

20. Items relating to the situation in the former Yugoslavia

Initial proceedings

A. Letter dated 19 September 1991 from the Permanent Representative of Austria to the United Nations addressed to the President of the Security Council

Letter dated 19 September 1991 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

Letter dated 20 September 1991 from the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council

Letter dated 24 September 1991 from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of the Security Council

Decision of 25 September 1991 (3009th meeting): resolution 713 (1991)

By a letter dated 19 September 1991 addressed to the President of the Security Council,¹ the representative of Austria requested an urgent consideration, in informal consultations of the members of the Council, of the deteriorating situation regarding Yugoslavia which gave rise to serious concern throughout the region.

By letters dated 19 and 20 September 1991 addressed to the President of the Council,² the representatives of Canada and Hungary, respectively, requested an urgent meeting of the Security Council in the light of the deteriorating situation in Yugoslavia, the continuation of which was likely to endanger the maintenance of international peace and security.

By a letter dated 24 September 1991 addressed to the President of the Council,³ the representative of Yugoslavia stated that his Government welcomed the decision that had been taken, at the initiative of Belgium, France and the United Kingdom, to call a meeting of the Council to discuss the situation in Yugoslavia. He added that the Foreign Minister of Yugoslavia wished to participate in the Council meeting, and that he was hopeful that the Council would be able to adopt a resolution at that meeting which would contribute to the current efforts to bring peace to all Yugoslavs.

At its 3009th meeting, on 25 September 1991, the Council included the letters from the representatives of Austria, Canada, Hungary and Yugoslavia in its agenda.

On behalf of the Council, the President (France) expressed deep appreciation for the presence at the meeting of the following Foreign Ministers of States members of the Council: Austria, China, Cuba, Ecuador, India, Romania, the Union of Soviet Socialist Republics, the United Kingdom, the United States and Zimbabwe. He invited the representative of Yugoslavia, at his request, to participate in the discussion without the right to vote.

The President drew the attention of the members of the Council to a draft resolution submitted by Austria, Belgium, France, the Union of Soviet Socialist Republics and the United Kingdom.⁴

He also drew their attention to the following other documents: (a) letters dated 5 July to 20 September 1991 from the representative of the Netherlands to the Secretary-General,⁵ transmitting statements and declarations on Yugoslavia adopted by the European Community and its member States during that period, the last of which — a declaration issued on 19 September 1991 — expressed the intention of seeking, through the Security Council, the support of the international community for the European efforts; (b) joint letters dated 7 August to 20 September 1991

³ S/23069.

⁴ S/23067

⁵ S/22775, S/22834, S/22898, S/22975 and S/23059.

¹ S/23052.

² S/23053 and S/23057.

from the representatives of Belgium, France and the United Kingdom to the Secretary-General and the President of the Security Council,⁶ also transmitting declarations on Yugoslavia adopted by the European Community and its member States during that period; (c) a letter dated 12 July 1991 from the representative of Czechoslovakia to the Secretary-General,⁷ transmitting the texts of the documents adopted in July 1991 in the framework of the Conference on Security and Cooperation in Europe in connection with the situation in Yugoslavia; (d) a letter dated 7 August 1991 from the representative of Austria to the President of the Council,⁸ drawing attention to the recent deterioration of the situation regarding Yugoslavia which gave rise to serious concern throughout the region, and reserving the right to ask for informal consultations of the members of the Council in the light of further developments with a view to the Council taking such measures as might be deemed appropriate; and (e) a letter dated 19 September 1991 from the representative of Australia to the Secretary-General,⁹ expressing the view that the time had come for the international community to reinforce the European efforts through the United Nations, asking the Secretary-General to lend the authority of his own office to the search for a resolution of the problems in Yugoslavia, and suggesting that the Security Council should consider the issue as a matter of urgency.

The President of the Council also noted that members had received copies of a letter dated 25 September 1991 from the representative of Australia addressed to him,¹⁰ attaching a statement by the Foreign Minister of Australia. The latter set out, inter alia, why his Government believed that the Security Council had the authority to consider the situation in Yugoslavia and what the Council could do to support the European efforts. In his country's view, the situation represented a threat to international peace and security in the region justifying, and indeed — in terms of the Charter — requiring, United Nations involvement: continued fighting in Yugoslavia posed a threat to the security of its neighbours; and numbers of refugees fleeing the conflict had already crossed international borders, while the threat of further

outflows on a massive scale was of major concern. As to what the United Nations could do, the Security Council could throw the full moral and political authority of the international community behind the European efforts to secure peace in Yugoslavia; the United Nations, and particularly the Secretary-General, could play a more direct role in supporting those efforts by engaging the parties in dialogue; the Council could, as proposed, adopt a resolution imposing an arms embargo on Yugoslavia; and it should stand ready to consider further measures under its Charter competencies, if necessary.

Commencing the discussion, the representative of Yugoslavia stated that the Yugoslav crisis, which threatened peace and security on a large scale, had rightly become a matter of concern for the Council. Yugoslavia was in conflict with itself. The crisis was an integral part of the historical turmoil that had been besetting Central and Eastern Europe, the Soviet Union and other parts of the world in recent years. However, it had another tragic aspect due to the historical, political and, particularly, ethnic differences involved. Deep mutual distrust, unilateral acts, the policy of *fait accompli* and the use of force had blocked all efforts towards a peaceful and democratic resolution of the crisis. The crisis jeopardized not only the present and future of the Yugoslav peoples, but also peace and stability in Europe. It also threatened the emerging new world architecture. Yugoslavia had not been able to resolve the crisis on its own and had welcomed the peace efforts of the European Community under the auspices of the Conference on Security and Cooperation in Europe (CSCE), based on certain basic principles: the unacceptability of any unilateral or forcible changes of borders; protection of, and respect for, the rights of all in Yugoslavia; and full recognition of all legitimate interests and aspirations. Those efforts had included the brokering of a ceasefire, monitored by European Community observers, the suspension of arms deliveries to all the parties involved, and, in September 1991, the inauguration of a Conference on Yugoslavia at The Hague. The speaker stressed the need for a genuine readiness on the part of the international community, the European actors — CSCE and the European Community — and all Yugoslav parties, to utilize the framework of the Conference on Yugoslavia in order to consolidate peace and to open a political dialogue on the future of Yugoslavia. He stated that the draft resolution represented a sincere effort to ensure that the Council would enhance the

⁶ S/22902, S/22991, S/23010 and S/23060.

⁷ S/22785.

⁸ S/22903.

⁹ S/23047.

¹⁰ S/23071.

endeavours of the European Community and help Yugoslavia to find the way to help itself. The draft also reaffirmed the original principles of the Charter of the United Nations and the need to preserve international peace and security and to resolve crises primarily through regional arrangements and mechanisms. It was essential that the Yugoslav disputes be resolved through the Conference on Yugoslavia, that the efforts towards peace and dialogue invested by the European Community under the auspices of CSCE should be supported; that the international community be engaged by imposing a general and complete embargo on all deliveries of weapons and military equipment to all parties in Yugoslavia; and that everyone refrain from any action that might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia.¹¹

The Council then commenced the voting procedure on the draft resolution before it. Speaking before the vote, the representative of Belgium stated that the Council could not fail to address a situation which had caused loss of human life and significant destruction and was a threat to regional peace and security, especially destabilizing in the context of political and economic change in Central and Eastern Europe. He referred to the efforts by the European Community and CSCE, which had called for a ceasefire, the sending of monitors to the area and the convening of a peace conference. Notwithstanding the difficulties encountered in setting up that machinery, the European Community and its member States were determined to contribute to a negotiated settlement on the basis of the following principles: the unacceptability of the use of force; the unacceptability of any modification of frontiers through the use of force — modifications which they were determined not to recognize; respect for the rights of all those who lived in Yugoslavia, including minorities; and the need to take into account all legitimate concerns and aspirations. They needed the support of the Council and of the international community, in conformity with Chapter VIII of the Charter, to lay the groundwork for the parties to settle their dispute within the framework of an international conference.¹²

The representative of Austria stated that his country viewed with great concern the developments in

neighbouring Yugoslavia and supported fully the efforts of the European Community and CSCE. Those efforts ought to be supported by the international community as a whole, which had a responsibility to put an end to the armed conflict in Yugoslavia. At the same time, no appeal to the collective security organs could release the European regional organizations from their own responsibility. He reiterated the principles on which the future relations between the peoples in Yugoslavia should be based, including the non-use of force; the right to self-determination; the unacceptability of any changes by force of the borders between the Yugoslav republics; the full implementation of the Paris Charter for a New Europe concerning democracy, the rule of law and respect for human rights; and the conclusion of binding agreements on the protection of minorities and effective guarantees for equal participation in the political process by all groups.¹³

The representative of Zimbabwe stated that he would vote for the draft resolution because the Government of Yugoslavia had clearly indicated its support for it through its letter and the statement by its Foreign Minister. Grieved by the outbreak of tribal hostilities and the escalating toll of death and destruction in Yugoslavia, a founder member of the Non-Aligned Movement, the speaker supported the proposed action by the Council, which focused on two areas: strengthening the hand of the Secretary-General in seeking a peaceful political solution to the problems in Yugoslavia, and stopping the flow of arms into that country. He cautioned, however, that any further action by the Council should be taken properly, within the terms of the Charter and of its own practice.¹⁴

The representative of Yemen said that Yugoslavia was an example of the new type of problems facing the United Nations, which were characterized by political upheavals inside States and a slide towards fragmentation and even anarchy. The Security Council needed to deal creatively with these problems in order to avoid their escalation to the point where they would threaten regional and international security. However, the principles of the Charter, including respect for the sovereignty of States and non-interference in their domestic affairs, must not be disregarded. The Council, while reviewing the bases on which it worked, should

¹¹ S/PV.3009, pp. 6-17.

¹² *Ibid.*, pp. 18-22.

¹³ *Ibid.*, pp. 23-26.

¹⁴ *Ibid.*, pp. 28-32.

not engage in experimentation in settling internal disputes. The speaker, noting the request of the Government of Yugoslavia, hoped that the involvement of the Security Council would contribute to halting the military operations in Yugoslavia and help all parties to settle their disputes and differences peacefully.¹⁵

The representative of Cuba expressed hope that the proposed decision of the Security Council would help to ensure that Yugoslavia and its people would make progress towards the settlement of the country's internal conflicts and achieve stability and lasting peace.¹⁶

The representative of Romania reiterated his country's position that the Security Council's main concern should be to find the best way to encourage the Yugoslav parties to come to an understanding by themselves on issues dividing them and to support the efforts of the European Community to assist those parties to reach such an understanding. Commenting on the draft resolution, he highlighted the importance of the provisions concerning the ceasefire, the arms embargo, and the efforts of the European Community supported by CSCE and those to be undertaken by the Secretary-General. With respect to the embargo, his delegation hoped that all countries would observe the Council's decision in accordance with Article 25 of the Charter.¹⁷

The representative of India stressed that the Council was being formally seized of the situation in Yugoslavia by the State concerned, which was an essential requirement in such cases. Referring to Article 2 (7) of the Charter, he pointed out that the Council's consideration of the item on the agenda related not to Yugoslavia's internal situation as such, but to its implications for peace and security in the region. The Council's intervention became legitimate only when a conflict had serious implications for international peace and security. The efforts of the European Community and CSCE, undertaken with the consent and request of the Yugoslav authorities, deserved commendation and support, as provided for by Chapter VIII of the Charter. The speaker referred specifically to Article 52 (3) and Article 54 of the Charter. In his view, the main purpose of the draft

resolution was to throw the Council's moral and political weight behind collective regional efforts.¹⁸

The draft resolution was then put to the vote and adopted unanimously as resolution 713 (1991), which reads:

The Security Council,

Conscious of the fact that Yugoslavia has welcomed, through a letter from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of the Security Council, the decision to convene a meeting of the Security Council,

Having heard the statement by the Minister for Foreign Affairs of Yugoslavia,

Deeply concerned by the fighting in Yugoslavia, which is causing a heavy loss of human life and material damage, and by the consequences for the countries of the region, in particular in the border areas of neighbouring countries,

Concerned that the continuation of this situation constitutes a threat to international peace and security,

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter,

Commending the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, to restore peace and dialogue in Yugoslavia, through, inter alia, the implementation of a ceasefire including the sending of observers, the convening of a conference on Yugoslavia, including the mechanisms set forth within it, and the suspension of the delivery of all weapons and military equipment to Yugoslavia,

Recalling the relevant principles enshrined in the Charter, and in this context taking note of the declaration of 3 September 1991 of the States participating in the Conference on Security and Cooperation in Europe that no territorial gains or changes within Yugoslavia brought about by violence are acceptable,

Taking note of the agreement for a ceasefire concluded on 17 September 1991 in Igalo, and also that signed on 22 September 1991,

Alarmed by the violations of the ceasefire and the continuation of the fighting,

Taking note of the letter dated 19 September 1991 from the Permanent Representative of Austria to the United Nations addressed to the President of the Security Council,

¹⁵ Ibid., pp. 33-36.

¹⁶ Ibid., pp. 37-38.

¹⁷ Ibid., pp. 43-44.

¹⁸ Ibid., pp. 44-48.

Taking note also of the letters dated 19 and 20 September 1991 from, respectively, the Permanent Representative of Canada and the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council,

Taking note further of the letters addressed to the Secretary-General dated 5 and 22 July, 6 and 21 August and 20 September 1991 from the Permanent Representative of the Netherlands, the letter dated 12 July 1991 from the Permanent Representative of Czechoslovakia, the letter dated 7 August 1991 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland, and the letter dated 19 September 1991 from the Permanent Representative of Australia as well as the letter addressed to the President of the Security Council dated 7 August 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Austria and the letters dated 29 August and 4 and 20 September 1991 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland to the United Nations,

1. *Expresses its full support* for the collective efforts for peace and dialogue in Yugoslavia undertaken under the auspices of the member States of the European Community with the support of the States participating in the Conference on Security and Cooperation in Europe consistent with the principles of that Conference;

2. *Supports fully* all arrangements and measures resulting from such collective efforts as those described above, in particular with regard to assistance and support to the ceasefire observers, and to consolidate an effective end to hostilities in Yugoslavia and to assure the smooth functioning of the process instituted within the framework of the Conference on Yugoslavia;

3. *Invites* to this end the Secretary-General to offer his assistance without delay, in consultation with the Government of Yugoslavia and all those promoting the efforts referred to above, and to report as soon as possible to the Security Council;

4. *Strongly urges* all parties to abide strictly by the ceasefire agreements of 17 and 22 September 1991;

5. *Appeals urgently to and encourages* all parties to settle their disputes peacefully and through negotiation at the Conference on Yugoslavia, including through the mechanisms set forth within it;

6. *Decides*, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Yugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Council decides otherwise following consultation between the Secretary-General and the Government of Yugoslavia;

7. *Calls upon* all States to refrain from any action which might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in

Yugoslavia, which would permit all Yugoslavs to decide upon and to construct their future in peace;

8. *Decides* to remain seized of the matter until a peaceful solution is achieved.

Speaking after the vote, the representative of China stated that his delegation had voted in favour of the draft resolution on the understanding that the Security Council discussion was being carried out in special circumstances, that is, with the explicit agreement of the Government of Yugoslavia. However, China's principled position that a country's internal affairs should be handled by the people of that country, and that, according to the Charter, the United Nations, including the Security Council, had to refrain from involving itself and interfering in the internal affairs of any Member State, remained unchanged. The speaker hoped that the Council's action would contribute to the restoration of domestic peace and stability through Yugoslavia's internal peaceful negotiations. He reiterated that the international community, in its endeavours to restore peace and security in the country, must strictly abide by the relevant principles contained in the Charter and international law.¹⁹

The representative of the Union of Soviet Socialist Republics noted that the fratricidal conflict in Yugoslavia had begun to spill over national borders and that, if it continued, it would constitute a direct threat to international peace and security. Convinced that the problems of Yugoslavia and many other multinational States could only be solved through dialogue and negotiation, his delegation had sponsored the resolution just adopted, which called upon all parties to the conflict immediately to cease hostilities and to resolve their disputes peacefully by means of negotiation at the Conference on Yugoslavia. It had been prompted to do so, owing to the consent given by Yugoslavia. The speaker emphasized that intra-State conflicts, like intergovernmental ones, had to be resolved politically, by using new approaches in accordance with the principles both of the Charter and of the CSCE process. Another lesson to be learned from the events in Yugoslavia was the need to respect the rights of national minorities.²⁰

The representative of the United Kingdom stated that, against a background of suffering, bereavement and much fear for the future, the Security Council's

¹⁹ Ibid., pp. 49-51.

²⁰ Ibid., pp. 51-53.

aim had not been to interfere or to try to impose a solution. Rather, it had sought to respond to the pleas of the Yugoslav parties to help them to find a peaceful way through their differences. Although the conflict in Yugoslavia was being handled as a European matter, it was believed that the unique authority of the Council was needed to emphasize that this was an international concern with stakes and implications going wider than Yugoslavia alone. The resolution just adopted was fully consistent with the principles set out by the European Community on 19 September 1991, namely, that the use of force was unacceptable, that any change of borders by force was unacceptable, that the rights of all who lived in Yugoslavia, including minorities, had to be respected, and that there was a need to take account of all legitimate concerns and aspirations. Noting that some had suggested that it was premature to use the language of Chapter VII, the speaker pointed out that the conflict under discussion had a strong international dimension and that the patchwork of nationalities and minorities throughout Central and Eastern Europe meant that full-scale war might not easily be confined to a single territory.²¹

The representative of the United States observed that the Security Council was meeting because the crisis in Yugoslavia had descended into open warfare which threatened the peoples of that country as well as its neighbours. It was that danger of escalation which made it a matter of prime concern to the Council. It was time for all parties to commit themselves to resolving their differences peacefully and, as a first step, to respect the ceasefire. The speaker contended that the Yugoslav federal military was not serving as an impartial guarantor of the ceasefire in Croatia and that the Serbian leadership had been actively supporting and encouraging the use of force in Croatia by Serbian militants and the Yugoslav military. Force was also beginning to be used in Bosnia by the Serbian leadership and the Yugoslav military to establish control over territories outside the borders of Serbia. The aggression within Yugoslavia therefore represented a direct threat to international peace and security. The use of aggression to determine the future internal borders of Yugoslavia or Serbia also represented a grave challenge to the values and principles which underlay the Helsinki Final Act, the Charter of Paris and the Charter of the United Nations. Calling upon all parties to establish a genuine ceasefire and work

towards a negotiated agreement on Yugoslavia's future, the speaker commended the efforts of the European Community and CSCE, for which the Council had expressed its full support in the resolution just adopted. The United States had voted for the resolution without reservation, welcoming in particular the international arms embargo and the call for the Secretary-General to bring the good offices of the Organization to bear on the Yugoslav situation in concert with the efforts of regional bodies.²²

Several other speakers also expressed their support for the resolution, in response to the appeal by the Yugoslav authorities, in the hope that it would strengthen the European peace efforts.²³

The President, speaking in his capacity as the representative of France, stated that several of the Yugoslav republics were calling for their independence and that the right of peoples to self-determination could not be challenged. He noted that the members of the Security Council had once again shouldered a historic responsibility: a responsibility to Yugoslavia, which had accepted its assistance, to Europe and to the international community. They had to demonstrate that it was possible to build an order of peace and cooperation without recourse to force for the settlement of disputes. In the context of the ongoing peace efforts, he called upon the Secretary-General to offer his assistance without delay.²⁴

²² *Ibid.*, pp. 58-62.

²³ *Ibid.*, pp. 26-28 (Ecuador); pp. 63-65 (Zaire); pp. 39-41 (Côte d'Ivoire).

²⁴ *Ibid.*, pp. 65-67.

²¹ *Ibid.*, pp. 55-57.

B. Letter dated 24 November 1991 from the Secretary-General addressed to the President of the Security Council

Letter dated 21 November 1991 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

Letter dated 26 November 1991 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

Decision of 27 November 1991 (3018th meeting): resolution 721 (1991)

On 25 October 1991, pursuant to resolution 713 (1991), the Secretary-General submitted to the Council a report on the mission to Yugoslavia undertaken by his Personal Envoy, Mr. Cyrus R. Vance, from 11 to 18 October.²⁵ He stated that the latter had visited the six republics comprising the Socialist Federal Republic of Yugoslavia; attended sessions of the Conference on Yugoslavia at The Hague where he had conferred with the current President of the Council of Ministers of the European Community; and met in Bonn with the current Chairman of the States participating in the Conference on Security and Cooperation in Europe. The Secretary-General observed that the situation in Yugoslavia was very serious and had, in many respects, deteriorated markedly since the adoption of resolution 713 (1991). In sum, the threat to international peace and security identified by the Council in that resolution continued. The resolution itself had been well received on all sides and each of Mr. Vance's interlocutors wished to see the interest of the Security Council in this matter maintained. However, despite the efforts of the States members of the European Community and the strong urging of the Council, successive ceasefire agreements had not been observed. On the contrary, hostilities continued to escalate, with civilians continuing to pay a high price, through casualties and internal displacement, and the country's economy was rapidly deteriorating. There were credible assertions, moreover, from many parties in Yugoslavia that the

²⁵ S/23169.

arms embargo imposed by the Council under Chapter VII of the Charter, in resolution 713 (1991), was being violated. The Secretary-General observed that, given the gravity of this apparent violation of the Council's decision, its members would no doubt wish to respond appropriately. He added that developments in Yugoslavia had already, in varying measure, affected neighbouring States. There had been a flow, as yet relatively modest, of civilians affected by the hostilities from Yugoslavia into the territory of some neighbouring States, as well as allegations of unauthorized overflights of the airspace of a neighbouring State by Yugoslav military aircraft. In conclusion, the Secretary-General expressed his confidence that the Council would continue to be actively seized of the matter. He suggested that it might wish to assist, as well as to encourage, all parties to settle their disputes peacefully and through negotiation at the Conference on Yugoslavia, including through the mechanisms set forth within it.

By a letter dated 24 November 1991 addressed to the President of the Council,²⁶ the Secretary-General reported on a further mission of his Personal Envoy to Yugoslavia, from 17 to 24 November.²⁷ He stated that, as he had indicated to the members of the Council during informal consultations on 15 November, he had decided to ask his Personal Envoy, accompanied by a team of senior United Nations officials, to travel to Yugoslavia to discuss with the principal parties to the conflict the feasibility of deploying a United Nations peacekeeping operation in Yugoslavia. The Secretary-General informed the Council that, at a meeting at Geneva on 23 November chaired by his Personal Envoy, the Yugoslav parties — President Milosevic of Serbia, President Tudjman of Croatia and General Kadijevic, Minister of Defence of the Socialist Federal Republic of Yugoslavia — had signed an agreement (the Geneva Agreement),²⁸ a copy of which he attached. The Agreement provided for the immediate lifting by Croatia of its blockade of Yugoslav army barracks, the immediate withdrawal from Croatia of blockaded personnel and their equipment, and, most importantly, a ceasefire, which was to come into effect

²⁶ S/23239.

²⁷ That was Mr. Vance's third mission to the area. A second mission was carried out from 3 to 9 November, and reported on by the Secretary-General in an informal briefing to the members of the Council (S/23280, para. 2).

²⁸ S/23239, annex.

on 24 November 1991. With regard to the possibility of a United Nations peacekeeping operation in Yugoslavia, each of the three Yugoslav participants in the meeting had stated that they wished to see the deployment of such an operation as soon as possible. It was agreed that further work needed to be done on defining the areas where such an operation would be deployed and that this work should be undertaken as quickly as possible so that Mr. Vance could make recommendations to the Secretary-General on the matter. In the meantime, his Personal Envoy had made it clear to the parties that the deployment of a United Nations peacekeeping operation could not be envisaged without a lasting and effective ceasefire.

By letters dated 21 and 26 November 1991 addressed to the President of the Security Council, the representatives of Germany and France, respectively, requested an urgent meeting of the Security Council to consider the situation in Yugoslavia.²⁹

At its 3018th meeting, on 27 November 1991, the Council included the letters from the Secretary-General and the representatives of Germany and France in its agenda. Following the adoption of the agenda, the Council invited the representative of Yugoslavia, at his request, to participate in the discussion without the right to vote.

The President (Romania) drew the attention of the Council members to a letter dated 26 November 1991 from the representative of Yugoslavia to the President of the Security Council,³⁰ requesting the establishment of a peacekeeping operation in Yugoslavia. He also drew their attention to a number of other documents.³¹

²⁹ S/23232 and S/23247.

³⁰ S/23240.

³¹ (a) Joint letters dated 7 and 30 October, 8 and 13 November 1991, from the representatives of Belgium, France and the United Kingdom to the President of the Council, transmitting declarations and a statement on Yugoslavia adopted by the European Community and its member States in October and November (S/23114, S/23181, S/23203 and S/23214); (b) joint letter dated 18 October 1991 from the representatives of Belgium, France, the Soviet Union, the United Kingdom and the United States to the President of the Council, enclosing a declaration on Yugoslavia adopted by the European Community and its member States, the Soviet Union and the United States at The Hague on 18 October (S/23155); (c) letter dated 7 October 1991 from the representative

The President of the Council noted further that a draft resolution prepared in the course of prior consultations had been distributed to the Council members.³² He stated that, in the light of the urgency of the matter under consideration, he had been authorized by the Council to read out the text of the draft resolution, which he did.

The draft resolution was then put to the vote and adopted unanimously as resolution 721 (1991), which reads:

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991,

Considering the request by the Government of Yugoslavia for the establishment of a peacekeeping operation in Yugoslavia, as conveyed in the letter of 26 November 1991 from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of the Security Council,

of Bulgaria to the Secretary-General, enclosing a declaration by his Government on the escalation of the conflict in neighbouring Yugoslavia (S/23117); (d) letter dated 10 October 1991 from the representatives of Hungary and Poland to the Secretary-General, transmitting a statement by their Prime Ministers on the continuation of attacks against Croatia, in particular its capital, Zagreb, by the federal armed forces of Yugoslavia (S/23136); (e) report of the Secretary-General of 25 October 1991 (S/23169); (f) note verbale dated 6 November 1991 from the representative of Yugoslavia to the Secretary-General, disputing an allegation by Hungary that aircraft from Yugoslav territory had violated Hungarian airspace and alleging violation of Yugoslav airspace by Hungarian aircraft (S/23200); (g) letter dated 21 November 1991 from the representative of Germany to the Secretary-General, transmitting a declaration on Yugoslavia issued by the Council of Ministers of the Western European Union on 18 November (S/23236); (h) letter dated 21 November 1991 from the representative of Romania to the Secretary-General, relating to his country's implementation of resolution 713 (1991) concerning the arms embargo against Yugoslavia (S/23238); (i) letter dated 26 November 1991 from the representative of Czechoslovakia to the President of the Security Council, forwarding the press statement issued by the Presidents of the Czech and Slovak Federal Republic and of Slovenia concerning talks held on the situation in Yugoslavia and their initiative to save Dubrovnik, which included the recommendation that a United Nations peacekeeping force start its mission there (S/23248).

³² S/23245.

Deeply concerned by the fighting in Yugoslavia and by the serious violations of earlier ceasefire agreements, which have caused heavy loss of human life and widespread material damage, and by the consequences for the countries of the region,

Noting that the continuation and aggravation of this situation constitute a threat to international peace and security,

Considering also the letter of 24 November 1991 from the Secretary-General to the President of the Security Council on the mission of his Personal Envoy to Yugoslavia and the annexed agreement signed in Geneva on 23 November 1991,

Considering further the fact, as conveyed in the above-mentioned letter of the Secretary-General, that each one of the Yugoslav participants in the meeting with his Personal Envoy stated that they wanted to see the deployment of a United Nations peacekeeping operation as soon as possible,

1. *Approves* the efforts of the Secretary-General and his Personal Envoy, and expresses the hope that they will pursue their contacts with the Yugoslav parties as rapidly as possible so that the Secretary-General can present early recommendations to the Security Council including for the possible establishment of a United Nations peacekeeping operation in Yugoslavia;

2. *Endorses* the statement made by the Personal Envoy of the Secretary-General to the parties that the deployment of a United Nations peacekeeping operation cannot be envisaged without, *inter alia*, full compliance by all parties with the agreement signed in Geneva on 23 November 1991 and annexed to the letter of the Secretary-General of 24 November 1991;

3. *Strongly urges* the Yugoslav parties to comply fully with that agreement;

4. *Undertakes* to examine the recommendations of the Secretary-General mentioned above and take appropriate action without delay upon them, including in particular any recommendation for the possible establishment of a United Nations peacekeeping operation in Yugoslavia;

5. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

C. Report of the Secretary-General pursuant to Security Council resolution 721 (1991)

Decision of 15 December 1991 (3023rd meeting): resolution 724 (1991)

On 11 December 1991, the Secretary-General submitted to the Council a report pursuant to resolution 721 (1991),³³ on the fourth mission by his Personal Envoy to Yugoslavia, from 1 to 9 December. He

³³ S/23280.

reported that the main purposes of the mission had been to urge the three Yugoslav parties to the Geneva Agreement of 23 November 1991 to comply with the commitments that they had entered into and to pursue discussion of the feasibility of a United Nations peacekeeping operation in Yugoslavia. The Secretary-General observed that the conditions for establishing a peacekeeping operation in Yugoslavia still did not exist,³⁴ as the Geneva Agreement was not being fully implemented. While the process of lifting the blockade on, and the withdrawal from Croatia of, those units of the Yugoslav federal army hitherto blockaded was proceeding, the unconditional ceasefire remained unimplemented. It was essential for the three Yugoslav parties that had signed the Agreement to ensure full compliance with its terms in order to facilitate the resumption of the political negotiations for a peaceful resolution to the problems of Yugoslavia and its peoples. The Secretary-General suggested that the Council might wish to consider ways by which it would seek to ensure such compliance. He added that full compliance with the Geneva Agreement would permit accelerated consideration of the question of establishing a United Nations peacekeeping operation.³⁵ A solid basis for such consideration was, he believed, provided by the concept paper attached to his report,³⁶ which had met with a wide measure of agreement from the parties to the Geneva Agreement. The concept paper envisaged that a peacekeeping operation in Yugoslavia would be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis and would not prejudice the outcome of such negotiations. The operation would be established by the Security Council, acting on a recommendation by the Secretary-General. All members of the operation would be under the command of the Secretary-General, would be required to be completely impartial as between the various parties to the conflict, and would be permitted to use force to the minimum extent necessary and normally only in self-defence. The basic approach would be to deploy United Nations troops and police monitors in those areas of Croatia in which Serbs constituted the majority or substantial majority of the population and where intercommunal tensions had led to armed conflict in the recent past. It was hoped that a

³⁴ *Ibid.*, para. 21.

³⁵ *Ibid.*, para. 24.

³⁶ *Ibid.*, annex III.

further spread of the conflagration could thereby be avoided and the necessary conditions created for successful negotiations on an overall settlement of the Yugoslav crisis. The areas concerned, which would be designated as “United Nations Protected Areas”, would be demilitarized; all armed forces in them would be either withdrawn or disbanded. The United Nations force would also include a group of unarmed military observers. They would initially be deployed in the Protected Areas to verify the demilitarization of those areas. As soon as demilitarization had been effected, they would be transferred to parts of Bosnia and Herzegovina adjacent to Croatia and at Dubrovnik, to monitor intercommunal tension there. Assurances had been sought from the parties to the Geneva Agreement, in particular from President Milosevic, that all currently armed elements would extend full support to this kind of peacekeeping operation.

In the meantime, the Secretary-General recalled that the Conference on Yugoslavia was guided by a number of considerations, including the principle that “the prospect of recognition of the independence of those republics wishing it [could] only be envisaged in the framework of an overall settlement”, and the unacceptability of any modification of external or internal borders by means of force. He stressed that any selective, uncoordinated departure from those principles could hold very serious dangers, not only for the republics of Yugoslavia, but for all of its peoples and indeed for the maintenance of peace and security in the region. He had written in this connection, on 10 December 1991,³⁷ to the current President of the Council of Ministers of the European Community, the Foreign Minister of the Netherlands. In conclusion, the Secretary-General observed that the general situation in Yugoslavia continued to worsen and that the crisis in the humanitarian area, in particular, was deepening. He believed, however, that the international community was prepared to assist the Yugoslav peoples if the conditions he had described were met.

At its 3023rd meeting, held on 15 December 1991 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General’s report of 11 December in its agenda.

The Council invited the representative of Yugoslavia, at his request, to participate in the discussion without the right to vote.

³⁷ Ibid., annex IV.

The President (Union of Soviet Socialist Republics) drew the attention of the members of the Council to three letters: a letter dated 2 December 1991 from the representative of Germany addressed to the Secretary-General,³⁸ enclosing the text of a resolution adopted on 29 November by the Committee of Senior Officials of the Conference on Security and Cooperation in Europe, expressing support for United Nations action on Yugoslavia; a letter dated 4 December 1991 from the representative of Yugoslavia addressed to the President of the Security Council,³⁹ transmitting a statement by the Federal Government of Yugoslavia of 2 December stressing the need to create the necessary conditions for the immediate deployment of a small-scale United Nations peacekeeping operation; and a letter dated 13 December 1991 from the representative of Yugoslavia in his capacity as Chairman of the Coordinating Bureau of Non-Aligned Countries in New York addressed to the President of the Security Council,⁴⁰ transmitting the statement on the situation in Yugoslavia adopted by the Bureau on 13 December.

The President also drew their attention to a draft resolution that had been prepared in the course of the Council’s prior consultations.⁴¹ The draft resolution was then put to the vote and adopted unanimously as resolution 724 (1991), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991 and 721 (1991) of 27 November 1991,

Taking note of the report of the Secretary-General pursuant to Security Council resolution 721 (1991) of 11 December 1991,

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter,

Determined to ensure that the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia imposed by resolution 713 (1991) is effectively applied,

Commending the initiatives taken by the Secretary-General in the humanitarian field,

³⁸ S/23262.

³⁹ S/23267.

⁴⁰ S/23289.

⁴¹ S/23285.

1. *Approves* the report of the Secretary-General of 11 December 1991, and expresses its appreciation for it;

2. *Endorses* in particular the views expressed in paragraph 21 of that report that the conditions for establishing a peacekeeping operation in Yugoslavia still do not exist and in paragraph 24 that full compliance with the agreement signed in Geneva on 23 November 1991 would permit accelerated consideration of the question of establishing a United Nations peacekeeping operation in Yugoslavia;

3. *Concurs* in particular with the Secretary-General's observation that the international community is prepared to assist the Yugoslav peoples, if the conditions described in his report are met, and in that context endorses his offer to send to Yugoslavia a small group of personnel, including military personnel, as part of the continuing mission of his Personal Envoy, to carry forward preparations for possible deployment of a peacekeeping operation;

4. *Underlines* the view that the purpose of the deployment of any United Nations peacekeeping operation in Yugoslavia would be to enable all parties to settle their disputes peacefully, including through the processes of the Conference on Yugoslavia;

5. *Acting* under Chapter VII of the Charter of the United Nations:

(a) *Requests* all States to report to the Secretary-General within twenty days on the measures they have instituted for meeting the obligations set out in paragraph 6 of resolution 713 (1991) to implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia;

(b) *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(i) To examine the reports submitted pursuant to paragraph (a);

(ii) To seek from all States further information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 6 of resolution 713 (1991);

(iii) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(iv) To recommend appropriate measures in response to violations of the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia and to provide information on a regular basis to the Secretary-General for general distribution to Member States;

(c) *Calls upon* all States to cooperate fully with the Committee in the fulfilment of its tasks concerning the effective implementation of the provisions of paragraph 6 of resolution 713 (1991);

(d) *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

6. *Undertakes* to consider ways by which compliance with the commitments entered into by the parties may be achieved;

7. *Strongly urges* all States and parties to refrain from any action which might contribute to increasing tension, to inhibiting the establishment of an effective ceasefire and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia which would permit all the peoples of Yugoslavia to decide upon and to construct their future in peace;

8. *Encourages* the Secretary-General to pursue his humanitarian efforts in Yugoslavia, in liaison with the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, to take urgent practical steps to tackle the critical needs of the people of Yugoslavia, including displaced persons and the most vulnerable groups affected by the conflict, to assist in the voluntary return of displaced persons to their homes;

9. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

D. Oral report of the Secretary-General pursuant to his further report of 5 and 7 January 1992

Decision of 7 January 1992 (3027th meeting): statement by the President

On 5 January 1992, the Secretary-General submitted to the Council a further report pursuant to resolution 721 (1991) and taking into account resolution 724 (1991).⁴² He reported on the mission of the preparatory group dispatched to Yugoslavia from 18 to 30 December 1991 to carry forward preparations for the possible deployment of a peacekeeping operation, and on the fifth mission of his Personal Envoy to the area, from 28 December to 4 January 1992. By way of background, he recalled that his predecessor had informed the members of the Council in informal consultations on 27 December that the conditions for establishing a peacekeeping operation in Yugoslavia still did not exist: the commitments made at

⁴² S/23363 and Add.1 of 7 January 1992.

Geneva on 23 November to establish an unconditional ceasefire remained unimplemented; and the Personal Envoy had not received adequate assurances that full cooperation would be extended to such an operation. He recalled, further, that the former Secretary-General had also told Council members of his concern about the heightened tension, particularly in Bosnia and Herzegovina, that had followed certain decisions taken outside Yugoslavia. That tension had led the President of Bosnia and Herzegovina to request the immediate deployment of United Nations peacekeepers in his country. In the light of those considerations, the former Secretary-General had informed Council members that, having reviewed the situation with his successor and the Personal Envoy, he had asked Mr. Vance to undertake a further mission to Yugoslavia to see if the remaining obstacles could be removed in order to permit the establishment of a peacekeeping operation in the country.

The Secretary-General observed that, although the prevailing situation in Yugoslavia continued to give cause for serious concern, a glimmer of hope could be gleaned from two developments during his Personal Envoy's fifth mission. First, the parties directly involved had accepted the concept paper of 11 December for a United Nations peacekeeping operation,⁴³ and had given a commitment to ensure full cooperation with such an operation although recent public statements by certain leaders of the Serb communities in Croatia had given cause for some concern. Secondly, an Implementing Accord⁴⁴ had been signed, under the auspices of his Personal Envoy, at Sarajevo on 2 January 1992 (the "Sarajevo Accord"), for carrying out the unconditional ceasefire agreed to by the parties at Geneva on 23 November 1991. The Accord provided for the complete cessation of hostile military activities with effect from 3 January, which both parties were making a genuine effort to give effect to as well as for confidence-building measures and third-party monitoring mechanisms.

The Secretary-General stated that both sides had expressed the wish that the United Nations should form part of the monitoring mechanisms. He noted, in this regard, that one such third-party monitoring mechanism already existed in the form of the European Community Monitoring Mission, which had been

deployed in Yugoslavia since July 1991. In conformity with resolution 713 (1991), he believed it appropriate for the European Community monitors to take the lead in monitoring implementation of the Sarajevo Accord. At the same time, he had been struck by the strength of the belief expressed to his Personal Envoy by so many of his Yugoslav interlocutors that a United Nations presence in the country would help the Yugoslav parties to honour their commitments, and had also noted the wish expressed by many European Community leaders that the United Nations should play a role on the ground in Yugoslavia. The Secretary-General accordingly intended, as a follow-up to the latest mission of his Personal Envoy, to send immediately to Yugoslavia a group of up to 50 military liaison officers to promote maintenance of the ceasefire. The mission of the military liaison officers would take place on the assumption that the ceasefire would quickly establish itself, that the other necessary conditions for the deployment of a peacekeeping force would be met and that the military liaison group would thus be superseded by the envisaged larger operation, on which he would revert as needed to the Council. He reiterated that a United Nations peacekeeping force could not be established in Yugoslavia without sustained evidence of the willingness and ability of the leaders on both sides to ensure that the ceasefire was respected and adequate assurance that all those on whose cooperation such a force would depend to carry out its mandate had genuinely accepted the basis for the operation as set out in the concept paper of 11 December 1991. With regard to the request made by the President of Bosnia and Herzegovina for the immediate deployment of a substantial United Nations peacekeeping presence in that Republic, the Secretary-General noted that the concept paper already envisaged a deployment of United Nations military observers in Bosnia and Herzegovina.⁴⁵ He believed also that for the time being the matter should be approached in the context of the overall peacekeeping operation envisaged in that paper. The purpose of such an operation, he stressed, had from the outset been conceived as being to create favourable conditions for the necessary negotiations between the parties — negotiations that had been proceeding in the Conference on Yugoslavia, which remained the only forum for a negotiated settlement. In this way, the United Nations would be supporting the role and

⁴³ S/23280, annex III.

⁴⁴ S/23363, annex III.

⁴⁵ S/23280, annex III, para. 13.

efforts of the European Community, which had the backing of CSCE and which had been pursued in the framework of Chapter VIII of the Charter.

In conclusion, the Secretary-General stated that his Personal Envoy had pointed out to all interlocutors, during his fifth mission to Yugoslavia, that the arms embargo imposed by resolution 713 (1991) and reinforced by resolution 724 (1991) continued in force and would retain its application unless the Security Council determined otherwise; indeed, he had added that the embargo would continue to apply to all areas that had been part of Yugoslavia, any decisions on the question of the recognition of the independence of certain republics notwithstanding.⁴⁶

At its 3027th meeting, held on 7 January 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the Secretary-General's oral report pursuant to his report of 5 January. The Council invited the representative of Yugoslavia, at his request, to participate in the discussion without the right to vote.

The President (United Kingdom) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁴⁷

The members of the Council discussed on 7 January 1992 the tragic incident that occurred in Yugoslavia earlier in the day, in which helicopters of the European Community Monitoring Mission in Yugoslavia were shot down by a Yugoslav aircraft, killing four Italian members and one French member of the European Community Monitoring Mission.

The members of the Council condemned this callous attack on unarmed civilian personnel. They extended their most sincere condolences to the families of those who had lost their lives. They noted that the Yugoslav authorities had accepted responsibility for this flagrant breach of the ceasefire, had said that they would take the necessary disciplinary action against those responsible, and had reiterated their commitment to observe the ceasefire fully. The members of the Council called on the Yugoslav authorities to take all steps necessary to ensure that this act does not go unpunished and that such incidents do not occur again.

The members of the Council reiterated their urgent call on all parties to the conflict in Yugoslavia to respect their ceasefire commitments. They underlined the continuing importance of the role played by the European Community Monitoring Mission, as emphasized in the report of the Secretary-General of 5 and

7 January. They expressed their deep appreciation for the work done by members of the Mission and they called on the Yugoslav parties to ensure that members of the Mission and United Nations personnel be allowed to fulfil their role with the full cooperation of all sides.

E. Further reports of the Secretary-General pursuant to Security Council resolution 721 (1991)

Decision of 8 January 1992 (3028th meeting): resolution 727 (1992)

At its 3028th meeting, held on 8 January 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the Secretary-General's further report of 5 January.⁴⁸ The Council invited the representative of Yugoslavia at his request to participate in the discussion without the right to vote.

The President (United Kingdom) drew the attention of the Council members to a note by the President of the Security Council containing the text of his statement of 7 January 1992;⁴⁹ and a report of the Secretary-General on the implementation of paragraph 5 (a) of resolution 724 (1991),⁵⁰ concerning the measures instituted by States to give effect to the arms embargo on Yugoslavia. He also drew their attention to a draft resolution that had been prepared in the course of the Council's prior consultations,⁵¹ and noted that an oral amendment had been made to operative paragraph 6 of the draft resolution.

The draft resolution, as orally amended, was put to the vote and adopted unanimously as resolution 727 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, and 724 (1991) of 15 December 1991,

Taking note of the further report of the Secretary-General of 5 and 7 January 1992 submitted pursuant to Security Council resolution 721 (1991),

⁴⁸ S/23363 and Add.1.

⁴⁹ S/23389.

⁵⁰ S/23358.

⁵¹ S/23382.

⁴⁶ S/23363, para. 33.

⁴⁷ S/23389.

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter, and noting the continuing role that the European Community will play in achieving a peaceful solution in Yugoslavia,

Deploring the tragic incident on 7 January 1992 which caused the death of five members of the European Community Monitoring Mission,

1. *Approves* the further report of the Secretary-General of 5 and 7 January 1992 and expresses its appreciation to the Secretary-General for it;

2. *Welcomes* the signing, under the auspices of the Personal Envoy of the Secretary-General for Yugoslavia, of an Implementing Accord at Sarajevo on 2 January 1992 concerning modalities for implementing the unconditional ceasefire agreed to by the parties at Geneva on 23 November 1991;

3. *Endorses* the intention of the Secretary-General, as a follow-up to the latest mission of his Personal Envoy, to send immediately to Yugoslavia a group of up to fifty military liaison officers to promote maintenance of the ceasefire; in this connection, takes note in particular of the views expressed in paragraphs 24, 25, 28, 29 and 30 of the Secretary-General's report and the criteria reflected in paragraphs 3 and 4 of resolution 724 (1991);

4. *Urges* all parties to honour the commitments made at Geneva and Sarajevo with a view to effecting a complete cessation of hostilities;

5. *Requests* all parties to take all necessary measures to ensure the safety of the personnel sent by the United Nations and of the members of the European Community Monitoring Mission;

6. *Reaffirms* the embargo applied in paragraph 6 of resolution 713 (1991) and in paragraph 5 of resolution 724 (1991), and decides that the embargo applies in accordance with paragraph 33 of the report of the Secretary-General;

7. *Encourages* the Secretary-General to pursue his humanitarian efforts in Yugoslavia;

8. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

**Decision of 7 February 1992 (3049th meeting):
resolution 740 (1992)**

On 4 February 1992, pursuant to resolution 721 (1991) and taking into account resolution 727 (1992), the Secretary-General submitted to the Council a further report on the possible establishment of a United Nations peacekeeping operation in

Yugoslavia.⁵² He stated that the ceasefire was generally holding and that he was persuaded that the level of alleged ceasefire violations was not sufficiently grave to preclude deployment of a United Nations peacekeeping force, if the other conditions for such deployment were fulfilled. As to the latter, he noted that two of the signatories of the Geneva Agreement of 23 November 1991 — President Milosevic of Serbia and General Adzic, the Acting Federal Secretary of Defence of the Socialist Federal Republic of Yugoslavia and Chief of Staff of the Yugoslav Army — maintained their full acceptance and support for the Secretary-General's plan for a United Nations force. He recalled that the plan contained two central elements: the withdrawal of the Yugoslav National Army from Croatia and the demilitarization of the United Nations Protected Areas; and the continuing functioning, on an interim basis, of the existing local authorities and police, pending the negotiation of an overall political solution to the crisis in the European Community Conference on Yugoslavia.⁵³ The local Serbian leaders in two of the three areas where the force would be deployed had also accepted the plan. However, a major obstacle remained to the deployment of a peacekeeping operation. One of the signatories of the Geneva Agreement — President Tudjman of Croatia — appeared to have rejected key elements of the plan, as had the Serbian leaders in what would be the Krajina United Nations Protected Area. The Secretary-General observed that if the envisaged peacekeeping operation were to be launched, action needed to be taken to convince the Government of Croatia and the Serbian leadership in Krajina that the early deployment of a United Nations force, accompanied by a resumption of the work of the Conference on Yugoslavia, was the best, and perhaps the only, available way to create the conditions for a peaceful resolution of the Yugoslav crisis. Noting the need for action to be taken quickly to forestall any tendency for the current ceasefire to unravel, he expressed concern at allegations, including in the media, that the arms embargo imposed in resolution 713 (1991) was not being observed. The Council would no doubt wish to keep the situation under careful scrutiny to ensure that the embargo was scrupulously respected.⁵⁴ The Secretary-General concluded that the circumstances described in his report did not permit

⁵² S/23513.

⁵³ *Ibid.*, para. 8.

⁵⁴ *Ibid.*, para. 21.

him to recommend the deployment of a United Nations peacekeeping force at that time. In the interim, noting that the United Nations military liaison officers already deployed in Yugoslavia had made an important contribution to the maintenance of the ceasefire, he recommended that the group remain in existence but that its authorized strength should be increased to 75 officers for technical reasons.

At its 3049th meeting, held on 7 February 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's further report of 4 February in its agenda. The Council invited the representative of Yugoslavia, at his 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 a draft resolution that had been prepared in the course of the Council's prior consultations,⁵⁵ as well as to a number of revisions thereto.

The draft resolution, the provisional text of which had been orally revised, was then put to the vote and adopted unanimously as resolution 740 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991 and 727 (1992) of 8 January 1992,

Taking note of the further report of the Secretary-General of 4 February 1992 submitted pursuant to Security Council resolution 721 (1991) and welcoming his report that the ceasefire has been generally observed thus removing one of the obstacles to the deployment of a peacekeeping operation,

Noting that the letter⁵⁶ from President Franjo Tudjman of 6 February 1992, in which he accepts fully and unconditionally the Secretary-General's concept and plan, which defines the conditions and areas where the United Nations forces would be deployed, removes a further obstacle in that respect,

Also noting that the implementation of the United Nations peacekeeping plan contained in the report of the Secretary-General of 11 December 1991 will facilitate the task of the Conference on Yugoslavia in reaching a political settlement,

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter,

Expressing concern at the indications that the arms embargo established by the Council in resolution 713 (1991) is not being fully observed, as noted in paragraph 21 of the report of the Secretary-General,

1. *Reaffirms* its approval set out in resolution 724 (1991) of the United Nations peacekeeping plan contained in the report of the Secretary-General of 11 December 1991;

2. *Welcomes* the continuing efforts of the Secretary-General and his Personal Envoy for Yugoslavia to remove the remaining obstacle in the way of the deployment of a peacekeeping operation;

3. *Approves* the proposal by the Secretary-General to increase the authorized strength of the military liaison mission to a total of seventy-five officers;

4. *Requests* the Secretary-General to expedite his preparations for a United Nations peacekeeping operation so as to be prepared to deploy immediately after the Council decides to do so;

5. *Expresses its concern* that the United Nations peacekeeping plan has not yet been fully and unconditionally accepted by all in Yugoslavia on whose cooperation its success depends;

6. *Calls upon* all States to continue to take all appropriate steps to ensure that the Yugoslav parties implement their unqualified acceptance of the United Nations peacekeeping plan, fulfil their commitments in good faith and cooperate fully with the Secretary-General;

7. *Calls upon* the Yugoslav parties to cooperate fully with the Conference on Yugoslavia in its aim of reaching a political settlement consistent with the principles of the Conference on Security and Cooperation in Europe, and reaffirms that the United Nations peacekeeping plan and its implementation is in no way intended to prejudge the terms of a political settlement;

8. *Also calls upon* all States to cooperate fully with the Security Council Committee established by resolution 724 (1991) concerning Yugoslavia, including reporting any information brought to their attention concerning violations of the embargo;

9. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

**Decision of 21 February 1992 (3055th meeting):
resolution 743 (1992)**

On 15 February 1992, the Secretary-General submitted to the Council a further report, pursuant to resolution 721 (1991) and taking into account

⁵⁵ S/23534.

⁵⁶ S/23592, annex I.

resolution 740 (1992),⁵⁷ in which he recommended the immediate establishment of a peacekeeping force in Yugoslavia. He observed that almost all political groups in the country had expressed support for such an operation, although they differed in certain respects on where it should be deployed and what its functions should be; that many citizens of Yugoslavia had appealed for immediate United Nations deployment to their country as the only remaining hope for avoiding an even more destructive civil war than the one during the second half of 1991; and that many Member States had also urged him not to delay in recommending the deployment of a United Nations force in accordance with the peacekeeping plan of 11 December 1991.⁵⁸ He explained that he was only now proposing such a force because of the complexities and dangers of the Yugoslav situation and the consequent need to be as sure as possible that a United Nations force would succeed in consolidating the ceasefire and thus facilitate the negotiation of an overall political settlement. He reiterated that this required not only a working ceasefire but also clear and unconditional acceptance of the plan by all concerned, with clear assurances of their readiness to cooperate in its implementation. Although there remained a number of unanswered questions about the extent to which the force would in practice receive the necessary cooperation, the Secretary-General had come to the conclusion that the danger that a United Nations peacekeeping operation would fail because of lack of cooperation from the parties was less grievous than the danger that delay in its dispatch would lead to a breakdown of the ceasefire and to a new conflagration in Yugoslavia. That conclusion was based on the assumption, which he recognized could also be questioned, that the Yugoslav parties were ready to engage seriously in negotiating an overall settlement in the European Community Conference on Yugoslavia.

The Secretary-General elaborated as follows on the force, which would be known as the United Nations Protection Force (UNPROFOR). It would include military, police and civilian components, under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. It would be deployed, as envisaged in the plan of 11 December, in three United Nations Protected

Areas, namely, Eastern Slavonia, Krajina and Western Slavonia, with military observers deployed in certain parts of Bosnia and Herzegovina adjacent to Croatia. Noting that the peacekeeping plan stated that, subject to the Council's agreement, the Force would remain in Yugoslavia until a negotiated settlement was achieved, the Secretary-General stressed that it would succeed only if there was confidence that this would indeed be the case; fears that it might be precipitously withdrawn before the underlying problems had been peacefully resolved would have a most unsettling effect in the United Nations Protected Areas. He suggested that the Council might therefore wish to decide to establish UNPROFOR for a period of 12 months in the first instance, with provision for its mandate to be renewed, if necessary, thereafter, in the event of a negotiated settlement not having been achieved; and to further build confidence by providing that the Force could be withdrawn before the initial 12-month period was completed only if the Council took a specific decision to that effect.⁵⁹ The Secretary-General accordingly recommended, on the basis of the plan of 11 December and his further comments, that the Council should decide to establish UNPROFOR with immediate effect and that it should instruct the Secretary-General to take the measures necessary to ensure the earliest possible deployment of the Force.

At its 3055th meeting, held on 21 February 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's further report of 15 February in its agenda. The Council invited the representative of Yugoslavia, at his request, to participate in the discussion without the right to vote.

The President (United States) drew the attention of the Council members to a draft resolution that had been prepared in the course of the Council's prior consultations,⁶⁰ as well as to a number of revisions thereto. He stated that the draft resolution, as orally revised, spoke for itself. The fact of its circulation as a presidential text reflected the unanimity of the Council's response to the situation in Yugoslavia, including its determination that the situation constituted a threat to international peace and security. Article 25 would apply to the decisions that the Council would be taking in the resolution. Speaking on

⁵⁷ S/23592 and Add.1 of 19 February 1992.

⁵⁸ As set out in the report of the Secretary-General of 11 December 1991 (S/23280).

⁵⁹ *Ibid.*, para. 30.

⁶⁰ S/23620.

behalf of all the members of the Council, the President expressed the hope that the Council's decisions that day would facilitate the attainment of a peaceful political settlement.⁶¹

The draft resolution, the provisional text of which had been orally revised, was then put to the vote and adopted unanimously as resolution 743 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992 and 740 (1992) of 7 February 1992,

Taking note of the further report of the Secretary-General of 15 and 19 February 1992 submitted pursuant to Security Council resolution 721 (1991) and the request of the Government of Yugoslavia of 26 November 1991 for a peacekeeping operation in Yugoslavia referred to in that resolution,

Noting in particular that the Secretary-General considers that the conditions permitting the early deployment of a United Nations Protection Force are met and welcoming his recommendation that this Force should be established with immediate effect,

Expressing its gratitude to the Secretary-General and his Personal Envoy for Yugoslavia for their contribution to the achievement of conditions facilitating the deployment of a United Nations Protection Force and their continuing commitment to this effort,

Concerned that the situation in Yugoslavia continues to constitute a threat to international peace and security as determined in resolution 713 (1991),

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Article 25 and Chapter VIII of the Charter,

Commending again the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, through the convening of a Conference on Yugoslavia, including the mechanisms set forth within it, to ensure a peaceful political settlement,

Convinced that the implementation of the United Nations peacekeeping plan will assist the Conference on Yugoslavia in reaching a peaceful political settlement,

1. *Approves* the further report of the Secretary-General of 15 and 19 February 1992 submitted pursuant to Security Council resolution 721 (1991);

2. *Decides* to establish, under its authority, a United Nations Protection Force in accordance with the above-mentioned report and the United Nations peacekeeping plan, and requests the Secretary-General to take the measures necessary to ensure its earliest possible deployment;

3. *Decides* that, in order to implement the recommendations in paragraph 30 of the report, the Force is established in accordance with paragraph 4 below, for an initial period of twelve months unless the Council subsequently decides otherwise;

4. *Requests* the Secretary-General immediately to deploy those elements of the Force which can assist in developing an implementation plan for the earliest possible full deployment of the Force for approval by the Council and a budget, which together will maximize the contribution of the Yugoslav parties to offsetting its costs and in all other ways secure the most efficient and cost-effective operation possible;

5. *Recalls* that, in accordance with paragraph 1 of the United Nations peacekeeping plan, the Force should be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis;

6. *Invites* accordingly the Secretary-General to report to the Security Council as appropriate and not less than every six months on progress towards a peaceful political settlement and the situation on the ground, and to submit a first report on the establishment of the Force within two months of the adoption of the present resolution;

7. *Undertakes*, in this connection, to examine without delay any recommendations that the Secretary-General may make in his reports concerning the Force, including the duration of its mission, and to adopt appropriate decisions;

8. *Urges* all parties and others concerned to comply strictly with the ceasefire agreements signed at Geneva on 23 November 1991 and at Sarajevo on 2 January 1992, and to cooperate fully and unconditionally in the implementation of the United Nations peacekeeping plan;

9. *Demands* that all parties and others concerned take all the necessary measures to ensure the safety of the personnel sent by the United Nations and of the members of the European Community Monitoring Mission;

10. *Calls again upon* the Yugoslav parties to cooperate fully with the Conference on Yugoslavia in its aim of reaching a political settlement consistent with the principles of the Conference on Security and Cooperation in Europe, and reaffirms that the United Nations peacekeeping plan and its implementation is in no way intended to prejudge the terms of a political settlement;

⁶¹ S/PV.3055, p. 3.

11. *Decides* within the same framework that the embargo imposed by paragraph 6 of resolution 713 (1991) shall not apply to weapons and military equipment destined for the sole use of the Force;

12. *Requests* all States to provide appropriate support to the Force, in particular to permit and facilitate the transit of its personnel and equipment;

13. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

F. Report of the Secretary-General pursuant to Security Council resolution 743 (1992)

Decision of 7 April 1992 (3066th meeting): resolution 749 (1992)

On 2 April 1992, the Secretary-General submitted to the Council his first report pursuant to resolution 743 (1992),⁶² on the establishment of the United Nations Protection Force. He stated that advance elements of the Force had carried out reconnaissance, with a view to preparing an implementation plan for deployment, and had conducted negotiations with the federal authorities of Yugoslavia, as well as with the authorities of Bosnia and Herzegovina and Croatia, concerning the conclusion of status-of-forces arrangements. All the Force Commander's interlocutors had emphasized the need for the earliest possible deployment of UNPROFOR. The Secretary-General observed that he shared their sense of urgency: the ceasefire remained fragile, with daily violations; and tensions had been aggravated by reports of expulsions of persons of various nationalities. There would be serious dangers in any further delay in the Force's full deployment. The proposed implementation plan for deployment, contained in annex I to his report, reflected difficulties which had arisen, largely for budgetary reasons, in making arrangements for transporting some of the more distant battalions and their equipment to Yugoslavia. As a result, UNPROFOR would not, in any case, be fully deployed until the middle of May 1992, assuming that the Council took a very early decision to authorize full deployment. In the meantime, negotiations continued with the various Yugoslav parties to persuade them to make additional goods and services available to

⁶² S/23777. For details concerning the composition and operations of UNPROFOR, see chap. V.

UNPROFOR free of charge. In the light of his report, the Secretary-General requested the urgent authority of the Council to proceed immediately to full deployment of UNPROFOR in accordance with the implementation plan.

At its 3066th meeting, held on 7 April 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda. The Council invited the representative of Yugoslavia, at his request, to participate in the discussion without the right to vote.

The President (Zimbabwe) drew the attention of the Council members to a draft resolution that had been prepared in the course of the Council's prior consultations,⁶³ and to several revisions thereto. The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 749 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992 and 743 (1992) of 21 February 1992,

Taking note of the report of the Secretary-General of 2 April 1992 submitted pursuant to Security Council resolution 743 (1992),

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Welcoming the progress made towards the establishment of the United Nations Protection Force and the continuing contacts by the Secretary-General with all parties and others concerned to stabilize the ceasefire,

Expressing its concern about reports on the daily violations of the ceasefire and the continuing tension in a number of regions even after the arrival of advance elements of the Force,

1. *Approves* the report of the Secretary-General of 2 April 1992 submitted pursuant to Security Council resolution 743 (1992);

2. *Decides* to authorize the earliest possible full deployment of the United Nations Protection Force;

3. *Urges* all parties and others concerned to make further efforts to maximize their contributions towards offsetting the costs of the Force, in order to help secure the most efficient and cost-effective operation possible;

⁶³ S/23788.

4. *Also urges* all parties and others concerned to take all action necessary to ensure complete freedom of aerial movement for the Force;

5. *Calls upon* all parties and others concerned not to resort to violence, particularly in any area where the Force is to be based or deployed;

6. *Appeals* to all parties and others concerned in Bosnia and Herzegovina to cooperate with the efforts of the European Community to bring about a ceasefire and a negotiated political solution.

**Decision of 10 April 1992 (3068th meeting):
statement by the President**

At its 3068th meeting, held on 10 April 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report of 2 April 1992⁶⁴ in its agenda.

The President (Zimbabwe) stated that, following consultations held earlier among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁶⁵

The Security Council, alarmed by reports on rapid deterioration of the situation in Bosnia and Herzegovina, reiterates the appeal in Security Council resolution 749 (1992) of 7 April 1992 to all parties and others concerned in Bosnia and Herzegovina to stop the fighting immediately. It invites the Secretary-General to dispatch urgently to the area his Personal Envoy for Yugoslavia to act in close cooperation with representatives of the European Community whose current efforts are aimed at stopping the fighting and at bringing about a peaceful solution to the crisis, and to report to the Council.

**G. Letter dated 23 April 1992 from the
Chargé d'affaires a.i. of the
Permanent Mission of Austria to the
United Nations addressed to the
President of the Security Council**

**Letter dated 24 April 1992 from the
Permanent Representative of France
to the United Nations addressed to the
President of the Security Council**

**Decision of 24 April 1992 (3070th meeting):
statement by the President**

By a letter dated 23 April 1992 addressed to the President of the Council,⁶⁶ the representative of Austria requested an urgent meeting of the Council to consider the deteriorating situation in Bosnia and Herzegovina which was endangering international peace and security.

By a letter dated 24 April 1992 addressed to the President of the Council,⁶⁷ the representative of France requested an urgent meeting of the Council to take such action as might be conducive to the re-establishment of peace in Bosnia and Herzegovina, including the deployment of a peacekeeping force.

At its 3070th meeting, on 24 April 1992, the Council included the letters from the representatives of Austria and France in its agenda.

The President (Zimbabwe) drew the attention of the Council members to a report of the Secretary-General of 24 April 1992,⁶⁸ submitted pursuant to resolution 749 (1992) and to the statement made by the President on 10 April 1992, on the seventh mission of his Personal Envoy to the region from 14 to 18 April. In his report, the Secretary-General observed that the situation in Bosnia and Herzegovina had deteriorated markedly since his Personal Envoy's last visit to the area early in March: it was characterized by massive mistrust among the communities of the Republic and an escalating cycle of violence. It was essential that a ceasefire on the basis of the agreement signed on 12 April in Sarajevo⁶⁹ should come into effect immediately. It was also essential that the work of the Conference on Yugoslavia continue with vigour and determination, together with European Community endeavours to bring about a peaceful settlement to the conflict in Bosnia and Herzegovina. The Secretary-General expressed concern, moreover, about the deteriorating humanitarian situation in Bosnia and Herzegovina: the fighting made it increasingly difficult to provide for the most basic needs of the innocent victims of the conflict and put at risk the personnel of international organizations. However, given the limitations on human, material and financial resources, and especially in view of the current widespread

⁶⁴ S/23777.

⁶⁵ S/23802.

⁶⁶ S/23833.

⁶⁷ S/23838.

⁶⁸ S/23836.

⁶⁹ *Ibid.*, annex II.

violence, he shared the view of his personal envoy that the deployment of a peacekeeping force in Bosnia and Herzegovina was not feasible. The present conditions there made it impossible to define a workable concept for such a force. He had decided, though, to advance the dispatch to Bosnia and Herzegovina of the 100 unarmed military observers that the concept paper⁷⁰ for UNPROFOR had envisaged would be deployed there after the demilitarization of the United Nations Protected Areas. Forty-one observers would be deployed immediately in the municipalities of Mostar, Capljina, Stolac and Trebinje.

The President also drew the Council members' attention to the following other documents: two letters dated 14 April and 21 April 1992 from the representatives of Belgium, France and the United Kingdom addressed to the President of the Council,⁷¹ transmitting statements on Bosnia and Herzegovina adopted by the European Community and its member States on 11 and 16 April, respectively; and a letter dated 22 April 1992 from the representative of Albania,⁷² transmitting his Government's declaration on the recognition of the independence of Bosnia and Herzegovina.

At the same meeting, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:⁷³

In advance of its consideration of the report of the Secretary-General of 24 April 1992 pursuant to Security Council resolution 749 (1992) the Council had an exchange of views in the course of which various proposals were made with regard to the situation in Bosnia and Herzegovina.

The Council notes with deep concern the rapid and violent deterioration of the situation in Bosnia and Herzegovina, which in addition to causing an increasing number of deaths of many innocent victims further risks compromising peace and security in the region.

The Council welcomes the recent efforts of the European Community and the Secretary-General aimed at prevailing upon the parties to respect fully the ceasefire signed on 12 April 1992 under the auspices of the European Community. It notes with satisfaction the decision of the Secretary-General to accelerate the deployment in Bosnia and Herzegovina of the 100 military observers from the United Nations Protection Force, 41 to be

deployed in the Mostar region immediately. The presence of these military observers, like that of the monitors of the European Community, should help the parties to implement their commitment, undertaken on 23 April 1992, to respect the ceasefire. The Council welcomes the support given by the Conference on Security and Cooperation in Europe to the efforts of the European Community and the United Nations.

The Council demands that all forms of interference from outside Bosnia and Herzegovina cease immediately. In this respect, it specifically calls upon Bosnia and Herzegovina's neighbours to exercise all their influence to end such interference. The Council condemns publicly and unreservedly the use of force, and calls upon all regular or irregular military forces to act in accordance with this principle. It emphasizes the value of close and continuous coordination between the Secretary-General and the European Community in order to obtain the necessary commitments from all parties and others concerned.

The Council urges all the parties to respect immediately and fully the ceasefire and condemns all breaches of the ceasefire from whatever quarter.

The Council supports the efforts undertaken by the European Community in the framework of the discussions on constitutional arrangements for Bosnia and Herzegovina under the auspices of the Conference on Yugoslavia. It urges the three communities in Bosnia and Herzegovina to participate actively and constructively in these talks and to conclude and implement the constitutional arrangements being developed at the tripartite talks.

The Council calls upon all parties and others concerned to facilitate humanitarian assistance and cooperate so that deliveries of humanitarian assistance reach their destination.

The Council has decided to remain actively seized of the matter and to continue its consideration of the further contribution that it can make to the restoration of peace and security in Bosnia and Herzegovina.

H. Statement issued by the President of the Security Council on 5 May 1992

Decision of 5 May 1992: statement by the President

On 5 May 1992, following consultations among the members of the Council, the President (Austria) issued the following statement on behalf of the Council:⁷⁴

The members of the Security Council take note of the fact that document S/23877⁷⁵ will be issued on 6 May 1992. They

⁷⁰ See S/23280, annex III, para. 13.

⁷¹ S/23812 and S/23830.

⁷² S/23832.

⁷³ S/23842.

⁷⁴ S/23878.

⁷⁵ Letter dated 27 April 1992 from the representative of

agree that this fact does not prejudge decisions that may be taken by appropriate United Nations bodies or their national positions on this matter.

I. Further report of the Secretary-General pursuant to Security Council resolution 749 (1992)

Decision of 15 May 1992 (3075th meeting): resolution 752 (1992)

On 12 May 1992, the Secretary-General submitted to the Council a further report pursuant to resolution 749 (1992),⁷⁶ on two separate subjects: Bosnia and Herzegovina and the deployment of UNPROFOR. He recalled that, following concerns expressed in informal consultations of the Council, he had written to the President of the Council on 29 April informing him of his decision to dispatch the Under-Secretary-General for Peacekeeping Operations, Mr. Marrack Goulding, to examine the evolving situation in Bosnia and Herzegovina and to look into the feasibility of a United Nations peacekeeping operation there.⁷⁷ While in the area, from 4 to 10 May, the Under-Secretary-General had also reviewed progress in the deployment of UNPROFOR.

The Secretary-General observed that the situation in Bosnia and Herzegovina was tragic, dangerous, violent and confused. The conditions in the capital, Sarajevo, continued to deteriorate and intense hostilities were taking place elsewhere in the Republic. All international observers agreed that what was happening was a concerted effort by the Serbs of Bosnia and Herzegovina, with the acquiescence of, and at least some support from, the Yugoslav army to create “ethnically pure” regions in the context of negotiations

Yugoslavia addressed to the President of the Council, transmitting a Declaration adopted on 27 April 1992 at the joint session of the Assembly of the Socialist Federal Republic of Yugoslavia, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro. In the Declaration, the Federal Republic of Yugoslavia (Serbia and Montenegro) claimed, *inter alia*, to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the international organizations and institutions of which the Socialist Federal Republic of Yugoslavia was a member.

⁷⁶ S/23900.

⁷⁷ S/23860. By a letter dated 30 April 1992, the President of the Security Council informed the Secretary-General that the Council welcomed his decision (S/23861).

on the “cantonization” of the Republic in the European Community Conference on Bosnia and Herzegovina. The techniques used were the seizure of territory by military force and intimidation of the non-Serb population. The fighting and intimidation had led to massive displacement of the civilians. It had proved impossible to implement the ceasefire agreement signed on 12 April 1992 under European Community auspices. On the political front, European efforts to induce the leaders of the Croat, Muslim and Serb communities to agree on future constitutional arrangements for the Republic continued, although the most recent session of the European Community Conference on Bosnia and Herzegovina had been suspended because of the parties’ failure to honour the ceasefire.

The Secretary-General did not believe that in the present phase of the conflict it was feasible to undertake peacekeeping activities in Bosnia and Herzegovina beyond the existing limited involvement of UNPROFOR military observers in Sarajevo and the Mostar region, in both of which places the security of United Nations personnel was already precarious. Any successful peacekeeping operation had to be based on some agreement between the hostile parties. No such agreement was in sight. If, however, the European Community efforts on the ground in Sarajevo and in the constitutional talks succeeded, opportunities for United Nations peacekeeping might emerge, though it might in that case be more appropriate for the European Community, rather than the United Nations, to undertake the peacekeeping as well as the peacemaking. A successful peacekeeping operation also required the parties to respect the United Nations, its personnel and its mandate. None of the Bosnian parties could claim to satisfy this condition. Consideration had been given, alternatively, to the possibility of deploying an “intervention force”, as requested by President Izetbegovic of Bosnia and Herzegovina, which would be sent in, without the consent of all the parties, to enforce an end to the fighting. However, given the intensity and scale of the fighting, such a concept would require many tens of thousands of troops equipped for potential combat with heavily armed and determined adversaries. The Secretary-General did not, therefore, believe that such an enforcement action was a practicable proposition. Another option that had been explored was the feasibility of deploying United Nations peacekeeping forces in a more limited role requested by President

Izetbegovic — to control Sarajevo airport, protect humanitarian aid deliveries and keep open roads, bridges and border crossings. The Secretary-General stressed that, with regard to the protection of international humanitarian programmes, experience had shown that a mere United Nations presence was not sufficient to deter hostile action against them. The best form of protection was respect for agreements, binding on all the armed parties, to allow humanitarian supplies to be delivered without hindrance. He considered that if the other parties agreed to interim arrangements of this kind, there might be a role for UNPROFOR military observers in monitoring their implementation.⁷⁸

Concerning the deployment of UNPROFOR, the Secretary-General observed that developments since the Council's approval of the plan for the United Nations peacekeeping force in Croatia had raised new doubts about the practicability of that operation. The bulk of the Force's headquarters staff would be relocating temporarily from Sarajevo pending the restoration of calm in the city, and difficult questions had arisen concerning the boundaries of the United Nations Protected Areas. He now saw no alternative but for the Force to assume its responsibilities in the Protected Areas in accordance with the peacekeeping plan, while appealing to the Yugoslav federal army and the Serbian authorities to use their influence to calm the fears of the Serb communities who would find themselves outside the Areas and to ensure that the demilitarization of the Areas went according to the plan. The Secretary-General also drew the Council's attention to the decision of the Belgrade authorities, following the declaration on 27 April 1992 of the new Federal Republic of Yugoslavia, to withdraw Yugoslav People's Army personnel from republics other than Serbia and Montenegro and to renounce authority over those who remained.⁷⁹ He observed that this in effect removed a party to the peacekeeping plan whose cooperation was essential to its success, while substituting for it a new element or elements which were not formally bound by the Belgrade authorities' acceptance of the plan. Refusal by the much-enlarged local forces to demobilize would undermine the very basis of the plan that UNPROFOR had been mandated to implement.

⁷⁸ S/23900, para. 29.

⁷⁹ *Ibid.*, para. 24.

The Secretary-General concluded that, in these circumstances, the Council had to continue to lend its full support to the peacemaking activities of the European Community. Political solutions to these tragic and complex conflicts could only be achieved through a continuous and uninterrupted process of patient negotiation led by the European Community, which had already established agreed mechanisms for this purpose. The possibilities for an effective United Nations role would depend on the negotiators' success.

At its 3075th meeting, held on 15 May 1992 in accordance with the understanding reached during its prior consultations, the Council included the Secretary-General's further report of 12 May in its agenda.

The President (Austria) drew the attention of the members of the Council to a second report, submitted by the Secretary-General on 24 April 1992 on the progress made towards the full deployment of UNPROFOR.⁸⁰ In that report, he had observed that UNPROFOR would be ready to assume its full responsibilities in the United Nations Protected Areas by the middle of May; but that the first few weeks of its deployment had made clear the complexity of the challenge which confronted the Force and the United Nations as a whole.

The President also drew the Council members' attention to a number of other documents: (a) the exchange of letters of April 1992 between the Secretary-General and the President of the Council,⁸¹ concerning the dispatch of the Under-Secretary-General for Peacekeeping Operations to examine the evolving situation in Bosnia and Herzegovina and to look into the feasibility of a United Nations peacekeeping force; (b) a letter dated 24 April 1992 from the representatives of Austria and Hungary to the President of the Council,⁸² transmitting a joint declaration by the Ministers for Foreign Affairs of Austria, Croatia, Hungary and Slovenia, urging the Council to take appropriate action in Bosnia and Herzegovina in view of the seriousness of the situation; (c) letters dated 26 April to 12 May 1992 from the representatives of Hungary, Senegal, as Chairman of the Organization of the Islamic Conference, Turkey and Egypt addressed to the President of the Council or

⁸⁰ S/23844.

⁸¹ S/23860 and S/23861.

⁸² S/23840.

the Secretary-General,⁸³ to similar effect; and (d) joint letters dated 4 to 12 May 1992 from the representatives of Belgium, France and the United Kingdom to the President of the Council,⁸⁴ transmitting a statement on the death of a member of the European Community Monitoring Mission in Bosnia and Herzegovina and two declarations on the recent events in Sarajevo, adopted by the European Community and its member States.

The President drew attention in addition to a draft resolution that had been prepared in the course of the Council's prior consultations,⁸⁵ and made an oral revision to the draft resolution in its provisional form.

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 752 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992 and 749 (1992) of 7 April 1992,

Expressing its appreciation for the reports of the Secretary-General of 24 April and 12 May 1992 submitted pursuant to Security Council resolution 749 (1992),

Deeply concerned about the serious situation in certain parts of the former Socialist Federal Republic of Yugoslavia, and in particular about the rapid and violent deterioration of the situation in Bosnia and Herzegovina,

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter, and the continuing role that the European Community is playing in achieving a peaceful solution in Bosnia and Herzegovina, as well as in other republics of the former Socialist Federal Republic of Yugoslavia,

Having considered the announcement in Belgrade on 4 May 1992 described in paragraph 24 of the report of the Secretary-General of 12 May 1992 concerning the withdrawal of Yugoslav People's Army personnel from republics other than Serbia and Montenegro and the renunciation of authority over those who remain,

Noting the urgent need for humanitarian assistance and the various appeals made in this connection, in particular by the President of Bosnia and Herzegovina,

Deploring the tragic incident on 4 May 1992 which caused the death of a member of the European Community Monitoring Mission,

Deeply concerned about the safety of United Nations personnel in Bosnia and Herzegovina,

1. *Demands* that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately, respect immediately and fully the ceasefire signed on 12 April 1992, and cooperate with the efforts of the European Community to bring about urgently a negotiated political solution respecting the principle that any change of borders by force is not acceptable;

2. *Welcomes* the efforts undertaken by the European Community in the framework of the tripartite talks on constitutional arrangements for Bosnia and Herzegovina under the auspices of the Conference on Yugoslavia, urges that the discussions be resumed without delay, and urges the three communities in Bosnia and Herzegovina to participate actively and constructively in these discussions on a continuous basis as recommended by the Secretary-General and to conclude and implement the constitutional arrangements being developed at those discussions;

3. *Also demands* that all forms of interference from outside Bosnia and Herzegovina, including by units of the Yugoslav People's Army as well as elements of the Croatian Army, cease immediately, and that Bosnia and Herzegovina's neighbours take swift action to end such interference and respect the territorial integrity of Bosnia and Herzegovina;

4. *Demands also* that those units of the Yugoslav People's Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring, and requests the Secretary-General to consider without delay what international assistance could be provided in this connection;

5. *Demands further* that all irregular forces in Bosnia and Herzegovina be disbanded and disarmed;

6. *Calls upon* all parties and others concerned to ensure that forcible expulsions of persons from the areas where they live and any attempts to change the ethnic composition of the population, anywhere in the former Socialist Federal Republic of Yugoslavia, cease immediately;

7. *Emphasizes* the urgent need for humanitarian assistance, material and financial, taking into account the large number of refugees and displaced persons and fully supports the current efforts to deliver humanitarian aid to all the victims of the conflict and to assist in the voluntary return of displaced persons to their homes;

⁸³ S/23845, S/23854, S/23874 and S/23905, respectively.

⁸⁴ S/23872, S/23892 and S/23906.

⁸⁵ S/23927.

8. *Calls on* all parties and others concerned to ensure that conditions are established for the effective and unhindered delivery of humanitarian assistance, including safe and secure access to airports in Bosnia and Herzegovina;

9. *Requests* the Secretary-General to keep under active review the feasibility of protecting international humanitarian relief programmes, including the option mentioned in paragraph 29 of his report of 12 May 1992, and of ensuring safe and secure access to Sarajevo airport, and to report to the Security Council by 26 May 1992;

10. *Also requests* the Secretary-General, having regard to the evolution of the situation and to the results of the efforts undertaken by the European Community, to continue to keep under review the possibility of deploying a peacekeeping mission in Bosnia and Herzegovina under the auspices of the United Nations;

11. *Demands* that all parties and others concerned cooperate fully with the United Nations Protection Force and the European Community Monitoring Mission, and respect fully their freedom of movement and the safety of their personnel;

12. *Notes* the progress made thus far in the deployment of the Force, welcomes the fact that the Force has assumed the full responsibility called for by its mandate in Eastern Slavonia, and requests the Secretary-General to ensure that it will assume its full responsibilities in all the United Nations Protected Areas as soon as possible and to encourage all parties and others concerned to resolve any problems remaining in this connection;

13. *Urges* all parties and others concerned to cooperate in every way with the Force in accordance with the United Nations peacekeeping plan and to comply strictly with the plan in all its aspects, in particular the disarming of all irregular forces, whatever their origin, in the United Nations Protected Areas;

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

J. Report of the Secretary-General pursuant to Security Council resolution 752 (1992)

Letter dated 26 May 1992 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

Letter dated 27 May 1992 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council

Decision of 30 May 1992 (3082nd meeting): resolution 757 (1992)

On 26 May 1992, the Secretary-General submitted to the Council a report pursuant to resolution 752 (1992),⁸⁶ on the feasibility of protecting international humanitarian relief programmes in Bosnia and Herzegovina, and of ensuring safe and secure access to Sarajevo airport. He analysed two main options: providing armed protection or protection through respect for agreements. He stated that it was for the Council to decide whether to deploy United Nations troops, in sufficient strength and with the necessary mandate, to undertake armed protection of international humanitarian aid; but observed that combat missions of the kind that would be required would be extremely difficult and expensive. Moreover, any mandate requiring United Nations troops to take hostile or coercive action against certain factions in Bosnia and Herzegovina could make it more difficult to secure the cooperation which UNPROFOR would need if it were to succeed in fulfilling its mandate in the United Nations Protected Areas in Croatia. The Secretary-General considered that more limited protection operations in Sarajevo — with United Nations troops providing armed protection for convoys of humanitarian supplies en route from the airport to distribution centres within that city — were a more feasible possibility, provided that there were reasonable guarantees that hostile action would not be taken against the airport while humanitarian supplies were being delivered. He believed, however, that a more promising course would be to make a determined effort to persuade the warring parties to conclude and honour agreements permitting the unimpeded delivery of relief supplies to all suffering civilians in Bosnia and Herzegovina. The Secretary-General expressed some optimism that conditions might now be more propitious for the conclusion of such agreements than they had been recently, and said that the Chief Military Observer of UNPROFOR would continue his efforts to arrange the necessary negotiations and assist them to reach a successful conclusion.

⁸⁶ S/24000.

By a letter dated 26 May 1992 addressed to the President of the Council,⁸⁷ the representative of Canada requested an urgent formal meeting of the Council with a view to imposing economic, trade and oil sanctions against the authorities in Belgrade and to consider steps that would allow United Nations-escorted relief convoys to reach civilians in Bosnia and Herzegovina and to open Sarajevo airport for humanitarian reasons.

By a letter dated 27 May 1992 addressed to the President of the Council,⁸⁸ the representative of Bosnia and Herzegovina reluctantly urged the Council to enact comprehensive economic sanctions under Chapter VII of the Charter against the authorities in Belgrade. He also urged the Council to take concrete measures and to empower Member States and appropriate regional organizations to take necessary steps to address the desperate humanitarian tragedy in his country, by, inter alia, placing Sarajevo airport under international control and ensuring the distribution of relief supplies and humanitarian aid from the airport under effective international security.

At its 3082nd meeting, held on 30 May 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the Secretary-General's report of 26 May, and the letters from the representatives of Canada and Bosnia and Herzegovina.

The President (Austria) drew the attention of the members of the Council to a draft resolution submitted by Belgium, France, Hungary, Morocco, the United Kingdom and the United States.⁸⁹

He also drew their attention to the following documents: (a) a letter dated 22 May 1992 from the representative of Bulgaria to the Secretary-General,⁹⁰ expressing concern that the military activities in Bosnia and Herzegovina might spill over into other territories of the former Yugoslavia, risking peace and security in the Balkans, including his country, and requesting the deployment of United Nations observers along the border between Bulgaria and the former Yugoslavia, in order to avert any possible expansion of the conflict; (b) a joint letter from the representatives of Indonesia and Yugoslavia, on behalf of the

Movement of Non-Aligned Countries, to the Secretary-General,⁹¹ appealing for the deployment of United Nations peacekeeping forces in Bosnia and Herzegovina in order to restore peace and security; (c) four letters dated 27 to 30 May 1992 from the representative of Yugoslavia to the Secretary-General,⁹² in which he, inter alia, expressed concern and disappointment at the proposed sanctions against his country; denied allegations that it was involved in aggression against Bosnia and Herzegovina; suggested an urgent visit by Council members to the area to obtain a more complete and objective picture of the situation; invited the deployment of United Nations observers along the border of the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina; and proposed, instead of sanctions, the convening of an international conference on Yugoslavia to resolve the crisis, including the situation in Bosnia and Herzegovina; (d) a letter dated 27 May 1992 from the representative of Slovenia to the Secretary-General,⁹³ proposing that the Council adopt without delay the necessary decisions to terminate the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; (e) a letter dated 29 May 1992 from the representative of New Zealand to the Secretary-General,⁹⁴ condemning the continued aggression against Bosnia and Herzegovina, and expressing support for the European Community in its peacemaking role and the United Nations in its peacekeeping role as well as for the imposition of trade and other sanctions on Serbia and Montenegro, if adopted; and (f) a letter dated 27 May 1992 from the representative of Canada to the Secretary-General,⁹⁵ transmitting a recent address by the Prime Minister of Canada in which he had spoken about the situation in the former Yugoslav republics, including Bosnia and Herzegovina, and the measures Canada would be urging the Council to take and those it would be taking itself against the Belgrade regime.

The Council then commenced the voting procedure on the draft resolution before it. Speaking before the vote, the representative of Cape Verde deplored the failure of the Security Council to act in the face of escalating violence in Bosnia and

⁸⁷ S/23997.

⁸⁸ S/24024.

⁸⁹ S/24037.

⁹⁰ S/23996.

⁹¹ S/23998.

⁹² S/24007, S/24027, S/24039 and S/24043.

⁹³ S/24028.

⁹⁴ S/24034.

⁹⁵ S/24011.

Herzegovina. He stressed that the defence and security of a small country like Cape Verde were based entirely on the Council's ability to play its role of maintaining international peace and security. In his country's view, the Council should act to prevent bloodshed, rather than react to atrocities and destruction, and should build on its deterrent role. His country would support the draft resolution, believing that the sanctions contemplated were warranted.⁹⁶

The representative of China expressed regret that Security Council resolution 752 (1992) and the relevant agreements for the withdrawal of troops had not been complied with. While he was in favour of the international community taking measures for an early settlement of the crisis, he expressed concern that sanctions would probably lead to further deterioration of the situation and have serious consequences for the people in the region and the economy of the neighbouring States. He expressed hope that all the relevant regional organizations would continue their constructive efforts, and supported the Secretary-General playing his proper role as a mediator.⁹⁷

The representative of Zimbabwe stressed the complexity of the Yugoslav question and commended the peace efforts since the inception of the crisis. Zimbabwe had hoped that the process of negotiation undertaken within the framework of the European Conference on Yugoslavia would succeed in containing the crisis and lead to a comprehensive peaceful settlement. It was its view that the principles that had been established to guide that Conference had taken into account the complexity of the situation. Of particular importance was the declaration of the European Community of 8 November 1991, which stated that "the prospect of recognition of the independence of those [Yugoslav] republics wishing it can only be envisaged in the framework of an overall settlement". In his report of 11 December 1991, the Secretary-General had warned that any departure from that principle could hold very serious dangers not only for the republics of Yugoslavia but also for all its peoples and for peace and security in the region. In the words he used in his letter to the President of the Council of Ministers of the European Community, any such departure would be a "potential time-bomb". What had happened since was history. The speaker

⁹⁶ S/PV.3082, pp. 6-8.

⁹⁷ *Ibid.*, pp. 8-11.

stated that the time might have come for the Council to put its weight behind the Secretary-General in a peacemaking role. His country would like to see the Secretary-General actively involved in efforts to bring about a negotiated settlement in Bosnia and Herzegovina in cooperation with the efforts currently under way. Zimbabwe was not opposed to sanctions in principle, but it was concerned about their possible impact at that stage of the crisis. Would they encourage the parties to negotiate, promote confidence-building among them, improve the security and humanitarian situation in Bosnia and Herzegovina? What would be their implications for UNPROFOR? Those questions remained unanswered. That was why Zimbabwe believed that, instead of taking the Chapter VII route at this point in time, the Council should mandate the Secretary-General to seek a negotiated settlement.⁹⁸

The representative of Hungary stressed that the aggression against Bosnia and Herzegovina, which was raging on, was now being committed against a State Member of the United Nations. The efforts to create so-called nation States, incorporating all people belonging to the same ethnic background, and the blatant use of force to achieve this aim through territorial conquests contradicted everything for which the United Nations stood. The time had come for the Security Council to live up to its responsibilities enshrined in the Charter and send the appropriate message to the aggressor. Hungary had accordingly co-sponsored the draft resolution providing for mandatory sanctions against Serbia and Montenegro under Chapter VII of the Charter. Although the sanctions would affect other countries in and outside the region, they would enhance the credibility of the Council and contribute to containing aggression and restoring peace and stability in the region.⁹⁹

The representative of Ecuador considered that the imposition of sanctions was one way of achieving a negotiated settlement, in exceptional cases. He stressed that any political solution of the crisis must be based on strict compliance with the principle of territorial integrity of States, respect for the rights of ethnic minorities and for the right to self-determination which should be accorded to the political entities that could

⁹⁸ *Ibid.*, pp. 12-14.

⁹⁹ *Ibid.*, pp. 14-17.

assert it rather than to minorities in those political entities.¹⁰⁰

The representative of India recalled that, among the examples given by the Secretary-General of the violence raging in the new Member State of Bosnia and Herzegovina was the enormous displacement of peoples, unprecedented in magnitude since the Second World War. There was thus, he said, a clear threat to international peace and security that the Council must address. He observed that Council resolution 752 (1992), which spelled out the basic requirements to be met by all parties to the conflict, remained unimplemented and expressed concern at the continuing and rapid deterioration of the situation. Action was needed to stop the tragedy. Many of India's concerns, such as the exemption of food and medicine from the sanctions, and the inclusion of a paragraph reaffirming the Council's responsibility in terms of Article 50 of the Charter, had been taken into account in the draft resolution. The draft had also been modified with a view to respecting the demarcation, as enshrined in the Charter, of the responsibilities between the General Assembly and the Security Council in regard to membership in the United Nations. Mindful, however, of the possible implications of Chapter VII measures for a peaceful settlement of the conflict and for the cooperation from all parties which was indispensable for UNPROFOR to fulfil its mandate, India had suggested that a period of warning, however brief, might have been helpful and have enabled the Secretary-General to add his enormous influence to the efforts of the European Community. It had not pressed that point but continued to believe that the Council could not afford not to make use of the services of the Secretary-General in the search for a peaceful solution.¹⁰¹

The representative of Morocco stated that the entire Islamic community and the members of the Organization of the Islamic Conference saw the sanctions as an expression of unreserved condemnation of the inhuman acts committed every day against Bosnia and Herzegovina, an independent country and Member of the United Nations. The sanctions were the firm and unequivocal demand on the part of all

¹⁰⁰ Ibid., pp. 17-20.

¹⁰¹ Ibid., pp. 22-23.

communities, of all races and religions, to put an end to blindness and intolerance.¹⁰²

The representative of Venezuela stated that the international community had delayed too long in bringing this matter before the Security Council. His delegation had carefully analysed the implications of the draft resolution to be adopted and had concluded that it was the last recourse in a lengthy process of negotiations frustrated by the intransigence and violence of the Belgrade authorities. The sanctions were the responsibility of the leaders in Belgrade who had flouted international opinion and widened their attacks on Bosnia and Herzegovina and on Croatia. The resolution would condemn the conduct of a State that had abused its military power and trampled the sovereignty of a State Member of the United Nations. This was no longer a domestic problem for the former Yugoslavia. The resolution would also send an important message to States that thought they could still solve their differences with other States by force of arms.¹⁰³

The draft resolution was then put to the vote. It was adopted by 13 votes in favour, none against and two abstentions (China and Zimbabwe), as resolution 757 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992 and 752 (1992) of 15 May 1992,

Noting that in the very complex context of events in the former Socialist Federal Republic of Yugoslavia all parties bear some responsibility for the situation,

Reaffirming its support for the Conference on Yugoslavia, including the efforts undertaken by the European Community in the framework of the discussions on constitutional arrangements for Bosnia and Herzegovina, and recalling that no territorial gains or changes brought about by violence are acceptable and that the borders of Bosnia and Herzegovina are inviolable,

Deploring the fact that the demands in resolution 752 (1992) have not been complied with, including its demands that:

- All parties and others concerned in Bosnia and Herzegovina stop the fighting immediately,
- All forms of interference from outside Bosnia and Herzegovina cease immediately,

¹⁰² Ibid., pp. 24-26.

¹⁰³ Ibid., pp. 26-30.

- Bosnia and Herzegovina's neighbours take swift action to end all interference and respect the territorial integrity of Bosnia and Herzegovina,
- Action be taken as regards units of the Yugoslav People's Army in Bosnia and Herzegovina, including the disbanding and disarming with weapons placed under effective international monitoring of any units that are neither withdrawn nor placed under the authority of the Government of Bosnia and Herzegovina,
- All irregular forces in Bosnia and Herzegovina be disbanded and disarmed,

Deploring also that its call for the immediate cessation of forcible expulsions and attempts to change the ethnic composition of the population has not been heeded, and reaffirming in this context the need for the effective protection of human rights and fundamental freedoms, including those of ethnic minorities,

Dismayed that conditions have not yet been established for the effective and unhindered delivery of humanitarian assistance, including safe and secure access to and from Sarajevo and other airports in Bosnia and Herzegovina,

Deeply concerned that those United Nations Protection Force personnel remaining in Sarajevo have been subjected to deliberate mortar and small-arms fire, and that the United Nations Military Observers deployed in the Mostar region have had to be withdrawn,

Deeply concerned also at developments in Croatia, including persistent ceasefire violations and the continued expulsion of non-Serb civilians, and at the obstruction of and lack of cooperation with the Force in other parts of Croatia,

Deploring the tragic incident on 18 May 1992 which caused the death of a member of the International Committee of the Red Cross team in Bosnia and Herzegovina,

Noting that the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted,

Expressing its appreciation for the report of the Secretary-General of 26 May 1992 submitted pursuant to Security Council resolution 752 (1992),

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter, and the continuing role that the European Community is playing in working for a peaceful solution in Bosnia and Herzegovina, as well as in other republics of the former Socialist Federal Republic of Yugoslavia,

Recalling further its decision in resolution 752 (1992) to consider further steps to achieve a peaceful solution in

conformity with its relevant resolutions, and affirming its determination to take measures against any party or parties which fail to fulfil the requirements of resolution 752 (1992) and its other relevant resolutions,

Determined in this context to adopt certain measures with the sole objective of achieving a peaceful solution and encouraging the efforts undertaken by the European Community and its member States,

Recalling the right of States, under Article 50 of the Charter, to consult the Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,

Determining that the situation in Bosnia and Herzegovina and in other parts of the former Socialist Federal Republic of Yugoslavia constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter,

1. *Condemns* the failure of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People's Army, to take effective measures to fulfil the requirements of resolution 752 (1992);

2. *Demands* that any elements of the Croatian Army still present in Bosnia and Herzegovina act in accordance with paragraph 4 of resolution 752 (1992) without further delay;

3. *Decides* that all States shall adopt the measures set out below, which shall apply until the Council decides that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People's Army, have taken effective measures to fulfil the requirements of resolution 752 (1992);

4. *Decides also* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro); and any dealings by their nationals or their flag vessels or aircraft or in their territories in any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) and exported therefrom after the date of the present resolution, including in particular any transfer of funds to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels or aircraft of any commodities or products, whether or not originating in their territories — but not including supplies intended strictly for medical purposes and foodstuffs notified to the Security Council

Committee established pursuant to resolution 724 (1991) on Yugoslavia — to any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any person or body for the purposes of any business carried on in or operated from the Federal Republic of Yugoslavia (Serbia and Montenegro), and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

5. *Decides further* that no State shall make available to 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), any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to those authorities or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within the Federal Republic of Yugoslavia (Serbia and Montenegro), except payments exclusively for strictly medical or humanitarian purposes and foodstuffs;

6. *Decides* that the prohibitions in paragraphs 4 and 5 shall not apply to the trans-shipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products originating outside the Federal Republic of Yugoslavia (Serbia and Montenegro) and temporarily present in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) only for the purpose of such trans-shipment, in accordance with guidelines approved by the Security Council Committee established by resolution 724 (1991);

7. *Decides* that all States shall:

(a) Deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), unless the particular flight has been approved, for humanitarian or other purposes consistent with the relevant resolutions of the Council, by the Security Council Committee established by resolution 724 (1991);

(b) Prohibit, by their nationals or from their territory, the provision of engineering and maintenance servicing of aircraft registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or operated by or on behalf of entities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or components for such aircraft, the certification of airworthiness for such aircraft, and the payment of new claims against existing insurance contracts and the provision of new direct insurance for such aircraft;

8. *Decides also* that all States shall:

(a) Reduce the level of the staff at diplomatic missions and consular posts of the Federal Republic of Yugoslavia (Serbia and Montenegro);

(b) Take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) Suspend scientific and technical cooperation and cultural exchanges and visits involving persons or groups officially sponsored by or representing the Federal Republic of Yugoslavia (Serbia and Montenegro);

9. *Decides further* that all States, and the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), shall take the necessary measures to ensure that no claim shall lie at the instance of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or of any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro), or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures imposed by the present resolution and related resolutions;

10. *Decides* that the measures imposed by the present resolution shall not apply to activities related to the United Nations Protection Force, to the Conference on Yugoslavia or to the European Community Monitoring Mission, and that States, parties and others concerned shall cooperate fully with the Force, the Conference and the Mission and respect fully their freedom of movement and the safety of their personnel;

11. *Calls upon* all States, including States not members of the United Nations, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the present resolution;

12. *Requests* all States to report to the Secretary-General by 22 June 1992 on the measures they have instituted for meeting the obligations set out in paragraphs 4 to 9;

13. *Decides* that the Security Council Committee established by resolution 724 (1991) shall undertake the following tasks additional to those in respect of the arms embargo established by resolutions 713 (1991) and 727 (1992):

(a) To examine the reports submitted pursuant to paragraph 12 above;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 4 to 9;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 4 to 9 and, in that context, to make recommendations to the Council on ways to increase their effectiveness;

(d) To recommend appropriate measures in response to violations of the measures imposed by paragraphs 4 to 9 and to

provide information on a regular basis to the Secretary-General for general distribution to Member States;

(e) To consider and approve the guidelines referred to in paragraph 6 above;

(f) To consider and decide upon expeditiously any applications for the approval of flights for humanitarian or other purposes consistent with the relevant resolutions of the Council in accordance with paragraph 7 above;

14. *Calls upon* all States to cooperate fully with the Security Council Committee established by Security Council resolution 724 (1991) in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

15. *Requests* the Secretary-General to report to the Security Council, not later than 15 June 1992 and earlier if he considers it appropriate, on the implementation of resolution 752 (1992) by all parties and others concerned;

16. *Decides* to keep under continuous review the measures imposed by paragraphs 4 to 9 with a view to considering whether such measures might be suspended or terminated following compliance with the requirements of resolution 752 (1992);

17. *Demands* that all parties and others concerned create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport and respecting the agreements signed at Geneva on 22 May 1992;

18. *Requests* the Secretary-General to continue to use his good offices in order to achieve the objectives contained in paragraph 17 above, and invites him to keep under continuous review any further measures that may become necessary to ensure unimpeded delivery of humanitarian supplies;

19. *Urges* all States to respond to the Revised Joint Appeal for humanitarian assistance of early May 1992 issued by the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the World Health Organization;

20. *Reiterates* the call in paragraph 2 of resolution 752 (1992) that all parties continue their efforts in the framework of the Conference on Yugoslavia and that the three communities in Bosnia and Herzegovina resume their discussions on constitutional arrangements for Bosnia and Herzegovina;

21. *Decides* to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with its relevant resolutions.

Speaking after the vote, the representative of Belgium stated that the Council's resolution was the outcome of lengthy negotiations initiated by the three members of the European Community sitting on the

Council, joined by the United States. It represented the end of a long process during which the European Community, the Conference on Security and Cooperation in Europe and the United Nations had spared no effort to try to reach a peaceful settlement of the grave crisis in Bosnia and Herzegovina. In view of the failure of all earlier attempts, the members of the European Community had seen the imposition of sanctions against Serbia and Montenegro as the only recourse and had recently imposed a trade embargo against that country while calling upon the Council to take similar action. Belgium welcomed the Council having acted along those lines and urged the Serbian authorities to comply fully with the requirements of resolution 752 (1992).¹⁰⁴

The representative of the United States maintained that the aggression of the Serbian regime against Bosnia and Herzegovina represented a clear threat to international peace and security and a grave challenge to the values and principles underlying the Helsinki Final Act, the Charter of Paris and the Charter of the United Nations. He stressed that the international community would not tolerate the use of force and terror to settle political or territorial disputes. The Chapter VII measures just adopted were serious and comprehensive and the United States was determined to see them through and, if necessary, to seek further measures, until the Serbian regime changed its course. The speaker insisted that Belgrade must, *inter alia*, clearly and unequivocally demonstrate respect for the independence, borders, territorial integrity and legitimate sovereign governments of Bosnia and Herzegovina, Croatia and other former Yugoslav republics.¹⁰⁵

The representative of the Russian Federation maintained that the expansion of the ethnic strife into a broader conflict involving groups and forces from republics bordering Bosnia and Herzegovina constituted a real threat to the countries of the region and to international peace and security. In voting for the sanctions, the Russian Federation was discharging its obligations as a permanent member of the Security Council for the maintenance of international law and order. At the same time, it believed that the Council must go further and shoulder the responsibility for a settlement in Bosnia and Herzegovina and a settlement

¹⁰⁴ *Ibid.*, pp. 33.

¹⁰⁵ *Ibid.*, pp. 33-34.

of the Yugoslav crisis as a whole, making use of all the measures for the restoration of peace provided for in the Charter of the United Nations. The speaker appealed to all peoples living in the republics of the former Yugoslavia and their representatives to refrain from the use of force in solving their problems and to engage in a quest for a comprehensive settlement through peaceful political means that would take account of the legitimate interests of the various national communities. The Russian Federation believed that the opportunity for such a settlement was to be found in direct negotiations by the parties, within the framework of an international conference on Bosnia and Herzegovina under the auspices of the European Community. The speaker suggested that the Security Council — perhaps in consultation with CSCE — could work out a list of criteria on the basis of which the Secretary-General might bring up for consideration by the Council the question of sanctions against those who bore major responsibility for bloodshed, and other decisive actions that might be taken by the international community.¹⁰⁶

The representative of France observed that the demands put forward by the Council in its resolution 752 (1992), designed to promote the cessation of hostilities and the continuation of peace efforts, had not been met. A firm reaction by the international community was essential. The resolution just adopted posited the principle of the application, under Chapter VII of the Charter, of measures against any party that did not heed the demands put forward by the Security Council. It also called for the immediate implementation of a set of measures against Serbia and Montenegro. These measures were very broad in scope because they were designed to respond to an extremely grave situation, but the Council was determined to avoid their leading to total isolation of the populations concerned and to limit their impact on them. Thus, the trade embargo established in the resolution provided for exceptions in regard to medical supplies and foodstuffs. The speaker added that, although France had voted in favour of the resolution, it disassociated itself from the provision for freezing sports contacts because the envisaged measure was derisory, vexatious and inappropriate, having been borrowed from measures adopted in another context — the struggle against apartheid. He concluded by expressing full support for the Council's appeal to the Secretary-

¹⁰⁶ Ibid., pp. 36-39.

General to study ways to permit the distribution of aid, in particular the reopening of Sarajevo airport.¹⁰⁷

The representative of the United Kingdom regretted that the efforts through the European Community, the Peace Conference, the monitoring missions and the constitutional conference in Bosnia and Herzegovina had so far been to no avail. He observed that, just as peacekeepers found difficulty in keeping the peace if there was no peace to keep, the peacemakers found difficulty in making peace if there was not a minimum of cooperation with their efforts, as in this case. The United Nations had had the same experience, but he firmly supported the continued deployment of UNPROFOR. Noting that the responsibility for the events in Yugoslavia was shared among many, he welcomed the Council's expressed intention in the resolution to ensure that there was compliance by all with the principles set out in resolution 752 (1992). However, he stated that there was really no doubt where the principal responsibility for the current situation now lay: with the civil and military authorities in Belgrade. That is what had brought the Council to the matter of sanctions. They were designed, as the resolution stated, purely and simply to bring about a peaceful solution and to bring the parties back to the negotiating table.¹⁰⁸

The President, speaking in his capacity as the representative of Austria, stated that the decision of the Council to impose comprehensive mandatory sanctions against Serbia and Montenegro was harsh but necessary. He recalled his Foreign Minister's statement in the Council as early as 25 September 1991, in which he had outlined the principles upon which relations among the peoples of the former Yugoslavia should be based in the future. Those principles — among them the strict observance of the principle of non-use of force, respect for human rights, protection of all minorities, and effective guarantees for equal participation in the political process by all population groups — remained valid. He stressed that the parties and others concerned had to comply with the Council's demand to create immediately the necessary conditions for unimpeded delivery of humanitarian supplies. If that compliance were not forthcoming, the Council

¹⁰⁷ Ibid., pp. 39-41.

¹⁰⁸ Ibid., pp. 42-43.

would shortly have to consider further measures to achieve that objective.¹⁰⁹

K. Report of the Secretary-General pursuant to Security Council resolution 757 (1992)

Decision of 8 June 1992 (3083rd meeting): resolution 758 (1992)

On 6 June 1992, the Secretary-General submitted to the Council a report pursuant to resolution 757 (1992),¹¹⁰ on the progress made through the use of his good offices to secure the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina. He reported that on 5 June an agreement had been signed by all the parties in Bosnia and Herzegovina providing for the reopening of Sarajevo airport for the delivery of humanitarian supplies, under the exclusive authority of the United Nations.¹¹¹ The agreement envisaged that UNPROFOR would take over full operational responsibility for the functioning and security of the airport. The Secretary-General noted that the addition of these functions to the UNPROFOR mandate would require the consent of the Council, which would also have to approve a corresponding increase in the Force's strength. Noting that the agreement represented a significant breakthrough in the conflict in Bosnia and Herzegovina — although only a first step towards the implementation of resolution 757 (1992) — he expressed the view that the opportunity should be seized and said he had accepted the concept of operations proposed by the Force Commander. This envisaged, in the first phase, the deployment of United Nations military observers to Sarajevo to create security conditions for the reopening of the airport.¹¹² He added that he had asked the Force Commander to pursue negotiation of a broader security zone encompassing the city of Sarajevo as a whole, as a second phase of the negotiations. The proposed operation would involve significant risks, since many earlier agreements in Bosnia and Herzegovina had been broken. However, the Secretary-General considered that successful implementation of the agreement of

5 June, which reaffirmed the existing ceasefire agreement as well as providing for the reopening of the airport, would serve both the humanitarian and the political objectives. He accordingly recommended that the Council take the decision to enlarge the mandate and strength of UNPROFOR, as proposed. He hoped that this would be the first stage of a process that would restore peace to Bosnia and Herzegovina.

At its 3083rd meeting, held on 8 June 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda.

The President (Belgium) drew the attention of the Council members to a draft resolution that had been prepared in the course of the Council's consultations.¹¹³

He also drew their attention to two letters dated 5 June 1992 from the representative of Yugoslavia addressed to the Secretary-General.¹¹⁴ The first letter claimed that the attitude of Slovenia with regard to the question of the membership of the Federal Republic of Yugoslavia in international organizations was an act of political interference in the internal affairs of another State. The second letter affirmed that Yugoslavia was honouring all its international obligations and was firmly resolved to fulfil all the requirements emanating from resolutions 752 (1992) and 757 (1992).

The draft resolution was then put to the vote and adopted unanimously as resolution 758 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992 and 757 (1992) of 30 May 1992,

Noting that the Secretary-General has secured the evacuation of the Marshal Tito barracks in Sarajevo,

Noting also the agreement of all parties in Bosnia and Herzegovina to the reopening of Sarajevo airport for humanitarian purposes, under the exclusive authority of the United Nations, and with the assistance of the United Nations Protection Force,

¹⁰⁹ Ibid., pp. 44-46.

¹¹⁰ S/24075 and Add.1.

¹¹¹ S/24075, annex.

¹¹² S/24075, para. 5.

¹¹³ S/24078.

¹¹⁴ S/24073 and S/24074.

Noting further that the reopening of Sarajevo airport for humanitarian purposes would constitute a first step in establishing a security zone encompassing Sarajevo and its airport,

Deploring the continuation of the fighting in Bosnia and Herzegovina which is rendering impossible the distribution of humanitarian assistance in Sarajevo and its environs,

Stressing the imperative need to find an urgent negotiated political solution for the situation in Bosnia and Herzegovina,

1. *Approves* the report of the Secretary-General of 6 June 1992 submitted pursuant to Security Council resolution 757 (1992);

2. *Decides* to enlarge the mandate and strength of the United Nations Protection Force, established under resolution 743 (1992), in accordance with the report of the Secretary-General;

3. *Authorizes* the Secretary-General to deploy, when he judges it appropriate, the military observers and related personnel and equipment required for the activities referred to in paragraph 5 of his report;

4. *Requests* the Secretary-General to seek Security Council authorization for the deployment of the additional elements of the Force, after he has reported to the Council that all the conditions necessary for them to carry out the mandate approved by the Council, including an effective and durable ceasefire, have been fulfilled;

5. *Strongly condemns* all those parties and others concerned that are responsible for violations of the ceasefire reaffirmed in paragraph 1 of the agreement of 5 June 1992 annexed to the report of the Secretary-General;

6. *Calls upon* all parties and others concerned to comply fully with the above-mentioned agreement and in particular to respect strictly the ceasefire reaffirmed in paragraph 1 thereof;

7. *Demands* that all parties and others concerned cooperate fully with the Force and international humanitarian agencies and take all necessary steps to ensure the safety of their personnel;

8. *Demands also* that all parties and others concerned create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport and respecting the agreements signed at Geneva on 22 May 1992;

9. *Requests* the Secretary-General to continue to use his good offices in order to achieve the objectives contained in paragraph 8 above, and invites him to keep under continuous review any further measures that may become necessary to ensure unimpeded delivery of humanitarian supplies;

10. *Also requests* the Secretary-General to report to the Security Council on his efforts no later than seven days after the adoption of the present resolution;

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

L. Report of the Secretary-General pursuant to paragraph 15 of Security Council resolution 757 (1992) and paragraph 10 of resolution 758 (1992)

Decision of 18 June 1992 (3086th meeting): resolution 760 (1992)

On 15 June 1992, the Secretary-General submitted to the Council a report pursuant to resolution 757 (1992), on the implementation of resolution 752 (1992) by all parties and others concerned, and pursuant to resolution 758 (1992), on his efforts to reopen Sarajevo airport in order to facilitate the unimpeded delivery of humanitarian supplies.¹¹⁵ He stated that there was only limited progress to report regarding implementation of the international community's efforts to control and resolve the dreadful conflict in Bosnia and Herzegovina. Nevertheless, he believed that the international community should remain firm in its determination to put into effect the mechanisms and procedures which it had already established to relieve the human suffering, to bring the fighting under control and to negotiate a just and lasting political settlement of the conflict. What was lacking was willingness on the part of the opposing sides to honour agreements they had signed. Although it was encouraging in this respect that the parties had reaffirmed a new ceasefire as from 15 June, which appeared to be holding, he was aware of how often in the past similar hopes had been dashed. The Secretary-General observed that the picture in Croatia was less sombre as UNPROFOR moved towards assumption of its full responsibilities in all four sectors of the United Nations Protected Areas, though daily breaches of the ceasefire and violations of human rights still occurred there as well as instances of non-cooperation with UNPROFOR.

As for his efforts to reopen Sarajevo airport, the Secretary-General reported that the ceasefire had allowed an initial reconnaissance to be carried out, and that significant progress had been made in discussions

¹¹⁵ S/24100 and Corr.1.

on the withdrawal of heavy weapons from within range of the airport. Despite this progress, however, it was clear that considerable work still needed to be done to get the airport functioning again.

The Secretary-General assured the Council that, for its part, the United Nations would continue to do all it could to implement both the original mandate of UNPROFOR in Croatia and the new one entrusted to it in Bosnia and Herzegovina. These efforts were intended to create the conditions in which effective international action could be taken to ease the suffering of the civilian population and in which the negotiations of political solutions could proceed under the auspices of the European Community. He stressed that it was political negotiation which offered the only real hope of restoring peace in the former republics of the Socialist Federal Republic of Yugoslavia. He therefore joined Lord Carrington, the Chairman of the European Community Conference on Yugoslavia, in appealing to all concerned to return to the negotiating table over which he and Ambassador Cutileiro presided, and suggested that the Council might again wish to reaffirm its unqualified support for their efforts.

At its 3086th meeting, held on 18 June 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda.

The President (Belgium) drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's consultations.¹¹⁶

He also drew their attention to the following documents: (a) a letter dated 11 June 1992 from the representative of Czechoslovakia, on behalf of his country's chairmanship of CSCE, addressed to the Secretary-General,¹¹⁷ transmitting the decisions adopted by the Committee of Senior Officials of CSCE on the situation in Bosnia and Herzegovina and in other parts of the former Socialist Federal Republic of Yugoslavia; (b) a letter dated 15 June 1992 from the Foreign Minister of Bosnia and Herzegovina to the President of the Security Council,¹¹⁸ observing that Council's resolutions 757 (1992) and 758 (1992) had not yet stemmed the aggression by the Serbian regime or permitted the delivery of desperately needed

humanitarian assistance, and requesting the Council to invoke Article 42 of Chapter VII, which called for coordinated military action to restore international peace and security when the means provided for in Article 41 proved to be inadequate; and (c) a letter dated 16 June 1992 from the representatives of Belgium, France and the United Kingdom addressed to the President of the Security Council,¹¹⁹ transmitting a declaration on the situation in Yugoslavia adopted by the European Community and its member States on 15 June.

The draft resolution was then put to the vote and adopted unanimously as resolution 760 (1992), which reads:

The Security Council,

Recalling its resolutions 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, and 758 (1992) of 8 June 1992, and in particular paragraph 7 of resolution 752 (1992), in which it emphasized the urgent need for humanitarian assistance and fully supported the current efforts to deliver humanitarian aid to all the victims of the conflict,

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

Decides that the prohibitions in paragraph 4 (c) of resolution 757 (1992) concerning the sale or supply to the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities or products, other than medical supplies and foodstuffs, and the prohibitions against financial transactions related thereto contained in resolution 757 (1992) shall not apply, with the approval of the Security Council Committee established by resolution 724 (1991) on Yugoslavia under the simplified and accelerated "no objection" procedure, to commodities and products for essential humanitarian need.

M. Oral reports of the Secretary-General on 26 and 29 June 1992 pursuant to Security Council resolution 758 (1992)

Decision of 29 June 1992 (3087th meeting): resolution 761 (1992)

At its 3087th meeting, held on 29 June 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda two oral reports made by the Secretary-General to the Council on 26 and 29 June pursuant to resolution 758 (1992), on the situation in and around Sarajevo

¹¹⁶ S/24114.

¹¹⁷ S/24093.

¹¹⁸ S/24099.

¹¹⁹ S/24104.

airport.¹²⁰ In his statement of 26 June, the Secretary-General expressed regret that the situation in Sarajevo had deteriorated considerably that day, with the increased bombardment by the Bosnian Serb forces of a suburb of Sarajevo close to the airport. That action was occurring, he said, despite an agreement by the Serb side to stop shelling civilian areas and to abide by a unilateral ceasefire. It was also incompatible with the agreement of 5 June on the basis of which UNPROFOR had endeavoured to open the airport. Unless the military offensive by the Serb side ceased and there was evidence over the next 48 hours of the relocation of heavy weaponry into areas of concentration to be supervised by UNPROFOR, the Secretary-General said that he would have no choice but to reassess the feasibility of UNPROFOR implementing the agreement. It would then be up to the Council to determine what other means would be required to bring relief to the suffering people of Sarajevo.

In his statement of 29 June, the Secretary-General informed the Council that considerable progress had since been made towards the assumption by UNPROFOR of responsibility for the airport: Serb forces had been withdrawing from the airport and both sides had begun to concentrate their heavy weapons in locations to be supervised by UNPROFOR. Although an absolute ceasefire had not yet been achieved, he endorsed the recommendation of his Force Commander that UNPROFOR must seize the opportunity offered by these developments. He therefore requested the Council to grant the authorization foreseen in paragraph 4 of resolution 758 (1992) to deploy the additional elements of UNPROFOR necessary to secure the airport and make it operational. He suggested that the Council might also wish to call strongly on all parties to make the ceasefire absolute. In particular, in view of the pattern of recent fighting in Sarajevo, he requested the Council to join him in appealing to the Presidency of the Government of Bosnia and Herzegovina to exercise the utmost restraint in this situation and not to seek any military advantage from the Serb withdrawal from the airport. It was important that the humanitarian objectives of the UNPROFOR action be kept firmly in mind by all parties.

¹²⁰ Statements by the Secretary-General to the Security Council on 26 and 29 June 1992 (S/24201).

At the same meeting, the President (Belgium) drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.¹²¹

He also drew their attention to a letter dated 29 June 1992 from the representatives of Belgium, France and the United Kingdom, addressed to the President of the Security Council,¹²² transmitting a declaration on the former Yugoslavia adopted by the European Community and its member States at a summit meeting held on 26 and 27 June. The declaration stated, inter alia, that States members of the European Community would propose that the Security Council take, without delay, all necessary measures for the reopening of Sarajevo airport and the effective delivery of humanitarian assistance to Sarajevo and neighbouring areas. It added that, while giving priority to peaceful means, the European Council did not exclude support for the use of military means by the United Nations to achieve these humanitarian objectives.

The draft resolution was then put to the vote and adopted unanimously as resolution 761 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 758 (1992) of 8 June 1992 and 760 (1992) of 18 June 1992,

Noting the considerable progress reported by the Secretary-General towards securing the evacuation of Sarajevo airport and its reopening by the United Nations Protection Force and feeling the need to maintain this favourable momentum,

Underlining the urgency of a quick delivery of humanitarian assistance to Sarajevo and its environs,

1. *Authorizes* the Secretary-General to deploy immediately additional elements of the United Nations Protection Force to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance in accordance with his report of 6 June 1992;

2. *Calls upon* all parties and others concerned to comply fully with the agreement of 5 June 1992 and in particular to maintain an absolute and unconditional ceasefire;

¹²¹ S/24199.

¹²² S/24200.

3. *Appeals* to all sides to cooperate fully with the Force in the reopening of the airport, to exercise the utmost restraint and not to seek any military advantage in this situation;

4. *Demands* that all parties and others concerned cooperate fully with the Force and international humanitarian agencies and organizations and take all necessary steps to ensure the safety of their personnel; in the absence of such cooperation, the Security Council does not exclude other measures to deliver humanitarian assistance to Sarajevo and its environs;

5. *Calls upon* all States to contribute to the international humanitarian efforts in Sarajevo and its environs;

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

N. Further report of the Secretary-General pursuant to Security Council resolution 752 (1992)

Decision of 30 June 1992 (3088th meeting): resolution 762 (1992)

On 26 June 1992, the Secretary-General submitted to the Council a further report pursuant to resolution 752 (1992),¹²³ on his efforts to ensure that UNPROFOR would assume its full responsibilities in all the United Nations Protected Areas as soon as possible and to encourage all parties and others concerned to resolve any problems remaining in that connection. The Secretary-General recalled that in his previous reports, of 24 April and 12 May 1992, he had alluded to the problem of certain areas of Croatia that were then controlled by the Yugoslav People's Army and populated largely by Serbs, but which were outside the agreed boundaries of the Protected Areas. The Belgrade authorities had pressed strongly for these areas, which had come to be known as the "pink zones", to be included in the Protected Areas. Otherwise, they said, the Serbs resident in them would forcibly resist the restoration of Croatian authority after the withdrawal of the Yugoslav People's Army. The Croatian authorities had, equally strongly, resisted any changes in the boundaries of those Areas as the peacekeeping plan approved by the Security Council did not provide for any such boundary changes. Endorsing this interpretation, the Secretary-General had concluded that the Croatian authorities were under no obligation to agree to an adjustment of the agreed boundaries in those sectors where the problem was particularly acute, in order to circumvent it. In the

circumstances, UNPROFOR had been instructed to deploy in all Protected Areas in accordance with the plan. UNPROFOR had assumed its full responsibilities in Sectors East and West. Difficulties had, however, been encountered by the Force in Sectors North and South, delaying its assumption of responsibility there.

In view of the foregoing and the exhaustive discussions that had taken place during the previous three months with all parties concerned, the UNPROFOR Force Commander had arrived at certain conclusions, which the Secretary-General fully endorsed and which he felt necessary to place before the Security Council for its consideration. First, the restoration of Croatian authority in the "pink zones" without effective preparation and the re-establishment of confidence among its inhabitants did not now appear achievable without a serious danger of the resumption of armed conflict. Secondly, the instability caused within Sectors North and South by the "pink zones" situation had been increased by the conflict that was raging in the adjacent areas of Bosnia and Herzegovina. Thirdly, the assumption of responsibility in the Sectors by UNPROFOR and the implementation of the plan approved by the Security Council had little likelihood of success if the question of the "pink zones" remained unresolved.

In these circumstances, and on the basis of a recommendation from the Force Commander, the Secretary-General proposed, inter alia, that (a) a joint commission be established under the chairmanship of UNPROFOR, consisting of representatives of the Government of Croatia and the local authorities in the region, with the participation of the European Community Monitoring Mission, to oversee and monitor the process of the restoration of authority in the "pink zones" by the Croatian Government; (b) an appropriate number of United Nations military observers be deployed along the line of confrontation and within the "pink zones"; and (c) United Nations civilian police be deployed throughout the "pink zones" in order to monitor the maintenance of law and order by the existing police forces, with particular regard to the well-being of any minority groups in the area.¹²⁴ The Secretary-General indicated that implementation of these measures would require the strengthening of UNPROFOR by the addition of some 60 military observers and 120 civilian police.

¹²³ S/24188; see also S/24188/Add.1 of 14 July 1992.

¹²⁴ S/24188, para. 16.

Observing that the collapse of the plan approved by the Security Council in Sectors North and South would have grave consequences not only in the other Protected Areas but also throughout the region,¹²⁵ he recommended that the Council lend its support to his proposed course of action and that it appeal to all parties to cooperate fully with UNPROFOR in its implementation.

At its 3088th meeting, held on 30 June 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's further report of 26 June in its agenda.

The President (Belgium) drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.¹²⁶

The draft resolution was put to the vote and adopted unanimously as resolution 762 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 758 (1992) of 8 June 1992, 760 (1992) of 18 June 1992 and 761 (1992) of 29 June 1992,

Noting the further report of the Secretary-General of 26 June 1992 submitted pursuant to Security Council resolution 752 (1992),

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Welcoming the progress made as a result of the assumption of responsibilities by the United Nations Protection Force in Sectors East and West, and concerned about the difficulties encountered by the Force in Sectors North and South,

Commending again the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, through the convening of a Conference on Yugoslavia, including the mechanisms set forth within it, to ensure a peaceful political settlement,

1. *Approves* the further report of the Secretary-General of 26 June 1992 submitted pursuant to Security Council resolution 752 (1992);

2. *Urges* all parties and others concerned to honour their commitments to effect a complete cessation of hostilities and to implement the United Nations peacekeeping plan;

3. *Also urges*, in accordance with paragraph 4 of resolution 727 (1992), the Government of Croatia to withdraw its army to the positions held before the offensive of 21 June 1992 and to cease hostile military activities within or adjacent to the United Nations Protected Areas;

4. *Urges* the remaining units of the Yugoslav People's Army, the Serb territorial defence forces in Croatia and others concerned to comply strictly with their obligations under the United Nations peacekeeping plan, in particular with regard to the withdrawal and the disarming of all forces in accordance with the plan;

5. *Urges* the Government of Croatia and others concerned to follow the course of action outlined in paragraph 16 of the report of the Secretary-General and appeals to all parties to assist the Force in its implementation;

6. *Recommends* the establishment of the Joint Commission described in paragraph 16 of the report of the Secretary-General, which should consult, as may be necessary or appropriate, with the Belgrade authorities in performing its functions;

7. *Authorizes* the strengthening of the Force by the addition of up to sixty military observers and one hundred and twenty civilian police to perform the functions envisaged in paragraph 16 of the report of the Secretary-General, with the agreement of the Government of Croatia and others concerned;

8. *Reaffirms* the embargo applied in paragraph 6 of resolution 713 (1991), paragraph 5 of resolution 724 (1991) and paragraph 6 of resolution 727 (1992);

9. *Supports* the views expressed in paragraph 18 of the report of the Secretary-General about the grave consequences which the collapse of the United Nations peacekeeping plan would have throughout the region;

10. *Encourages* the Secretary-General to pursue his efforts to fulfil as soon as possible the terms of paragraph 12 of resolution 752 (1992);

11. *Calls again upon* all parties concerned to cooperate fully with the Conference on Yugoslavia and its aim of reaching a political settlement consistent with the principles of the Conference on Security and Cooperation in Europe and reaffirms that the United Nations peacekeeping plan and its implementation is in no way intended to prejudge the terms of a political settlement;

12. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

¹²⁵ *Ibid.*, para. 18.

¹²⁶ S/24207.

O. Statement by the President of the Security Council

Decision of 9 July 1992: statement by the President

On 9 July 1992, following consultations among the members of the Council, the President (Cape Verde) issued the following statement on behalf of the Council:¹²⁷

The members of the Security Council take note of the fact that document S/24258¹²⁸ will be issued on 11 July 1992. They agree that this fact does not prejudice decisions that may be taken by appropriate United Nations bodies or their national positions on this matter.

P. Further report of the Secretary-General pursuant to Security Council resolutions 757 (1992), 758 (1992) and 761 (1992)

Decision of 13 July 1992 (3093rd meeting): resolution 764 (1992)

On 10 July 1992, the Secretary-General submitted to the Council a further report pursuant to Security Council resolutions 757 (1992), 758 (1992) and 761 (1992),¹²⁹ on progress relating to the reopening of Sarajevo airport under the auspices of UNPROFOR. He stated that the airport had reopened effectively, under UNPROFOR control, for the delivery of humanitarian assistance. However, as the operation had taken shape, it had become apparent that the strength of UNPROFOR was inadequate. He recommended that it be increased by some 1,600 additional personnel, to ensure the security and functioning of the airport and the delivery of humanitarian assistance.¹³⁰ The Secretary-General also warned that, despite an encouraging start, the Sarajevo

airport operation was based upon a foundation of the utmost fragility. Three of the basic conditions stipulated in the airport agreement of 5 June had not been complied with by either side: a ceasefire; the complete concentration of heavy weaponry under UNPROFOR monitoring; and the establishment of security corridors. The continuing military conflict in the area could, moreover, at any moment encroach upon the airport and disrupt the arrival and distribution of relief goods. Meanwhile, the provision of humanitarian aid to the rest of the country was sparse, intermittent and hazardous. In conclusion, the Secretary-General stressed that only urgent efforts by the international community to address the basic causes of the conflict, including negotiations with all the parties involved in it, could resolve what had emerged as one of the worst humanitarian emergencies of the time.

At its 3093rd meeting, held on 13 July 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's further report of 10 July in its 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 Council to a draft resolution that had been prepared in the course of the Council's prior consultations,¹³¹ and made an oral correction to paragraph 8 of the draft resolution to reinstate a phrase that had been agreed upon in the Council's prior consultations.

The draft resolution, as orally corrected, was put to the vote and adopted unanimously as resolution 764 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 758 (1992) of 8 June 1992, 760 (1992) of 18 June 1992, 761 (1992) of 29 June 1992 and 762 (1992) of 30 June 1992,

Noting with appreciation the further report of the Secretary-General of 10 July 1992 submitted pursuant to Security Council resolutions 757 (1992), 758 (1992) and 761 (1992),

¹²⁷ S/24257.

¹²⁸ Letter dated 4 July 1992 from the representative of Yugoslavia addressed to the President of the Council, transmitting a letter of the same date from the President of the Federal Republic of Yugoslavia to the President of the Council. The President of the Federal Republic of Yugoslavia, inter alia, maintained his country's claim to be the continuation of the former Yugoslavia, asserting that it was "a founding and active Member of the United Nations".

¹²⁹ S/24263 and Add.1.

¹³⁰ S/24363, para. 12.

¹³¹ S/24267.

Disturbed by the continuing violation of the Sarajevo airport agreement of 5 June 1992, in which the parties agreed, inter alia:

- That all anti-aircraft weapon systems would be withdrawn from positions from which they could engage the airport and its air approaches,
- That all artillery, mortar, ground-to-ground missile systems and tanks within range of the airport would be concentrated in areas agreed by the United Nations Protection Force and subject to its observation at the firing line,
- To establish security corridors between the airport and the city, under the Force's control, to ensure the safe movement of humanitarian aid and related personnel,

Deeply concerned about the safety of the Force's personnel,

Cognizant of the magnificent work being done in Sarajevo by the Force and its leadership, despite the conditions of great difficulty and danger,

Aware of the enormous difficulties in the evacuation by air of cases of special humanitarian concern,

Deeply disturbed by the situation which now prevails in Sarajevo and by many reports and indications of deteriorating conditions throughout Bosnia and Herzegovina,

Commending the determination and courage of all those who are participating in the humanitarian effort,

Deploring the continuation of the fighting in Bosnia and Herzegovina which is rendering difficult the provision of humanitarian assistance in Sarajevo and its environs, as well as in other areas of the Republic,

Noting that the reopening of Sarajevo airport for humanitarian purposes constitutes a first step in establishing a security zone encompassing Sarajevo and its airport,

Recalling the obligations under international humanitarian law, in particular the Geneva Conventions of 12 August 1949,

Stressing once again the imperative need to find an urgent negotiated political solution for the situation in Bosnia and Herzegovina,

1. *Approves* the further report of the Secretary-General of 10 July 1992 on the implementation of Security Council resolutions 757 (1992), 758 (1992) and 761 (1992);

2. *Authorizes* the Secretary-General to deploy immediately additional elements of the United Nations Protection Force to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance, in accordance with paragraph 12 of his report;

3. *Reiterates its call* on all parties and others concerned to comply fully with the agreement of 5 June 1992

and to cease immediately any hostile military activity in Bosnia and Herzegovina;

4. *Commends* the untiring efforts and the bravery of the Force for its role in securing humanitarian relief in Sarajevo and its environs;

5. *Demands* that all parties and others concerned cooperate fully with the Force and international humanitarian agencies to facilitate the evacuation by air of cases of special humanitarian concern;

6. *Calls on* all parties and others concerned to cooperate with the Force and international humanitarian agencies to facilitate the provision of humanitarian aid to other areas of Bosnia and Herzegovina which remain in desperate need of assistance;

7. *Reiterates* its demand that all parties and others concerned take the necessary measures to secure the safety of Force personnel;

8. *Calls again* on all parties concerned to resolve their differences through a negotiated political solution to the problems in the region and to that end to cooperate with the renewed efforts of the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, within the framework of the Conference on Yugoslavia, and in particular to respond positively to the invitation of the Chairman of the Conference to talks on 15 July 1992;

9. *Requests* the Secretary-General to keep close contact with the developments within the framework of the Conference on Yugoslavia and to assist in finding a negotiated political solution for the conflict in Bosnia and Herzegovina;

10. *Reaffirms* that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Convention are individually responsible in respect of such breaches;

11. *Requests* the Secretary-General to keep under continuous review any further measures that may be required to ensure unimpeded delivery of humanitarian assistance;

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

Q. Letter dated 11 July 1992 from the Minister for Foreign Affairs of Croatia addressed to the President of the Security Council

Letter dated 12 July 1992 from the Minister for Foreign Affairs of Croatia addressed to the President of the Security Council

Letter dated 13 July 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council

Letter dated 13 July 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Slovenia to the United Nations addressed to the President of the Security Council

Letter dated 17 July 1992 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Decision of 17 July 1992 (3097th meeting): statement by the President

By letters dated 11 and 12 July 1992 addressed to the President of the Security Council,¹³² the Minister for Foreign Affairs of Croatia and the President of Croatia, respectively, stated that the Serbian and Montenegrin aggressors, taking advantage of the focus of world attention on Sarajevo, were escalating their attacks in all other parts of Bosnia and Herzegovina and in part of Croatia. Croatia was facing insurmountable difficulties in its efforts to care for the recent avalanche of refugees set in motion by these events. Observing that all efforts made so far by the international community to halt this aggression by political and economic means and to bring about a peaceful resolution of the crisis had failed, Croatia

¹³² S/24264 and S/24265, respectively.

called upon the Security Council to meet immediately and approve an international military intervention.

By a letter dated 13 July 1992 addressed to the President of the Council,¹³³ the representative of Bosnia and Herzegovina drew attention to the continuing barbaric attack by the Belgrade regime on the town of Gorazde, which was under siege, and its attacks on other population centres around the country. He requested that the Council take “all steps necessary, including air power”, to stop this “humanitarian nightmare” from deepening. He also recommended that the Council initiate flights to Tuzla, a city north of Sarajevo, whose airport and environs were under Government control and could be used as an efficient distribution point for the delivery of relief to Gorazde and other desperate towns nearby.

By a letter also dated 13 July 1992 addressed to the President of the Council,¹³⁴ the Chargé d'affaires a.i. of Slovenia stated that his country joined the initiative calling for an emergency meeting of the Council to contend with the aggression in Bosnia and Herzegovina. It urged the Council to take the necessary measures to put an end to the aggression, armed terror and so-called ethnic purification, and to ensure respect for the sovereignty, territorial integrity and independence of Bosnia and Herzegovina and its recognized borders.

By a letter dated 17 July 1992 addressed to the President of the Council,¹³⁵ the representatives of Belgium, France and the United Kingdom transmitted the text of an agreement between the parties in Bosnia and Herzegovina, signed at London on 17 July 1992. In it, the parties, *inter alia*, agreed to a ceasefire throughout the entire territory of Bosnia and Herzegovina for a period of 14 days; asked the Security Council to make arrangements for the international supervision of all heavy weapons; agreed to the return of refugees and to freedom of movement for civilians caught up in or trapped by the military situation; and welcomed the planned resumption of the talks on future constitutional arrangements for Bosnia and Herzegovina in London on 27 July 1992.

At its 3097th meeting, on 17 July 1992, the Council included the five letters described above in its agenda. The Council invited the representative of

¹³³ S/24266.

¹³⁴ S/24270.

¹³⁵ S/24305.

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 a number of other documents:¹³⁶

At the same meeting, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹³⁷

The Security Council welcomes the agreement between the parties in Bosnia and Herzegovina, signed in London on 17 July 1992 within the framework of the Conference on Yugoslavia.

The Council calls on the parties to comply fully with the agreement in all its aspects. In particular, it calls on all parties and others concerned to observe scrupulously the ceasefire throughout the entire territory of Bosnia and Herzegovina.

The Council has decided in principle to respond positively to the request for the United Nations to make arrangements for the supervision by the United Nations Protection Force of all heavy weapons (combat aircraft, armour, artillery, mortars, rocket-launchers, etc.) in accordance with the London agreement. It calls on the parties to declare immediately to the Force Commander the locations and quantities of the heavy weapons to be placed under supervision. It requests the Secretary-General to report by 20 July 1992 on the implementation and resource implications of this decision.

The Council welcomes the provisions in the London agreement concerning the return of all refugees and freedom of movement for civilians caught up in or trapped by the military situation. It also welcomes the efforts being made to mobilize international assistance in handling the refugee problem under the aegis of the Office of the United Nations High Commissioner for Refugees. It invites the Secretary-General and the United Nations humanitarian agencies concerned to make

the maximum use of the ceasefire now proclaimed to bring humanitarian relief and supplies to all parts of Bosnia and Herzegovina.

The Council expresses its satisfaction that the talks on future constitutional arrangements for Bosnia and Herzegovina are to resume in London on 27 July 1992, and urges the parties to contribute actively and positively to these talks so that a peaceful solution is achieved as soon as possible.

The Council stresses the need for full compliance with all the requirements of the relevant resolutions of the Council towards which the London agreement is an important step. It reaffirms its decision to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with those resolutions.

R. Report of the Secretary-General on the situation in Bosnia and Herzegovina

Decision of 24 July 1992 (3100th meeting): statement by the President

On 21 July 1992, pursuant to the request made in the presidential statement of 17 July, the Secretary-General submitted to the Council a report on the implementation and resource implications of its decision in principle to respond positively to the request for UNPROFOR to supervise the heavy weapons in Bosnia and Herzegovina in accordance with the London Agreement.¹³⁸ He also submitted a proposed concept of operations for such supervision. However, he observed that, having carefully considered the London Agreement and the circumstances in which it was concluded, as well as the advice of the Force Commander, he had concluded that the conditions did not exist for him to recommend that the Council accept the request of the three parties in Bosnia and Herzegovina that the United Nations supervise the heavy weapons which they had agreed to place under international supervision. This was for a variety of reasons — some relating to principle; others, to practical considerations. In the first place, the request raised the question of the relationship between the United Nations and regional organizations in the maintenance of international peace and security. He noted that Chapter VIII of the Charter of the United Nations underlined the primary responsibility of the Council in such matters, providing, for instance, that in certain circumstances it could “utilize” regional organizations or agencies. There was no provision for

¹³⁶ Letters dated 7 July 1992 from the representative of Bosnia and Herzegovina to the President of the Council (S/24250 and S/24251); letter dated 9 July 1992 from the representative of Croatia to the President of the Council (S/24253); letter dated 12 July 1992 from the representative of Egypt to the Secretary-General (S/24272); letter dated 13 July 1992 from the representative of Yugoslavia to the President of the Council (S/24279); note verbale dated 8 July 1992 from the representative of the United Kingdom to the Secretary-General (S/24280); letter dated 15 July 1992 from the representative of Bosnia and Herzegovina to the Secretary-General (S/24297); and letter dated 15 July 1992 from the representatives of Belgium, France and the United Kingdom to the President of the Council (S/24299).

¹³⁷ S/24307.

¹³⁸ S/24333.

the reverse to occur. In other instances when the United Nations and a regional organization had both been involved in an international peace and security situation, care had been taken to ensure that the primacy of the world Organization had not been compromised. A second concern was that the United Nations had not participated in the negotiation of the London Agreement. The Secretary-General observed that it was most unusual for the United Nations to be asked to help to implement a politico-military agreement in whose negotiation it had played no part. As a matter of principle, he believed that Secretariat staff should be involved in the negotiation of any agreement which was likely to give rise to a peacekeeping role for the United Nations. His concern on these two points was heightened by the lack of clarity concerning the respective roles of the United Nations and the European Community in implementation of the London Agreement.

The Secretary-General noted, thirdly, that it was well established that certain conditions had to exist before a successful peacekeeping operation could be established. These included the consent and cooperation of the parties and a practicable mandate. Neither existed in the present case. Fourthly, the additional function that UNPROFOR was being asked to assume was simply beyond the existing operational and logistical capability of the United Nations. Fifthly, there was a question of priorities. The United Nations was already massively engaged in the former Yugoslavia. The Secretary-General expressed concern that, if the Council continued to concentrate its attention and resources to such an extent on Yugoslav problems, this would be at the expense of the Organization's ability to help resolve equally cruel and dangerous conflicts elsewhere, e.g. in Somalia.

At its 3100th meeting, held on 24 July 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report of 21 July in its 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 two other documents. The first was a letter dated 20 July from the representative of Bosnia and Herzegovina addressed to

the Secretary-General,¹³⁹ stating that, in spite of the London Agreement and the promises of the Prime Minister of the Federal Republic of Yugoslavia, the attacks of the aggressor had continued in almost all areas of Bosnia and Herzegovina and in some places had intensified. Unless the international community, and above all the Security Council, took more decisive measures to stop this aggression, it would dangerously escalate. The second document was a letter dated 21 July 1992 from the representatives of Belgium, France and the United Kingdom addressed to the President of the Council,¹⁴⁰ transmitting a declaration on Yugoslavia adopted by the European Community and its member States on 20 July. The Community and its member States, inter alia, welcomed prompt action by the Security Council, working in close cooperation with the European Community Conference on Yugoslavia, to put into effect the supervision of the heavy weaponry specified in the London Agreement.

At the same meeting, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁴¹

The Security Council recalls the statement of its President of 17 July 1992 concerning the agreement signed in London on 17 July 1992 by the parties in Bosnia and Herzegovina.

The Council takes note with appreciation of the report of the Secretary-General of 21 July 1992 on the situation in Bosnia and Herzegovina that he submitted to it, in response to its request of 17 July 1992, together with a Concept of Operations.

The Council concurs with the Secretary-General's view that the conditions do not yet exist for the United Nations to supervise the heavy weapons in Bosnia and Herzegovina as envisaged in the London agreement.

The Council invites the Secretary-General to contact all Member States, particularly the member States of the relevant regional organizations in Europe, to ask them to make urgently available to the Secretary-General information about the personnel, equipment and logistic support which they would be prepared to contribute, individually or collectively, to the supervision of heavy weapons in Bosnia and Herzegovina as described in the Secretary-General's report.

In the light of the outcome of these contacts, the Secretary-General will undertake the further preparatory work needed on the supervision of the heavy weapons in Bosnia and Herzegovina.

¹³⁹ S/24331.

¹⁴⁰ S/24328.

¹⁴¹ S/24346.

Recalling the provisions of Chapter VIII of the Charter of the United Nations, the Council invites the European regional arrangements and agencies concerned, and particularly the European Community, to enhance their cooperation with the Secretary-General in their efforts to help to resolve the conflicts that continue to rage in the former Yugoslavia. In particular, it would welcome the participation of the Secretary-General in any negotiations under European Community auspices.

The Council further invites the European Community in cooperation with the Secretary-General of the United Nations to examine the possibility of broadening and intensifying the present Conference with a view to providing a new momentum in the search for negotiated settlements of the various conflicts and disputes in the former Yugoslavia.

The Council underlines the importance of the parties to the Agreement signed at London on 17 July 1992 honouring fully the terms of that agreement and calls on others concerned also to respect the agreement. It emphasizes in particular the need for the parties to respect and maintain a ceasefire throughout the entire territory of Bosnia and Herzegovina, and for them to declare immediately to the United Nations Protection Force Commander the locations and quantities of the heavy weapons to be placed under supervision. It further demands that the parties and others concerned cooperate fully with the Force and the humanitarian agencies and take all necessary steps to ensure the safety of their personnel.

The Council stresses the need for full compliance with all the requirements of its relevant resolutions and stands ready to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with its relevant resolutions.

The Council requests the Secretary-General to report back to it on the further work being undertaken and remains actively seized of the matter.

**S. Letter dated 4 August 1992 from the
Chargé d'affaires a.i. of the Permanent
Mission of the United States of America
to the United Nations addressed to the
President of the Security Council**

**Letter dated 4 August 1992 from the
Permanent Representative of
Venezuela to the United Nations
addressed to the President of the
Security Council**

**Decision of 4 August 1992 (3103rd meeting):
statement by the President**

By separate letters dated 4 August 1992 addressed to the President of the Security Council,¹⁴² the representatives of the United States and Venezuela drew attention to reports of abuses of civilian prisoners in camps throughout the former Yugoslavia, and requested an urgent meeting of the Security Council to discuss the matter.

At its 3103rd meeting, on 4 August 1992, the Council included the letters from the representatives of the United States and Venezuela in its 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 (China) also drew the attention of the members of the Council to a letter dated 29 July 1992 from the representative of Bosnia and Herzegovina addressed to the President of the Council,¹⁴³ attaching lists of concentration camps and prisons in Bosnia and Herzegovina and in Serbia and Montenegro, under the control of the Belgrade regime and "its surrogates", in which tens of thousands of innocent citizens of Bosnia and Herzegovina were held captive. The representative of Bosnia and Herzegovina requested the Security Council to take all necessary steps to secure the safety and provide for the basic needs of these innocent victims, so that they could eventually return to their homes, as agreed in the London Agreement of 17 July.

At the same meeting, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁴⁴

The Security Council is deeply concerned at the continuing reports of widespread violations of international humanitarian law and in particular reports of the imprisonment and abuse of civilians in camps, prisons and detention centres within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina. The Council condemns any such violations and abuses and demands that relevant international organizations, and in particular the International Committee of the Red Cross, be granted immediate, unimpeded and continued access to all such places and calls upon all parties to do all in their power to facilitate such access. The Council further calls

¹⁴² S/24376 and S/24377.

¹⁴³ S/24365.

¹⁴⁴ S/24378.

upon all parties, States, international organizations and non-governmental organizations to make immediately available to the Council any further information they might possess regarding these camps and access to them.

The Council reaffirms that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches.

The Council will remain actively seized of this issue.

T. Statement by the President of the Security Council

Decision of 4 August 1992: statement by the President

On 4 August 1992, following consultations among the members of the Council, the President made the following statement to the media on behalf of the Council:¹⁴⁵

The members of the Security Council condemn the recent cowardly attack on United Nations Protection Force positions in Sarajevo resulting in loss of life and injuries among the Ukrainian servicemen. The members of the Council note that the Force has already commenced investigation of this incident.

The members of the Council express their condolences to the family of the officer killed and to the Government of Ukraine.

The members of the Council also express their condolences to the families of the two French officers of the Force killed in Croatia and to the Government of France.

The members of the Council call upon all parties to ensure that those responsible for these intolerable acts are quickly called to account.

The members of the Council reiterate their demand that all parties and others concerned take the necessary measures to secure the safety of Force personnel.

¹⁴⁵ S/24379; recorded as a Security Council decision in *Resolutions and Decisions of the Security Council, 1992*, pp. 22-23.

U. Report of the Secretary-General pursuant to Security Council resolution 762 (1992)

Decision of 7 August 1992 (3104th meeting): resolution 769 (1992)

On 27 July 1992, the Secretary-General submitted to the Council a report pursuant to resolution 762 (1992),¹⁴⁶ on the progress made by UNPROFOR in implementing the mandate entrusted to it in Croatia under the United Nations peacekeeping plan. The report also brought to the Council's notice some of the major concerns facing UNPROFOR in the United Nations Protected Areas and adjoining areas following the Force's assumption of its responsibilities. The Secretary-General observed that UNPROFOR had achieved a number of successes since its assumption of responsibility in the various sectors, due, in large part, to the cooperation extended by the various parties. The principal achievement had been the elimination of ceasefire violations involving the use of heavy weapons. There had also been a considerable lessening of tension in all three Protected Areas, though occasional ceasefire violations, mostly involving small-arms fire, continued to occur. Another major achievement had been the withdrawal of the Yugoslav People's Army from all sectors, as called for in the plan, except for an infantry battalion which was to be withdrawn within the next few days. Both the Government of Croatia and the Serb authorities in the area had, moreover, accepted the concept of the establishment of a Joint Commission, as described in the Secretary-General's report of 26 June 1992,¹⁴⁷ to oversee and monitor the process of restoration of the Croatian Government's authority in the so-called "pink zones".

Problems nevertheless remained, especially with regard to two matters: the excessive armament of the local police in the Protected Areas; and the continuing persecution of non-Serbs in some areas, aimed at forcing them to leave their homes, and the destruction of Serb property in others.¹⁴⁸ Conditions did not therefore exist for the voluntary return of displaced persons to their homes, an important aspect of the United Nations peacekeeping plan. Another

¹⁴⁶ S/24353; see also S/24353/Add.1 of 6 August 1992.

¹⁴⁷ S/24188.

¹⁴⁸ S/24353, paras. 14-16.

development of concern related to the control of international borders. Since the peacekeeping plan had been accepted by the parties and approved by the Council, the Republics in the area had acquired an international legal personality and three had become States Members of the United Nations. The Croatian authorities had raised the issue of the control of the boundaries of the Protected Areas where these coincided with what were now international borders.¹⁴⁹ The economic sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) by resolution 757 (1992) had added a new dimension to the issue.

In the Force Commander's judgement, the existing UNPROFOR mandate needed to be further enlarged in two respects if it were to succeed in establishing peaceful, just and stable conditions in the Protected Areas, pending the negotiation of an overall political settlement. He had recommended that UNPROFOR should be given authority to control the entry of civilians into the Area and that it should have powers to perform immigration and customs functions at the Areas borders where these coincided with international frontiers. He had also recommended an increase in the strength of the UNPROFOR civil affairs component.

The Secretary-General observed that the Force Commander's latest recommendations illustrated the extent to which the evolution of the situation in the former Socialist Federal Republic of Yugoslavia was drawing UNPROFOR into quasi-governmental functions which went beyond normal peacekeeping practice, had major resource implications and might stimulate demands for yet deeper United Nations involvement in this troubled region. As he had noted in his report of 21 July,¹⁵⁰ he viewed this trend with some misgiving, in the light of the many other demands on the Organization's attention and resources. However, the Force Commander had made a strong case in support of his recommendations and, on balance, the Secretary-General believed that they must be accepted if the effort already invested by the Council in Croatia was not to be undermined as a result of the UNPROFOR mandate being limited to control of

military movements only or as a result of the Force lacking the necessary civilian staff resources.

At its 3104th meeting, held in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report of 27 July in its agenda.

The Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

The President (China) drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.¹⁵¹

He also drew their attention to two letters dated 3 and 7 August 1992 from the representative of Croatia addressed to the Secretary-General and the President of the Security Council, respectively.¹⁵² The Government of Croatia conveyed its acceptance of the Secretary-General's report of 27 July 1992, but expressed its view that the suggested expansion of the UNPROFOR mandate should be viewed as a temporary solution for the control of the boundaries of the United Nations Protected Areas where these coincided with international borders of Croatia, until the conditions for their full control by Croatian authorities were fulfilled. On this basis, the Government would support the adoption of a Council resolution authorizing the expansion of the UNPROFOR mandate in Croatia.

The draft resolution was then put to the vote and adopted unanimously as resolution 769 (1992), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Having examined the report of the Secretary-General of 27 July 1992 and 6 August 1992 submitted pursuant to Security Council resolution 762 (1992) in which he recommended certain enlargements in the mandate and strength of the Force,

Taking note of the letter dated 7 August 1992 from the Deputy Prime Minister of the Republic of Croatia to the President of the Security Council,

¹⁴⁹ Sector East shared borders with Hungary and Serbia; the other three sectors shared borders with Bosnia and Herzegovina.

¹⁵⁰ S/24333.

¹⁵¹ S/24382.

¹⁵² S/24371 and S/24390.

1. *Approves* the report of the Secretary-General of 27 July and 6 August 1992 submitted pursuant to Security Council resolution 762 (1992);

2. *Authorizes* the enlargements of the mandate and strength of the United Nations Protection Force recommended by the Secretary-General in his report;

3. *Reiterates* its demand that all parties and others concerned cooperate with the Force in implementing the mandate entrusted to it by the Council;

4. *Condemns resolutely* the abuses committed against the civilian population, particularly on ethnic grounds, as referred to in paragraphs 14 to 16 of the report of the Secretary-General.

V. Letter dated 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council

Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council

Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council

Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

Letter dated 12 August 1992 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of the Comoros to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council

**Decisions of 13 August 1992 (3106th meeting):
resolutions 770 (1992) and 771 (1992)**

By a letter dated 10 August 1992 addressed to the President of the Security Council,¹⁵³ the representative of Bosnia and Herzegovina requested an urgent emergency meeting of the Council, with a formal debate, to consider the grave and deteriorating situation in his country, entailing serious violations of human rights and international law and involving acts of interference and armed intervention by a foreign country, threatening international peace and security. He also requested that the Council take appropriate collective measures under Chapter VII of the Charter to restore peace and stability in the region.

By separate letters dated 10 to 13 August 1992 addressed to the President of the Council,¹⁵⁴ the representatives of Turkey, the Islamic Republic of Iran, Malaysia, Kuwait, Pakistan, Egypt, the United Arab Emirates, Bahrain, the Comoros and Qatar supported the request made by Bosnia and Herzegovina for an urgent meeting of the Council to consider the situation and to take appropriate measures under Chapter VII. By letters dated 11 August 1992,¹⁵⁵ the representatives of Senegal and Saudi Arabia requested an urgent meeting of the Council to consider the serious situation and to find an immediate solution to restoring peace and stability.

At its 3106th meeting, on 13 August 1992, the Council included the above-mentioned letters in its 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 (China) drew the attention of the members of the Council to two draft resolutions,¹⁵⁶ both submitted jointly by Belgium, France, the Russian Federation, the United Kingdom and the United States.

He also drew their attention to the following documents: (a) a letter dated 10 August 1992 from the representative of Ukraine,¹⁵⁷ requesting the Security Council to ensure maximum safety of the troops of the Ukrainian contingent of UNPROFOR in Sarajevo,

which had suffered new losses, and to investigate incidents of 31 July and 7 August 1992; and (b) letters dated 5 and 7 August 1992 from the representative of Bosnia and Herzegovina,¹⁵⁸ submitting, in response to the statement by the President of the Council of 4 August, further information regarding concentration camps and ethnic cleansing.

The President noted, further, that the Council members had received copies of letters dated 13 August 1992 addressed to the President of the Security Council from the representatives of the Islamic Republic of Iran, Bosnia and Herzegovina, Pakistan and Egypt,¹⁵⁹ transmitting the texts of the statements they would have made had there been a formal debate on the situation in Bosnia and Herzegovina during the Security Council's consideration of the matter that day. In their statements, they called for Bosnia and Herzegovina to be exempted from the arms embargo imposed under Security Council resolution 713 (1991) against the entire former Yugoslavia, on the grounds that, as the victim of aggression and a Member of the United Nations, it was entitled to exercise its inherent right of self-defence under Article 51 of the Charter. They also urged the Council to take measures under Chapter VII of the Charter, including the use of military force under Article 42, to halt and reverse the consequences of the Serbian aggression. Although welcoming the two draft resolutions, the representatives of Bosnia and Herzegovina and Pakistan did not consider that they were sufficient in the circumstances.

The Council then commenced the voting procedure on the draft resolutions before it. Speaking before the vote, the representative of Cape Verde noted that the world had been horrified by the recent events in Bosnia and Herzegovina. Cities were being bombed and fired upon indiscriminately. Bosnian Muslims were being expelled from their homes to give way to "ethnically pure" areas, in total disregard of humanitarian law and creating a serious and difficult refugee situation. Concentration camps and mass detention centres had once again made an appearance as evidence of the inhumane nature of the conflict. The Council itself, on whose action the security of many small nations was supposed to rest, had not gone beyond appeals for peace, which had been to no avail. Observing that the conflict in the Balkans had the

¹⁵³ S/24401.

¹⁵⁴ S/24409, S/24410, S/24412, S/24416, S/24419, S/24423, S/24431, S/24433, S/24439 and S/24440, respectively.

¹⁵⁵ S/24413 and S/24415, respectively.

¹⁵⁶ S/24421 and S/24422.

¹⁵⁷ S/24403.

¹⁵⁸ S/24404 and S/24405, respectively.

¹⁵⁹ S/24432, S/24434, S/24437 and S/24438, respectively.

potential to be a major source of destabilization of international peace and security if it were not controlled and contained, the speaker considered that the Council should assert its powers under the Charter to bring the conflict to an end and repel the aggression against Bosnia. In that context, he welcomed, as a step in the right direction, the first draft resolution's call upon States and others to take all measures necessary to facilitate the delivery of humanitarian assistance in Bosnia. He also welcomed the second draft resolution, dealing with the humanitarian law aspect of the conflict.¹⁶⁰

The representative of Ecuador observed that the Council was meeting in response to the collective outcry of the international community and the express request of Bosnia and Herzegovina. Although he hoped that the first draft resolution they were about to adopt could be implemented without the use of coercion, the Council had not wished to overlook the possibility that circumstances might make the use of such measures necessary; in that light, it had resolved to authorize States to proceed to take even measures of that nature to ensure the delivery of humanitarian assistance. The speaker stressed that the situation was a threat to international peace and security and that the provision of humanitarian assistance was a basic condition for the restoration of peace and security in the region. The States that answered the Council's call would, accordingly, be authorized to use every means necessary to achieve the specific aim in question because of the exceptionally grave and urgent circumstances. The second draft resolution, relating to the violation of international humanitarian law, was the minimum response that the international community should make to policies of forcible expulsion, deportation of civilians, imprisonment, torture and death in concentration camps. The perpetrators of such abuses must correct their behaviour immediately, allow free and full access by international humanitarian organizations to places of detention, and realize that the Council firmly intended to adopt new measures under Chapter VII of the Charter if the resolution about to be adopted did not produce immediate and satisfactory results.¹⁶¹

The representative of India maintained that any action authorized by the Security Council should be

¹⁶⁰ S/PV.3106, pp. 4-7.

¹⁶¹ *Ibid.*, pp. 7-10.

carried out in strict conformity with the provisions of the Charter and that, if the use of force was to be authorized under Chapter VII, the provisions of that Chapter had to be respected. In the present instance, it was imperative that the envisaged operation, which could involve the use of force, should be under the command and control of the United Nations. The speaker also expressed concern about the safety of UNPROFOR personnel in Sarajevo and elsewhere in Bosnia who might get caught in the crossfire or become the targets of reprisals. Should the Council permit a situation to be created, albeit unintentionally, in which United Nations peacekeepers' lives would be placed in jeopardy? Although India agreed with the objectives as well as the principal feature of the first draft resolution authorizing the use of force, it could not, therefore, support the resolution as it stood. With regard to the second draft resolution, the speaker shared the concern and joined in the condemnation of any violation of international humanitarian law, including those involving the practice of "ethnic cleansing". However, his delegation believed that the Commission on Human Rights was the right forum in which to take up such issues and had, accordingly, supported the convening of an extraordinary session of that body to consider the situation in the former Yugoslavia. It had reservations about bringing compliance with international humanitarian law within the competence of the Security Council, and even more so about making it the subject of Chapter VII action. However, the sponsors of the second draft resolution had accommodated some of India's concerns. Therefore, taking into account the enormity of the alleged crimes, his delegation, while maintaining its reservations, would join in the adoption of the resolution.¹⁶²

The representative of Zimbabwe said his country was of the view that any necessary measures taken to deal with the present crisis had to be taken as a collective enforcement measure under the full control of, and with full accountability to, the United Nations through the Security Council, as provided for by the Charter of the United Nations. His delegation had serious difficulties with the first draft resolution, which sought to authorize any State to use military force in any part of Bosnia and Herzegovina in the name of the United Nations but without any control from or accountability to the Organization; and which left it

¹⁶² *Ibid.*, pp. 12-15.

entirely to the individual States so intervening to define the scope of the humanitarian operation. The Security Council would thus be authorizing unidentified States to use military force after which it was likely to assume the role of helpless spectator in a military operation it had so authorized. Zimbabwe viewed the situation in Bosnia and Herzegovina as essentially a civil war. There was a danger, therefore, that action by individual States or groups of States undertaking a humanitarian mission backed by military force could be perceived as intervention on behalf of one side or another, which would intensify hostilities and exacerbate the suffering of innocent civilians. Zimbabwe was also seriously concerned that the presence of UNPROFOR in the same area where the envisaged operations that would inevitably entail the use of force in the name of the United Nations were to be carried out would leave UNPROFOR personnel exposed to the danger of retaliation from the warring groups in the region. In its view, an appropriate arrangement in this case would be the deployment of a security force to protect humanitarian operations, fully controlled by and fully accountable to the United Nations, as that contemplated for Somalia. The speaker concluded that his delegation would not be able to support the first draft resolution. However, it would support the second draft resolution.¹⁶³

The representative of Morocco maintained that the question before them was not that of a civil war, but of an invasion of one State by another, which had planned genocide and taken action to destroy a young, independent State because that State wished to have a democratic structure. The measures the Council proposed to adopt that day must not make it forget the reality and core of the problem. The speaker hoped for the success of the London talks and the joint efforts of the European Community and the United Nations. However, the international community and the Council must remain vigilant and tolerate no more procrastination. His delegation would vote in favour of the first draft resolution because its adoption would make Serbian leaders think, but he hoped that it would not give those leaders yet another opportunity to kill more innocent persons and prolong the suffering of a whole people which was still placing all its hopes in the international community and the Council.¹⁶⁴

¹⁶³ Ibid., pp. 16-18.

¹⁶⁴ Ibid., pp. 19-21.

The representative of Japan supported both draft resolutions, but wished to emphasize the importance of finding a political, not a military, solution to the situation. His delegation commended the efforts being made by the European countries and by Lord Carrington, and hoped that the resolutions about to be adopted would contribute to expediting the peace process.¹⁶⁵

The representative of Austria firmly supported the adoption and prompt implementation of the two draft resolutions before them, which addressed two crucial humanitarian concerns. He expressed regret, however, that the international community had not acted earlier to create security corridors for the delivery of humanitarian assistance. Blocking food and humanitarian deliveries was regarded by the aggressor as a highly efficient means of forcing the non-Serbian population to flee and give up their property, which was precisely the Serbian aim in the conflict: to “cleanse” parts of the country of the non-Serbian population. In Austria’s view, the international community had a clear obligation to assist displaced persons in returning to their homes and regaining their property. Noting that the second text to be adopted strongly condemned the repugnant violations of international humanitarian law, the speaker added that his country favoured the idea of bringing to trial the individuals responsible for such barbaric acts. He observed that Austria regretted one aspect of the language of the draft resolutions: namely, the attempt carefully to maintain impartiality towards all parties to the conflict. In other relevant international forums, especially CSCE, less ambiguous wording had been used. Could the Council be equally distant from the victim and the aggressor? In its endeavour to display impartiality, the Council should not lose sight of what was causing the conflict — in the words of the President of the European Commission — “the destructive, anti-humanistic ideology of the Belgrade regime”. What was happening in Bosnia and Herzegovina was primarily an aggression against the legitimate government of a State Member of the United Nations. An insurrection, instigated, nurtured and heavily supported with materiel and personnel by Serbia and Montenegro, was threatening the very existence of the Government and State of Bosnia and Herzegovina, and of those citizens loyal to their Government. If there were to be a “new world order”,

¹⁶⁵ Ibid., pp. 21-22.

the international community had to counter the Serbian aggression speedily and decisively. In the event that the international community could not, or did not want to, live up to that task, at least the exercise of the inherent right of individual or collective self-defence under Article 51 of the Charter must be granted to Bosnia and Herzegovina.¹⁶⁶

At the same meeting, the President put the first draft resolution¹⁶⁷ to the vote. It was adopted by 12 votes in favour, none against and 3 abstentions (China, India, Zimbabwe) as resolution 770 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 758 (1992) of 8 June 1992, 760 (1992) of 18 June 1992, 761 (1992) of 29 June 1992, 762 (1992) of 30 June 1992, 764 (1992) of 13 July 1992 and 769 (1992) of 7 August 1992,

Noting the letter dated 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council,

Underlining once again the imperative need for an urgent negotiated political solution to the situation in Bosnia and Herzegovina to enable that country to live in peace and security within its borders,

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

Recognizing that the situation in Bosnia and Herzegovina constitutes a threat to international peace and security and that the provision of humanitarian assistance in Bosnia and Herzegovina is an important element in the Council's effort to restore international peace and security in the area,

Commending the United Nations Protection Force for its continuing action in support of the relief operation in Sarajevo and other parts of Bosnia and Herzegovina,

Deeply disturbed by the situation that now prevails in Sarajevo, which has severely complicated the Force's efforts to fulfil its mandate to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance in Sarajevo and other parts of Bosnia and Herzegovina pursuant to resolutions 743 (1992), 749 (1992), 761 (1992) and 764 (1992) and the reports of the Secretary-General cited therein,

Dismayed by the continuation of conditions that impede the delivery of humanitarian supplies to destinations within Bosnia and Herzegovina and the consequent suffering of the people of that country,

Deeply concerned by reports of abuses against civilians imprisoned in camps, prisons and detention centres,

Determined to establish as soon as possible the necessary conditions for the delivery of humanitarian assistance wherever needed in Bosnia and Herzegovina, in conformity with resolution 764 (1992),

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

1. *Reaffirms* its demand that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately;

2. *Calls upon* States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina;

3. *Demands* that unimpeded and continuous access to all camps, prisons and detention centres be granted immediately to the International Committee of the Red Cross and other relevant humanitarian organizations and that all detainees therein receive humane treatment, including adequate food, shelter and medical care;

4. *Calls upon* States to report to the Secretary-General on measures they are taking in coordination with the United Nations to implement the present resolution, and invites the Secretary-General to keep under continuous review any further measures that may be necessary to ensure unimpeded delivery of humanitarian supplies;

5. *Requests* all States to provide appropriate support for the actions undertaken in pursuance of the present resolution;

6. *Demands* that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance;

7. *Requests* the Secretary-General to report to the Security Council on a periodic basis on the implementation of the present resolution;

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

The President then put the second draft resolution¹⁶⁸ to the vote. He noted that the blank spaces at the end of the first preambular paragraph should be filled in so as to read "770 (1992) of

¹⁶⁶ Ibid., pp. 22-25.

¹⁶⁷ S/24421.

¹⁶⁸ S/24423.

13 August 1992". The draft resolution was adopted unanimously as resolution 771 (1992), which reads:

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 758 (1992) of 8 June 1992, 760 (1992) of 18 June 1992, 761 (1992) of 29 June 1992, 762 (1992) of 30 June 1992, 764 (1992) of 13 July 1992, 769 (1992) of 7 August 1992 and 770 (1992) of 13 August 1992,

Noting the letter dated 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations,

Expressing grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centres, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property,

Recalling the statement of the President of the Council of 4 August 1992,

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, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches;

2. *Strongly condemns* any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing";

3. *Demands* that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law including from actions such as those described above;

4. *Also demands* that relevant international humanitarian organizations, and in particular the International Committee of the Red Cross, be granted immediate, unimpeded and continued access to camps, prisons and detention centres within the territory of the former Yugoslavia, and calls upon all parties to do all in their power to facilitate such access;

5. *Calls upon* States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the

former Yugoslavia and to make this information available to the Council;

6. *Requests* the Secretary-General to collate the information submitted to the Council under paragraph 5 and to submit a report to the Council summarizing the information and recommending additional measures that might be appropriate in response to the information;

7. *Decides*, acting under Chapter VII of the Charter of the United Nations, that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, shall comply with the provision of the present resolution, failing which the Council will need to take further measures under the Charter;

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

Speaking after the vote, the representative of the Russian Federation stated that, as a sponsor of the resolutions just adopted, his country wished to emphasize their carefully thought-out and balanced nature and clearly defined humanitarian aim of securing compliance with the Council's demands by all parties to the Yugoslav crisis. They reflected the responsibility with which the Council had consistently carried out, with respect to that crisis, its duties under the Charter to maintain international peace and security. Like the other sponsors, the Russian Federation trusted that the delivery of foodstuffs and medicines would take place unimpeded and without the use of extreme measures. The complexity and ambiguity of the situation required the world community to act on the basis of clearly established facts and with an objective approach to the activities of each of the parties to the crisis. A key role in ensuring such an approach fell to the United Nations, in coordination with which all parties and organizations must act in facilitating the delivery of humanitarian assistance. The Security Council had, quite rightly, condemned the practice of "ethnic cleansing" in the strongest terms. In requesting information regarding all breaches of the norms of international humanitarian law, it stressed the need to establish the truth of each report. On the basis of confirmed data, it was prepared to take the necessary measures, including those of the most severe kind, against those guilty of such breaches, regardless of which party was responsible. In the meantime, the Russian Federation insisted that all those involved in the conflict must understand that there was simply no alternative to a solution of the conflict by political means. It hoped that all the parties would seriously and responsibly make use of the new opportunity for peace provided by the forthcoming London conference, which

was to be held with an expanded membership, with the United Nations Secretary-General as a co-Chairman.¹⁶⁹

The representative of Hungary maintained that the situation in Bosnia and Herzegovina continued to pose a threat to regional and international peace and security. He recalled that, since the beginning of the Yugoslav crisis, his country had advocated a peaceful settlement of the conflict through negotiations, on the basis of democratic values, respect for the right of nations to self-determination, as well as the human and minority rights of the population. Hungary rejected any aspiration to change borders by force and condemned the changing of the ethnic composition of the population by force. It welcomed the adoption of the two resolutions as an example of the strong commitment of the Security Council to human rights and humanitarian issues. To act urgently was not only a moral obligation for the Council: it was indispensable for the preservation of the credibility of the United Nations. Only a credible Organization and Security Council could perform their basic function — maintaining international peace and security. The speaker emphasized once again the urgent need for a negotiated political solution to the situation in Bosnia and Herzegovina. The cessation of all military activity was certainly one of the most important steps towards creating a climate conducive to a peaceful settlement. Hungary suggested that isolation of the illegal military forces, including the irregular Serbian forces, which were not operating under the control of any sovereign Government, would help to put an end to the hostilities in Bosnia and Herzegovina. It believed that international control over those forces would meet the concerns of all interested parties and contribute to easing the situation. To strengthen this process, it suggested that the Security Council should also consider establishing United Nations control over the border between Serbia and Montenegro and Bosnia and Herzegovina, to prevent the transport of arms and ammunition from Serbia and Montenegro to Bosnia and Herzegovina. Hungary hoped that the interested parties would give favourable consideration to such an arrangement.¹⁷⁰

The representative of the United Kingdom noted that the first resolution just adopted called upon States to use any measures necessary for the delivery of humanitarian relief, including military measures, but it

¹⁶⁹ Ibid., pp. 27-30.

¹⁷⁰ Ibid., pp. 31-33.

did not prescribe the use of force. That was as it should be. The use of force was not desirable, but might be necessary. The aim was to develop a system of protective support, as necessary, to supplement and expand the existing humanitarian operations. The United Kingdom had begun consulting closely with partners and allies to decide how best to follow up the resolution, a process that would now be intensified. Close coordination with the United Nations would be put in hand. In deciding whether and how far military measures were needed, the United Kingdom would give great weight to the views of the United Nations authorities and the humanitarian agencies. As to the second resolution, the speaker deplored the violations of international humanitarian law committed by the parties to the conflict, and insisted that the perpetrators of those criminal acts — whoever they were — had to realize that they would be brought to account. The detention camps were only one aspect of a wholly unacceptable policy of the Serbs, both in Belgrade and in Bosnia, to extend Serb control of Bosnian territory by attacking and expelling other communities. The resolution rightly made special reference to the odious practice of “ethnic cleansing”. Noting that sanctions were already in place against Serbia and Montenegro, the speaker said that the authorities in Belgrade needed to realize that the international political and economic penalties already imposed on their country would continue and would be intensified unless decisive action was taken by them to reverse these policies. Like others, he stressed that peace in the former Yugoslavia could only come from a ceasefire that was respected and a negotiated settlement. He noted that the broadened international conference to be held in London on 26 August, and co-chaired by the President of the Council of Ministers of the European Community and the Secretary-General of the United Nations, offered a real opportunity to engage in a meaningful peace process, which he hoped would be taken.¹⁷¹

The representative of the United States said his Government believed that the world community should do everything necessary in response to Bosnia and Herzegovina’s call to ensure the delivery of humanitarian assistance there. In adopting the two resolutions, the Security Council had demonstrated that it too shared the belief that the provision of humanitarian assistance was not only an urgent

¹⁷¹ Ibid., pp. 34-37.

humanitarian concern but also an important element of the effort to restore peace and security in the region. It had also demanded that barbaric human rights violations must stop. The speaker emphasized, in this connection, that conquest of territory would not be tolerated by the international community. The Council had also addressed the most troubling of the many disturbing accounts currently coming out of the former Yugoslavia, concerning the detention centres in Bosnia and Herzegovina. After quoting from a report of the International Committee of the Red Cross, the speaker stated that the international community demanded to know the truth behind those camps and to see that any and all abuses were brought to an end. His country viewed leadership by the United Nations as key to resolving the humanitarian problems in Bosnia and believed that a continued United Nations presence there was indispensable. It strongly urged all sides to work together through the Conference on Yugoslavia to find a negotiated settlement to the crisis.¹⁷²

The representative of Venezuela stated that his country's decision to vote in favour of the first resolution had been a difficult one since the resolution, while it specifically mentioned implementation by all means necessary to ensure humanitarian assistance in Bosnia and Herzegovina, implicitly presupposed the use of force if circumstances should call for it. Indeed, this was the first time that the Security Council had taken a decision of this sort to provide humanitarian assistance in a country. Venezuela hoped that the use of force would be unnecessary and that the decisions just taken would serve as sufficient warning to all those involved in the conflict, and would contribute to a process that would allow the establishment of an appropriate framework for negotiation. The expanded conference to be held in London on 26 August should serve as such a forum and bear the ultimate responsibility for achieving a comprehensive political solution in the territory of the former Yugoslavia.¹⁷³

The representative of Belgium, commenting on the first resolution, stressed that the taking of all necessary measures was limited to the end of ensuring the distribution of humanitarian assistance to the people of Sarajevo and other parts of Bosnia and Herzegovina and to that end alone. The escorting of convoys should, therefore, discourage those who

continued to impede the distribution of humanitarian assistance. He added that the possibility of using all necessary measures should be carefully coordinated, pointing out that the resolution called upon States to take measures in coordination with the United Nations and to report to the Secretary-General and, through him, to the Security Council on a periodic basis. In Belgium's view, such action was supplemental to the efforts of UNPROFOR, which should continue to carry out its mandate. As for the second resolution, the speaker noted that, since the Council's statement of 4 August, it had been possible to visit a few camps. However, as such visits should not be discretionary, the resolution demanded that there be immediate, unimpeded and continuous access to all camps by humanitarian organizations. It also reminded those responsible for abuses and torture that they could not escape their individual responsibility.¹⁷⁴

The representative of France considered that, faced with the serious obstacles to aid distribution, raised particularly by the forces fighting in the field, and the mounting suffering of the population, the international community was duty-bound to take action to allow humanitarian assistance to reach those for whom it was intended in Bosnia and Herzegovina. It was in this spirit that France had co-sponsored the draft resolution just adopted as resolution 770 (1992). The speaker's delegation hoped that the parties to the conflict would meet the demands of the Council and stop fighting. If the obstacles to the provision of assistance remained, however, the resolution allowed for all measures necessary, including the use of force, to be taken by States in coordination with the United Nations to ensure that it was delivered. France was determined to lend all its assistance to ensure that the actions envisaged in the resolution were taken, intending to provide such assistance as part of the Western European Union whose member States had already begun to consider how to implement the resolution. It was crucial that all efforts be coordinated: those of the United Nations, particularly of UNPROFOR; those of United Nations humanitarian bodies and other humanitarian organizations; and those of Member States. With regard to resolution 771 (1992), on the extremely serious violations of international humanitarian law in the former Yugoslavia and the detention camps there, the speaker stressed that the international community had to act immediately to

¹⁷² *Ibid.*, pp. 38-40.

¹⁷³ *Ibid.*, pp. 43-44.

¹⁷⁴ *Ibid.*, pp. 44-46.

shed full light upon those violations and put an end to them. He recalled that his Government had quickly agreed to the convening of a special session of the Commission on Human Rights to consider this matter. France welcomed the fact that the Security Council, which had already taken action on this question in the presidential statement of 4 August, had formally reiterated in the resolution just adopted the demands that an immediate end be put to these very serious violations of humanitarian law and that immediate access to all places of detention be given to the competent humanitarian organizations. The speaker reiterated the importance — above and beyond these serious humanitarian questions — of pursuing the efforts to reach a political solution to the situation in Bosnia and Herzegovina with the greatest determination. He expressed hope that the expanded international conference to be held in London at the end of August would give new impetus to the efforts to settle the conflict.¹⁷⁵

The President, speaking in his capacity as the representative of China, explained his delegation's abstention in the voting on resolution 770 (1992). Although China endorsed the objective of facilitating the humanitarian relief work, it could not agree to the resolution's authorization of the use of force by Member States, as it was precisely the continuous armed conflicts that were hindering the delivery of humanitarian assistance. Once Member States resorted to force, armed conflicts would be expanded and prolonged, further hampering the humanitarian relief work. China was concerned, moreover, that a Council resolution authorizing the use of force would create difficulties for the efforts aimed at a political solution to the problem, which it thought should be given more time and a chance to succeed. It also considered that the broad authorization given to all States by the resolution to take all necessary measures was tantamount to issuing a blank cheque, and might lead to the loss of control over the situation, with serious consequences for which the United Nations and the Security Council would be held responsible. A further concern was that the resolution failed to make arrangements for the mandate of UNPROFOR and its future in the light of the new situation which might arise once military activities were undertaken. With regard to resolution 771 (1992), the speaker stated that China had voted in favour solely out of humanitarian

¹⁷⁵ Ibid., pp. 46-49.

considerations. However, it deemed it inappropriate to invoke Chapter VII of the Charter in this resolution, and wished to place its reservation on record. Chapter VII could be invoked only in situations that seriously threatened international peace and security, not under other circumstances. In China's view, the invoking of Chapter VII in this resolution should not, therefore, constitute a precedent. The speaker concluded by reiterating his Government's appeal to all parties in Bosnia and Herzegovina to work out an immediate ceasefire and to resolve their differences through negotiations and by peaceful means.¹⁷⁶

W. Letter dated 28 August 1992 from the Secretary-General addressed to the President of the Security Council

Decision of 2 September 1992 (3111th meeting): statement by the President

By a letter dated 28 August 1992 addressed to the President of the Security Council,¹⁷⁷ the Secretary-General transmitted the documents of the London stage of the International Conference on the former Yugoslavia held on 26 and 27 August 1992, which he had co-chaired with the Prime Minister of the United Kingdom, President of the Council of Ministers of the European Community.

At its 3111th meeting, held on 2 September 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's letter in its 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 (Ecuador) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁷⁸

The Security Council takes note with appreciation of the letter from the Secretary-General, dated 28 August 1992, conveying the documents of the London stage of the International Conference on the Former Yugoslavia, held on 26 and 27 August 1992, which the Secretary-General co-chaired with the Prime Minister of the United Kingdom of Great Britain

¹⁷⁶ Ibid., pp. 50-52 (China).

¹⁷⁷ Informal communication; referred to in S/24510.

¹⁷⁸ S/24510.

and Northern Ireland, President of the Council of Ministers of the European Community.

The Council expresses its full support for the Statement of Principles adopted and the other agreements reached at the Conference held in London.

The Council shares the Secretary-General's hope that the political will shown in London will speedily be transformed into the concrete actions foreseen in the documents adopted in London by the International Conference on the former Yugoslavia.

The Council reaffirms all its previous resolutions related to the former Yugoslavia and calls for their complete implementation.

The Council notes with satisfaction that the Conference held in London has established the framework within which an overall political settlement of the crisis in the former Yugoslavia in all its aspects may be achieved through a continuous and uninterrupted effort.

The Council welcomes the establishment, under the overall direction of the Permanent Co-Chairmen of the International Conference on the former Yugoslavia of the Steering Committee. It also welcomes the appointment of the two Co-Chairmen of the Steering Committee who will direct the working groups and prepare the basis for a general settlement and associated measures. It notes with satisfaction that they will commence their work this week which will be pursued in continuous session at the United Nations Office in Geneva.

The Council notes the commitments entered into by the parties and others concerned within the framework of the Conference held in London. It underlines the importance it attaches to the full implementation of these commitments as rapidly as possible.

The Council notes the urgency of the situation in Bosnia and Herzegovina and calls on the parties to cooperate fully with the Co-Chairmen of the Steering Committee in achieving a comprehensive settlement.

The Council requests the Secretary-General to keep it informed on an ongoing basis of developments and to make recommendations to the Council as may be appropriate.

X. The situation in Bosnia and Herzegovina

Decision of 9 September 1992 (3113th meeting): statement by the President

At its 3113th meeting, held on 9 September 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the item entitled "The situation in Bosnia and Herzegovina".

The President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:¹⁷⁹

The Security Council has noted with deep concern the attack which cost the lives of two French soldiers of the United Nations Protection Force near Sarajevo, during which five other soldiers were wounded. It conveys its deep-felt sympathy and condolences to the Government of France and to the bereaved families. It strongly condemns this deliberate attack against UNPROFOR personnel.

The Council invites the Secretary-General to inform it as soon as possible on the findings of the inquiry into the circumstances of this attack as well as other similar incidents involving the United Nations activities in Bosnia and Herzegovina, in particular the incident which cost the lives of four Italian airmen in charge of the transportation of humanitarian relief to Sarajevo airport. It invites him also to pass on to it any information which he could gather on the responsibility for these incidents.

These serious incidents underline the urgent need for reinforcing the security and protection of the Force personnel as well as of all personnel involved in the United Nations activities in Bosnia and Herzegovina. The Council expresses its readiness to adopt without delay measures to this end.

Y. Report of the Secretary-General on the situation in Bosnia and Herzegovina

Decision of 12 September 1992: letter from the President of the Security Council to the Secretary-General

On 10 September 1992, the Secretary-General submitted to the Council a report on the situation in Bosnia and Herzegovina,¹⁸⁰ in which he presented proposals, developed in consultation with a number of the sponsors of resolution 770 (1992), on how the delivery of humanitarian assistance to Sarajevo and other parts of Bosnia and Herzegovina could be facilitated through the provision of protective support by UNPROFOR. The proposals envisaged that this function could be added to the UNPROFOR mandate and carried out by military personnel, under the command of the Force Commander. Some of the Member States concerned had indicated that they were ready to provide the necessary military personnel, equipment and logistic support at no cost to the United

¹⁷⁹ S/24539.

¹⁸⁰ S/24540.

Nations. The task of UNPROFOR, under its enlarged mandate, would be to support the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) to deliver humanitarian relief throughout Bosnia and Herzegovina and, in particular, to provide protection, at the request of UNHCR, where and when UNHCR considered such protection necessary. In providing support to UNHCR-organized convoys, the UNPROFOR troops concerned would follow normal peacekeeping rules of engagement. They would thus be authorized to use force in self-defence, which, in this context, was deemed to include situations in which armed persons attempted by force to prevent United Nations troops from carrying out their mandate. The Secretary-General suggested that UNPROFOR could also be authorized to provide protection to convoys of released detainees, if the International Committee of the Red Cross so requested and if the Force Commander agreed that the request was practicable.¹⁸¹ He also envisaged that UNPROFOR could undertake supervision of the parties' heavy weapons, should the Security Council assign this further task to the Force.¹⁸² The Secretary-General observed that the concept described in his report seemed to provide the best possibility for ensuring increased deliveries of humanitarian relief to the suffering people of Bosnia and Herzegovina. It would ensure the Security Council's control of the operation, while at the same time avoiding the imposition of additional financial burdens on the Organization. He therefore recommended that the Council approve the expansion of the UNPROFOR mandate and strength on the basis of the plan, to provide protective support for UNHCR-organized humanitarian convoys throughout Bosnia and Herzegovina.

By a letter dated 10 September 1992 addressed to the President of the Security Council,¹⁸³ the Secretary-General indicated that, pending the Council's approval of the recommendation in his report that UNPROFOR should be given authority to protect convoys of released detainees, his Personal Envoy had requested that UNPROFOR be authorized to use its existing resources to protect detainees expected to be released shortly from two Serbian detention camps in the northern part of Bosnia and Herzegovina and

transferred, in accordance with their wishes and with the agreement of the Croatian authorities, to transit facilities in Croatia. In the light of the urgent need, on humanitarian grounds, for the detainees to be enabled to leave Bosnia and Herzegovina in safety, the Secretary-General proposed to instruct the Force Commander to proceed accordingly.

By a letter dated 12 September 1992 addressed to the Secretary-General,¹⁸⁴ the President of the Council informed him that the members of the Council were in agreement with the proposal contained in his letter.

Decision of 14 September 1992 (3114th meeting): resolution 776 (1992)

At its 3114th meeting, held on 14 September 1992 in accordance with the understanding reached in its prior consultations, the Security Council included the Secretary-General's report of 10 September in its 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 (Ecuador) drew the attention of the members of the Council to a draft resolution submitted by Belgium, France, the Russian Federation, the United Kingdom and the United States.¹⁸⁵

The Council then commenced the voting procedure on the draft resolution. Speaking before the vote, the representatives of Zimbabwe and India stated that, although they supported the recommendations made by the Secretary-General, they regretted that they could not support the draft resolution in its present form. They took exception to the inclusion, in operative paragraph 2, of the reference to the fact that the present enlargement of UNPROFOR was being made in implementation of paragraph 2 of resolution 770 (1992). The inclusion of this controversial provision of resolution 770 (1992) raised the same problems their delegations had faced at the time that that resolution was dealt with by the Council. They reiterated their view that any necessary measures taken, or arrangements made, to deal with the grave crisis in question had to be undertaken as a collective measure under the full control of, and with full accountability to, the United Nations.¹⁸⁶

¹⁸¹ *Ibid.*, para. 11.

¹⁸² *Ibid.*, para. 12.

¹⁸³ S/24549.

¹⁸⁴ S/24550.

¹⁸⁵ S/24554.

¹⁸⁶ S/PV.3114, pp. 3-4 (Zimbabwe); and pp. 6-8 (India).

The draft resolution was then put to the vote. It received 12 votes in favour, none against and 3 abstentions (China, India, Zimbabwe) and was adopted as resolution 776 (1992), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

Expressing its full support for the Statement of Principles adopted and other agreements reached at the London stage of the International Conference on the former Yugoslavia, held on 26 and 27 August 1992, including the agreement of the parties to the conflict to collaborate fully in the delivery of humanitarian relief by road throughout Bosnia and Herzegovina,

Having examined the report of the Secretary-General of 10 September 1992 on the situation in Bosnia and Herzegovina,

Noting with appreciation the offers made by a number of States, following the adoption of its resolution 770 (1992) of 13 August 1992, to make available military personnel to facilitate the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina, such personnel to be made available to the United Nations without cost to the Organization,

Reaffirming its determination to ensure the protection and security of personnel of the Force and of the personnel of the United Nations,

Stressing in this context the importance of air measures, such as the ban on military flights to which all parties to the Conference held in London committed themselves, whose rapid implementation could, inter alia, reinforce the security of humanitarian activities in Bosnia and Herzegovina,

1. *Approves* the report of the Secretary-General of 10 September 1992 on the situation in Bosnia and Herzegovina;

2. *Authorizes*, in implementation of paragraph 2 of resolution 770 (1992), the enlargement of the mandate and strength in Bosnia and Herzegovina of the United Nations Protection Force, recommended by the Secretary-General in that report, to perform the functions outlined in his report, including the protection of convoys of released detainees if requested by the International Committee of the Red Cross;

3. *Urges* Member States to provide the Secretary-General, nationally or through regional agencies or arrangements, with such financial or other assistance as he deems appropriate to assist in the performance of the functions outlined in his report;

4. *Decides* to remain actively seized of the matter in particular with a view to considering, as required, what further steps might be necessary to ensure the security of the Force and to enable it to fulfil its mandate.

Speaking after the vote, the representative of China observed that the resolution just adopted aimed at enlarging the mandate of UNPROFOR in an effort to provide military support for the delivery of humanitarian assistance to Bosnia and Herzegovina. Although the Chinese delegation did not, in principle, object to the strengthening of humanitarian assistance activities, it could not accept the link the resolution established between the enlargement of the UNPROFOR mandate and the implementation of resolution 770 (1992). It had abstained in the vote on resolution 770 (1992), which authorized countries to use force in Bosnia and Herzegovina, and could not, therefore, endorse any actions related to the implementation of that resolution. China also believed that UNPROFOR should, as a United Nations peacekeeping operation, follow the generally recognized guidelines established in past such operations in implementing its mandate. However, the resolution just adopted contained disturbing elements which departed from those guidelines. Noting that resolution 770 (1992) was a mandatory action taken under Chapter VII of the Charter, the speaker expressed concern that linking the new resolution with resolution 770 (1992) would change the non-mandatory nature of UNPROFOR as a United Nations peacekeeping operation. On the one hand, the new resolution recognized that UNPROFOR should observe the normal rules of engagement of United Nations peacekeeping operations in implementing its new mandate, namely the use of force only in self-defence. On the other hand, it approved the use of force in self-defence when troops were blocked by armed forces. UNPROFOR would thus run the risk of plunging into armed conflict. The speaker also noted that enlargement of the mandate had not received the express consent of the parties concerned in Bosnia and Herzegovina, and that the resolution did not provide for any periodic reports to the Council on the implementation of the UNPROFOR mandate. In view of these concerns, his delegation had abstained in the vote on the resolution just adopted.¹⁸⁷

Several other Council members, while welcoming the decision just taken as an important stage in the stepping up of the United Nations action in Bosnia and Herzegovina, considered that the Council should adopt additional measures which had been the subject of agreement among the participants in the London

¹⁸⁷ Ibid., pp. 11-12.

Conference. They suggested, variously, the supervision by UNPROFOR of heavy weapons, as had been mentioned by the Secretary-General in paragraph 12 of his report; and a ban on military flights over Bosnia and Herzegovina.¹⁸⁸

Z. Draft resolution contained in document S/24570

Decision of 19 September 1992 (3116th meeting): resolution 777 (1992)

At its 3116th meeting, held on 19 September 1992 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item entitled “Draft resolution contained in document S/24570”.

The President (Ecuador) drew the attention of the members of the Council to a draft resolution submitted by Belgium, France, Morocco, the United Kingdom and the United States.¹⁸⁹

The Council then commenced the voting procedure on the draft resolution. Speaking before the vote, the representative of the Russian Federation stated that his delegation supported the draft resolution agreed upon by members of the Council in the course of their consultations, on the basis of the fact that the prevailing view in the international community was that none of the republics that had emerged in the place of the former Socialist Federal Republic of Yugoslavia could claim automatic continued membership in the United Nations. The Federal Republic of Yugoslavia (Serbia and Montenegro), like other former Yugoslav republics, would have to apply for membership in the United Nations, and the Russian Federation would support such an application. It was unable, however, to agree with the proposal put forward by some States that the Federal Republic of Yugoslavia should be excluded, formally or de facto, from membership in the United Nations, because such a decision would have negative consequences for the process of the political settlement of the Yugoslav crisis. Although the compromise that had been reached — that the Federal Republic of Yugoslavia should not participate in the work of the General Assembly — might seem

unsatisfactory to some, the Russian Federation was prepared to agree to this gesture of condemnation by the world community on the understanding that, in order to make a full contribution to the solution of the world problems discussed in the General Assembly, the Federal Republic of Yugoslavia must take all possible measures to bring about an early cessation of the fratricidal conflict in its region. The speaker noted that the decision to suspend the participation of the Federal Republic of Yugoslavia in the work of the General Assembly would in no way affect its participation in the work of other organs of the United Nations, in particular the Security Council. Nor would it affect the issuance of documents to it, the functioning of its Permanent Mission to the United Nations or the keeping of the nameplate with the name Yugoslavia in the General Assembly Hall and the rooms in which the Assembly’s organs met. He stressed that the decision about to be taken by the Council did not provide for the expulsion of the Federal Republic of Yugoslavia from the United Nations and that the measures taken with regard to that country had to remain strictly within the limits of that decision.¹⁹⁰

The representative of India expressed two concerns with the draft resolution, one substantive and one constitutional. His delegation was seriously concerned about the effect of the proposed decision on the functioning of UNPROFOR, whose success depended on the cooperation of all the parties concerned. The practical impact of the draft resolution on the attitude of at least one of the parties involved towards UNPROFOR was not likely to be helpful since UNPROFOR was not a Chapter VII operation, at least in Croatia. Indeed, the Council might be placing the entire process of peacemaking and peacekeeping in the former Yugoslavia in jeopardy. On the constitutional aspect of the resolution, the speaker stressed that questions of membership and privileges of participation were matters of fundamental importance, which made it all the more essential to adhere to the provisions of the Charter. The draft resolution was flawed in this respect, as it did not conform either to Article 5 or to Article 6, the only two Articles that dealt with the issue under consideration. The Security Council, under the Charter, was competent to recommend either suspension or expulsion of a State, but it had no authority to recommend to the General Assembly that a country’s participation in the

¹⁸⁸ Ibid., p. 13 (France); p. 16 (Austria); p. 17 (Hungary); p. 18 (United States); and p. 19 (Belgium).

¹⁸⁹ S/24570.

¹⁹⁰ S/PV.3116, pp. 2-6.

Assembly be withdrawn or suspended. That authority belonged to the General Assembly, which did not need any recommendation to that effect from the Security Council. Indeed, the General Assembly was under no legal obligation to act on any such recommendation. For these reasons, the Indian delegation would not be in a position to support the draft resolution.¹⁹¹

The representative of Zimbabwe expressed the view that the principles governing the admission to and suspension or expulsion of States from membership of the United Nations were clearly and unambiguously set out in Articles 4, 5 and 6 of the Charter. Where membership of, and participation in, the Organization were concerned, those principles should be uniformly applied in the quest for universality. The speaker noted that, in the past, the question of succession by the constituent members of a State that had undergone reconfiguration or changed its borders had been regarded as extraneous to the question of membership in the United Nations, and had never been raised in the Council. This was not surprising, since the Charter did not provide that the resolution of succession matters was a condition for membership in the United Nations. Zimbabwe regretted that the draft resolution sought to deprive two republics of the former Socialist Federal Republic of Yugoslavia, which now constituted the Federal Republic of Yugoslavia, of their right to participate in the General Assembly. It also considered that the elementary principles of fairness demanded that, when the Council was about to take such a momentous decision on the fate of a State, that State should at least be afforded the opportunity to state its case. The speaker further noted that the text of the draft resolution made no reference to any provisions of the Charter under which this action was being taken. Strict adherence to the provisions of the Charter had always been a source of protection for small States, and the increasing disregard for, or mutation of, Charter provisions caused Zimbabwe great concern. It seemed that those provisions were consistently ignored or applied selectively in the Council's deliberations, a tendency which was bound to undermine the Council's prestige and moral authority. Zimbabwe maintained that the Council and the United Nations should concentrate on the attainment of a negotiated political solution so as to bring lasting peace. It therefore welcomed the initiative of the Secretary-General to involve the United Nations directly in the peacemaking

¹⁹¹ Ibid., pp. 6-7.

process. It was doubtful, on the other hand, that the draft resolution would contribute to the success of that process. Zimbabwe regretted that, for these reasons, it would not be able to support the draft resolution.¹⁹²

The draft resolution was then put to the vote. It received 12 votes in favour, none against, and 3 abstentions (China, India, Zimbabwe) and was adopted as resolution 777 (1992), which reads:

The Security Council,

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

Considering that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

Recalling in particular its resolution 757 (1992) of 30 May 1992 in which it noted that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted",

1. *Considers* that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore recommends to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly;

2. *Decides* to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly.

Speaking after the vote, the representative of France welcomed the adoption of resolution 777 (1992), on the status of Yugoslavia in the United Nations. The text responded both to the requirements of the Charter and the needs of the moment. It respected the apportioning of competence established by the Charter between the Council and the General Assembly. Moreover, it adopted a pragmatic approach in keeping with the political situation following upon the London Conference, confirming and translating into reality the international community's rejection of the automatic continuation in the United Nations of the membership of the former Socialist Federal Republic of Yugoslavia by the Federal Republic of Yugoslavia. At the same time, it preserved the future. Non-participation in the work of the General Assembly by the Federal Republic of Yugoslavia did not call into

¹⁹² Ibid., pp. 7-11.

question the necessary continuation of dialogue at Geneva, within the framework of the implementation of the London Conference; in the field; or in New York.¹⁹³

The representative of the United States noted that the situation was unprecedented, in that the United Nations was for the first time facing the dissolution of one of its Members without agreement by the successor States on the status of the original United Nations seat. Moreover, none of the former republics of the former Yugoslavia was so clearly a predominant portion of the original State as to be entitled to be treated as a continuation of that State. In the absence of agreement among the former republics on this issue, the United States could not accept the claim of Serbia and Montenegro to the former Yugoslavia's seat in the United Nations. The United States was gratified that the resolution endorsed that view and recommended that the General Assembly take action to confirm that the membership of the Socialist Federal Republic of Yugoslavia had expired and that, because Serbia and Montenegro was not the continuation of the Socialist Federal Republic of Yugoslavia, it must apply for membership if it wished to participate in the United Nations. As for the recommendation that Serbia and Montenegro not participate in the work of the General Assembly, the speaker stated that this flowed inevitably from the determination by the Council and the General Assembly that Serbia and Montenegro was not the continuation of the former Yugoslavia and must apply for membership in the United Nations. He added that the resolution's call to have the Security Council review the matter once again before the end of the main part of the session of the General Assembly simply referred to a willingness on the part of the Council to consider an expected application from Serbia and Montenegro. The resolution made it clear that, in the view of the Council, that State, like any other new State, must apply for membership in the United Nations and be held to the criteria in the Charter of the United Nations if it did so. The criteria required that the applicant be both willing and able to fulfil United Nations obligations, including compliance with Chapter VII Security Council resolutions. In conclusion, the United States believed that other bodies in the United Nations system should be guided by the

¹⁹³ *Ibid.*, p. 12.

action of the Council and the General Assembly on this matter.¹⁹⁴

The representative of China maintained that the continuation of the membership in the United Nations of the former Socialist Federal Republic of Yugoslavia should be settled properly through consultations and negotiations among all parties of the former Yugoslavia. China held that the former Yugoslav republics should all be Members of the United Nations and that none of them should be excluded. Such questions should be dealt with cautiously. Any action taken by the United Nations with regard to membership of the former Yugoslavia in the United Nations should contribute to the relaxation of tension in that region and promote a political settlement brought about by genuine negotiations among the various parties concerned. To isolate any of them would not be conducive to the settlement of the question. Based on that position, the Chinese delegation had abstained on the resolution just adopted. The speaker pointed out that the resolution did not mean the expulsion of Yugoslavia from the United Nations. The nameplate "Yugoslavia" would be kept in the General Assembly Hall. The Federal Republic of Yugoslavia would continue to participate in the work of United Nations bodies other than the General Assembly and would continue to issue its documents in the United Nations. It was China's understanding that this was only a transitional arrangement, and it hoped that the membership of Yugoslavia would be settled in a proper manner and that the Federal Republic of Yugoslavia would eventually have its place in the United Nations family.¹⁹⁵

The representative of Venezuela supported the Council's recommendation, on the understanding that neither it nor any later decision of the General Assembly should prejudge in any way diplomatic recognition of those States arising from the dissolution of the former Yugoslavia, including the Federal Republic of Yugoslavia, and diplomatic relations between them and Member States.¹⁹⁶

The representative of Austria maintained that there was no legal basis for an automatic continuation of the legal existence of the former, now defunct, Socialist Federal Republic of Yugoslavia by the new

¹⁹⁴ *Ibid.*, pp. 12-14.

¹⁹⁵ *Ibid.*, pp. 14-15.

¹⁹⁶ *Ibid.*, p. 15.

federation of Serbia and Montenegro. The latter could not, therefore, be considered to continue Yugoslavia's membership in the United Nations. For eventual international recognition of the Federal Republic of Yugoslavia, the criteria contained in the guidelines on the recognition of new States adopted by the Council of the European Communities on 16 December 1991 should be applied, notably the requirements concerning the protection of human rights and the rights of ethnic groups.¹⁹⁷

The representative of Hungary welcomed the adoption of resolution 777 (1992), which reflected his country's position. He added that the Federal Republic of Yugoslavia's application for membership in the United Nations should be studied and decided upon in accordance with the same criteria applied in the admission to the United Nations of all the other successor States of the former Yugoslav Federation.¹⁹⁸

AA. Further report of the Secretary-General pursuant to Security Council resolutions 743 (1992) and 762 (1992)

Decision of 6 October 1992 (3118th meeting): resolution 779 (1992)

On 28 September 1992, the Secretary-General submitted to the Council a further report pursuant to resolutions 743 (1992) and 762 (1992),¹⁹⁹ to update it on the progress made by UNPROFOR in implementing its mandate in Croatia under the United Nations peacekeeping plan²⁰⁰ and in implementing resolution 762 (1992), which called for the establishment of a Joint Commission to oversee the return of Croatian authority to certain areas of Croatia known as the "pink zones". He observed that it had not been possible for UNPROFOR to achieve full implementation of the United Nations plan in the three United Nations Protected Areas or to restore a degree of normality and inter-ethnic tolerance there before winter set in. This was due to the failure of the parties, especially the authorities of the so-called Republic of Serbia Krajina (the "Krin authorities"), to give UNPROFOR the full and sustained cooperation that was necessary for it to carry out its various mandates. The Krin authorities

had created new paramilitary forces, an action inconsistent with the demilitarization of the United Nations Protected Areas and thus a blatant violation of the United Nations plan. These so-called "police units" had revived some of the worst features of Serb behaviour during the war in Croatia, including "ethnic cleansing", and had created conditions of near anarchy, especially in one sector. The deteriorating security situation had made it impossible for UNPROFOR and UNHCR to start major programmes for the return of refugees and displaced persons to their homes. The Secretary-General suggested that the Security Council might wish to consider whether it should take action in response to the many cases in which persons had been coerced into signing away their property and rights of residence. To that end, it might consider declaring that such acts of renunciation, undertaken under duress, were null and void and created no legal rights or obligations. The situation in the "pink zones" had also been a cause of considerable concern although the most recent developments had been somewhat more positive. A particularly disagreeable feature of the situation there was the readiness of both sides, but especially of the Serb side, to cut power and water supplies as a means of putting pressure on their opponents. This was a problem that also afflicted other parts of the former Yugoslavia, especially the city of Sarajevo, and the Secretary-General suggested that the Council might wish to support the current efforts of the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia on this issue by calling upon all concerned to work together to restore power and water supplies before the coming winter.²⁰¹ Noting a more positive development, the Secretary-General observed that an agreement had been reached on the withdrawal of the remaining elements of the Yugoslav Army from Croatia and the demilitarization of the Prevlaka peninsula. Detailed arrangements for the implementation of that agreement were being finalized. In the meantime, he recommended that the Security Council authorize UNPROFOR to assume responsibility for monitoring the agreed arrangements, the additional resources required for which would not be large. In conclusion, the Secretary-General stated that the situation described in his report had to be corrected urgently; otherwise there would be a real danger of a renewal of widespread conflict in and around the United Nations

¹⁹⁷ Ibid., p. 16.

¹⁹⁸ Ibid., pp. 16-17.

¹⁹⁹ S/24600.

²⁰⁰ S/23280, annex III.

²⁰¹ S/24600, para. 38.

Protected Areas. He and the Force Commander would continue to do everything they could to persuade the parties to honour their commitments and accept the will of the Security Council, and he trusted that they would have the Council's full support in those endeavours.

At its 3118th meeting, held on 6 October 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's further report of 28 September in its agenda. The Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

The President drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations,²⁰² and made an oral revision²⁰³ to the text in its provisional form.

He also drew their attention to a letter dated 1 October 1992 from the representative of Croatia addressed to the President of the Security Council,²⁰⁴ transmitting a Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro).

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 779 (1992), which reads:

The Security Council,

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the activities of the United Nations Protection Force in Croatia,

Having examined the further report of the Secretary-General of 28 September 1992 submitted pursuant to resolutions 743 (1992) and 762 (1992),

Concerned about the difficulties encountered by the Force in the implementation of resolution 762 (1992) of 30 June 1992, owing to ceasefire violations and in particular to the creation of paramilitary forces in the United Nations Protected Areas in violation of the United Nations peacekeeping plan,

Expressing grave alarm at continuing reports of "ethnic cleansing" in the United Nations Protected Areas and of forcible expulsion of civilians and deprivation of their rights of residence and property,

Welcoming the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Welcoming in particular the agreement, reaffirmed in the Joint Declaration, concerning the demilitarization of the Prevlaka peninsula,

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

1. *Approves* the further report of the Secretary-General of 28 September 1992 submitted pursuant to Security Council resolution 743 (1992) of 21 February 1992 including the steps taken to ensure the control of the Peruca dam by the United Nations Protection Force;

2. *Authorizes* the Force to assume responsibility for monitoring the arrangements agreed for the complete withdrawal of the Yugoslav Army from Croatia, the demilitarization of the Prevlaka peninsula and the removal of heavy weapons from neighbouring areas of Croatia and Montenegro, in cooperation, as appropriate, with the European Community Monitoring Mission, looks forward to the report of the Secretary-General on how this is to be implemented, and calls on all parties and others concerned to cooperate fully with the Force in its performance of this new task;

3. *Calls* on all parties and others concerned to improve their cooperation with the Force in the performance of the tasks it is already undertaking in the United Nations Protected Areas and in the adjacent areas;

4. *Urges* all parties and others concerned in Croatia to comply with their obligations under the United Nations peacekeeping plan, especially with regard to the withdrawal and the disarming of all forces, including paramilitary forces;

5. *Endorses* the principles agreed by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) on 30 September 1992 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;

6. *Strongly supports* the current efforts of the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia to ensure the restoration of power and water supplies before the coming winter, as mentioned in paragraph 38 of the report of the Secretary-General, and calls on all the parties and others concerned to cooperate in this regard;

7. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

²⁰² S/24617.

²⁰³ For the revision see S/PV.3118, pp. 2-3.

²⁰⁴ S/24476.

BB. Letter dated 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council

Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council

Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council

Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council

Letter dated 11 August 1992 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

Letter dated 12 August 1992 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of the Comoros to the United Nations addressed to the President of the Security Council

Letter dated 13 August 1992 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council

Letter dated 5 October 1992 from the Permanent Representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey to the United Nations addressed to the President of the Security Council

Decision of 6 October 1992 (3119th meeting): resolution 780 (1992)

By letters dated 10 to 13 August 1992 addressed to the President of the Council,²⁰⁵ the representatives of 13 States Members of the United Nations had requested an urgent meeting of the Security Council,

²⁰⁵ Letters from Bosnia and Herzegovina, Turkey, Islamic Republic of Iran, Malaysia, Senegal, Saudi Arabia, Kuwait, Pakistan, Egypt, United Arab Emirates, Bahrain, Comoros and Qatar (S/24401, S/24409, S/24410, S/24412, S/24413, S/24415, S/24416, S/24419, S/24423, S/24431, S/24433, S/24439 and 24440, respectively).

with a formal debate, to consider the grave and deteriorating situation in Bosnia and Herzegovina and the taking of appropriate measures, with many calling for action under Chapter VII of the Charter.

By a letter dated 5 October 1992 addressed to the President of the Council,²⁰⁶ the representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey, as members of the Contact Group of the Organization of the Islamic Conference (OIC), drew attention to the dire humanitarian situation in Bosnia and Herzegovina as winter approached. They noted that the international community was unable to deliver sufficient humanitarian assistance to the victims of the conflict; that the situation was made worse by the continued aggression of the Serbian elements who, through their attacks on civilian targets, continued to violate the principles of the Charter of the United Nations, international humanitarian law and the basic norms of civilized behaviour; and that “ethnic cleansing” persisted, principally against the Muslims, whose very existence in their ancestral lands was being threatened. The Contact Group called for an immediate meeting of the Council to consider taking the following urgent action: to establish safe corridors and take effective measures to stop anyone from hindering the delivery of humanitarian assistance; to ensure the effective enforcement of the “no-fly zone” over Bosnia and Herzegovina; and to take steps to bring before an international tribunal those responsible for the practice of “ethnic cleansing”, mass killings and other grave breaches of international humanitarian law.

At its 3119th meeting, held on 6 October 1992 in accordance with the understanding reached in its prior consultations, the Council included the 14 letters referred to above in its 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 (France) drew the attention of the members of the Council to a draft resolution submitted by Belgium, France, Hungary, Morocco, the United Kingdom, the United States and Venezuela.²⁰⁷

He also drew their attention to a number of other letters,²⁰⁸ as well as to a note by the Secretary-General

²⁰⁶ S/24620.

²⁰⁷ S/24618.

²⁰⁸ Letter dated 17 August 1992 from the representative of Bolivia to the President of the Council (S/24473); letters

dated 3 September 1992,²⁰⁹ transmitting a report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights.

The Council then commenced the voting procedure on the draft resolution before it. Speaking before the vote, the representative of Venezuela stated that the Security Council was duty-bound to address firmly and swiftly the situation in Bosnia and Herzegovina, where war crimes were being perpetrated against the defenceless civilian population. He expressed support for the proposed decision to establish a commission of experts to investigate all such violations of international humanitarian law, which would be inspired by the commission that was set up in 1943 for similar purposes and later served as the basis for the proceedings of the Nuremberg trial. In Venezuela’s view, this would not only serve to establish responsibility and punish the guilty, but would also constitute an important deterrent in the context of the process the United Nations had undertaken to bring peace to the population of the former Yugoslavia, and especially to Bosnia and Herzegovina. Its understanding was that the commission would collect the information that would make it possible to prosecute those responsible for the criminal acts perpetrated against thousands of citizens of Bosnia and Herzegovina.²¹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 780 (1992), which reads:

The Security Council,

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

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to

dated 24 August 1992 and 4 and 5 September 1992 from the representative of Bosnia and Herzegovina to the President of the Council (S/24478, S/24525 and S/24537); letter dated 24 August 1992 from the representative of Singapore to the Secretary-General (S/24489); letter dated 26 August 1992 from the representative of Malaysia to the Secretary-General (S/24494); letter dated 22 September 1992 from the representative of the United States to the Secretary-General (S/24583).

²⁰⁹ S/24516.

²¹⁰ S/PV.3119, pp. 7-8.

comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

Recalling also its resolution 771 (1992) of 13 August 1992, in which, inter alia, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of mass killings and the continuance of the practice of “ethnic cleansing”,

1. *Reaffirms* its call, in paragraph 5 of resolution 771 (1992), upon States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions of 12 August 1949 being committed in the territory of the former Yugoslavia, and requests States, relevant United Nations bodies, and relevant organizations to make this information available within thirty days of the adoption of the present resolution and as appropriate thereafter, and to provide other appropriate assistance to the Commission of Experts referred to in paragraph 2 below;

2. *Requests* the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolution 771 (1992) and the present resolution, together with such further information as the Commission may obtain through its own investigations or through the efforts, of other persons or bodies pursuant to resolution 771 (1992), 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;

3. *Also requests* the Secretary-General to report to the Security Council on the establishment of the Commission of Experts;

4. *Further requests* the Secretary-General to report to the Council on the conclusions of the Commission of Experts and to take account of these conclusions in any recommendations for further appropriate steps called for by resolution 771 (1992);

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

Speaking after the vote, the representative of the United States stated that the resolution just adopted sent a clear message that those responsible for the atrocities and gross violations of international

humanitarian law, including violations involved in the process of “ethnic cleansing” and other war crimes in the former Yugoslavia, must be brought to justice. It would also, it was to be hoped, act as a deterrent to those in other parts of the world who might be contemplating similar violations and crimes. The speaker elaborated on his delegation’s interpretation of paragraph 1 of the resolution. It believed that the term “relevant United Nations bodies” included the Special Rapporteur; and it considered that the phrase “to provide other appropriate assistance to the Commission of Experts” allowed the Commission to request follow-up by those other bodies, including the Special Rapporteur.²¹¹

The representative of Belgium stated that, in the wake of resolution 771 (1992), the Council had now sent an even clearer signal to the perpetrators of violations of international humanitarian law on the territory of the former Yugoslavia. The establishment of a Commission made this signal more credible by making more operational the principle contained in the Geneva Conventions regarding the personal responsibility of war criminals. The Belgian authorities hoped that the Organization, upon receipt of the conclusions of the Commission and the recommendations of the Secretary-General, would be able to provide itself with the means to punish the perpetrators so identified.²¹²

The representative of Hungary said his country interpreted the resolution just adopted as the beginning of a process which should lead, within a reasonable period of time, to the establishment of the appropriate means and the compilation of the necessary information to bring to justice those responsible for the crimes that continued to be committed systematically in the former Yugoslavia. It was also Hungary’s understanding that the request to collate information represented an appeal to all bodies, organs and individuals concerned with the cause of human rights, including the Commission on Human Rights; the information should, most particularly, include the detailed report on the human rights situation in the territory of the former Yugoslavia submitted by the Special Rapporteur of the Commission on Human Rights.²¹³

²¹¹ Ibid., pp. 11-12.

²¹² Ibid., pp. 12-13.

²¹³ Ibid., p. 13.

The representative of Morocco stated that the adoption of the resolution, while welcome, should, in the view of the members of OIC, be considered as no more than one stage in a whole range of measures which the Council would have to take in order to put an end to the terrible acts which were continuing to be perpetrated with impunity in Bosnia and Herzegovina.²¹⁴

The representative of the Russian Federation said his delegation viewed the resolution just adopted as an additional means to influence the opposing parties with a view to alleviating the sufferings of the peaceful population in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, and by so doing to bring about the quickest possible solution to the Yugoslav conflict. It hoped that the impartial Commission of Experts would, on the basis of carefully substantiated information, provide a true picture of the violations of the Geneva Conventions and other violations of international humanitarian law taking place on the territory of the former Yugoslavia. The resolution should be a serious warning to any political and military leaders who allowed mass breaches of the norms of international humanitarian law on the territory of the former Yugoslavia and warn them of their personal responsibility for such acts. It should also serve as a warning to all who violated the norms of international humanitarian law in other spheres of conduct.²¹⁵

The President, speaking in his capacity as the representative of France, stated that it was very important that the Council send a clear warning to the perpetrators of the impermissible violations of international humanitarian law being committed in the territory of the former Yugoslavia, and in Bosnia and Herzegovina in particular, who must understand that their personal responsibility was involved. He added that the resolution just adopted was a part of the prospective creation by the appropriate bodies of an international penal jurisdiction to rule on such acts. His Government considered that it went without saying that the Council's request in paragraph 1 of the resolution to "relevant United Nations bodies" included the Special Rapporteur of the Commission on Human Rights on the former Yugoslavia. His contributions to the impartial Commission of Experts would be one of

the essential elements in drawing up that Commission's conclusions.²¹⁶

CC. The situation in Bosnia and Herzegovina

Decision of 9 October 1992 (3122nd meeting): resolution 781 (1992)

At its 3122nd meeting, held on 9 October 1992 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item entitled "The situation in Bosnia and Herzegovina".

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) drew the attention of the members of the Council to a draft resolution submitted by Austria, Belgium, France, Morocco, the Russian Federation, the United Kingdom and the United States.²¹⁷

He also drew their attention to the following documents: (a) letters dated 5 and 8 October 1992 from the representative of Bosnia and Herzegovina addressed to the President of the Council,²¹⁸ transmitting letters from the President of his country in which he reported that heavy bombardment of towns in Bosnia and Herzegovina continued; stated that, as all the parties at the London Conference had agreed to a "no-fly zone", the member nations of the Conference, through the Security Council, had a responsibility to enforce such a zone without delay; and stressed that a "no-fly zone" resolution that did not include immediate enforcement would only permit continued aggression from the air, resulting in many more unnecessary deaths and new victims of "ethnic cleansing"; and (b) a letter dated 8 October 1992 from the representative of the United Kingdom addressed to the President of the Council,²¹⁹ enclosing the report of the Chairman of the Working Group on Confidence and Security-building and Verification Measures to the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia, which contained details of the

²¹⁴ Ibid., p. 14.

²¹⁵ Ibid., pp. 14-16.

²¹⁶ Ibid., pp. 16-17.

²¹⁷ S/24636.

²¹⁸ S/24616 and S/24640, respectively.

²¹⁹ S/24634.

agreements reached between the parties in the region on the implementation of aerial confidence measures, including the ban on the military use of aircraft in Bosnia and Herzegovina.

The Council then commenced the voting procedure on the draft resolution before it. Speaking before the vote, the representative of China stated that his delegation did not oppose, in principle, the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina with the consent of all the relevant parties to ensure the smooth operation of humanitarian relief operations and the safety of the innocent civilian population there. However, it shared the concern expressed by the Secretary-General in his letter of 8 October 1992 to the President of the Council,²²⁰ in which he reiterated his concerns about the implications that proposals to amend the mandate of UNPROFOR might have for its effectiveness and the security of its personnel, and drew the Council's attention to the fact that the proposed ban and the modalities of its monitoring did not yet enjoy the consent of all the parties. The speaker noted, moreover, that the draft resolution embodied similar content to that in resolution 770 (1992), which authorized the use of force, and that the possibility of using force in the future was implied in various paragraphs. China's position in this regard was well known; it could not therefore support the draft resolution.²²¹

The draft resolution was then put to the vote. It received 14 votes in favour, none against and 1 abstention (China), and was adopted as resolution 781 (1992), which reads:

The Security Council,

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

Determined to ensure the safety of humanitarian flights to Bosnia and Herzegovina,

Noting the readiness of the parties, expressed in the framework of the London stage of the International Conference on the former Yugoslavia, held on 26 and 27 August 1992, to take appropriate steps in order to ensure the safety of humanitarian flights and their commitment at that Conference to a ban on military flights,

Recalling in this context the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular paragraph 7 thereof,

Recalling also the agreement reached on air issues at Geneva on 15 September 1992 among all the parties concerned in the framework of the Working Group on Confidence and Security-building and Verification Measures of the London Conference,

Alarmed at reports that military flights over the territory of Bosnia and Herzegovina are none the less continuing,

Noting the letter of 4 October 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council,

Considering that the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina constitutes an essential element for the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Bosnia and Herzegovina,

Acting pursuant to the provisions of resolution 770 (1992) of 13 August 1992 aimed at ensuring the safety of the delivery of humanitarian assistance in Bosnia and Herzegovina,

1. *Decides* to establish a ban on military flights in the airspace of Bosnia and Herzegovina, this ban not to apply to United Nations Protection Force flights or to other flights in support of United Nations operations, including humanitarian assistance;

2. *Requests* the Force to monitor compliance with the ban on military flights, including the placement of observers where necessary at airfields in the territory of the former Yugoslavia;

3. *Also requests* the Force to ensure, through an appropriate mechanism for approval and inspection, that the purpose of flights to and from Bosnia and Herzegovina other than those banned by paragraph 1 above is consistent with Security Council resolutions;

4. *Requests* the Secretary-General to report to the Security Council on a periodic basis on the implementation of the present resolution and to report immediately any evidence of violations;

5. *Calls upon* States to take nationally or through regional agencies or arrangements all measures necessary to provide assistance to the Force, based on technical monitoring and other capabilities, for the purposes of paragraph 2 above;

6. *Undertakes* to examine without delay all the information brought to its attention concerning the implementation of the ban on military flights in Bosnia and Herzegovina and, in the case of violations, to consider urgently the further measures necessary to enforce this ban;

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

²²⁰ Not issued as a document of the Council; referred to in S/PV.3122, p. 7.

²²¹ S/PV.3122, p. 7.

Speaking after the vote, the representative of the United States remarked that, in establishing a no-fly zone over Bosnia and Herzegovina, the Council was taking an important step to address the violence that had racked the republic and to support the efforts of the London Conference. The London Conference agreements reflected the approach of the international community to the crisis and included the concurrence of the warring parties in Bosnia. The resolution just adopted codified a ban on military flights in Bosnia and Herzegovina, an action specifically agreed to by Bosnian Serb representatives. The speaker added that the United States vote in favour of the resolution reflected its view that, in the case of violations, it bound the Council to further action. If the resolution were violated, his Government would move to seek adoption by the Council of a further resolution mandating enforcement of the no-fly zone.²²²

The representative of India maintained that, as military flights still operated over Bosnian airspace despite the ban on military flights agreed to by all parties at the London Conference, concerted action by the international community, as represented by the Council, was clearly called for. It was only logical that the parties should comply with the agreement they themselves had voluntarily entered into. Noting, however, that one of the Bosnian sides — the Bosnian Serbs — had yet to give its agreement to a comprehensive ban on military flights and to the modalities for its monitoring, the speaker shared the Secretary-General's concern that this lack of agreement by one side could have implications for the effectiveness of UNPROFOR and the security of its personnel. Indeed, without the agreement of the Bosnian Serb side, it would be impossible for UNPROFOR to implement the resolution just adopted and to station observers at airfields under Bosnian Serb control. India hoped that the efforts of UNPROFOR, backed by the firm support of the Council, would prevail upon all sides to obtain their cooperation. Although it agreed that, as envisaged in paragraph 6 of the resolution, the Council might have to take further measures to enforce the ban it imposed, it hoped that such measures would not be necessary. India believed, moreover, that any such measures would have to conform strictly to the provisions of the Charter. They would have to remain under direct and effective United Nations command and control, which alone would

²²² Ibid., pp. 8-9.

ensure that the action was effective and commensurate, and that the security of UNPROFOR personnel could be ensured against the risks.²²³

The representative of Austria supported the establishment of a ban on military flights in Bosnia and Herzegovina as a long overdue measure, which was essential to ensure the safety of delivery of humanitarian assistance to the population of that country. He noted that such a ban had been agreed to by the parties at the London Conference but had not been adhered to by the Serbian side, whose aggression in the air had continued unabated. That was why the firm undertaking by the Council to take the necessary further measures to enforce the ban in case of its violation was so important, although Austria hoped that it would not be necessary to do so.²²⁴

The representative of Morocco stated that his country and the Organization of the Islamic Conference to which it belonged welcomed the new resolution, but considered it only as part of a whole which would ultimately force Serbia to put an end to its exactions, crimes and inadmissible practices against a sovereign State that was a Member of the United Nations.²²⁵

The President, speaking in his capacity as the representative of France, stated that the continuation of aerial bombings, in spite of the undertakings given at the London Conference on the ban on military flights over the territory of the former Yugoslavia, called for a clear-cut reaction from the international community. The resolution just adopted provided an appropriate response. Noting that the Council, in addition to establishing such a ban, undertook, in the event of violations, to consider urgently the further measures necessary to enforce the ban, the speaker said that this in no way prejudged the nature of the measures the Council might take in such an event. In his Government's view, it was important for such a warning to be issued to the parties concerned so as to encourage them to abide by their commitments forthwith. The speaker also stressed the importance of the security of the members of UNPROFOR, to which the Secretary-General had drawn attention in his letter of 8 October.²²⁶ He urged all parties to refrain from any action that might imperil the members of the

²²³ Ibid., pp. 9-12.

²²⁴ Ibid., p. 12.

²²⁵ Ibid., p. 13.

²²⁶ Not issued as a document of the Council.

Force, which was contributing so valiantly to the process of peace and reconciliation.²²⁷

**Decision of 30 October 1992 (3132nd meeting):
statement by the President**

By a letter dated 29 October 1992 addressed to the President of the Security Council,²²⁸ the representative of Bosnia and Herzegovina stated that the besieged city of Jajce had just fallen to the aggressor and that his Presidency urgently requested UNPROFOR protection for civilians being attacked by heavy artillery and helicopter fire as they fled. He added that Security Council resolution 781 (1992) had been grossly violated since its adoption, as the aggressor had been using helicopters for offensive warfare purposes.

At its 3132nd meeting, held on 30 October 1992 in accordance with the understanding reached in its prior consultations, the Council included the letter from the representative of Bosnia and Herzegovina in its 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) drew the attention of the members of the Council to letters dated 16, 20, 23, 25 and 28 October 1992 from the representative of Bosnia and Herzegovina addressed to the President of the Council,²²⁹ containing allegations of violations by the aggressor of Security Council resolution 781 (1992), which banned military flights in the airspace of his country. Invoking paragraph 6 of the resolution, the Presidency of Bosnia and Herzegovina urged the Council to consider urgently the further measures necessary to enforce the ban.

At the same meeting, the President stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:²³⁰

The Security Council remains concerned by the continuing conflict in the Republic of Bosnia and Herzegovina with its resultant loss of life and material damage, which

threaten international peace and security and by reports of egregious violations of international humanitarian law by whomsoever committed.

The Council is appalled by the most recent reports that Serb militia in the Republic of Bosnia and Herzegovina are attacking civilians fleeing from the city of Jajce.

The Council strongly condemns any such attacks which constitute grave violations of international humanitarian law, including the Geneva Conventions of 12 August 1949, and reaffirms that persons who commit or order the commission of grave breaches of these Conventions are individually responsible in respect of such breaches. The Council wishes that such violations be brought to the attention of the Commission of Experts mentioned in resolution 780 (1992) of 6 October 1992.

The Council demands that all such attacks cease immediately.

**Decision of 10 November 1992 (3133rd
meeting): resolution 786 (1992)**

On 5 November 1992, the Secretary-General submitted to the Council a report pursuant to resolution 781 (1992),²³¹ on the measures recommended or already taken to implement that resolution, which, *inter alia*, requested UNPROFOR to monitor compliance with the ban imposed on military flights in the airspace of Bosnia and Herzegovina, and to approve and inspect non-military flights to and from that Republic. The Secretary-General described the general concept of operations that had been developed by UNPROFOR, which combined the deployment of military observers at selected airfields with information obtained from technical sources. It had been agreed with the presidency of the European Community that, in matters relating to resolution 781 (1992), the European Community Monitoring Mission would be tasked by and report to UNPROFOR. Technical monitoring information was being made available to the Force by the North Atlantic Treaty Organization. The measures described had already become operational to a limited extent with the temporary redeployment of 30 military observers, from other United Nations peacekeeping operations, to airfields in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). The Force Commander estimated that 75 additional military observers would be required for this task.²³² The Secretary-General added that the cooperation of the parties concerned, which was

²²⁷ S/PV.3122, p. 14.

²²⁸ S/24740.

²²⁹ S/24675, S/24703, S/24709, S/24717 and S/24734, respectively.

²³⁰ S/24744.

²³¹ S/24767 and Add.1 of 9 November 1992.

²³² S/24767, para. 5.

essential for the successful implementation of resolution 781 (1992), had been secured. The Presidents of Croatia and the Federal Republic of Yugoslavia had welcomed the stationing of international observers on airfields in their respective countries and had concluded agreements with UNPROFOR. With regard to Bosnia and Herzegovina, similar agreements had been signed by UNPROFOR with the Foreign Minister of the Republic, granting the Force unrestricted access to airfields there, and separately with the leader of the Bosnian Serbs in respect of two airfields in the Banja Luka area. The Secretary-General concluded by observing that he believed that the concept described in his report would permit effective and cost-efficient implementation of resolution 781 (1992). He accordingly recommended that the Council approve the necessary expansion of the strength of UNPROFOR on the basis of the plan described.²³³

By a letter dated 6 November 1992 addressed to the President of the Council,²³⁴ the Secretary-General reported on the information received by UNPROFOR thus far on possible violations of the military flight ban imposed by resolution 781 (1992), and on the impossibility of corroborating the information on such violations by the means then available to UNPROFOR.

At its 3133rd meeting, held on 10 November 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the Secretary-General's report of 5 December and his letter of 6 November.

The Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (Hungary) drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations,²³⁵ and made several oral revisions to the text in its provisional form.²³⁶

He also drew their attention to the following documents: (a) letters dated 2 and 8 November 1992 from the representative of Bosnia and Herzegovina

addressed to the President of the Council,²³⁷ alleging further violations by the aggressor of the military flight ban imposed by resolution 781 (1992), and requesting that the Council consider urgently the further measures necessary to enforce the ban, as envisaged in that resolution; and (b) a letter dated 2 November 1992 from the representative of Venezuela addressed to the President of the Council,²³⁸ suggesting that it would be useful for the Council to receive updated information from the Secretariat to enable it to assess the reports it received of violations of resolution 781 (1992). Venezuela believed that such reports should be verified and that, if their accuracy was independently confirmed, the measures envisaged in the resolution should be put into effect.

The Council then commenced the voting procedure on the draft resolution before it, as orally revised, in its provisional form.

Speaking before the vote, the representative of China said that, as his delegation favoured the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina with the consent of all parties concerned, and supported the recommendations for monitoring the ban put forward by the Secretary-General, it would vote in favour of the draft resolution. However, he reiterated China's position that it was not in favour of any use of force in establishing such a flight ban. China hoped that all the relevant parties of the former Yugoslavia would honour their commitments to respect the ban on military flights and fully cooperate with UNPROFOR.²³⁹

The draft resolution, as orally revised, in its provisional form, was then put to the vote. It was adopted unanimously as resolution 786 (1992), which reads:

The Security Council,

Reaffirming its resolution 781 (1992) of 9 October 1992,

Taking note of the report of the Secretary-General of 5 November 1992 submitted pursuant to resolution 781 (1992) and his letter of 6 November 1992 addressed to the President of the Security Council pursuant to his report,

Considering that the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina constitutes an essential element for the safety of the delivery of humanitarian

²³³ *Ibid.*, para. 10.

²³⁴ S/24783.

²³⁵ S/24784.

²³⁶ See S/PV.3133, pp. 6-7.

²³⁷ S/24750 and S/24777, respectively.

²³⁸ S/24769.

²³⁹ S/PV.3133, p. 8.

assistance and a decisive step for the cessation of hostilities in Bosnia and Herzegovina,

Taking into account the need for a speedy deployment of monitors on the ground for observation and verification purposes,

Gravely concerned at the indication in the letter from the Secretary-General of 6 November 1992 of possible violations of its resolution 781 (1992) and of the impossibility of corroborating the information on such violations by technical means presently available to the United Nations Protection Force,

Determined to ensure the safety of humanitarian flights to Bosnia and Herzegovina,

1. *Welcomes* the current advance deployment of military observers of the United Nations Protection Force and the European Community Monitoring Mission at airfields in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. *Reaffirms* its ban on military flights in the airspace of Bosnia and Herzegovina, which applies to all flights, whether of fixed-wing or rotary-wing aircraft, subject to the exceptions contained in paragraph 1 of its resolution 781 (1992), and reiterates that all parties and others concerned must comply with this ban;

3. *Endorses* the general concept of operations described in the report of the Secretary-General of 5 and 9 November 1992 submitted pursuant to Security Council resolution 781 (1992) and calls on all parties and others concerned, including all Governments operating aircraft in the area, to cooperate fully with the Force in its implementation;

4. *Calls upon* all parties and others concerned henceforth to direct all requests for authorization of flights pursuant to paragraph 3 of its resolution 781 (1992), to the Force, with special provisions being made for flights of the Force and all other flights in support of United Nations operations, including humanitarian assistance;

5. *Approves* the recommendation in paragraph 10 of the report of the Secretary-General that the strength of the Force be increased, as proposed in paragraph 5 of the report, in order to permit it to implement the concept of operations;

6. *Reiterates its determination* to consider urgently, in the case of violations when further reported to it in accordance with its resolution 781 (1992), the further measures necessary to enforce the ban on military flights in the airspace of Bosnia and Herzegovina;

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

Decision of 16 November 1992 (3137th meeting): resolution 787 (1992)

By a letter dated 5 October 1992 addressed to the President of the Council,²⁴⁰ the representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey, as members of the Contact Group of OIC, had drawn attention to the dire humanitarian situation in Bosnia and Herzegovina as winter approached. The international community was unable to deliver sufficient humanitarian assistance to the victims of the conflict; the situation was made worse by the continued aggression of the Serbian elements who, through their attacks on civilian targets, continued to violate the principles of the Charter, international humanitarian law and the basic norms of civilized behaviour; and the practice of “ethnic cleansing” persisted, principally against the Muslims, whose very existence in their ancestral lands was being threatened. The Contact Group had called for an immediate meeting of the Security Council to consider taking the following urgent action: to establish safe corridors and take effective measures to stop anyone from hindering the delivery of humanitarian assistance; to ensure the effective enforcement of the “no-fly zone” over Bosnia and Herzegovina; and to take steps to bring before an international tribunal those responsible for the practice of “ethnic cleansing” and the commission of other grave breaches of international humanitarian law.

By a letter dated 4 November 1992 addressed to the President of the Council,²⁴¹ the representative of Bosnia and Herzegovina stated that, unless urgent steps were taken to stop the Serbian aggression, to implement existing Security Council and General Assembly resolutions and to enforce the London Conference commitments, the efforts of the Co-Chairmen of the International Conference on the former Yugoslavia would be overcome by military force and their proposed constitutional framework for his country would become irrelevant. He therefore requested a formal meeting of the Council, with the right of full debate, as soon as practicable.

²⁴⁰ S/24620. See also, above, the 3119th meeting of the Council on 6 October 1992, at which this letter was first included in the Council’s agenda.

²⁴¹ S/24761.

By separate letters dated 9 November 1992 addressed to the President of the Council,²⁴² the representatives of Belgium and France expressed grave concern at the current situation in Bosnia and Herzegovina. Noting that in resolution 713 (1991) and all its subsequent resolutions the Council had undertaken to pursue consideration of this issue, they requested an urgent meeting of the Council for this purpose.

At its 3134th meeting, on 13 November 1992, the Council included the letters from the OIC Contact Group and the representatives of Bosnia and Herzegovina, Belgium and France in its agenda. The Council considered the item at its 3134th to 3137th meetings, on 13 and 16 November 1992.

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 3134th meeting, on 13 November, the representatives of Albania, Azerbaijan, Bosnia and Herzegovina, Canada, the Comoros, Croatia, Germany, Egypt, Indonesia, the Islamic Republic of Iran, Italy, Jordan, Malaysia, Pakistan, Qatar, Senegal, Slovenia and Turkey; at the 3135th meeting, also on 13 November, the representatives of Afghanistan, Kuwait, Lithuania, Norway, Romania, Tunisia and Ukraine; at the 3136th meeting, on 16 November, the representatives of Greece, Malta and the United Arab Emirates; and at the 3137th meeting, also on 16 November, the representatives of Algeria and Bangladesh.

At its 3134th meeting, the Council also decided, by a vote, to extend an invitation to Mr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, not under rule 37 or rule 39 of the Council's provisional rules of procedure, but with the same rights of participation of rule 37.²⁴³ At the same meeting, the Council extended invitations under rule 39 of its provisional rules of procedure, to the following individuals: Mr. Vance and Lord Owen, Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia, in accordance with the understanding reached in the Council's prior consultations and at the request of the representative of Belgium; Mrs. Sadako Ogata, United

Nations High Commissioner for Refugees, in accordance with the understanding reached in its prior consultations; and Mr. Mazowiecki,²⁴⁴ at the request of the representatives of Belgium and France. The representatives of China and Zimbabwe expressed reservations about the appropriateness of inviting Mr. Mazowiecki to address the Council, on the ground that human rights issues fell within the purview of the Commission on Human Rights and the General Assembly, rather than of the Security Council and that, as Special Rapporteur of the Commission on Human Rights, he should report to that organ.²⁴⁵ At its 3135th meeting, in accordance with the understanding reached in its prior consultations, the Council invited Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, at his request, to address the Council in the course of the discussion of the item.²⁴⁶

At the 3134th meeting, the President (Hungary) drew the attention of the members of the Council to the report of the Secretary-General on the International Conference on the former Yugoslavia,²⁴⁷ as well as to the documents submitted pursuant to paragraph 5 of resolution 771 (1992) and paragraph 1 of resolution 780 (1992), relating to violations of humanitarian law being committed in the territory of the former Yugoslavia. He also drew their attention to the following documents: (a) notes dated 3 September and 6 November 1992 from the Secretary-General to the President of the Council,²⁴⁸ transmitting two reports on the situation of human rights in the territory of the former Yugoslavia prepared by the Special Rapporteur of the Commission on Human Rights; (b) a letter dated 19 October 1992 from the members of the Contact Group of OIC addressed to the President of the Council,²⁴⁹ in which they reiterated their call for an immediate meeting of the Council, urged that Bosnia and Herzegovina not be denied its inherent right to defend itself in accordance with Article 51 of the Charter of the United Nations and requested the Council to consider and secure the lifting of the arms

²⁴² S/24785 and S/24786, respectively.

²⁴³ For the discussion of this question, see S/PV.3134, pp. 3-8; see also chapter III, case 6.

²⁴⁴ Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia.

²⁴⁵ S/PV.3134, pp. 9-10 and p. 11, respectively; see also chapter III, case 5.

²⁴⁶ See also chapter III, case 7.

²⁴⁷ S/24795.

²⁴⁸ S/24516 and S/24766, respectively.

²⁴⁹ S/24678.

embargo on that country; and (c) several other letters.²⁵⁰

Speaking at the start of the discussion, Mr. Vance stated that the situation in the former Yugoslavia continued to threaten international peace and security; that the sanctions regime established by the Council was being evaded and violated; and that the humanitarian crisis was deepening. Given that complex and testing situation, it would require the strongest resolve of the international community to bring about a durable cessation of hostilities and compliance with the principles of the Charter and the Universal Declaration of Human Rights, and the decisions of the Council. He addressed several matters which he considered to be of urgent concern to the Council. On the critical issue of sanctions, he stated that it was clear that embargoed oil was getting through to Belgrade in larger and larger quantities. Items being trans-shipped through Serbia by land had to be checked more carefully at their points of origin and their destinations. Water-borne cargoes also needed to be checked more rigorously, both on the Adriatic and along the Danube. In his judgement, it was essential that the arms embargo be maintained and enforced. Lifting it — as some had suggested — would not contribute to a durable peace and would be counter-productive. Lifting it for only one party, moreover, was neither feasible nor desirable, in his view. Such an action could only widen and deepen the war in Bosnia and Herzegovina and jeopardize the effectiveness of the UNPROFOR operation, and could spread the conflict throughout the Balkan region. He welcomed the ceasefire recently declared by the military commanders of the three warring parties in Sarajevo, under the auspices of UNPROFOR. While it was too early to draw any conclusions, he expected the three parties to live up to their commitments. It was

also essential that all parties in the former Yugoslavia cooperate with UNPROFOR as it carried out its humanitarian and peacekeeping missions.

Continuing, Mr. Vance stressed a number of points arising from the Secretary-General's report on the International Conference at Geneva. Among them was the importance the Co-Chairmen attached to the Conference's constitutional proposals for Bosnia and Herzegovina. From the outset, they had rejected partition of the country and its reorganization on ethnically based territorial lines. They believed that those constitutional proposals provided a sound basis for the future organization of the country, and welcomed the support given by the members of the Security Council. He recalled that the Security Council and the General Assembly had set out guidelines for devising solutions to problems in the former Yugoslavia, which the Co-Chairmen had sought to keep clearly in view. The Council had called for a political settlement consistent with the principles of the Charter and of international human rights norms; had rightly condemned forcible expulsions, illegal detentions and all attempts to change the demographic composition of territories; and had invoked the principles of the Conference on Security and Cooperation in Europe, in particular the inviolability of borders — both internal and external — and the non-recognition of attempts to alter such borders unilaterally. The General Assembly had expressly mentioned, in addition, respect for the sovereignty and the territorial integrity of States, and non-recognition of the spoils of aggression and of the acquisition of territory by force. He stressed that the international community could not accept non-compliance with these guidelines.²⁵¹

Lord Owen observed that the Geneva process, a conference in continuous session that had started on 3 September, was charged with forging together the European Community's previous Conference on Yugoslavia and the increasing activity of the United Nations and the specialized agencies in the former Yugoslavia. Henceforth, peacemaking, peacekeeping and preventative diplomacy were to be run together. That joint effort of the European Community and the United Nations built on Chapter VIII of the Charter, which provided for regional agencies to work in partnership with the Security Council. The former

²⁵⁰ Letters dated 16 to 21 October 1992 from the representative of Bosnia and Herzegovina to the President of the Council, and dated 2 November 1992 to the Secretary-General (S/24675, S/24677, S/24685, S/24700 and S/24754); letters dated 20 to 24 October 1992 and 4 November 1992, from the representative of Yugoslavia to the Secretary-General (S/24702, S/24704, S/24711 and Corr.1 and S/24778); letters dated 2 and 4 November 1992 from the representative of Croatia to the President of the Council, and dated 6 November 1992 to the Secretary-General (S/24748, S/24759, S/24772 and S/24776); and letter dated 5 November 1992 from the representative of Turkey addressed to the Secretary-General (S/24793).

²⁵¹ S/PV.3134, pp. 14-23.

worked under the authority of the United Nations and were dependent on key United Nations personnel for ensuring an effective and integrated United Nations command. He stated that the opposing sides in Bosnia and Herzegovina had been brought together in a by-and-large constructive dialogue in two main areas — over the future Constitution, conducted by the politicians, and over a cessation of hostilities, conducted by the military. The International Conference's constitutional proposals for Bosnia and Herzegovina made clear that there was not going to be a crude division of the Republic into three separate provinces, because such an arrangement would simply endorse ethnic cleansing. The Bosnian Muslims and Bosnian Croats fully accepted this, as well as the vast bulk of the constitutional proposals. The Bosnian Serbs were participating and putting forward counter-proposals. Unfortunately, however, many of their leaders appeared to want a single, geographically contiguous, Bosnian Serb province that would be linked with those parts of Croatia where the Serbs were in the majority and with the Republic of Serbia, in a Greater Serbia. It would not be easy, in his view, to pressure them to abandon that dream. He noted that although sanctions were a blunt instrument, which often hit the innocent harder than the guilty, they were the only peaceful weapon the world had. It was vital that a resolution blocking the gaping holes in the current oil embargo be adopted. On the recently negotiated ceasefire, he cautioned that much would depend on how local military leaders reacted. He acknowledged that a ceasefire had its political dangers, as the frontline, established by force, risked becoming frozen into de facto political boundaries. However, with the publication of the draft Constitution, the parties to the ceasefire were aware of the political framework for a settlement on which the Co-Chairmen were working. He added that it needed to be said quite clearly, in the Security Council, that the present Bosnian Serb frontline had to be rolled back and that the international community could not accept the philosophy that “might was right and that what they had, they held”.

Lord Owen further rejected calls by some in the Council for more dramatic solutions, such as massive outside military intervention or the lifting of the arms embargo from the Government of Bosnia and Herzegovina on the ground that it had an unfair impact on their predominantly Muslim forces. He observed that there was no sign of any significant military Power

being ready to act; and, on the arms embargo, stated that all previous experience showed that prohibiting arms sales tended to dampen conflict while increasing them deepened it. A selective lifting of the arms embargo was, moreover, unfeasible and would have a profoundly adverse effect on the chances of achieving a cessation of hostilities and a constitutional settlement. At the same time, it was vital that the international community learned a lesson from Bosnia and Herzegovina and did not disavow the use of external force. A negotiated no-fly agreement would never have been achieved had the then President of the United States not been ready to enforce it. In conclusion, he expressed the view that, in the absence of superior military force on the ground or in the air, the international community would make its principles stick by applying steady, persistent pressure to any intransigent party that failed to negotiate constructively. The Security Council debate was an important part of that process.²⁵²

The High Commissioner for Refugees remarked that strictly neutral humanitarian access in Bosnia and Herzegovina was often hampered by political considerations, military objectives and hostile behaviour. She called for the full deployment of the additional UNPROFOR troops — to enhance security and to augment the logistical capacity of UNHCR for delivering the relief required. In the carrying out of the humanitarian task in the former Yugoslavia, the question had arisen how to strike the right balance so that sanctions served as a political tool but did not become a lethal weapon against the weak. She was grateful that the sanctions Committee had now recognized the special needs of UNHCR, as exemplified by a recent blanket approval of a request to deliver assistance. Observing that the return of refugees and displaced persons, which she saw as an attempt to “de-cleanse the ethnic cleansing”, was both a humanitarian and a political endeavour, she noted that it would be a most difficult task linked to progress towards a political settlement. She added that, if sanctuaries for the refugees and the displaced were to be created, they would have to be linked with the presence and capacity of UNPROFOR. She drew the Council's attention once again to the pressing issue of the release of detainees in Bosnia and Herzegovina, insisting that, in the absence of other viable solutions, the international community must be willing to share

²⁵² Ibid., pp. 23-31.

the burden of receiving this most vulnerable group of people. In conclusion, she stated that UNHCR alone could not prevent massive suffering and death during the winter. To avoid the worst scenarios, what was needed was the holding and spreading of the current ceasefire; a renewed commitment by the parties to respect safe passage of relief goods and non-disruption of public utilities; immediate full deployment of UNPROFOR and flexibility in its mandate to provide extensive logistical support; massive bilateral and multilateral provision of resources; and pressure on all concerned, inside and outside the region, to keep borders open for those fleeing to survive, and to receive detainees.²⁵³

The Special Rapporteur observed that, in the context of the conflict taking place in the territory of Bosnia and Herzegovina, the human rights issues could not be examined separately from the political and military situation. The issue at stake was the fundamental human right to life, which was totally threatened. The violations of that right and other fundamental human rights were massive and grave and contradicted both the Covenants on Human Rights and the Geneva Conventions, which called for respect for the rights of the civilian population during armed conflicts. He observed that those violations stemmed from the practice of “ethnic cleansing”, which was not a consequence of, but an objective of, this war. The practice had been pursued by the Serbian authorities in Bosnia and Herzegovina and in the parts of Croatia under the control of Serbian forces, where they could not be prevented even by the presence of UNPROFOR. He added that the Serbian population in the areas of Bosnia and Herzegovina controlled by the Government of that Republic and Croatian armed forces was also a victim of discrimination and human rights abuse. In his view, however, although those acts should be condemned, they were not an element of systematic policy. From the point of view of human rights, he proposed three urgent measures: the closing of detention camps; the establishment of security zones for humanitarian purposes in Bosnia and Herzegovina; and the establishment of corridors for humanitarian supplies, particularly to the cities and areas under siege. He added that the human rights situation required systematic and coordinated action. Assistance to the victims must go hand in hand with the will to punish the guilty, especially the perpetrators of war

²⁵³ Ibid., pp. 33-38.

crimes. He urged the establishment of the Commission of Experts provided for in resolution 780 (1992), to investigate these matters further. In conclusion, he observed that profound changes in the world had led to the recognition that respect for human rights had become a crucial element of international security. The former Yugoslavia constituted, in that respect, one of the most serious and tragic challenges faced by the international community and intergovernmental organizations, primarily the United Nations. It was urgent, accordingly, that the Organization undertake effective action in favour of the protection of human rights in Bosnia and Herzegovina and in other territories of the former Yugoslavia, notably Kosovo and Vojvodina.²⁵⁴

The representative of Bosnia and Herzegovina noted that the meeting was the first time, including after six months of membership in the United Nations, that his country had had an opportunity to present its case orally before the Security Council. Although his Government fully supported the humanitarian efforts being made to relieve the suffering of its citizens, including the suggested creation of temporary safety zones, and endorsed the proposed constitutional framework, he stressed that the most important element of the solution — implementation and enforcement of existing commitments and decisions — was still lacking. His country was still the victim of aggression and its citizens the targets. As the Special Rapporteur had reported, “ethnic cleansing” did not appear to be the consequence, but rather the goal, of that aggression, threatening a segment of the population with extermination. That crime had not only continued; it had intensified, and could not be stopped simply through prosecution. He insisted that if the Security Council would not take direct steps to stop this crime and implement the measures adopted by it, then it should yield and fully recognize Bosnia and Herzegovina’s sovereign and absolute right to self-defence. Exercised through legitimate and lawful authorities or through international mechanisms, self-defence encouraged respect for constitutional principles, humanitarian standards, the rule of law and order and, ultimately, reconciliation.²⁵⁵

Many of the speakers stressed the importance of a political settlement of the conflicts in the former

²⁵⁴ Ibid., pp. 39-42.

²⁵⁵ Ibid., pp. 48-55.

Yugoslavia, and expressed their support for the International Conference on Yugoslavia as the appropriate, if not the only, framework for arriving at a comprehensive and lasting solution. They endorsed the proposals put forward in that context for a new constitutional arrangement for Bosnia and Herzegovina as offering a good basis for negotiation among the three constituent communities, while respecting the principles insisted upon by the international community: notably, that the taking of territory by force and the practice of “ethnic cleansing” were unlawful and unacceptable and would not be allowed to affect the outcome of the negotiations; and that the territorial integrity of Bosnia and Herzegovina must be respected. Noting that the situation on the ground was still deteriorating, despite massive efforts by the United Nations and the European Community, they urged the Security Council to persevere in its efforts and to strengthen its action.²⁵⁶ In that regard, a number of speakers supported the strengthening of the sanctions regime against the Federal Republic of Yugoslavia and its strict implementation.²⁵⁷

At the 3135th meeting, later on 13 November, the representative of Malaysia expressed regret at the delay of some 12 weeks in the convening of an emergency meeting of the Council requested by members of OIC to consider the situation in Bosnia and Herzegovina. He stated that the right of Member States to ask for an emergency meeting of the Council, with formal debate,

to consider such a serious situation, involving a breach of international law and threatening international peace and security, always had to be respected by the Council.²⁵⁸

Several speakers echoed the Co-Chairmen in urging that the arms embargo be maintained throughout the former Yugoslavia and strictly enforced.²⁵⁹ A number of speakers also supported a proposal that international observers be deployed on the borders of Bosnia and Herzegovina to facilitate the implementation of the Council’s resolutions.²⁶⁰ Some warned that, if policy changes and effective action on the ground were not forthcoming, especially to end outside interference in Bosnia, consideration might have to be given to further measures.²⁶¹

A number of other speakers, on the other hand, endorsed the appeal made by Bosnia and Herzegovina that, as the Security Council had not been able to stop the aggression against that country — an independent State Member of the United Nations threatened with extinction — it should lift (or threaten to lift) the arms embargo against it and allow it to exercise its inherent right of self-defence as recognized in the Charter.²⁶² Several of these and other speakers urged the Council to take enforcement measures under Chapter VII of the Charter, to halt and reverse the Serbian aggression, or to consider taking such action in the event of continued non-compliance by the aggressor.²⁶³ Some expressed concern that if the aggression against Bosnia and Herzegovina went unanswered, small and weaker

²⁵⁶ S/PV.3134, pp. 56-57 (Cape Verde); pp. 59-62 (Japan); pp. 63-67 (Belgium). See also S/PV.3135, pp. 7-8 (United Kingdom); pp. 17-18 (France); p. 24 (Turkey); p. 28 (Malaysia); pp. 36-37 (Germany); pp. 41-42 (Egypt); S/PV.3136, pp. 5, 7-8 (Russian Federation); pp. 9-11 (Ecuador); pp. 18-20 (Venezuela); pp. 24-25, 27 (Zimbabwe); p. 28 (Pakistan); pp. 43-44 (Canada); pp. 53-54 (Albania); pp. 61-62 (Permanent Observer of Palestine, in his capacity as Chairman of the Arab Group); p. 70 (Islamic Republic of Iran); and S/PV.3137, pp. 4-5 (India); pp. 11, 13-14 (Hungary); p. 15 (Italy); p. 31 (Comoros); p. 32 (Norway); p. 42 (Croatia); pp. 83-84 (Ukraine); p. 93 (United Arab Emirates); pp. 94-96 (Greece); p. 101 (Malta); pp. 119-121 (China).

²⁵⁷ S/PV.3134, pp. 57-58 (Cape Verde); pp. 61-62 (Japan); p. 67 (Belgium); S/PV.3135, p. 8 (United Kingdom); pp. 11-12 (United States); p. 17 (France); p. 34 (Malaysia); p. 37 (Germany); S/PV.3136, pp. 6-7 (Russian Federation); pp. 14-15 (Ecuador); p. 33 (Pakistan); p. 41 (Slovenia); p. 47 (Canada); and S/PV.3137, p. 13 (Hungary); p. 16 (Italy); p. 33 (Norway); p. 86 (Ukraine); p. 99 (Greece); p. 103 (Malta); p. 111 (Bangladesh); pp. 123-124 (Austria).

²⁵⁸ S/PV.3135, p. 28.

²⁵⁹ S/PV.3135, p. 9 (United Kingdom); p. 17 (France); S/PV.3136, p. 6 (Russian Federation); pp. 13-14 (Ecuador); and S/PV.3137, p. 86 (Ukraine).

²⁶⁰ S/PV.3135, p. 8 (United Kingdom); p. 17 (France); p. 37 (Germany); S/PV.3136, p. 15 (Ecuador); and S/PV.3137, p. 33 (Norway).

²⁶¹ S/PV.3135, pp. 8-9 (United Kingdom) and p. 13 (United States).

²⁶² S/PV.3135, pp. 25-26 (Turkey); p. 33 (Malaysia); p. 41 (Egypt); S/PV.3136, pp. 28-34 (Pakistan); p. 58 (Indonesia); pp. 72-77 (Islamic Republic of Iran); and S/PV.3137, pp. 18-21 (Qatar); pp. 27-30 (Comoros); p. 36 (Lithuania); p. 43 (Croatia); p. 51 (Kuwait); pp. 57-60 (Afghanistan); p. 92; (United Arab Emirates); pp. 111-112 (Bangladesh); p. 116 (Senegal).

²⁶³ S/PV.3135, pp. 34-35 (Malaysia); pp. 34-35 (Egypt); S/PV.3136, p. 58 (Indonesia); p. 67 (Jordan); p. 72 (Islamic Republic of Iran); and S/PV.3137, p. 46 (Azerbaijan); p. 51 (Kuwait); p. 92 (United Arab Emirates); p. 112 (Bangladesh).

States, in particular, would lose confidence in the ability of the Council to safeguard their security.²⁶⁴

In the humanitarian sphere, Council members and non-members alike expressed support for the efforts of the United Nations, its various agencies and the non-governmental agencies assisting the Bosnian people. A number endorsed such further measures as the establishment of safe areas, under military protection, within Bosnia and Herzegovina, for the protection of those who had been forced out of their homes and become refugees;²⁶⁵ and the prosecution of those responsible for “ethnic cleansing” and war crimes.²⁶⁶

At the 3136th meeting, on 16 November 1992, the President drew the attention of the members of the Council to a draft resolution submitted by Belgium, France, the Russian Federation, the United Kingdom and the United States.²⁶⁷ He also drew their attention to a letter dated 12 November 1992 from the representative of Bosnia and Herzegovina addressed to the Secretary-General,²⁶⁸ objecting to a proposal by the United States to deliver humanitarian assistance to his country through Belgrade on the ground that it would, *inter alia*, weaken an already unsuccessful economic embargo and improve Belgrade’s ability to support aggression.

The representative of Venezuela observed that regional organizations, including his own, were ill-prepared to deal with tragedies of such magnitude and intensity as the one before them. Conventional methods of peacekeeping and humanitarian assistance did not suffice. Peacekeeping operations were designed for situations in which there was a consensus and

agreement between the parties to the conflict. That was certainly not the case in the situation under consideration. Order had to be imposed; yet the forces on the ground were neither authorized nor equipped for the task. Although he would vote in favour of the draft resolution, he wished to place on record his concern that the ways and means of putting such resolutions into effect and of ensuring compliance with them had not yet been found.²⁶⁹

The representative of Zimbabwe, whose country viewed the conflict in Bosnia and Herzegovina as essentially a civil war, believed that the gravity of the situation warranted the present debate. In the final analysis, it was the people of the Republic who would resolve the problem, although the international community could, and indeed must, assist them. Patience and impartial mediation were essential in this regard. The United Nations, as one of the mediating parties, needed to undertake this task in a manner that was not only impartial but also seen to be impartial. He cautioned that any approach that could be construed as selective finger-pointing, apportionment of blame, condemnation or punishment could serve to exacerbate the situation and make a difficult task even more difficult for those entrusted to broker a negotiated peaceful solution.²⁷⁰

At the 3137th meeting, later on 16 November, the President of the Council drew the attention of the members of the Council to a revised draft resolution sponsored by Belgium, France, the Russian Federation, the United Kingdom and the United States,²⁷¹ and to a change in the text: all references to Bosnia and Herzegovina should be understood to refer to the Republic of Bosnia and Herzegovina.

The representative of India observed that any attempt to impose constitutional arrangements for Bosnia and Herzegovina from outside would be a recipe for disaster. He was encouraged, therefore, to hear from Lord Owen, in his statement to the Council, that all the parties in Bosnia and Herzegovina had agreed to use the draft outline constitution as a basis for negotiating a political settlement. He could, accordingly, go along with operative paragraph 1 of the draft resolution under consideration, which urged the parties to continue negotiations on the basis of the draft

²⁶⁴ S/PV.3135, p. 35 (Malaysia); S/PV.3136, p. 35 (Pakistan); p. 54 (Albania); p. 67 (Jordan); and S/PV.3137, pp. 29-30 (Comoros); pp. 89-90 (United Arab Emirates); pp. 112-113 (Bangladesh).

²⁶⁵ S/PV.3134, pp. 43-48 (Austria); S/PV.3135, p. 26 (Turkey); pp. 32-33 (Malaysia); S/PV.3136, p. 53 (Albania); p. 58 (Indonesia); p. 61 (Permanent Observer of Palestine, in his capacity as the Chairman of the Arab Group); and S/PV.3137, p. 13 (Hungary); p. 41 (Croatia); pp. 59-60 (Afghanistan); p. 79 (Morocco); pp. 91-92 (United Arab Emirates); p. 111 (Bangladesh); p. 124 (Austria).

²⁶⁶ S/PV.3135, p. 30 (Malaysia); pp. 44-45 (Egypt); S/PV.3136, p. 53 (Albania); p. 67 (Jordan); and S/PV.3137, p. 14 (Hungary); p. 33 (Norway); p. 51 (Kuwait).

²⁶⁷ S/24808.

²⁶⁸ S/24798.

²⁶⁹ S/PV.3136, pp. 21-23.

²⁷⁰ *Ibid.*, p. 26.

²⁷¹ S/24808/Rev.1.

outline. On the military side, he observed that UNPROFOR continued to operate in Croatia and Bosnia under traditional rules of peacekeeping — that is, with the consent and cooperation of all parties. He reiterated his country's concern that the Council and the United Nations as a whole should retain full authority and responsibility over the execution of actions authorized by the Council. His delegation had worked with the sponsors of the draft resolution to provide for effective coordination, through the Secretary-General, of the actions that Member States might take for the inspection and verification of shipping in the Adriatic and on the Danube, under paragraphs 12 and 13. Paragraph 14, as amended, had largely met India's concern in this regard and would make it possible for him to support the draft resolution. On the humanitarian situation, he recalled that the Council had heard a statement from the Special Rapporteur for Yugoslavia appointed by the Commission on Human Rights, on the violations of international humanitarian law in the former Yugoslavia, including Bosnia and Herzegovina. He reiterated his Government's position that the respective competences of the major organs of the United Nations should be strictly respected; human rights reports of this nature should be presented to and examined by the competent organ, in this case the Commission on Human Rights and the General Assembly. He noted, however, that the enabling resolution appointing the Special Rapporteur included reporting to the Security Council. Moreover, the Bosnian situation was unprecedented in its multidimensional character; it was impossible to separate the political, military and humanitarian aspects of the crisis. While the Council must, therefore, take into consideration those gross violations of international humanitarian law in its findings and decisions, where they directly impinged on the political-military situation — as it had done in resolutions 771 (1992) and 780 (1992) — it must not lose track of the fact that the organs competent to act on the Special Rapporteur's recommendations remained the General Assembly and the Commission on Human Rights.²⁷²

The Minister for Foreign Affairs of the Federal Republic of Yugoslavia stated that his country was making every effort and using all its influence to bring about the end of war in Bosnia and Herzegovina. It had fully accepted all the decisions and principles of the

London Conference and considered that their consistent implementation was the only way to end the war. To dispel any allegations of its involvement in any military operations in the war in Bosnia and Herzegovina, his country had insisted that United Nations monitors be placed at all airfields of the former Socialist Federal Republic of Yugoslavia, and along Bosnia and Herzegovina's borders with the Federal Republic of Yugoslavia and with Croatia. Regrettably, that had not yet been accepted. His country had also exerted all its influence to bring about an agreement between the Bosnian Serbs and UNPROFOR on deploying United Nations observers at locations around Sarajevo in order to place the heavy artillery of the Bosnian Serb side under UNPROFOR supervision. The last member of the Yugoslav Army had been withdrawn in May 1992, as confirmed in the Secretary-General's report and by the European Community. He stated that the Federal Republic of Yugoslavia had no territorial claims against Bosnia and Herzegovina, and had strongly condemned the practice of "ethnic cleansing" committed by any side. Horrible crimes had been committed by all warring parties, including against the Serbs. Expressing support for the Commission of Experts established pursuant to resolution 780 (1992), he stated that his Government's report had already been submitted to the Secretary-General on the violation of humanitarian law in the territory of the former Yugoslavia. He added that peace could not be established in the territory of Bosnia and Herzegovina if account were not taken of some basic facts. The heart of the matter was that the war there was an ethnic, religious and civil war. The Federal Republic of Yugoslavia could not be responsible for either its outbreak or its continuation. The aggressor in Bosnia and Herzegovina could only be the Republic of Croatia, whose armed forces were currently fighting there. It was imperative that the international community condemn such behaviour, which was a breach of the fundamental norms of international law and the Charter of the United Nations. The Bosnian leaders who were determined to create a national State at any cost doubtless also bore great responsibility for the ongoing bloodshed, particularly the President, who had done all he could to create a unitary State dominated by the Muslims, who represented 41 per cent of the population. The premature recognition of Bosnia and Herzegovina by the European Community, which had been publicly admitted by many, including Lord Carrington and Cyrus Vance, had only deepened

²⁷² S/PV.3137, pp. 4-8.

the crisis and war and increased the suffering of the people of Bosnia and Herzegovina. The present phase of the war had been further aggravated by the foreign mercenaries from a number of Islamic countries.

As to the way forward, Mr. Djukic maintained that a peaceful settlement was the only true solution to the problem of Bosnia and Herzegovina and that the three parties to the conflict should reach a mutually acceptable solution within the framework of the Conference on the former Yugoslavia. His Government would honour and fully support any such solution. In the meantime, the Federal Republic of Yugoslavia was increasingly alarmed at the repeated requests for international military intervention. Bosnia and Herzegovina was replete with arms; those advocating additional arms supplies for any side were pouring oil on the flames. He warned of the unforeseeable harmful effects of the continued sending of mercenaries, violations of the arms embargo and the prospects of the conflict turning into a full-scale religious war. He appealed, on the other hand, for the lifting of the harsh sanctions imposed against the Federal Republic of Yugoslavia, which his country believed to be one-sided and unjust. Sanctions had never been known to solve problems; they could hardly stop the war in Bosnia and Herzegovina; and they were hitting the most vulnerable strata of the population, including some half a million refugees, many of whom were from Bosnia and Herzegovina. By lifting the sanctions, the United Nations would prove that justice and humanity could prevail, and encourage the efforts of the Government of the Federal Republic of Yugoslavia towards historic and democratic changes.²⁷³

The representative of Bosnia and Herzegovina expressed his appreciation for the convening of the four meetings of the Security Council on the situation in his country, for the role played by OIC in bringing them about, and to all delegations that had spoken in his country's support at the meetings. His delegation was deeply puzzled, however, by the participation of a representative of the so-called government of the so-called Federal Republic of Yugoslavia in the work of the Council, especially in the light of the conclusions of the Council in its resolution 777 (1992) and General Assembly resolution 46/242. There appeared to be no legal precedent or procedure that would allow the delegation in question to participate in these

discussions, and his delegation believed that this had been permitted by the Council strictly out of good will. He objected to Mr. Djukic's characterization of the situation in his country as a "war"; it could not be called a war when heavily armed forces were fighting barehanded civilians. Moreover, in blaming Bosnian Muslims, Croats and Bosnian leaders, Mr. Djukic had simply reiterated old, unfounded accusations used by the Belgrade leaders to justify their aggression, "ethnic cleansing" and genocide in Bosnia and Herzegovina.²⁷⁴

The Council then commenced the voting procedure on the draft resolution before it. Speaking before the vote, the representative of China stated that all the international efforts in Bosnia and Herzegovina should be conducive to securing an early negotiated settlement of the differences and disputes and should not complicate the situation. Some of the elements included in the draft resolution were in conformity with that approach and acceptable to his delegation. However, he had reservations about those aspects of the draft resolution aimed at strengthening the sanctions against Yugoslavia. In China's view, as he had indicated at the time of the adoption of resolution 757 (1992), sanctions would not help solve the problem, but would further aggravate the situation in the former Yugoslavia and create serious consequences affecting the lives of the people in the region and the economy of the neighbouring States. He could not, therefore, accept those elements. China also considered it inappropriate for the draft resolution to refer to the report of the Special Rapporteur on human rights, as it was not within the purview of the Council to handle the human rights issue. He would therefore abstain in the voting on the draft resolution.²⁷⁵

The representative of Zimbabwe stated that his delegation would also abstain on the draft resolution as he continued to have serious doubts about the validity of the underlying assumptions that had led to the imposition of sanctions against the Federal Republic of Yugoslavia under resolution 757 (1992): namely, that Belgrade had the ability to control the Bosnian Serbs and that the pressure of a tough regime of economic and other sanctions against Belgrade would immobilize the Bosnian Serbs. Those closely involved in the efforts to resolve the crisis in Bosnia and Herzegovina over the past six months could testify that the Bosnian

²⁷³ Ibid., pp. 67-77.

²⁷⁴ Ibid., pp. 117-118.

²⁷⁵ S/PV.3137, pp. 119-121.

Serbs were anything but the puppets of Belgrade. While Belgrade might not be totally devoid of influence, there was an important distinction to be drawn between the ability to control and the ability to influence, which had its limitations. If the Council were to impose punitive sanctions on all countries that were perceived to have influence on one party or the other in the various conflict situations around the globe, there would be a very long list indeed. It was, moreover, ironic that the country targeted for punitive measures, the Federal Republic of Yugoslavia, had withdrawn its forces from Bosnia and Herzegovina some six months ago. Although thousands of other foreign troops remained in Bosnia and Herzegovina, in defiance of its resolutions calling for their withdrawal, the Council was not considering any punitive measures in spite of that continuing act of defiance. It was only prepared to reaffirm its call for elements of the Croatian army to be withdrawn.²⁷⁶

The draft resolution, as orally revised in its provisional form, was then put to the vote. It received 13 votes in favour, none against and two abstentions (China and Zimbabwe) and was adopted as resolution 787 (1992), which reads:

The Security Council,

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

Reaffirming its determination that the situation in the Republic of Bosnia and Herzegovina constitutes a threat to the peace, and reaffirming that the provision of humanitarian assistance in the Republic of Bosnia and Herzegovina is an important element of the effort by the Council to restore peace and security in the region,

Deeply concerned at the threats to the territorial integrity of the Republic 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,

Reaffirming also its full support for the International Conference on the former Yugoslavia as the framework within which an overall political settlement of the crisis in the former Yugoslavia may be achieved, and for the work of the Co-Chairmen of the Steering Committee of the Conference,

Recalling the decision by the Conference to examine the possibility of promoting safe areas for humanitarian purposes,

Recalling also the commitments entered into by the parties and others concerned with the framework of the Conference,

Reiterating its call on all parties and others concerned to cooperate fully with the Co-Chairmen of the Steering Committee of the Conference,

Noting the progress made so far within the framework of the Conference, including the Joint Declarations signed at Geneva on 30 September 1992 and 20 October 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Statement made at Geneva on 19 October 1992 by the Presidents of the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Communiqué issued on 1 November 1992 at Zagreb by the Presidents of the Republic of Croatia and the Republic of Bosnia and Herzegovina; the establishment of the Mixed Military Working Group in the Republic of Bosnia and Herzegovina; and the production of a draft outline constitution for the Republic of Bosnia and Herzegovina,

Noting with grave concern the report of the Special Rapporteur for Yugoslavia appointed following a special session of the Commission on Human Rights to investigate the human rights situation in the former Yugoslavia, which makes clear that massive and systematic violations of human rights and grave violations of international humanitarian law continue in the Republic of Bosnia and Herzegovina,

Welcoming the deployment of additional elements of the United Nations Protection Force for the protection of humanitarian activities in the Republic of Bosnia and Herzegovina, in accordance with its resolution 776 (1992) of 14 September 1992,

Deeply concerned about reports of continuing violations of the embargo imposed by its resolution 713 (1991) and 724 (1991) of 15 December 1991,

Deeply concerned also about reports of violations of the measures imposed by its resolution 757 (1992) of 30 May 1992,

1. *Calls upon* the parties in the Republic of Bosnia and Herzegovina to consider the draft outline constitution for Bosnia and Herzegovina as a basis for negotiating a political settlement of the conflict in that country and to continue negotiations for constitutional arrangements on the basis of the draft outline, under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia, these negotiations to be held in continuous and uninterrupted session;

2. *Reaffirms* that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable, and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and insists that all displaced persons be enabled to return in peace to their former homes;

3. *Strongly reaffirms* its call on all parties and others concerned to respect strictly the territorial integrity of the Republic of Bosnia and Herzegovina, and affirms that any

²⁷⁶ Ibid., pp. 122-123.

entities unilaterally declared or arrangements imposed in contravention thereof will not be accepted;

4. *Condemns* the refusal of all parties in the Republic of Bosnia and Herzegovina, in particular the Bosnian Serb paramilitary forces, to comply with its previous resolutions, and demands that they and all other concerned parties in the former Yugoslavia fulfil immediately their obligations under those resolutions;

5. *Demands* that all forms of interference from outside the Republic of Bosnia and Herzegovina, including infiltration into the country of irregular units and personnel, cease immediately, and reaffirms its determination to take measures against all parties and others concerned which fail to fulfil the requirements of resolution 752 (1992) of 15 May 1992 and its other relevant resolutions, including the requirement that all forces, in particular elements of the Croatian Army, be withdrawn, or be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded or disarmed;

6. *Calls upon* all parties in the Republic of Bosnia and Herzegovina to fulfil their commitments to put into effect an immediate cessation of hostilities and to negotiate in the Mixed Military Working Group, continuously and in uninterrupted session, to end the blockades of Sarajevo and other towns and to demilitarize them, with heavy weapons under international supervision;

7. *Condemns* all violations of international humanitarian law, including in particular the practice of “ethnic cleansing” and the deliberate impeding of the delivery of food and medical supplies to the civilian population of the Republic of Bosnia and Herzegovina, and reaffirms that those that commit or order the commission of such acts will be held individually responsible in respect of such acts;

8. *Welcomes* the establishment of the Commission of Experts provided for in paragraph 2 of its resolution 780 (1992) of 6 October 1992, and requests the Commission to pursue actively its investigations with regard to grave breaches of the Geneva Conventions of 12 August 1949 and other violations of international humanitarian law committed in the territory of the former Yugoslavia, in particular the practice of “ethnic cleansing”;

9. *Decides*, acting under Chapter VII of the Charter of the United Nations, in order to ensure that commodities and products trans-shipped through the Federal Republic of Yugoslavia (Serbia and Montenegro) are not diverted in violation of resolution 757 (1992), to prohibit the trans-shipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tires, vehicles, aircraft and motors of all types unless such trans-shipment is specifically authorized on a case-by-case basis by the Security Council Committee established by the resolution 724 (1991) on Yugoslavia under its “no objection” procedure;

10. *Decides also*, acting under Chapter VII of the Charter, that any vessel 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) shall be considered, for the purpose of implementation of the relevant resolutions of the Council, a vessel of the Federal Republic of Yugoslavia (Serbia and Montenegro) regardless of the flag under which the vessel sails;

11. *Calls upon* all States to take all necessary steps to ensure that none of their exports are diverted to the Federal Republic of Yugoslavia (Serbia and Montenegro) in violation of resolution 757 (1992);

12. Acting under Chapters VII and VIII of the Charter, *calls upon* States, acting nationally or through regional agencies or arrangements, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

13. *Commends* the efforts of those riparian States which are acting to ensure compliance with resolutions 713 (1991) and 757 (1992) with respect to shipments on Danube, and reaffirms the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with resolutions 713 (1991) and 757 (1992), including such measures commensurate with the specific circumstances as may be necessary to halt such shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

14. *Requests* the States concerned, acting nationally or through regional agencies or arrangements, to coordinate with the Secretary-General, inter alia, on the submission of reports to the Council regarding actions taken in pursuance of paragraphs 12 and 13 above to facilitate the monitoring of the implementation of the present resolution;

15. *Requests* all States to provide in accordance with the Charter such assistance as may be required by those States acting nationally or through regional agencies and arrangements in pursuance of paragraphs 12 and 13;

16. *Considers* that, in order to facilitate the implementation of the relevant resolutions, observers should be deployed on the borders of the Republic of Bosnia and Herzegovina, and requests the Secretary-General to present to the Council as soon as possible his recommendations on this matter;

17. *Calls upon* all international donors to contribute to the humanitarian relief efforts in the former Yugoslavia, to support the United Nations Consolidate Inter-Agency Programme of Action and Appeal for the former Yugoslavia and to speed up the delivery of assistance under existing pledges;

18. *Calls upon* all parties and others concerned to cooperate fully with the humanitarian agencies and with the United Nations Protection Force to ensure the safe delivery of

humanitarian assistance to those in need of it, and reiterates its demand that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance;

19. *Invites* the Secretary-General, in consultation with the Office of the United Nations High Commissioner for Refugees and other relevant international humanitarian agencies, to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes;

20. *Expresses* its appreciation for the report presented by the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia, and requests the Secretary-General to continue to keep the Security Council regularly informed of developments and of the work of the Conference;

21. *Decides* to remain actively seized of the matter until a peaceful solution is achieved.

Decision of 2 December 1992: statement by the President

Following consultations among the members of the Council held on 2 December 1992, the President (India) made a statement to the media on behalf of the Council concerning the safety and security of United Nations peacekeeping personnel.²⁷⁷ The statement reads in the relevant part as follows:

The members of the Security Council wish to express their deep concern and outrage about the increasing number of attacks against United Nations personnel serving in various peacekeeping operations.

A number of serious incidents affecting military and civilian personnel serving with the United Nations Angola Verification Mission II, the United Nations Transitional Authority in Cambodia and the United Nations Protection Force have occurred during the last few days.

...

The situation in the United Nations Protection Force, which has already suffered over 300 casualties, 20 of them fatal, remains deeply troubling. On 30 November 1992, two Spanish Force soldiers in Bosnia and Herzegovina were seriously injured in a mine attack and a Danish Force soldier was abducted by armed men today.

...

The members of the Council condemn these attacks on the safety and security of United Nations personnel and demand that all parties concerned take all necessary measures to prevent their

²⁷⁷ S/24884; recorded as a Security Council decision in *Resolutions and Decisions of the Security Council, 1992*, pp. 46-47.

recurrence. The members of the Council consider the abduction and detention of United Nations peacekeeping personnel as totally unacceptable and demand the immediate and unconditional release of the United Nations Transitional Authority in Cambodia and United Nations Protection Force personnel concerned.

Decision of 9 December 1992 (3146th meeting): statement by the President

By a letter dated 7 December 1992 addressed to the President of the Council,²⁷⁸ the representative of Bosnia and Herzegovina, invoking paragraph 1 of Article 35 of the Charter of the United Nations, requested an emergency meeting of the Council, in view of the dramatic increase in aggression against Sarajevo and Bihac and cities in central Bosnia. The Presidency of the Republic urged the Council to take immediate measures, including the use of force under Chapter VII, to enforce its resolutions and stop the aggression against the Republic.

At its 3146th meeting, held on 9 December 1992 in accordance with the understanding reached in its prior consultations, the Council included the above-mentioned letter in its 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 (India) stated that, following consultations among the members of the Council, he had been authorized to make the following statement on behalf of the Council:²⁷⁹

The Security Council is alarmed by the most recent reports that Serb militia in the Republic of Bosnia and Herzegovina have renewed their offensive in Bosnia and Herzegovina, and in particular against the city of Sarajevo, resulting in further loss of life and material damage as well as in endangering the security of United Nations Protection Force and international relief workers, thus threatening international peace and security.

The Council is particularly alarmed by reports that the Serb militia in the Republic of Bosnia and Herzegovina are forcing inhabitants of Sarajevo to evacuate the city. The Council warns that actions aimed at impeding the distribution of humanitarian assistance and at forcing the inhabitants of Sarajevo to leave the city, including the possibility of "ethnic cleansing", would have grave consequences for the overall situation in that country.

²⁷⁸ S/24916.

²⁷⁹ S/24932.

The Council strongly condemns these attacks as violations of its relevant resolutions and of previous commitments, in particular with regard to the cessation of hostilities, the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina, the safety of humanitarian assistance to the civilian population and the restoration of power and water supplies.

The Council demands the immediate cessation of these attacks and of all actions aimed at impeding the distribution of humanitarian assistance and at forcing the inhabitants of Sarajevo to leave the city.

If such attacks and actions continue, the Council will consider, as soon as possible, further measures against those who commit or support them to ensure the security of the Force and of international relief workers, the ability of the Force to fulfil its mandate and compliance with the relevant resolution of the Council.

The Council will remain actively seized of the matter.

**Decision of 18 December 1992 (3150th meeting):
resolution 798 (1992)**

At its 3150th meeting, held on 18 December 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the item entitled “The situation in Bosnia and Herzegovina”.

The Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President (India) drew the attention of the members of the Council to a draft resolution submitted by Belgium, France, Morocco and the United Kingdom.²⁸⁰ He also drew their attention to a joint letter from the representatives of Belgium, France and the United Kingdom addressed to the President of the Council,²⁸¹ containing the texts of three declarations adopted by the European Community and its member States at the European Council held in Edinburgh on 11 and 12 December 1992: they concerned the former Yugoslavia, the treatment of Muslim women in the former Yugoslavia and the former Yugoslav Republic of Macedonia. The second declaration recorded the decision of the European Council to dispatch rapidly a delegation to investigate the facts concerning treatment in places of detention, and called upon the United Nations to adopt measures to support this mission.

²⁸⁰ S/24977.

²⁸¹ S/24960.

The draft resolution was then put to the vote and adopted unanimously as resolution 798 (1992), which reads:

The Security Council,

Recalling its resolutions 770 (1992) and 771 (1992) of 13 August 1992 as well as its other relevant resolutions,

Appalled by reports of the massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina,

Demanding that all the detention camps and, in particular, camps for women be immediately closed,

Taking note of the initiative taken by the European Council on the rapid dispatch of a delegation to investigate the facts received until now,

1. *Expresses its support* for the initiative of the European Council;

2. *Strongly condemns* these acts of unspeakable brutality;

3. *Requests* the Secretary-General to provide such necessary means of support as are available to him in the area to enable the European Community delegation to have free and secure access to the places of detention;

4. *Requests* the member States of the European Community to inform the Secretary-General of the work of the delegation;

5. *Invites* the Secretary-General to report to the Security Council within fifteen days of the adoption of the present resolution on measures taken to support the delegation;

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

**DD. Report of the Secretary-General on the
former Yugoslav Republic of
Macedonia**

**Decision of 25 November 1992: letter from the
President of the Security Council to the
Secretary-General**

By a letter dated 25 November 1992 addressed to the President of the Security Council,²⁸² the Secretary-General stated that the President of the former Yugoslav Republic of Macedonia had conveyed to him a request for the deployment of United Nations observers in that Republic in view of his concern about the possible impact on it of the fighting elsewhere in the former Yugoslavia. He added that the Co-Chairmen

²⁸² S/24851.

of the Steering Committee of the International Conference on the former Yugoslavia had recommended the very early deployment to Skopje of a small group of UNPROFOR military and police observers, with supporting political staff. Their immediate mandate would be to visit the Republic's border areas with Albania and Serbia and prepare a report on how a larger deployment of United Nations military and police personnel might help to strengthen security and confidence in the former Yugoslav Republic of Macedonia. He accordingly proposed to dispatch forthwith a group of military, police and civilian personnel on an exploratory mission to that Republic in order to prepare a report on which he could base a recommendation to the Council for a more substantive deployment of UNPROFOR there.

By a letter dated 25 November 1992,²⁸³ the President informed the Secretary-General that the Council agreed with his proposal.

**Decision of 11 December 1992 (3147th meeting):
resolution 795 (1992)**

On 9 December 1992, the Secretary-General submitted to the Council a report on the outcome of the exploratory mission to the former Yugoslav Republic of Macedonia from 28 November to 3 December.²⁸⁴ He stated that the mission had recommended that a small UNPROFOR presence be established on the Macedonian side of that Republic's borders with Albania and the Federal Republic of Yugoslavia (Serbia and Montenegro), with an essentially preventive mandate of monitoring and reporting any developments in the border areas which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory. It had further recommended that a small group of United Nations civilian police should also be deployed in the border area to monitor the Macedonian border police as incidents arising from illegal attempts to cross the border had recently led to increased tension on the Macedonian side. Unlike the military deployment, however, the latter proposal had not yet received the consent of the Macedonian authorities. The Secretary-General stated that the UNPROFOR Force Commander agreed with these proposals, and that he too endorsed them, in the belief that a small

United Nations deployment of this kind on the Macedonian side of the borders would help the former Yugoslav Republic of Macedonia and the two neighbouring countries concerned to make safe passage through a potentially turbulent and hazardous period. He accordingly recommended that the Council authorize this further enlargement of the UNPROFOR mandate and strength on the lines proposed.

At its 3147th meeting, held on 11 December 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda.

The President (India) drew the attention of the members of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.²⁸⁵

He also drew their attention to the following documents: a letter dated 16 November 1992 from the representative of Albania addressed to the Secretary-General,²⁸⁶ urging that the territory of the former Yugoslav Republic of Macedonia be put under international observation to avoid new bloodshed; and the exchange of letters of 23 and 25 November 1992 between the Secretary-General and the President of the Council.²⁸⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 795 (1992), which reads:

The Security Council,

Recalling its resolution 743 (1992) of 21 February 1992,

Recalling the letter from the President of the Security Council dated 25 November 1992 conveying the Security Council's agreement to the proposal by the Secretary-General to send an exploratory mission to the former Yugoslav Republic of Macedonia,

Noting the report of the Secretary-General on the former Yugoslav Republic of Macedonia dated 9 December 1992,

Concerned about possible developments, which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory,

Welcoming the presence of a mission of the Conference on Security and Cooperation in Europe in the former Yugoslav Republic of Macedonia,

²⁸³ S/24852.

²⁸⁴ S/24923.

²⁸⁵ S/24940.

²⁸⁶ S/24814.

²⁸⁷ S/24851 and S/24852.

Considering the request by the Government in the former Yugoslav Republic of Macedonia for a United Nations presence there,

Recalling Chapter VIII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General of 9 December 1992 on the former Yugoslav Republic of Macedonia;

2. *Authorizes* the Secretary-General to establish a presence of the United Nations Protection Force in the former Yugoslav Republic of Macedonia, as recommended by him in his report, and so to inform the authorities of Albania and those of the Federal Republic of Yugoslavia (Serbia and Montenegro);

3. *Requests* the Secretary-General to deploy immediately the military, civil affairs, and administrative personnel recommended in his report, and to deploy the police monitors immediately upon receiving the consent of the Government in the former Yugoslav Republic of Macedonia to do so;

4. *Urges* the Force presence in the former Yugoslav Republic of Macedonia to coordinate closely with the Conference on Security and Cooperation in Europe mission there;

5. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of the present resolution;

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