

representative of Croatia, 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:⁷¹¹

The Security Council takes note of the report of the Secretary-General of 21 December 1995, which it has just received.

The Council, as a matter of urgency, expresses its grave concern that, according to information in that report, the Government of the Republic of Croatia has ignored the call of the Council in the statement by its President of 3 October 1995 that it lift any time-limits placed on the return of refugees to reclaim their property. The requirement that owners must reclaim their property by 27 December 1995 constitutes a virtually insurmountable obstacle for most Serb refugees.

The Council strongly demands that the Government of the Republic of Croatia lift immediately any time-limits placed on the return of refugees to reclaim their property.

The Council shall continue its consideration of the report of the Secretary-General.

L. The situation prevailing in and around the safe area of Bihac

Initial proceedings

Decision of 19 November 1994 (3461st meeting): resolution 958 (1994)

At its 3461st meeting, on 19 November 1994, the Security Council included the item entitled "The situation prevailing in and around the safe area of Bihac" in its agenda. 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,⁷¹² as well as to a letter dated 18 November 1994 from the representative of Croatia to the President of the Council, transmitting two letters of the same date from the President of Croatia addressed to the President of the Security Council and the Secretary-

General of NATO,⁷¹³ and a letter dated 19 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Council.⁷¹⁴ In the letter to the President of the Council,⁷¹⁵ the President of Croatia reported that rebel Serb forces had been attacking Bosnia and Herzegovina from the United Nations Protected Areas in Croatia, including via air strikes, artillery barrages and cross-border ground troop attacks. His Government urgently requested assistance from the United Nations in ending those attacks, in the form of air strikes against the attacking Serb forces. In the letter to the Secretary-General of NATO,⁷¹⁶ the President of Croatia noted that, in order to end the attacks on Bosnia and Herzegovina from Croatian soil by rebel Serb forces in the United Nations Protected Areas, his Government approved the use of NATO air strikes against those forces for a period of one week.

The representative of Croatia stated that the actions by the so-called Krajina Serb forces in Croatia could no longer be tolerated and he urged that, upon its adoption, the draft resolution should be fully implemented. His delegation was pleased that the draft resolution would further strengthen Croatia's territorial integrity and sovereignty. The speaker further stated that Croatia would continue to play its constructive role in the peace process so long as the international community continued to uphold its commitment to Croatia in full compliance with the relevant Security Council resolutions but he warned that his country would not wait for ever. He argued that the continuing violations of Croatia's borders, such as the violations of resolution 820 (1993) and of the border-monitoring mission arrangements of the International Conference on the Former Yugoslavia, contributed to the escalation of activities in the Bihac region by providing fuel for those attacking Bihac. Croatia demanded that the illegal trans-shipment of fuel and goods stop immediately.⁷¹⁷

The representative of Bosnia and Herzegovina said that his delegation was not convinced that the draft resolution was necessary in order to allow an appropriate response to the attacks against the Bihac safe area. He contended that the basis for such action already existed. He added that the actions by the

⁷¹¹ S/PRST/1995/63.

⁷¹² S/1994/1316.

⁷¹³ S/1994/1312.

⁷¹⁴ S/1994/1319.

⁷¹⁵ S/1994/1312, annex I.

⁷¹⁶ *Ibid.*, annex II.

⁷¹⁷ S/PV.3461, pp. 2-3.

so-called Krajina Serbs were also violations of the no-fly zone, of the supposedly demilitarized status of the United Nations Protected Areas in Croatia, and of the territorial integrity of Bosnia and Herzegovina. Any attack against the territory of Bosnia and Herzegovina would amount to a violation of its territorial integrity, requiring the necessary response to such aggression as a threat to international peace and security, regardless of whether or not it involved a safe area. The speaker also expressed the view that, under the draft resolution, any cross-border attack against civilians or UNPROFOR targets within the Bihac region would meet with a response. He urged the Council to adopt further measures to improve the situation, provide the necessary practical support for UNPROFOR within the Bihac area, and put an end to measures inconsistent with the peace process. In particular, he urged the Council to foreclose all flows of fuel to the Krajina Serbs from Serbia and Montenegro through the occupied areas of Bosnia and Herzegovina and Croatia. He referred to estimates that Bosnian Serb forces needed 5 to 15 truckloads of fuel per day to pursue their war effort and noted that, according to reports from the Border Monitoring Mission of the International Conference on the Former Yugoslavia, between 15 and 20 fuel trucks were in fact being allowed across the border from Serbia and Montenegro each day. That fuel was enough for both the so-called Bosnian Serbs and Krajina Serbs to carry out the attacks that the Council was seeking to confront with the draft resolution before it.⁷¹⁸

The draft resolution was then put to the vote and was adopted unanimously as resolution 958 (1994), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular its resolution 836 (1993) of 4 June 1993,

Recalling also the statements by the President of the Security Council of 13 November and 18 November 1994, and reiterating its concern about the deteriorating situation in and around the safe area of Bihac,

Having considered the letter dated 18 November 1994 from the Permanent Representative of the Republic of Croatia addressed to the President of the Security Council,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Croatia,

⁷¹⁸ Ibid., pp. 3-4.

Determining that the situation in the Former Yugoslavia continues to constitute a threat to international peace and security, and determined to support the United Nations Protection Force in the performance of its mandate set out in paragraphs 5 and 9 of resolution 836 (1993), and to this end acting under Chapter VII of the Charter of the United Nations,

Decides that the authorization given in paragraph 10 of its resolution 836 (1993) to Member States, 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 United Nations Protection Force, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina referred to in its resolution 824 (1993) of 6 May 1993, to support the Force in the performance of its mandate set out in paragraphs 5 and 9 of its resolution 836 (1993) shall apply also to such measures taken in the Republic of Croatia.

Speaking after the vote, the representative of the United Kingdom contended that the resolution just adopted was needed to close the gap revealed by the air attacks launched by Krajina Serb forces in Bihac and was in line with the approach the Council had received from President Tudjman and the Croatian authorities. He added that the resolution was clear and straightforward and simply extended the provisions of resolution 836 (1993), in relation to the use of air power, to Croatian territory. The resolution mirrored in every way paragraph 10 of resolution 836 (1993), and the procedures to implement it would similarly mirror these set in place to implement that resolution. It made possible the extension of the geographical scope of existing procedures for the use of air power rather than creating new ones.⁷¹⁹

The representative of France recalled that the UNPROFOR Commander had asked for an appropriate response, with the use of air strikes, to the aerial bombardment of Bihac. His Government took the view that resolutions 836 (1993) and 908 (1994) made it possible to respond favourably to that request. His delegation regretted that none of the options proposed by the UNPROFOR Commander had been adopted. France believed that, in situations that clearly identified the aggressor and the victim, the response called for by UNPROFOR should be put into effect as soon as possible. He also believed that the resolution would contribute to that.⁷²⁰

⁷¹⁹ Ibid., p. 4.

⁷²⁰ Ibid., p. 4.

The representative of the Russian Federation stated that his delegation voted in favour of the resolution just adopted, because it believed that the order which had been established for the use of air power in Bosnia and Herzegovina and surrounding areas and which had now been extended to the territory of Croatia to ensure the protection of the Bihac safe area, fully corresponded to the rules for the use of air power in the other safe areas. It was important that the resolution confirmed that the appropriate measures would be taken under the guidance of the Security Council and in close coordination with the Secretary-General and UNPROFOR. In that context, the speaker stressed that the use of air power by the United Nations forces should be impartial, regardless of who might be the violator. It was also important that the main principle of the safe areas be fully and consistently implemented. These areas were intended for the protection of the civilian population and could not be used for offensive military action or for preparations for such action. The best solution would be the demilitarization of the safe areas.⁷²¹

The representative of China stated that his delegation had voted in favour of the resolution just adopted because it was aimed at protecting the safe area of Bihac and the safety of the civilians there, as well as at ensuring that the UNPROFOR mandate was successfully implemented. He, however, expressed his delegation's reservations concerning the mandatory actions authorized by invoking Chapter VII of the Charter in the resolution and said that the Security Council should be extremely prudent and cautious regarding the use of air power in Croatia. Air power should be used only for the purpose of self-defence to protect the safety and security of UNPROFOR personnel and the civilians in the safe area. It should not be "abused" for punitive or pre-emptive purposes. Moreover, in the use of air power, strict measures should be taken to avoid harming innocent civilians.⁷²²

The representative of Brazil stated that, while his delegation concurred with the need for a technical adjustment to resolution 836 (1993) in order to protect the safe area of Bihac, it was nevertheless concerned that the "extraordinary" recourse to air power was being extended to another country. He reiterated his delegation's reservations on the use of the expression

"all necessary measures", which seemed to be becoming a standard expression of the Council associated with the use of military force, to the detriment of diplomatic efforts. It was also his delegation's understanding, as had been confirmed by the sponsors of the resolution, that the requirement contained in paragraph 11 of resolution 836 (1993), relating to the need for Member States cooperating with UNPROFOR to report to the Council through the Secretary-General, also applied to the resolution just adopted.⁷²³

The President, speaking in her capacity as the representative of the United States, stated that the Council had clarified that the use of air power was authorized to attack targets in Croatia that threatened safe areas in Bosnia or United Nations troops operating in Bosnia. Referring to the fact that the previous day, after the Krajina Serbs had attacked Bosnia, the United Nations Commander for the Former Yugoslavia had raised the issue of a NATO response from the air, she noted that her Government believed that an immediate, affirmative response would have been legally authorized by previous resolutions of the Council.⁷²⁴

M. Letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council

Initial proceedings

Decision of 14 December 1994 (3480th meeting): resolution 967 (1994)

By a letter dated 14 December 1994 addressed to the President of the Security Council, the Chairman of the Security Council Committee established by resolution 724 (1991) concerning Yugoslavia, reported that the Acting Executive Director of United Nations Children's Fund (UNICEF) had informed the Committee that several countries in Central Asia and Eastern Europe were facing a major resurgence of diphtheria and that the only available stocks of antiserum to combat this serious condition were located in the Federal Republic of Yugoslavia.⁷²⁵ The

⁷²¹ Ibid., p. 5.

⁷²² Ibid., p. 7.

⁷²³ Ibid., pp. 7-8.

⁷²⁴ Ibid., pp. 9-10.

⁷²⁵ S/1994/1418.