms its demand* that the Bosnian Serb party give representatives of the relevant United Nations and other international organizations and institutions, including the Special Rapporteur of the Commission on Human Rights,

immediate and unrestricted access to the areas in question, including for the purpose of the investigation of the atrocities;

9. *Underlines* in particular the urgent necessity for all the parties to enable the Prosecutor of the International Tribunal to gather effectively and swiftly the evidence necessary for the Tribunal to perform its task;

10. *Stresses* the obligations of all the parties to cooperate with and provide unrestricted access to the relevant United Nations and other international organizations and institutions so as to facilitate their investigations, and notes their commitment under the Peace Agreement in this regard;

11. *Reiterates its demand* that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

12. *Also reiterates its demand* that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia, comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal, and calls upon them to create the conditions essential for the Tribunal to perform the task for which it has been created, including the establishment of offices of the Tribunal when the latter deems it necessary;

13. *Further reiterates* its demand that all detention camps throughout the territory of Bosnia and Herzegovina should be immediately closed;

14. *Urges* the parties to ensure full respect for the norms of international humanitarian law and of human rights of the civilian population living in the areas in Bosnia and Herzegovina now under their control which under the Peace Agreement will be transferred to another party;

15. *Condemns* the widespread looting and destruction of houses and other property, in particular by the Croatian Defence Council forces in the area of Mrkonjic Grad and Sipovo, and demands that all sides immediately stop such action, investigate them and make sure that those who violated the law be held individually responsible in respect of such acts;

16. *Demands* that all sides refrain from laying mines, in particular in those areas now under their control which under the Peace Agreement will be transferred to another party;

17. *Urges* Member States to continue to assist the efforts of the United Nations, humanitarian agencies and non-governmental organizations under way in the former Yugoslavia to alleviate the plight of hundreds of thousands of refugees and displaced persons;

18. *Also urges* all the parties to the conflicts in the territory of the former Yugoslavia to cooperate fully with these efforts with a view to creating conditions conducive to the repatriation and return of refugees and displaced persons in safety and dignity;

19. *Requests* the Secretary-General to keep the Council regularly informed on progress reached in the investigation of the violations of international humanitarian law referred to in the report mentioned above;

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

After the vote, the President, speaking in his capacity as the representative of the Russian Federation, noted that the Council had again returned to the subject of violations of the norms of international humanitarian law in the former Yugoslavia. He stated that his Government's principled position remained unchanged. The Russian Federation firmly condemned any violations of international humanitarian law and human rights on the territory of the former Yugoslavia, no matter by whom or where they were perpetrated. The Russian Federation believed that the Council's reaction to such violations could not be selective or one-sided. It was satisfied therefore that the one-sided nature of the initial draft resolution had been corrected in the final text.⁴²⁹

Decision of 21 December 1995 (3613th meeting): resolution 1035 (1995)

At its 3613th meeting, on 21 December 1995, the Council resumed its consideration of the item and included the report of the Secretary-General of 13 December 1995 in its agenda.⁴³⁰ Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations.⁴³¹

The draft resolution was then put to the vote and adopted unanimously as resolution 1035 (1995), which reads:

The Security Council,

Recalling its resolution 1031 (1995) of 15 December 1995,

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

⁴²⁹ Ibid., pp. 15-16.

⁴³⁰ S/1995/1031 and Add.1.

⁴³¹ S/1995/1049.

Having further considered the report of the Secretary-General of 13 December 1995,

1. *Approves* the report of the Secretary-General and the proposals for involvement by the United Nations in the implementation of the Peace Agreement contained therein;

2. *Decides* to establish, for a period of one year from the transfer of authority from the United Nations Protection Force to the multinational Implementation Force, a United Nations civilian police force to be known as the International Police Task Force, to be entrusted with the tasks set out in annex 11 of the Peace Agreement, and a United Nations civilian office with the responsibilities set out in the report of the Secretary-General, and to that end endorses the arrangements set out in the report of the Secretary-General;

3. *Notes with satisfaction* that the International Police Task Force and the United Nations civilian office will be under the authority of the Secretary-General and subject to coordination and guidance as appropriate by the High Representative, welcomes the Secretary-General's intention to appoint a United Nations Coordinator, and requests the Secretary-General to submit to the Council, at least every three months, reports about the work of the International Police Task Force and of the civilian office accordingly;

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

B. The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia

Initial proceedings

Decision of 25 January 1993 (3163rd meeting): resolution 802 (1993)

By a letter dated 25 January 1993 addressed to the President of the Security Council,⁴³² the representative of France requested the immediate convening of a Security Council meeting to consider the grave situation existing in the United Nations Protected Areas in Croatia, and especially the attacks to which the personnel of the United Nations Protection Force (UNPROFOR) in those areas had been subjected.

At its 3163rd meeting, held on 25 January 1993 in response to the request contained in that letter, the Council began consideration of the item and included that letter in its agenda. Following the adoption of the agenda, the President (Japan) drew the attention of the

⁴³² S/25156.