

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.

Acting Executive Director of UNICEF had therefore requested that the Committee facilitate the shipment of 12,000 vials of diphtheria antiserum from the Federal Republic of Yugoslavia for use in the affected countries. The Chairman noted that, taking into account the exceptional humanitarian circumstances of the situation, the Committee had decided to recommend that the Council adopt a resolution permitting, for a period of 30 days, the export from the Federal Republic of Yugoslavia of 12,000 vials of diphtheria antiserum. The Committee had also recommended that any payments for such authorized shipments should be made only into frozen accounts.

At its 3480th meeting, on 14 December 1994, the Council began its consideration of the item. Following the adoption of the agenda, the President (Rwanda) 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.⁷²⁶ The draft resolution was then put to the vote and was adopted unanimously as resolution 967 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the situation in the Former Yugoslavia, in particular its resolution 757 (1992) of 30 May 1992,

Taking note of the letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and the communication from the Acting Executive Director of the United Nations Children's Fund of 13 December 1994 annexed thereto, in which the Council is informed of a major resurgence of diphtheria and that the only available stocks of antiserum to combat this serious condition are located in the Federal Republic of Yugoslavia (Serbia and Montenegro),

Recognizing that the export of antiserum from the Federal Republic of Yugoslavia (Serbia and Montenegro) will require an exemption from the provisions of resolution 757 (1992) of 30 May 1992, and acting in this respect under Chapter VII of the Charter of the United Nations,

1. *Decides* to permit, for a period of thirty days from the date of the adoption of the present resolution, the export of 12,000 vials of diphtheria antiserum from the Federal Republic of Yugoslavia (Serbia and Montenegro);
2. *Decides* further that any payments for such authorized shipments shall be made only into frozen accounts;
3. *Decides* to remain seized of the matter.

⁷²⁶ S/1994/1419.

N. The situation in the former Yugoslavia

Initial proceedings

Decision of 6 October 1995 (3585th meeting): statement by the President

At its 3585th meeting, on 6 October 1995, the Security Council included the item entitled "The situation in the former Yugoslavia" 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 (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:⁷²⁷

The Security Council welcomes the 5 October 1995 agreement by the Bosnian parties to a ceasefire, including the agreement to terminate all hostile military activities throughout the territory of the Republic of Bosnia and Herzegovina, as of 10 October 1995, provided that full gas and electrical utility service is restored to Sarajevo. It welcomes all efforts to restore such service and calls upon the parties to cooperate fully with such efforts. The Council urges the parties fully to comply with all provisions in the ceasefire agreement once they come into effect.

The Council also welcomes the decision of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to attend proximity peace talks by the end of this month, to be followed by a peace conference. It reiterates that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina and strongly urges the parties to negotiate in good faith on the basis of the Agreed Basic Principles signed at Geneva on 8 September 1995, and the Further Agreed Principles of 26 September 1995.

The Council also welcomes the agreement of 3 October 1995 by the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia to guiding basic principles for negotiations. It strongly urges both parties to negotiate

⁷²⁷ S/PRST/1995/50.