

## **J. Conference on Security and Cooperation in Europe missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro)**

### **Initial proceedings**

#### **Decision of 9 August 1993 (3262nd meeting): resolution 855 (1993)**

By a letter dated 20 July 1993 addressed to the President of the Security Council, the representative of Sweden transmitted a letter of the same date from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE), in which, in accordance with Article 54 of the Charter, he informed the Council that at the end of June 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) had withdrawn its acceptance of the CSCE missions in Kosovo, Sandzak and Vojvodina and its cooperation with them.<sup>644</sup> The Chairman-in-Office also noted that it was the considered opinion of the CSCE participating States that the decision by the Belgrade authorities aggravated the existing threats to peace and security in the region.

By a letter dated 23 July 1993 addressed to the President of the Council, the representative of Sweden transmitted a letter of the same date from the Chairman-in-Office addressed to the Minister for Foreign Affairs of Yugoslavia, as well as a related statement by the Chairman-in-Office.<sup>645</sup> In his letter, the Chairman-in-Office called upon the authorities of the Federal Republic of Yugoslavia to revoke its decision not to allow the CSCE missions to continue their activities and display its willingness to live up to the norms and principles it had accepted as a CSCE participating State.

At its 3262nd meeting, on 9 August 1993, the Council included in its agenda the item entitled "Conference on Security and Cooperation in Europe (CSCE) missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro)" and the two above-mentioned letters. Following the adoption of the agenda, the Council invited Ambassador Dragomir Djokic, at his request, to

take a seat at the Council table during the course of the discussion of the item. The President (United States) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,<sup>646</sup> as well as to two letters dated 28 July and 3 August 1993 from the representative of Yugoslavia addressed to the Secretary-General.<sup>647</sup> The letters transmitted letters dated 28 and 29 July 1993 from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council and the Chairman-in-Office of the CSCE Council, respectively, in which the Minister objected to the fact that the Federal Republic of Yugoslavia had been suspended from participating in CSCE activities since 8 July 1992 and made the point that his Government was willing and ready to continue to cooperate with CSCE and would allow the CSCE missions back, should Serbia and Montenegro be reintegrated into CSCE.

Speaking before the vote, the representative of China contended that the issue of Kosovo was an internal affair of the Federal Republic of Yugoslavia and that the sovereignty, political independence and territorial integrity of the Federal Republic of Yugoslavia should be respected, in line with the basic principles of the Charter of the United Nations and international law. Based on that consideration, his delegation believed that the Council should exercise extreme prudence and should act in strict conformity with the purposes and the principles of the Charter, especially the principle of non-interference in the internal affairs of sovereign States. The speaker also contended that recourse to preventive diplomacy, as part of the pacific settlement of conflicts embodied in Chapter VI of the Charter, should be carried out at the explicit request or with the prior consent of the States and parties concerned, and should never be imposed against their will. Practice over the years had shown that the consent and cooperation of the parties concerned were essential factors in ensuring the success of the endeavours of the United Nations and regional organizations. The dispute should therefore be solved through continued dialogue and consultation, without outside interference or pressure. The speaker observed that, when differences arose between a regional organization and a sovereign State, it was

<sup>644</sup> S/26121.

<sup>645</sup> S/26148.

<sup>646</sup> S/26263.

<sup>647</sup> S/26210 and S/26234, respectively.

important to consider the question whether the Security Council should involve itself and, if so, according to what principle. He noted that, in the spirit of consensus, the Chinese delegation had offered specific amendments to the draft resolution. As those amendments had not been accepted, however, it would abstain from the voting on the draft resolution.<sup>648</sup>

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (China) as resolution 855 (1993), which reads:

*The Security Council,*

*Taking note* of the letters of 20 and 23 July 1993 from the Chairman in Office of the Council of Ministers of the Conference on Security and Cooperation in Europe,

*Also taking note* of the letters of 28 July and 3 August 1993 circulated by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Deeply concerned* at the refusal of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the CSCE missions of long duration to continue their activities,

*Bearing in mind* that the CSCE missions of long duration are an example of preventive diplomacy undertaken within the framework of the Conference on Security and Cooperation in Europe and have greatly contributed to promoting stability and counteracting the risk of violence in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Reaffirming* its relevant resolutions aimed at putting an end to conflict in the former Yugoslavia,

*Determined* to avoid any extension of the conflict in the former Yugoslavia, and in this context attaching great importance to the work of the CSCE missions and to the continued ability of the international community to monitor the situation in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Stressing* its commitment to the territorial integrity and political independence of all States in the region,

1. *Endorses* the efforts of the Conference on Security and Cooperation in Europe as described in the letters noted above from the Chairman in Office of the Council of Ministers of the Conference on Security and Cooperation in Europe;

2. *Calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the Conference by taking the practical steps needed for the

resumption of the activities of these missions and to agree to an increase in the number of monitors as decided by the Conference;

3. *Also calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to assure the monitors' safety and security and to allow them free and unimpeded access necessary to accomplish their mission in full;

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

Speaking after the vote, the representative of Hungary stated that the CSCE missions had proved extremely valuable in promoting stability and counteracting the risk of ethnically motivated violence in Kosovo, Sandzak and Vojvodina. The Hungarian delegation strongly believed that transparency in the protection of human rights was an important factor of stability and security, being a litmus test of a Government's fulfilment of its obligations under the Charter and other relevant international instruments. Hungary, like the CSCE community as a whole, was of the view that the expulsion of the CSCE missions was an act that further aggravated the threat to peace and security in the Balkan region. It considered the Council's call to the Belgrade Government to re-examine its position to be "a perfectly legitimate and sound action".<sup>649</sup>

The representative of Brazil stated that his delegation had voted in favour of the resolution just adopted, bearing in mind that the consideration of the substantive aspects of the dispute fell within the competence of the regional arrangement represented by the relationship between CSCE and its member States. The Brazilian delegation hoped that the resolution just adopted would help to create conditions for the adoption of measures of cooperation and ultimately for the solution of the differences between the Federal Republic of Yugoslavia and CSCE.<sup>650</sup>

The representative of France stated that his delegation was pleased that the Council was giving its support to CSCE, so that the activities of its missions could continue. As stated in the letters of the Chairman-in-Office, it was a question of ensuring the stability of the region. As the resolution just adopted emphasized, the activities of the missions were in no way aimed at affecting the sovereignty of a State, but were designed to ensure respect for the fundamental principles to which all the member States of CSCE,

<sup>648</sup> S/PV.3262, pp. 3-5.

<sup>649</sup> *Ibid.*, pp. 5-6.

<sup>650</sup> *Ibid.*, pp. 6-7.

including the Federal Republic of Yugoslavia, had committed themselves. The presence of the missions contributed to avoiding any extension of the conflict in the former Yugoslavia to Kosovo, Sandzak and Vojvodina.<sup>651</sup>

The representative of the United Kingdom reminded the authorities in Belgrade that they continued to be bound by obligations which had been entered into in the context of CSCE and the binding commitment under the “Moscow mechanisms”. The missions were a source of objective information and they promoted security and dialogue between the communities, and would avoid the spread of conflict to other parts of the former Yugoslavia.<sup>652</sup>

The President, speaking in her capacity as the representative of the United States, stated that the United States strongly supported the activities of the CSCE missions, as they were vital to the international community’s efforts to prevent the spread of the conflict in the former Yugoslavia. By monitoring the human rights situation in Kosovo, Sandzak and Vojvodina, those missions had announced clearly to the authorities in Belgrade that the international community would not tolerate Serbian oppression of local non-Serb populations. She warned that the United States was prepared to respond against Serbia in the event of a conflict in Kosovo caused by Serbian action. She also stressed that human rights abuse would simply delay Serbia and Montenegro’s return to the community of nations.<sup>653</sup>

In the course of the debate, other speakers shared the view that the CSCE missions were fundamental to the maintenance of peace and stability in the region and that their departure would further aggravate the existing threat to that peace and stability.<sup>654</sup>

<sup>651</sup> Ibid., pp. 9-10.

<sup>652</sup> Ibid., p. 14.

<sup>653</sup> Ibid., pp. 17-18.

<sup>654</sup> Ibid., pp. 7-9 (Pakistan); pp. 10-11 (Japan); and pp. 12-13 (Spain).

## K. The situation in Croatia

### Initial proceedings

#### Decision of 14 September 1993 (3275th meeting): statement by the President

At its 3275th meeting, on 14 September 1993, the Security Council began its consideration of the item entitled “The situation in Croatia”. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Venezuela) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:<sup>655</sup>

The Security Council expresses its profound concern at the reports from the Secretariat of recent military hostilities in Croatia, in particular the escalation of the means employed, and the grave threat they pose to the peace process in Geneva and overall stability in the former Yugoslavia.

The Council reaffirms its respect for the sovereignty and territorial integrity of the Republic of Croatia, and calls on both sides to accept the proposal of the United Nations Protection Force for an immediate ceasefire. It calls on the Government of Croatia to withdraw its armed forces to positions occupied before 9 September 1993, on the basis of that proposal, and calls on the Serbian forces to halt all provocative military actions.

#### Decision of 7 February 1995 (3498th meeting): statement by the President

At its 3498th meeting, on 7 February 1995, the Council resumed its consideration of the situation in Croatia. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Botswana) drew the attention of the members of the Council to several documents.<sup>656</sup> The President then stated that, after consultations among members of the Security Council,

<sup>655</sup> S/26436.

<sup>656</sup> Letter dated 18 January 1995 from the representative of Croatia addressed to the President of the Security Council (S/1995/56); and letters dated 25 and 31 January 1995, respectively, from the representative of Croatia addressed to the Secretary-General (S/1995/82 and S/1995/93).